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The Bancroft Library

University of California
Berkeley, California

John Cummins

Conversations with John Cummins:
Four Decades of Administrative Leadership at the University of California, Berkeley

Interviews conducted by
Lisa Rubens
2008-2012

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John Cummins (photo by Peg Skorpinski)

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Interview History

When John Cummins retired from UC Berkeley, in June 2008, he had logged over thirty-six years of service, primarily as associate chancellor and chief of staff under four chancellors. He was awarded the Berkeley Citation for “distinguished achievement and notable service to the university.” Chancellor Birgeneau recognized Cummins particularly for his “calm, effective management in times of crisis. His wisdom, experience, and deep understanding of and commitment to the Berkeley campus have made him a unique and invaluable asset to the chancellor's office.”

Cummins was born in Pittsburgh, Pennsylvania and raised in a loving, middle class, Catholic family. He attended Catholic schools and spent time at a Christian Brothers Seminary. After a year at the US Merchant Marine Academy at Kings Point, Cummins earned his bachelor's degree at Marquette University. It was there that the social movements of the 1960s shook his being. He became an activist in the Civil Rights and anti-Vietnam War movements. When he entered a PhD program in education at the University of Wisconsin at Milwaukee he worked with gang youth in an effort to keep them in school. In encounters with reluctant, troubled and unlikely students—as well as sharp tongued and ideological movement leaders—his talent for remaining calm under fire and for resolving conflicts became evident. When offered a job as an educational researcher at UC Berkeley's Institute for Governmental Studies [IGS] in 1972, Cummins jumped at the opportunity. “Coming to Berkeley was like coming to Nirvana,” he explained. Here was a community that nurtured his intellect and his social conscience

At IGS, Cummins recognized a need to coordinate research done on campus with work being done in the governor's office and in the state legislature, leading him to help found what today is the vibrant California Policy Research Center. It was from this position that in 1984 then-Chancellor Michael Heyman [1980-1990] picked Cummins to be his right hand man and then chief of staff. Over the next twenty-four years, Cummins served as Associate Chancellor and Chief of Staff for chancellors Chang-Lin Tien [1990-1996], Robert Berdahl [1996-2004] and Robert Birgeneau [2004-2013]. Over the years his responsibilities included athletics, public affairs, government relations, campus interactions with local communities, among others. There was never a problem or controversy, let alone a tragic incident, in which Cummins did not play a part. From students, staff and faculty, to donors, state regulators and federal regulators, Cummins was the “go-to-guy” to solve problems and get things done.

In retiring four years into Birgeneau's administration, Cummins simply stated, “I reached the age of 65, and I was ready to step down. The years seem to have gone by so quickly, I think it has to do with the intensity of what I faced each day and the variety of jobs I was called upon to do.”

The ten interviews in this oral history took place over a four year period. They began, a month before he retired, in May 2008, and ended after he returned from a second lengthy sojourn to France in May 2012. He and his wife Peggy have long shared a love of all things French, and in retirement have been able to live in and travel extensively throughout the country. While following a loosely chronological narrative, these interviews are basically a series of conversations in which Cummins remarks on incidents that remain foremost in his mind. Many have to do specifically with student protests as well as other conflict situations—revealing his consummate responsiveness, tact and flexibility.

Each posed a serious challenge to the then-chancellor and his capacity to govern, and tested the fundamental meaning of the university.

Cummins also pays careful attention to the varying styles of leadership that marked each chancellor. Of the continuity of his own position, Cummins explains that he feels most proud of his ability to adapt to the needs of each chancellor and his collegiality—his capacity to bring people together to work on controversial issues. As a former colleague remarked, “it’s hard to sum up John’s life and career, but the major threads are guts, curiosity, civility and capacity for deep friendship.”

Today John Cummins remains deeply involved with campus issues. He is currently conducting an extensive oral history project on the history of intercollegiate athletics at UC Berkeley. He has interviewed over sixty people, including former athletic directors, coaches, chancellors and athletes. He also works with a group of people who are taking a strong position on modernizing the governance structure of the University of California in light of the decline of state funding and the increasing privatization of the university.

Oral history involves the intellectual and narrative style of both the interviewee and the interviewer and of course their interaction. I often responded to his economical and modest answers by moving to other topics rather than drilling down. These conversations are by no means a comprehensive account of his deep knowledge of the University, nor of all the issues that he took. To the extent they are episodic, they ultimately reflect the nature of his work. As Cummins says: “The job was one thing after another. It was always changing, dealing with different personalities and unanticipated crises.” But the underlying bedrock of these conversations, and indeed of his whole career, is Cummins’s deep love for the university and commitment is fundamental purpose to facilitate teaching and research and his role to handle anything that might get in the way of that mission.

Lisa Rubens
Historian
Regional Oral History Office

Foreword

I began working closely with John in the spring of 1985. He was Chancellor Mike Heyman's right hand man. I was the director of student conduct. I had met John before but did not know him well. That was about to change.

A few students had taken to sleeping on the lawn outside of Sproul Hall to protest the University's refusal to divest itself of stocks of corporations that did business with South Africa. John and I were watching as the police roused the protestors and ordered them to take their sleeping bags and leave. It was around 7:30 am and we had been there since 5:00 am. We arrived early because we wanted to witness exactly what happened even though we did not expect trouble. John said, "When this is all cleaned up, let's go play nine holes up at Tilden." We wouldn't get our golf in for several more weeks.

As students began to arrive for classes and saw what was taking place, many spontaneously sat down in peaceful protest. Word quickly spread down Telegraph Avenue, and more people came and joined the students. The police, after consulting with John, withdrew because it was clear that they did not have enough officers to deal with this much larger group of protestors. What began as a quiet protest of a few dozen students, quickly swelled to over a hundred people with many more gathered on the plaza facing Sproul Hall shouting their support and encouragement.

During the next forty days, John convened daily meetings of everyone involved in managing the protest—the chief of police and his lieutenants, the dean of students and her key aides, the director of public information, the campus attorney, the director of grounds maintenance and several others. Most of us had never worked together before but we got along surprisingly well. John would ask the chief of police, the dean of students and the director of public affairs to summarize how they saw the situation. People would then make suggestions as to what to do next. We discussed how to protect the demonstrators during the night when they were most vulnerable. We made plans to make sure that access to the campus through Sproul Plaza was kept open. We ensured that the press, along with the larger campus community, was informed of what was taking place. Eventually, the protest ran out of steam and students began to decamp in order to prepare for their final examinations. Then, when only a few tents were left, the police were able to disperse the remaining protestors peacefully. No arrests were made. Everyone was relieved that things went so well.

Everyone knew, however, that the coming year was not likely to be so easy. Around the country, students were becoming more and more insistent that universities divest themselves of stock in any corporation doing business with the South African government. Shortly before the fall term began, John convened a two-day retreat at Bodega Bay inviting over thirty people who had been involved in helping deal with the spring protests: student services staff who talked with student leaders, staff who served as neutral observers, the student conduct officer, the police chief and his lieutenants, the campus attorney, the director of community relations, grounds and buildings supervisors, the executive vice chancellor, the vice chancellor for business, the vice chancellor for student affairs and the dean of students.

He also invited Neil Smelser and Troy Duster from our sociology faculty. They began the retreat by giving a seminar on their thoughts about how these recent protests fell into the history of

student protests, in general, and Berkeley protests, in particular. They spoke about the larger forces that led to student political movements and Berkeley's tradition of student protest. They discussed the values that students hold that leads them to protest policies that they oppose.

Then each participant spoke about his/her own reaction to the events of the spring and any particular challenges s/he encountered. John then had us brainstorm possible scenarios for the next year—what protests might take place, how they might emerge and how we might respond.

I described this retreat to Marty Trow who was then director of the Center for Studies in Higher Education and one of the world's foremost commentators on higher education. In addition to being a close friend, Marty was the chair of my dissertation committee. After I described what we did at the Bodega Bay retreat, Marty said, "The seminar allowed everyone to gain some sociological and historical perspective on what is happening. Of course, the main value of this kind of retreat, discussion and scenario planning is not to predict the future. The main value is to get people who would not ordinarily talk with each other, let alone work together under extreme stress, to get to know and trust each other and develop the habit of speaking with each other. That is impressive."

As he so often was, Marty was exactly right. The next spring there were more aggressive, more violent protests that John led us through with great skill and wisdom. When they were over, John and Dorothy Walker, director of community affairs, hosted a thank-you dinner at Dorothy's home. While everyone regretted the intensity of the protests, everyone thought that we had done the best that we or anyone else could have done.

Years later, when I was asked to review the way campus leaders handled protests at another UC campus, I was able to understand just what a rare and remarkable job John had done at Berkeley. When I spoke with people at that campus, I learned that during protests there was often confusion among different units and, after the protests were over, people bitterly criticized what others did or did not do. None of that happened at Berkeley.

I realized that the reason Berkeley's experience was different was largely because of John. He brought people together. He treated everyone with respect and others followed his example. He made respectful ties with student demonstrators. He worked easily with the people in charge of media relations. He was always on the spot when trouble happened. He kept the chancellor informed and consulted with him on important decisions. Everyone involved, especially the police, knew that, through John, they had the chancellor's full support. Nobody enjoyed working on protests, but we enjoyed working with each other.

I moved on to other responsibilities, but John and I remained the best of friends and I followed his career closely as he served four very different chancellors. I watched him guide the campus through tough times—the shootings at Henry's Bar and Grill, the fatal fraternity fire, the controversy surrounding the English course on Palestinian liberation. In all instances, I saw John lead in his unique way. He was always brave and moved towards rather than away from trouble. He was decisive. During a crisis, he would assume command on behalf of the chancellor. He was inclusive. Rather than follow the chain of command, he brought everyone together to solve problems collectively. He thought well of people. In his oral history, he frequently prefaces his comments about someone by saying that the person "is a really good person and very smart."

Because he thought the best of people, he brought the best out of everyone. He kept things in perspective. When things got rough, he often lightened the moment with a joke. Most important, during the most difficult times, John was unfailingly kind and generous.

I had lunch with Mike Heyman long after he had retired and I asked him if he missed being Chancellor. He said, "I miss the intimacy that develops among people who work together to solve tough, important problems." When I said, "I think you miss working with John especially," he smiled and nodded yes.

We all do.

Patrick ("Pat") Hayashi
Associate President, Retired
University of California System

Introduction

John Cummins and I have been comrades in arms on the Berkeley campus for many decades. I cannot recall when we first met, but our acquaintance began in earnest soon after he assumed his position as aide to Chancellor Mike Heyman in the early 1980s. Of immediate importance to our relationship was the fact that I had served as Assistant to the Chancellor for Student Political Activities in Martin Meyerson's turbulent Acting Chancellorship in 1965—a role more informal than but presaging John's position in the Chancellor's office. At that time I still remembered my own battle scars and he was beginning to accumulate his; this circumstance created an immediate bond between us. More important, I resonated immediately with John's outlook, philosophy, and firm commitment to the Berkeley campus, and he seemed to reciprocate. He and Chancellor Heyman conversed with me frequently on issues, looming problems, and crises. Beyond that, we developed a personal friendship that included sharing our respective stores of jokes and periodically golfing together. Our common interest in and concern with campus athletics has also been a continuous theme. Needless to say, our relationship has included a lasting and deep mutual respect and affection.

Some Thoughts on the Times and Life of John Cummins

Beginning in the 1950s with the seminal works of Erik Erikson on Luther and Gandhi, a subfield of history called "psycho-history" crystallized and experienced its own history of high hopes and high criticism. Its main thread is the intersection of personal biography and the historical process, stressing the mesh and mutual interplay of the personality, skills, and styles of individual actors (usually historical heroes or villains) on the one hand and the unfolding of larger historical moments and movements on the other. The guiding assumption in this interplay is that causality flows in both way, and the interplay yields a richness of historical understanding not attained by either "great man" or "impersonal forces" emphases.

Despite its checkered history, the interactive focus of psychohistory remains a valuable one. Furthermore, though it has not been brought to the history of discrete institutions, it is applicable to their study. In particular, I would argue that the double emphasis on historical forces and individual actors is essential in understanding the dynamics in higher education in the second half of the twentieth century. Even more particularly, the perspective illuminates the special history of conflict and change on the Berkeley Campus of the University of California in this era. In thinking about this process, one is naturally inclined to turn first to the role of the Chancellors and other visible leaders. However, and quite remarkably, the special mesh of person-and situation emerges in the case of the long service of John Cummins as designated "conflict-manager," "trouble-shooter" "fire-fighter,"—no one of these labels suffices—for several chancellors in the 1980s into the 2000s. The conversations in the text of this volume reveal this role richly.

In this brief introduction I would like to systematize this special episode of psychohistory, under four headings:

(a) the changing face of conflicts and crises at Berkeley (and like institutions) beginning in the 1950s;

- (b) special features of these conflicts and crises;
- (c) Cummins' grasp of the nature of this conflict, and of the necessary organizational "machinery" to deal with it; and
- (d) Cummins' personal style in adversarial situations.

(a) The University of California has, from the beginning, been subject to political intrusions from outside economic interests as well as from concerned religious and political groups. Many of these have involved questions of the university's mission or issues of academic freedom. Beginning with the loyalty oath controversy in the early 1950s, however, externally generated conflicts not only increased in number and intensity, but also altered their character. The loyalty oath was a product of McCarthyism, itself a product of the anxieties generated early in the Cold War; the turmoil of the 1960s was generated by pressures from politically active groups and movements—civil rights advocates, activists demanding enhanced political rights for students, multiple racial and ethnic groups, anti-war activists, human subjects advocates, animal rights groups, environmentalists of many stripes, and student consumers and their parents. Of special interest were new political demands from the federal government; its increasing role in supporting research meant increasing demands on grantees to conform to federal laws and policies generally, and in particular this force augmented affirmative action pressures as well as environmental and safety demands. Berkeley (and most other research universities) became a cauldron of continuous, recurrent, and unpredictable pressures and political conflicts. Conflicts and crisis-management became an ever-more conspicuous and consuming feature of campus life, and have remained so up to the present.

(b) The quality of conflicts plaguing the university also changed, all in the direction of making those conflicts more unmanageable politically. Most of the involved groups and movements embodied moral concerns, imparting a shrillness and absolute quality to their demands. This fact makes difficulties for "normal political" management of conflicts, which involves political accommodation, compromise, and "something for everybody" solutions. Furthermore, the demands were collective in nature, emanating from groups and generating situations of group conflicts that universities, accustomed to dealing with individuals' behavior and problems, were ill-equipped to handle. Finally, the strategies and tactics of groups involved in conflicts—generated mainly in the civil rights and other movements—evolved toward direct action such as blocking, frustrating, disrupting and paralyzing the machinery of the institution, and often demanding direct police intervention, itself a source of hot moral and political concern on the part of protesters and civil-libertarian groups in general. All these ingredients exacerbated the difficulties of campus administrations to deal effectively with the frequent conflicts that beset them.

(c) Previous Berkeley chancellors (Meyerson, Heyns, Bowker) each had coped with this new "era of conflict" in their own ways, but from the standpoint of establishing mechanisms, each was ad hoc, that is, they appointed special assistants or asked members of their cabinet (and sometimes influential faculty members) to help out when some crisis occurred. It was a moment of organizational imagination when Heyman brought John onto his staff, not with a standard administrative position or line title (such as Associate Chancellor), but as a "designated factotum," someone to deal with situations that were occurring with increasing intensity and

rapidity. I am not certain as to why Heyman chose John for the spot. His position on the university was not that of a faculty member, and his initial affiliation with Berkeley in the first place was something of an “accident,” with David Gardner and Eugene Lee playing important but informal roles.

Part of the genius of the appointment was to keep Cummins’ role as informal, fluid, and non-public as possible. This helped him keep out of the line of fire from Regents, public officials, and interest groups; it also permitted him to be flexible and informal in his role. His position thus defined, he could operate more or less freely. The later creation of the “operations group,” a periodically-convened assemblage of key figures on the campus emphasized flexibility, informality, and a non-public role. The same low-profile tone characterized his “Committee on Surprises.” Cummins also built a “pro-active” ingredient into his groups, which would meet periodically and exchange intelligence about what trouble or “action” might be lurking in the coming season. This strategy of minimum institutional visibility proved to be a very valuable asset, and maximized the campus’ flexibility and freedom of action when conflicts and troubling situations arrived.

John was extremely adept in this role, in ways to be noted later, and was asked to stay on in the same or similar roles by several succeeding Chancellors. With success came the practice of endowing him with appropriate titles (chief of staff, associate chancellor) and more structured assignments (acting athletic director). My own assessment of this addition of titles and routinization of responsibilities is one of ambivalence. (As John says, Heyman didn’t like the term “chief of staff” either). The genius of John’s role was its informality and invisibility, and formal titles and positions compromise those qualities; furthermore, even temporary appointment into formal positions draws one nearer to administrative routine and bureaucratic involvement and tend to sacrifice those qualities of maintaining a low that made John’s position so valuable, given the fluid nature of conflict on campuses in the late 20th century. In all events, I regard Berkeley’s intermediate strategy (mid-way between complete ad hoc-ness on the one end and heavy, bureaucratic “conflict-management” machinery as being a remarkable organizational invention.

(d) In addition to the organizational intelligence that fashioned Cummins’ role, we have to take into account features of his own personality and interpersonal style in understanding his fit with his times. I list, in no special order of importance, a number of particulars (based on both the interview materials and personal knowledge) that contributed to his personal effectiveness:

- His political background. As a youth Cummins was exposed to the high morality of his family and its strong Catholic values, to a degree that almost led him into a religious life. In his college years and after he was an active protester in the civil rights and anti-war movements. One might think that such absolute commitments would be a liability in his future roles as an adjudicator and diplomat, but this was not the case. Before coming to Berkeley he had distanced himself from these activities, and shed some of their ideological rigidities and anti-authority orientations, but retained a commitment to justice, fairness, and human betterment. His political past also imparted an understanding of the kind of moral passions he encountered in protest groups.

- His commitment to and appreciation of the university as a forum for many diverse voices that should be respected and heard.
- His tolerance for contingency in the political process: to experience victories dissolving into defeats, defeats into victories, and most conflicts into a mix of both defeats and victories; and his capacity to tolerate, with patience, running sores, such as People’s Park, that seemed beyond resolution.
- His capacity to grasp the political landscape, to learn from past experience, to seek help from those who had “been there before” in the political arena. For any given situation or conflict, he knew where the major actors stood, and how (and how not) to involve them.
- His non-threatening and disarming posture toward superiors, friends, and enemies—a posture, however, that stopped short of ingratiation.
- Perhaps most remarkable, his lack of lust for self-aggrandizement, visibility, power, glory, and personal heroics; few in such sensitive power positions can resist the vulnerabilities of egoism.
- His unflappability in tough situations, shored up by a distance fostered by his rich sense of humor; this quality also showed up in his negative reaction to others’ snappishness and “flappability” in tense situations

All these items of personality and personal style proved important for John Cummins in his long and successful career in a most vulnerable political role. They also provide a positive lesson in the dynamics of psychohistory, demonstrating how a discrete range of personal styles and adaptations can mesh with changing historical demands. In particular, they show the power of personal flexibility in historical situations that are fraught with uncertainty, peril, and non-rational political demandingness.

Neil Smelser
 Emeritus Professor of Sociology
 University of California, Berkeley

Interview 1: May 15, 2008
Audio File 1

01-00:00:29

Rubens: Since you're just now retiring, maybe we could start with an overview of what you've most proud of over your years of service, as well as where do you think the university is, and where does it need to go? What do you want to tell you successor?

01-00:01:01

Cummins: One of the things I am proud of is the California Policy Seminar, because it's endured all those years, making the research that we do very relevant with the purpose in mind, really, of changing people's lives. This chancellor [Robert Birgeneau] is very committed to that

01-00:01:45

Rubens: And when you say the research we do—

01-00:01:47

Cummins: At Berkeley. The Guam Center, the Center for Emerging and Neglected Diseases, Global Health Initiative—a lot of this is in Public Health, dealing with employment health-related issues. The CITRIS Program [Center for Information Technology Research in the Interest of Society—a lot of this is highly interdisciplinary, and very important, in terms of the possibility that it will change the world, it will really transform things. How do you take the basic research that we do here and then move it into the private sector, get it commercialized, get it into people's hands. So, say the work that Jay Kiesling has done with regard to malaria. He basically created a way to take the medicine that's used to treat malaria, Artemisinin, which comes from exotic plants in tropical forests, to actually through bioengineering, create it in labs. And then get it to the point that it is commercially viable so that you can get doses of this at like \$.25 rather than \$25. It's unbelievable, because that will absolutely change people's lives. That's the kind of thing that we do here. And there's a lot of interest now in how to make that translation happen more efficiently and quickly. I think that's a huge change for the University.

So for me, that's the kind of central thing I've been interested in. How do you get the research resources at the university in the hands of people that can make a difference?

01-00:04:58

Rubens: And the California Seminar was one way of doing it.

01-00:05:02

Cummins: Yes. That's right. It is a joint program between the University and an array of elected officials and policy agencies. University research in a wide range of fields –from throughout the system wide- is made available in Sacramento.

So that's one thing. The other thing that I am proud of is the—just being able to bring people together to work on problems, because that's basically how we do things here.

01-00:06:13

Rubens: And needless to say, problems don't ever stop arising.

01-00:06:39

Cummins: No question.

01-00:06:39

Rubens: As the university got larger, it included an expanding administrative apparatus, a new sensitivity to social consciousness issues.

01-00:06:49

Cummins: To physical and environmental issues, absolutely.

01-00:07:40

Rubens: And was there anything else in that vein of significant changes at the university that you wanted to point to in this initial overview?

01-00:07:47

Cummins: Well, I think the biggest change is the role of fundraising. It does play center stage now, in terms of everything we do. That was not the case in—when I got here in the early '70s.

01-00:08:03

Rubens: And does that mean you too, even as Associate Chancellor had to pay attention to that?

01-00:08:10

Cummins: Well, not my—it wasn't my role to raise money. But there are lots of issues that come up in raising money that I would get into. The donor-related issues, certainly, intercollegiate athletics and donor-related issues. There's issues surrounding the Jewish community, where the Jewish community is extremely highly organized and very effective, and when we've dealt with the Israeli-Palestinian conflict, which we've been dealing with for many, many years, there are donors who have strong feelings about who comes here to speak, that kind of thing. And of course one of the roles of the chancellor is to remind people, over and over again, that this is a university, and we welcome all points of view, and we need to be tolerant of them, and a lot of times what people say may be unpleasant, unpopular, but that's what a university is about. So you get into those issues, free speech, academic freedom, all of that.

So the fundraising is certainly a huge issue for the university.

01-00:09:53

Rubens: And accepted as part of the nature of administration?

01-00:09:58

Cummins:

Absolutely. The amount of time that people spend on it, all the way down to the department chair level. There just isn't enough money from the state to be able to survive. There are inequities because the hard sciences—there's more funding there for them. The College of Engineering is very successful and very well-endowed; the English department, not so much. This has led to differential salary issues with business, law, engineering, versus other departments. How do you balance those?

01-00:10:49

Rubens:

You're referring to the "star system," that phenomenon of attracting through bonus, huge salaries, "stars" to the campus, faculty whose notoriety as well as research brought a lot of attention and prestige to the campus. That was a new thing.

01-00:10:50

Cummins:

Right, and it takes an enormous amount of money to stay competitive. The privates have money that they can they take and recruit the very best faculty. So that's an issue.

Another significant change over my time here is the focus on interdisciplinary research. It's extremely important, but we're not organized to administer it very well. For the longest period of time, the recognition and rewards of faculty were based on their individual work and their particular discipline, not their interdisciplinary work. I can remember when George Maslach was the provost, in the 1970s and into the '80s, he struggled with this issue. How do you reward people? How do you know that the work they're doing is really first-rate? There was a great concern among faculty about doing interdisciplinary research, because who is there that can evaluate it, if you're not in your specific department? Then there are also administrative issues. Once you start breaking down the departmental barriers, how do you deal with it? So I was just at a dinner last night, a kickoff for the Global Health Initiative, which is in the biological sciences, in the College of Letters and Sciences, and in the School of Public Health. Jeff Owen, who's the dean of biological sciences, said that this really got started a couple of years ago when he ran across a faculty member who said, "Isn't it interesting that on this campus, there are only three of us who are doing x research?" And Jeff said, "That's hard to believe." He started asking questions, and now, as a result of that, just to other faculty, they have 50 or 60 faculty members that are all focused on this issue of global health, which is phenomenal. And then the number of centers that we have throughout the world addressing global health issues is also phenomenal. So this is a huge change.

01-00:13:37

Rubens:

You're referring to centers at Berkeley?

01-00:13:41

Cummins:

This is Berkeley, yes. This is just Berkeley. And you know, some of these may be joined with UCSF or other institutions, but they're absolutely phenomenal, and they have to do with controlling infectious neglected diseases, TB, malaria, smallpox, how they do it. There's a center in Vietnam that attempts to identify emerging diseases, that seems to be an incubator for them. So one of the important things is to identify them right away, so people start getting very sick or dying of something, and SARS would be an example of this, they're able to—they have people there that are monitoring this that can then take cultures from people who are sick or have died, and they can then be shipped here and we can start analyzing what is this, what is this virus, how does it work. And a lot of it driven by the new technology. That's a huge change. And the faculty are blown away by it. Even last night, listening to them talk about it, there's a woman in public health, Eva Harris, who has a very good reputation, and she said, "That's really why I came here, in order to do that kind of work. And of course, even trying to speak about it, until I got tenure, was something that I had to be careful about."

Of course the whole computing, electronic world in which we live has changed enormously. How we do business, the demands—just the cell phones and the internet and the emails and the expectation that you're supposed to monitor your emails 24 hours a day, and people do, and they somehow have adjusted to this—that's also, I think, just amazing.

Also, over this period of time, a shift in the way we view intercollegiate athletics, which I think we should definitely talk about. It is a very significant shift, and unusual for a place like Berkeley, I think. We can go into this in more depth, but Mike Heyman had a particular view—I'm talking about how much money the central campus now puts into—and has put into athletics. I mean, previous to 1990, we put in virtually nothing. In the last—from 1990 up to the present, we probably—out of campus money, probably spent \$150 million on athletics.

01-00:17:26

Rubens:

This was not part of the central campus budget, basically, prior to 1990.

01-00:17:33

Cummins:

Yes. Whatever money they could bring in, that determined the number of sports that we would fund. So they operated basically on their own. After, there was considerable criticism of Mike Heyman, from alums and others, some donors, who said he's not a supporter of intercollegiate athletics. He said this isn't part of our fundamental mission, and I'm not going to do it, and you can complain all you want, but I'm not going to end up putting central campus money into intercollegiate athletics. We're not going to pay astronomical salaries; we're not going to get into the arms race of intercollegiate athletics, period. And he, at that time—this would have been in the late '80s—there was a major reform effort in the NCAA that was led by what's called the President's Commission of the NCAA, and he led that effort. He was a major

voice in that effort. And he gave a speech, I remember, in Dallas—this would be about 1988. He gave this speech on the reform of intercollegiate athletics, and the fact that he was opposing any attempt for there to be playoffs in football, Division I football. And this is still, every year, when the football season ends and they have the BCS bowls, there's a big push, the commentators on ESPN, etcetera, always complaining about the facts that the presidents will not support the playoff, because if you do, it's like you're the NFL where you have game after game, and you extend the season, you extend the practice—how is this related to the academic mission?

I mean, it's a smaller number of players playing basketball, but again, it's all media and money-driven. And he just wouldn't buy into it. When he stepped down, Tien became chancellor and set up a task force that Neil Smelser chaired, to review intercollegiate athletics. One of the major recommendations of that task force report was to merge into one department: Men's Intercollegiate Athletics and Women's Intercollegiate Athletics and Rec Sports.

01-00:20:51

Rubens:

They picked Neil Smelser because he had chaired several task forces before? He had an interest in sports as well?

01-00:21:19

Cummins:

Had an interest, but was very highly regarded on the academic side. The task force also recommended that Cal should have a—his exact wording was something like a broad-based highly competitive intercollegiate program, and that the administration should consider putting in one million dollars of the chancellor's discretionary money annually for six years, to help them achieve that goal. That was a big change. But there was no financial planning. Because there was no financial plan, intercollegiate athletics said, well, this is our mandate; this is what we have to do. And from that point on, they started running deficits. They were small at the beginning and those deficits grew at one point to about \$13 million a year,

Intercollegiate athletics reported to me for a couple of years. And the reason that Bob Berdahl gave it to me was because he wanted to get that budget under control. And there was, I think—I know—active resistance to containing their spending. There would be agreements that were reached between—the AD at that time was Steve Gladstone—and Berdahl saying, "I want you to reduce the deficit by x amount every year." It was never done; it would just increase. There were donors who were very instrumental in getting Gladstone to be appointed AD, and advising him quite explicitly that the administration would never cut sports and would—in essence, they'll back down, they won't—they're not going to cut sports. One of those donors told me, when I explained to him that we were spending at that point \$10 million of central campus money, and that's money that you could use for other things. Graduate fellowships and a lot of other things. He said that's a good

deal, because you're getting all of this attention, publicity, etcetera. We don't need it. There's no reason. If you're a small university someplace and you want to build up your enrollments and you want to get some national attention, then maybe you would do it, although I would advise even against that, because it's so expensive.

Anyway, a lot of universities, feed right into this. So Davis now wants to be Division I, and they will be. UCLA and USC use their athletics programs to raise their profile and their identity, and for USC, it certainly paid off, because they make money. And they have fewer sports. So we have 29, they have 19. But they actually generate revenue, and they pay it back. There are very, very few places that actually make money. Notre Dame, USC, UCLA breaks even, Michigan. Stanford, I don't know what their current situation is, but they have a huge donor, one big donor, who gives them lots and lots of money for intercollegiate athletics. We don't have that. The view of—Bob Berdahl was certainly part of this, and Birgeneau too. And it was because the view of intercollegiate athletics and the donors that you have to invest in football and basketball, which are the only revenue generators for athletics—none of the other sports bring in any revenue—in order to address this continuing deficit. And if you invest, it will pay off. To some degree, they've been right, because that—Tedford was hired under Bob Berdahl. We agreed to pay him more than we would normally have paid coaches, and then when he was successful, his salary just absolutely skyrocketed. So he makes I don't know—there was an article in this *Contra Costa Times* this week that said—about \$2.8 million this year.

So intercollegiate athletics is big business. That's all it is; it's entertainment. And it's a value—I certainly wouldn't say it's not a value to those students who compete. We have about 850 students, we give them an opportunity to compete at the highest levels, but we pay a very heavy premium to do that. So the rationale then is, why do we do it? And I think really the only answer is a long tradition of having done it—I mean European universities don't do this; no other place in the world does it. But there's this long tradition that TV has captured, and is willing to spend enormous amounts of money to get these teams on TV. And there is an incredible culture of athletics that's built into our society. And I don't think—I mean it's hard to imagine that it will ever be turned around. So it puts intercollegiate athletics in a privileged position, in my view, in a major university like this. The justification, I think, has to be that this is a benefit to our overall objective, which includes very substantial fund raising. Donors play an important role in this regard. They always have and they always will. But the principle here, the value that we place on it, is what I would question. And the shift that has occurred as a result.

01-00:29:42
Rubens:

OK. You're going to have to pay someone like [football coach Ted] Tedford more, and therefore, whoever comes in as the assistants and the specialist. There are so many other costs.

01-00:30:25
Cummins: Investment in facilities. I mean, all the time we're spending on the stadium, for example, which is enormous.

01-00:30:33
Rubens: There are health and equipment requirements-.

01-00:30:44
Cummins: Right. But if you took the amount of time and money that the university invests in an intercollegiate athletics program, and if you look at the values that are given by intercollegiate athletics for why we need intercollegiate athletics—sound mind, sound body, opportunity to compete for students—why don't we put that money into a first-rate recreational sports facility that would benefit everybody? Faculty, staff, students—

01-00:31:16
Rubens: Because the rec gym is really crowded and—

01-00:31:18
Cummins: Absolutely. And we put very little money into it, very little, as compared to what we put into intercollegiate athletics.

01-00:31:26
Rubens: Now European universities don't have athletics.

01-00:31:30
Cummins: Not at all. They have city teams that are sponsored by cities, but they're not run by universities. It's a particularly American phenomenon.

Ned Speaker gives money to the Speaker Complex, that's why we have it. The whole plaza in front of the Haas Pavilion, he paid for it. The Speaker facility is the swimming facility right there off that plaza. He's been very, very generous. And that's good.

But the issue that is raised over and over again is that having an intercollegiate athletics program has very positive fundraising spin-off for the campus as a whole. Every study that has been done— NCAA, Knight Commission, others—every study says no, that's not true. Very interesting point. So then what universities say is, "Well, that may be true for most places, but it's not true for us." The assumption is that all of this money is being invested in intercollegiate athletics because it'll have payoff in the long run. It'll be a portal for people to start giving to the university, and then they will give more broadly. The studies are saying no, that's not the case/

01-00:34:42
Rubens: Because in fact, the money is really for alumni to—

01-00:34:47
Cummins: Yes. Now, this isn't new. This has been going on for 100 years. There have been reform efforts and commissions and you'll get scandals. There was a

recent spate of articles in the *Contra Costa Times* and elsewhere, there are—the *New York Times* is focusing on athletic injuries, young kids. So what's going on here? It's much broader than just colleges and universities, and the NCAA. There is such a culture—who's driving it? So if you look—I think what's happening, for example, in high schools, is they're mimicking what we've just gone through. And so you get into issues where—somebody was talking to me the other day about their daughters, had twin daughters, they both played soccer. They were good soccer players, they went to a high school out in Lafayette, they played in their freshman year. Next year, they didn't play, because the coach wants to be extremely competitive, and he brought in students outside the district, which is not allowed, but they go ahead and they do it. And where is the money coming from? Money's coming from Adidas, Nike. There's this whole financial connection. ESPN is now televising high school games. High school football teams travel now to play other teams throughout the United States and the games are televised. Is this in anybody's best interest? Then you look like in the *New York Times* piece just last Sunday on these young women who are suffering these injuries, and nobody knows, really, in the long run what's going to happen to these kids. You certainly know about NFL players and what happens to them, and all of the pain those former players have to endure.

Now I love sports, I play sports, I always have. I still do. I don't question the value.

01-00:37:12

Rubens:

Of course your friend Ray Colvig worked co-wrote a book with Chancellor Glenn Seaborg that discusses *the scandal*. [*Roses from the Ashes: Breakup and Rebirth in Pacific Coast Intercollegiate Athletics*]

01-00:37:30

Cummins:

Oh, yes, absolutely that was about the scandals in the Pacific Coast Conference in football in the fifties and Seaborg and Clark Kerr trying to bring some order to it. In the early 1900s, players were killed on the field. That led to the creation of the NCAA with Teddy Roosevelt's intervention. But there is such a culture in this country of how we deal with athletics, and what we do to kids in the process is also of concern to me.

01-00:38:00

Rubens:

There's so much emphasis on students getting into Division 1, when sometime Division 3 sports are less brutal, afford more time for a normal college life.

01-00:38:23

Cummins:

Well, that's what Mike Heyman has always said. Of course, let's give people an opportunity to compete. You don't have to spend all of this money to do it.

01-00:38:33

Rubens:

When you say intercollegiate, do you mean all competitive sports?

01-00:38:39

Cummins:

Yes. But inter-mural is a program that comes under rec sports. And they have a whole host of teams. Bicycling, hockey, all kinds of things. You could give students an opportunity to compete, that's a great thing to do. Do you have to spend millions and millions and millions of dollars?

Facilities, advertising, marketing. It is a full-scale business. And I mean I enjoy it. I watch football games; I like basketball games. But it's—the values are simply, in my mind, they simply contrast too much with what a university is all about. Particularly when they start draining money from the academic enterprises.

01-00:41:55

Rubens:

Is anybody writing about it here?

01-00:41:57

Cummins:

A very small number of people.

01-00:42:01

Rubens:

Is there one thing you would tell me to look at? Or just get a general sense of what people are saying?

01-00:42:10

Cummins:

Well, one of the things I did when I had intercollegiate athletics was to set up what's called the University Athletics Board. And previous to that—and that occurred in 2004 or 2005, somewhere around there. The decision about how we fund intercollegiate athletics was always made by a very, very small number of people. The chancellor, the vice chancellor that did the budget, and maybe the athletic board or something, but something very, very small. And in my view, I thought when we're spending the amount of money that we're spending now on intercollegiate athletics, that has to be a broader campus decision. And there's always been interest that would come and go about—from faculty at various points in time—how much are we spending on intercollegiate athletics? The chancellor agreed with me, Bob Berdahl, and he said yes, and so he set up this board, and it's co-chaired—at that time, it was co-chaired by the head of the academic senate and one of the key administrators, the vice chancellor, who would be Nathan Brostrom now. I believe it was Christine Maslach who was the first one, and then the chair of the Academic Senate. It had significant representation from the Senate. And this was a huge breakthrough, in my view. Because for the first time, people started looking at these questions, all of the questions I've been raising. And so they then put together a plan, and that deficit now has come down to about \$6 million, as opposed to \$10 and then \$13—and I think that's great. I think it's reasonable. If you're going to do intercollegiate athletics, and we are, and that decision has been made, then there has to be some central campus support for this.

01-00:44:45

Rubens:

But you're saying not until 2004 or 2005 was there—

01-00:44:49

Cummins: That was the first time.

01-00:44:50

Rubens: —a real, systematic, broad-based look.

01-00:44:54

Cummins: Broad-based look. And that has, I think, proved very helpful. And it's brought attention to it, there are some donors that are on that committee, they're hearing from faculty and they've set out a time frame to say you have to bring that down, it has to be down to \$5 million in five years, and the Academic Senate would like to reduce it to zero in ten years. I doubt that we'll ever get there. Of course you want intercollegiate athletics to be endowed. Once it's endowed, you're done.

01-00:45:31

Rubens: So it was never endowed?

01-00:45:32

Cummins: Well, no, not really.

01-00:45:34

Rubens: Many teams, of course football, crew, now baseball, have external funding mechanisms

01-00:45:41

Cummins: Some sports are much better than others. Golf, men's golf, is almost totally funded. And a lot of this is scholarships, and football drives a lot of it because under NCAA rules, they get 85 scholarships. Well, where's that money coming from? Every time tuition goes up, and the article in the paper this morning was talking about how tuition is going to be increased 7.5%, possibly 10%, the Regents just approved that. Where does that money come from for intercollegiate athletics? Not only that, they're out raising money for the stadium. So you've got like an annual fund for operations and then money for these big projects. You get into lawsuits, that lawsuit [over whether the sports facility center next to the Stadium can be built] cost us \$10 million.

01-00:46:30

Rubens: Well the legal machinations are not over yet, correct?

01-00:46:32

Cummins: No. We don't know what that judge is going to rule. It took her a year and a half to rule, but that delay cost \$10 million right up front. So these are the kinds of dilemmas that you get into.

01-00:46:47

Rubens: We will have to go into these topics in further depth. Since you have to leave soon, are there other areas, accomplishments, you'd like to cover in future interviews.

01-00:47:07

Cummins:

Yes, that's another one I would feel good about it. Intercollegiate athletics. Because I think it brought the issue forward, and it's now like—it's a campus-wide decision.

By the way, let me also say that I chaired the search when Sandy Barbour was hired as the Athletic Director. She, I think, has done a terrific job. The coaches we have, the program we have, I think, is very good. Tedford makes a lot of money, no question about it. But he is very good at what he does. He has responsibility for about 130 young people. That is an enormous responsibility, and basically he carries, on his shoulders, virtually the entire intercollegiate athletics operation. Because if football doesn't make money, we're going to be pouring money into it just to keep it afloat. And that's basically what we were doing. So it's a huge responsibility that he has, and he's also very much in the public eye as a result of it. So any scandal, any time a football player gets in trouble or whatever, he's got to deal with it. And his values are superb.

What I've said earlier is no criticism, anything I'm saying—of the program, of the people. It's the bigger, broader issues, really the—and what's going on, why—it extends into the high schools, it's going to be into the grade schools—

01-00:50:54

Rubens:

Were you around when Ken Jowitt was one of the first undergraduate deans, and created a study center for athletes.

01-00:51:07

Cummins:

Yes, they call it the Athletic Study Center—Derek Van Rheen. Well, Bob Price and others set that up. And that was one of the first things that we worked on together when I came into the chancellor's office was setting that up. See, Heyman was chancellor at that time, and Dave Maggard was the intercollegiate athletics director. He was an athlete here. Bob Kerley [Vice Chancellor for Administration and Student Affairs] appointed him. This was more than 20 years ago. But he would come down, he would be upset about why we were not supporting intercollegiate athletics more. This was when Bruce Snyder was coach, he left in '92. And interestingly, I think we were paying him maybe \$250,000 or so. And Arizona State offered him \$500,000, and Tien said no. We can't pay that level—that amount of salary. So Snyder left. And there was such competition between him and Bill Manning, who ran rec sports on this campus. I mean, God, they would just go at it. And Mac Laetsch was the vice chancellor who had to mediate all the time, which was also interesting. But there were—I mean, everybody was clear under Mike that we're not putting this money into intercollegiate athletics. And of course, we didn't—we had less money, then, too. We were just beginning our fundraising effort. The campus had no major fundraising operation to speak of.

01-00:53:24

Rubens: Let's change the tape now.

Audio File 2

02-00:00:

Rubens: Let's start talking about your background. You were born in 1943. How would you characterize Pittsburgh in the years of the '40s to the '60s when you were growing up?

02-00:00:16

Cummins: It seemed to still be a vibrant city. There certainly was a lot of construction. My father was an electrician and foreman of a major construction firm in Pittsburgh, that did large scale projects, such as hospitals and prisons. I worked with him almost every summer when I was in high school, which was a good experience. He was a New Deal Democrat and an original member of the IBEW [International Brotherhood of Electrical Workers. We were solidly middle class. But my father always worried, because he lived through the Depression. He never lost his job, but he always worried about losing it. And certainly he saw a lot of people that did lose their job.

02-00:00:41

Rubens: You mentioned that your grandfather was a policeman.

02-00:00:50

Cummins: Exactly. His name was John Cummins; my father was John Joseph Cummins and I am John F, for Francis. I have to say my childhood was very satisfying.

02-00:01:13

Rubens: I wanted to ask you about the role of religion because you said you had been an altar boy.

02-00:01:18

Cummins: Well, we were a very Catholic family. My sister went into the convent, and I went into the Christian Brothers, that was kind of a big deal.

02-00:01:36

Rubens: Much pressure, or was it that mother would be happy if you do this, or—

02-00:01:39

Cummins: I think my mother —whose name was Mary, her maiden name was Kiley— was probably—she never said it, but she probably was opposed to it. Not in any direct way.

02-00:01:46

Rubens: For her daughter?

02-00:01:50

Cummins: Yes, and for me. I think if you really sat down and talked to her at great lengths, she'd be proud, but she'd—

02-00:01:59

Rubens: Wanted more for you—wanted grandkids. (laughter)

02-00:02:04

Cummins: Yes. My father—this was a big deal for him. And then we both left. She left the convent—she was in longer, she was in about 10 years. And I was in for only four. But we both left at the same time, and so that was a big change for them to deal with as well. Because here my parents—my brother James was still living at home, but we had been gone for a long time, and then we moved back. And we had a small house. Very small home. And always meticulously kept. My mother was a perfectionist.

02-00:02:47

Rubens: How big was the extended family?

02-00:02:51

Cummins: Oh, gosh. Well, we had an uncle on my father's side who was a mailman. And on my mother's side, she came from a big family, so there were a number of aunts and uncles.

02-00:03:02

Rubens: Was she first generation, or second?

02-00:03:03

Cummins: No, it was probably third.

02-00:03:12

Rubens: And I was going to ask if there was anybody else who was a priest or a—

02-00:03:16

Cummins: Well, actually, going way back, my great-aunt was a nun. And another—

02-00:03:25

Rubens: Did you know her?

02-00:03:26

Cummins: Yes, I knew her.

02-00:03:28

Rubens: Did she have any influence on you, or—?

02-00:03:30

Cummins: No, not particularly. And then the other one was my grandfather's sister, who was a St. Joseph nun. She was in charge of the nursing operation at St. Joseph's Hospital.

02-00:03:59

Rubens: What's in your mind that you are thinking this is what I want to do, join the Christian Brothers?

02-00:04:26

Cummins: Well, I think I was always serious, at least that's what people tell me.

- 02-00:04:30
Rubens: Thoughtful?
- 02-00:04:31
Cummins: Thoughtful, yes. Kind of easy to get along with, never a problem for my parents. Every once in a while, there'd be some little thing, but—
- 02-00:04:48
Rubens: But the church appealed to you.
- 02-00:04:49
Cummins: Well, it was kind of what was expected. If you were shooting for the top in a Catholic family, and being a priest or a nun would be the kind of—
- 02-00:05:04
Rubens: OK. Even though you say your mother, if you really asked her, would have said no, there was like an inchoate—or maybe the school, too—
- 02-00:05:10
Cummins: Yes, I think my mother—my mother was very smart, very well-read. Never went to college at all, but read a lot. And my father went to Carnegie Mellon—it was called Carnegie Tech at that time—and they had an apprenticeship program to be an electrician. It was a two year program. That was the extent of their education, but it was very clear that we were going to college; there was never a question of that. And we all did, so—
- 02-00:05:58
Rubens: I'm just pushing you a little bit, because you know—a policeman would have been good, and—
- 02-00:06:05
Cummins: Yes. It's funny, because—
- 02-00:06:08
Rubens: But a priest, of course. Do you think you got some of it from the school, too?
- 02-00:06:15
Cummins: In part. I went into the Christian Brothers because I went to Christian Brothers High School, La Salle High School. And they were really good guys; I got a very good education. Education is their focus. They were created in the 1500s in France to educate poor kids. That's basically what their mission was.
- 02-00:06:54
Rubens: To join that order, you take vows, you—
- 02-00:07:03
Cummins: Yes, you do.
- 02-00:07:03
Rubens: And you wear a collar, and you—

- 02-00:07:05
Cummins: Yes, right.
- 02-00:07:08
Rubens: OK. But good educators, is that what you're saying? Committed to teaching and their students.
- 02-00:07:11
Cummins: Yes, they were very good. They were young and socially aware. They were great teachers. I think certainly the education I had, both high school and college, in Christian Brothers schools, was very good.
- 02-00:07:23
Rubens: Was high school co-ed?
- 02-00:07:25
Cummins: No. I think it is now, but it hadn't been.
- 02-00:07:32
Rubens: And so can you see it, a moment when you thought, "All right, I am going to become a priest"?
- 02-00:07:38
Cummins: Well, I'm sure there was some talking to me about a vocation and that whole thing by some of the brothers. I know I was certainly struggling with that decision before I went to Kings Point. So it wasn't new there by any means.
- 02-00:08:00
Rubens: But you go to Kings Point first.
- 02-00:08:01
Cummins: Yes, I did.
- 02-00:08:04
Rubens: Were you going to test the real world or something before you went to—
- 02-00:08:15
Cummins: Yes. And I think actually that I was naïve, very kind of sheltered. Not atypical of those times particularly. But we never traveled; we would go to New Jersey for summer vacation and that kind of thing.
- 02-00:08:33
Rubens: To the shore.
- 02-00:08:35
Cummins: Yes. And I was the typical kid, I played sports every day.
- 02-00:08:40
Rubens: Besides a family trip, what did you do in the summers?

- 02-00:08:41
Cummins: If I didn't work—I always had a paper route, I had a paper route from the time I was in fourth grade all the way through high school. Big paper route. So I always had to do that. And I was always a very good student, just one of the top students.
- 02-00:09:00
Rubens: And did you learn to read on your own?
- 02-00:09:01
Cummins: Not a lot. And my mother used to push me about that.
- 02-00:09:07
Rubens: When you said your mom was well-read, I kind of meant to say, well, what does she read?
- 02-00:09:09
Cummins: I can't really recall. She'd read anything.
- 02-00:09:13
Rubens: But she was reading. It wasn't *Reader's Digest* or just the Catholic journals.
- 02-00:09:16
Cummins: No, no, no. Novels and all kinds of things.
- 02-00:09:18
Rubens: She seemed an educated person.
- 02-00:09:22
Cummins: Yes. And very smart and very helpful to me on research projects and things like that. Now I did not read a lot. I should have read more. I was always very active. Always playing sports—you know if I wasn't studying or doing my paper route, I was playing sports.
- 02-00:09:51
Rubens: How long were you an altar boy?
- 02-00:09:56
Cummins: Well, I started in the second grade. And that went all the way through high school. And I think that was probably tied into going into the Christian Brothers too. And my mother worked at the church, as I said, so there was a very close attachment to the church.
- 02-00:10:20
Rubens: And the union? Was that a particular interest of your father?
- 02-00:10:25
Cummins: More remote. But always a Democrat, there was no question.
- 02-00:10:30
Rubens: I assume your mom voted.

- 02-00:10:33
Cummins: Oh, yes. My father took me down to see Harry Truman going through Pittsburgh in a motorcade in '48. So definitely—and I think my mother was for Stevenson. Again, the difference. And as I said, he was for the working class.
- 02-00:10:56
Rubens: Were they particularly animated by John F. Kennedy's election?
- 02-00:11:02
Cummins: Well, by—John Kennedy was '61. So it was right at the end, I was leaving home at that time.
- 02-00:11:09
Rubens: Sure. I was just thinking about how many people feared that the Pope would be dictating to Kennedy.
- 02-00:11:22
Cummins: Oh, absolutely.
- 02-00:11:24
Rubens: All right, and then in terms of the household religiosity, not exceptional—just a good Catholic family that went to Mass.
- 02-00:11:38
Cummins: That's right. Oh, yes. Every Sunday, we would go to Mass. Always Friday night fish, and you couldn't eat before going to Communion, and you had to be careful about brushing your teeth. I think it's ridiculous that, you couldn't swallow toothpaste, that kind of thing.
- 02-00:11:58
Rubens: So the family is observant and your schooling –Sunday school as well— impresses these practices on you.
- 02-00:12:03
Cummins: Yes. Right. And Lent was a big deal.
- 02-00:12:09
Rubens: There were three kids in the family, the birth order is—
- 02-00:12:10
Cummins: My sister, Rita Marie, me, my brother James.
- 02-00:12:11
Rubens: When she went to the convent, did she influence your decision to join the Brothers?
- 02-00:12:17
Cummins: I don't know. Not particularly. We'd go and visit her in the convent and that kind of thing.

02-00:12:26
Rubens: Did Kings Point require a congressional appointment?

02-00:12:32
Cummins: Yes.

02-00:12:36
Rubens: So you were trying to get into all of them.

02-00:12:38
Cummins: Yes, right. Just see what my chances were. I was accepted at Manhattan, I think I was accepted at La Salle. So I could have gone—

02-00:12:50
Rubens: Oh, and you were accepted for GTU later?

02-00:12:53
Cummins: GTU is later, after Marquette.

02-00:12:54
Rubens: So you go to Kings Point. And were not convinced you were going to be in the Merchant Marine.

02-00:13:02
Cummins: Well, I think it was—looking back, it's one decision that I regret. I regret very little, but that was one. Because in the second year at Kings Point, you go to sea. You literally go around the world, and they put you on different ships, cargo or passenger, whatever, and you get all of this experience, but you get to see the world. So I wish somebody had sat me down and said, “What the hell are you doing? Don't do that now.”

02-00:13:31
Rubens: So you did one year.

02-00:13:33
Cummins: One year, right.

02-00:13:34
Rubens: And then said, “I really want to go to—”

02-00:13:38
Cummins: Right. So that's one that I regret. Now, it would be interesting, if I had gone to sea, I don't know whether I would have—who knows?

02-00:13:51
Rubens: So what is it about that first year that is saying to you—

02-00:13:53
Cummins: Well, I think partly it was this—because I don't know if naivety is the best word for it, but kind of a fear of stepping into the world.

02-00:14:12

Rubens: Was Kings Point coed then?

02-00:14:15

Cummins: No, it wasn't.

02-00:1

Rubens: So you're still in a protected world—a bit of a protected world.

02-00:14:31

Cummins: That's true. I do think the sense of community is important in my life; there is no question about it. So this is a sense of community right here in the university. The—certainly the Christian Brothers were—the church was earlier, and Kings Point was a good experience. I mean, it was very interesting. I did well there; I liked the academic part of it. It was really pretty good.

02-00:15:07

Rubens: How big a school, roughly?

02-00:15:10

Cummins: Not very big. Small. But you have to pass what's called—you have to get your lifeboat ticket, and you have to pass a test that the Red Cross gives. It involves taking a lifeboat out into Long Island Sound, and—I don't know why they did this the way they did, but the part—you took the lifeboat out, and you stood with a sweep oar, what they call a sweep oar, which is like a rudder, but it's just a big oar to guide the crew—and everybody, there are like ten people rowing, and you're giving them orders, like port-side, hold water, or boat your oars, which means you put your oars straight up, because one of the tests is you have to go through piers out on Long Island Sound. But they're narrow, so you have to get them up. So anyway, I do all that. And then they're rowing back, and there's this platform that they had set up in the water, and you're supposed to bring the boat in, and bring it right up alongside. And so I just didn't realize that we were going as fast as we were, because you've got ten people rowing. And I thought I'm never going to turn this, and I'm aiming straight at that portable dock set up. And all of these officials were on there from Red Cross and Kings Point, and they see me coming, and they run off that thing, and I smashed into it, I fall down, all the oars go every which way—you know, the rowers are looking at me. And I just couldn't slow it down enough. It was really funny. So then I had to do that all over again. That's not a pass. [laughter]

02-00:17:09

Rubens: Are you saying that was partly you were embarrassed and so you were going to leave Kings Point?

02-00:17:13

Cummins: Oh, no, no. Not at all. No, the experience—I mean, it was good.

02-00:17:19

Rubens: But I'm trying to think of, an academic year, you must have had to choose by January to apply to—

02-00:17:27

Cummins: Yes, started talking to the Christian Brothers again sometime that winter, February maybe, something like that.

02-00:17:36

Rubens: You just said, "I'm going to do this." No parent, nothing said—

02-00:17:41

Cummins: It felt like the right thing to do.

02-00:17:43

Rubens: I meant to ask you about the development of your own social conscience. Was there was a teacher in high school that you felt particularly drawn to, that was influential?

02-00:17:58

Cummins: No, not particularly, I don't think.

02-00:18:02

Rubens: And did you have political concerns or exposure in high school? When did you graduate from high school.

02-00:18:15

Cummins: '61. No, not particularly.

02-00:18:21

Rubens: Here in California, some people were politicized by the Chessman execution, or hearings by HUAC [House Un-American Activities Committee].

02-00:18:27

Cummins: No. What—the politics actually started in the Brothers, in the Christian Brothers. And it was around the time of Vatican II, big change in the church. And we—the group of us in the Scholasticate at Elkins Park, wanted to work with a group of kids called the Diamond Street Gang in Philadelphia. Very poor area. And this was, in our view, this was what the mission of this whole order was about. This is what we're here to do. And they wouldn't let us do it. And that just—that was it for me. I mean, it was such, again, a clash of values. How can you say this, on the one hand, and then stop us? It's just crazy, just didn't make any sense. And so that's when I decided this isn't for me. And then I wrote this piece—I don't know if I still have it—I don't think I do. Maybe somewhere. But kind of justify why I was leaving. And that was it.

02-00:19:51

Rubens: So will you give me an over view of what happened next? How long were with the Brothers. You believed deeply in their values.

02-00:19:54

Cummins:

It was almost four years, October, 1962 to June, 1966.

[Editorial addition:] Then I went to Marquette University to finish my undergraduate degree. Then, I entered the master's program in theology in 1967, but I didn't complete that. Instead I entered a PhD program in education at the University, Milwaukee in 1969, where I got my degree in 1972.]

Yes, those values. And also the—you know, this was at a time - this was '65, '66, the civil rights movement was just in full bloom at that point in time. You're sitting around wondering, what are you doing to help, rather than being in this kind of environment, this kind of cloistered environment, and they won't even let you work with poor kids, even though they say that's what this is all about. So then when I left and went to Milwaukee, then I was really actively involved in the civil rights and the anti-war movement.

02-00:20:44

Rubens:

Did you end up working with the kids at all?

02-00:21:03

Cummins:

No. But—so what happened is I go to Wisconsin, and there was a big civil rights movement there that was led by a priest, Father Groppi, G-R-O-P-P-I, who was quite well known. I'm sure stuff would still come up, if you looked him up—and he was the pastor at St. Boniface Church, which was on the north side, which was quite segregated at that point in time. He was leading these marches to the south side, which was a Polish/German area, and to get there, you had to cross a viaduct that went over an industrial area. There were about 200 of us, and it was in the summer, it was in August, maybe late August, early September. And it was after the riots, so it was definitely '68. Martin Luther King was assassinated, all of the cities erupted. So he leads this march, and it's at dusk, and we're going across the—I think it was the 16th Street, or 27th Street, I can't remember which bridge. And the—we get across the bridge, and all of the sudden, this huge police presence emerges—thank God, because they put us between the parked cars and the street, and they—maybe they put us in the middle of street. But they had police, like two or three deep on both sides of us, going through this area. And there were all these bars and all of these people emptied out of the bars—there were a couple thousand people. And we get down into Kosciuszko Park. And the police put a big ring around us, and—

02-00:23:41

Rubens:

Are you saying in a way they're protecting you?

02-00:23:43

Cummins:

Oh, yes. Absolutely. I think we would have been killed.

02-00:23:50

Rubens:

And the march is—

02-00:23:50

Cummins:

This is for open housing. And we get into the park, and Groppi gets up on this picnic table, and he says, "We're not leaving here until they bring in the National Guard, just like they did on the north side during the riots." And I thought, no way in hell. Get us out of here. So the police then formed this big cordon, and they got us back on this road leading to the viaduct to get across. And the—somebody had taken a hearse and painted on it, "Groppi's Last Ride," big white letters, and moved it down the road right at us and then got out of the car. So we're dealing with this. The police were able to stop that. We get to the bridge, and this is the last opportunity for these thousands of people to get us. They were throwing things at us, bricks, cherry bombs, everything. And the police—and it was the only time I've ever seen this at any of the protests—they actually pulled out their rifles and held them at bay until we could get across the bridge. It was unbelievable. It was really something.

02-00:25:27

Rubens:

I'm trying to understand why the police intervened?

02-00:25:31

Cummins:

I think they felt they had to. They had to protect us. And thank God they did.

So I was at Marquette, in Milwaukee finishing in '66. And then I started in '67 to do the Master's degree in theology. And that's heavily influenced, again, because of my Catholic upbringing, the study in theology, etcetera.

02-00:27:00

Rubens:

Was there anyone that you went to work with at Marquette?

02-00:27:08

Cummins:

No. Bernard Cook was the head of the department, a very prominent Jesuit at one time.

02-00:27:13

Rubens:

And this is a Jesuit school.

02-00:27:19

Cummins:

So they hired me then, I'm in graduate school at Marquette doing theology, and I'm hired as the TA to teach the New Testament. And I'm also at this point very active in the anti-war movement, and civil rights. This is in 1969. So there were a couple of things that were going on. One was that when I was teaching the New Testament, a lot of the students were from religious orders. So they were like I was just a few short years ago. And women and men in the convent or the—

02-00:28:05

Rubens:

Marquette is your first coed experience?

02-00:28:07

Cummins:

Yes. And so I'm raising, in the classes that I'm teaching, all of these issues about papal infallibility, why is it that there are different accounts of the birth

of Christ, and what's going on here? So they're all going back to their convents and they're Scholasticates talking about them, raising these issues, which immediately gets back to the theology department. So again, I'm in this position of being this kind of maverick outcast. Then at the same time, I'm out raising money. I'm going to various cities and I'm on these Sunday morning TV shows talking about the Caytonsville Nine and Milwaukee 14, etcetera, raising money. And then this gets back to the school—who is this guy and why is Marquette sponsoring this radical, on and on. So they're getting an earful about that. Then there is a major protest where—there's a chapel at Marquette called Joan of Arc, St. Joan of Arc Chapel, and we organized this protest, which was a sit-in inside the chapel, which was again one of these things, got a lot of attention. And—

02-00:29:46

Rubens:

The protest is against the war, just to call attention—not specifically against the school?

02-00:29:51

Cummins:

I think this was also related to affirmative action, diversity, that there weren't enough underrepresented students at Marquette. Here we are, living in this urban environment, why aren't we doing more of this? And so that's what the protest was about. And I came out to—because they knew they were all going to be arrested, so I came out to do the organizing and there's a wall right outside the chapel. So I stand up on the wall, and it was about midnight at this point in time, and I said, "We're all marching down to the Jesuit residence." And this hand comes up, pulls me down, it was the head of the SWAT team for the Milwaukee Police Department. And he turns to a police officer, whose name was Mike Curren. And he says, "Mike, arrest him." Mike was one of my students. And so it was so funny, so I said to him—and the head of the SWAT team, I can still see him—I said, "Mike, you know I didn't do anything wrong. You don't have any grounds to arrest me." And I looked at the head of the SWAT team and I said, "He's my student," and they didn't know what to do. It was so—I mean, looking back, it was just hilarious. So they end up not arresting me, and we go down to the residence. But certainly, I was well-known. I mean, this was in the newspapers.

The next thing that happens is that we get the—gosh, I've forgotten a lot of this—also related to this issue of diversity. We get the basketball team, many of them were black, to resign in protest, because there wasn't enough—underrepresented students. And Al McGuire was the basketball coach at Marquette. And he went on to be a big-name commentator and very well known until the day he died, and still very prominent. So we—this was called the Respond Movement, that's what it was. The Respond Movement—we had a big rally, we got them to resign. And then they came back to my apartment, which was on the fourth floor, the top floor, at 13th and Kilborn, I guess it was. Just a couple blocks from campus. And all of these guys' girlfriends were there, and McGuire, unbeknownst to us, is driving back from Madison to

Milwaukee, and he hears on the radio that all his players have quit. And they were very good. These were really—several of these players went on to play in the NBA. Dean Meminger, George Thompson, et cetera.

So anyway, McGuire shows up at my apartment at like 2:00 in the morning, and he walks in, and—I'll never forget it—he starts yelling, basically, to these players, saying, "What the hell are you doing? I mean, what are these people going to do for you? I promised you, when you came here, you would get a degree, you'd be able to play basketball, and you're throwing it away for them. What the hell are they going to do for you?" OK, it's a good point, but he made some terribly racist comments about—he said Joe Thomas—"Joe, you'd be picking cotton down South if you weren't here playing basketball," and Dean Meminger, who went on to play for the Knicks, and came from New York, Harlem, I think, he said, "You'd be nothing but a pineapple-head, a drug pusher, in New York, if it weren't for me. And yeah, I told you, you're paving the driveway for my \$35,000 house, but I'm delivering for you. So you are going to come back and play basketball." They all did. Very next morning, press conference. So we all went down to the theology department and met with Bernard Cook, and said, "OK, tell us how this jives with the values of Catholicism, these racist statements, the support for this coach, etcetera. You tell us how—" Of course, they couldn't do it. So then—

02-00:34:43

Rubens:

What did he do?

02-00:34:48

Cummins:

Didn't do anything, basically. So then Spiro Agnew, the vice-president, was coming to Milwaukee. And so we organized this protest. And we have this white van, and we're in downtown Milwaukee, and the head of the SWAT team, the same guy spots me, I'm driving the van, he stops the van, had everybody get out. We all had to put our hands up on the van and then they finally let us go. So anyway, no question, very, very high profile.

Then I went to the University of Wisconsin Milwaukee, to start a PhD in a new program in the School of Education. Actually, Agnew may have been after I started—

02-00:35P45

Rubens:

At Marquette you earned a MA in theology.

02-00:35:49

Cummins:

Yes, but I didn't finish. I didn't do my thesis. So I then went to UWM and I wanted to do something, I just couldn't see how theology, it just—the values weren't holding for me, it just didn't make any sense. The more I studied theology, the less sense it made, really—I mean I don't belong to any religion now, that was the end, as far as I was concerned. So it was a big change for me personally, although the values, I think, never changed. And so then to Milwaukee, I get to the University of Wisconsin Milwaukee, and still played

this leadership role vis-à-vis anti-war, civil rights, led big protests there. The FBI came in and examined all my files, I found out about that, because I happened to know some people who worked in the admissions office.

02-00:36:56

Rubens: I think you told me a neighbor had said—

02-00:36:57

Cummins: Well, that was out here. That's once I got out here. We had big protests, people turned in their draft cards, that kind of thing.

02-00:37:07

Rubens: I was going to ask you about your draft status. Were you married by then?

02-00:37:12

Cummins: Yes. I was married, and—

02-00:37:15

Rubens: Of course graduate students also had—

02-00:37:16

Cummins: —were exempt, right. But I turned in my card, but nothing ever happened as a result of that. But there were also some very serious things happening, and that's when they're—close to that time when the—I forget the guys in Madison blew up a chemistry building. And there was—there were some people that—I mean, that's when things, I think, we're just getting completely out of control. And I thought, this is nuts. And then there was a big conference, it was the welfare rights organization, and some other groups. And that's when Rennie Davis came to Milwaukee, and I thought, this whole thing is falling apart. And I was so paranoid by that time, in terms of all -

02-00:38:18

Rubens: Rennie Davis had been a critical leader in SDS [Students for a Democratic Society] and by that time SDS was riven by factions, becoming more “revolutionary,” –Weathermen turning to violence.

02-00:38:21

Cummins: Yes, right. And I thought, this is nuts. We're not getting anywhere; everything is splintering apart, in terms of any kind of coherent movement. And so then I started distancing myself, and then I came to Cal in '72.

02-00:38:54

Rubens: Did you go to the 1968 Convention in Chicago, or attend any of the trial of The Chicago 7 after that?

02-00:39:02

Cummins: No. But we had—it was interesting, I was just thinking about [attorney William] Kunstler, who, you know, in terms of dealing with the Milwaukee 14, he came to my apartment, very impressive guy.

You always felt—I mean J. Edgar Hoover certainly was successful in making people feel that we were being watched all the time. And it was in Milwaukee, as I said, that George Mische, who was one of the Catonsville Nine who had come and stayed with me. And he was coming to organize, put together these safe houses, where if you want to go underground there were places to go. And when he—I can't remember if I told you this yesterday or not, but one night, Peggy, my wife, and I came home and his wallet and the John Birch society pamphlet were between the storm door and the front door of our apartment. We lived down in this basement apartment, and I thought, wow, this is really strange. I thought, how did this happen? Somebody was sending me a signal, that's for sure.

02-00:40:38

Rubens:

So someone had taken his wallet, probably a John Bircher, and is letting you know—

02-00:40:43

Cummins:

Somebody got it. And so I called him, I tracked him down—it was about 2:00 in the morning—and I said, "Do you have your wallet?" And he said, "Yeah, I've got it," and I said, "No, you don't." I said, "Somebody put it in my door with this John Birch Society thing." And of course, he was not—he was under restriction by the court not to travel, because they had appealed their conviction. And he said, "Oh, Jesus." He said, "Just meet me—bring it, meet me, bring my suitcase." So I thought, "Hell, they're going to arrest me when I walk out this door." But they didn't, and I gave him his stuff, and he left. So you'll see in the FBI file that they have some of this. They refer to what's called the Red Bird Cove Commune. The name they have blacked out is Nick Reidel, who was a priest, who was helping Mische set up these safe houses. And I never knew, he never told me where he was doing this, and Red Bird Cove commune was in Missouri someplace—I lent him my car, I have no idea where he took it. So anyway, those times were unbelievably intense, to say the least.

02-00:42:05

Rubens:

Dangerous.

02-00:42:05

Cummins:

Dangerous, yes. And then I came home—we were getting ready to leave, so it had to be in the spring of '72, maybe late spring. And I come home, and I see that there's kind of a small moving van out there, and there's no furniture in it, that there's cameras and electronic stuff. And I thought that was it. So I'm sure they were watching; I'm sure my phone was tapped. Everybody thought their phone was tapped.

02-00:42:43

Rubens:

Was your wife saying to you at any point, back off a bit, we're in danger?

02-00:42:59

Cummins: No. Because—well, I think her father was running for mayor of Cleveland at the time.

02-00:43:07

Rubens: How interesting. What's his name—her maiden name?

02-00:43:08

Cummins: Kelly. So his name was Bob Kelly. He ran against Carl Stokes in the Democratic primary, and he was very conservative, and he saw me on one of these talk shows—that was the first time he ever saw me. So he told Peggy, don't ever have him set foot on our—come to our house, basically. And we got along fine afterwards. He told Peggy that the FBI had come to him and said, "Are you aware of who your daughter is—

02-00:44:01

Rubens: Hanging out with, carrying on with- But Peggy didn't—

02-00:44:14

Cummins: Oh, no. She—there was a conference that we went to called the International—Hemispheric Conference to End the War in Vietnam, and it was in Montreal. And it was—we rented a bus, and this was put together by a guy who was a very active member of the Communist Party, John Gilman. Terrific guy. He ran like a floor, tile, rug store, something. And he was one of the leaders of the National Student Association at Madison. A very interesting guy. So anyway, we get this bus, and everybody that got on the bus was being photographed by the FBI. And so Peggy had her own camera, and so she started photographing them. And then they left. So—

02-00:45:26

Rubens: Now Peggy—you meet Peggy at Marquette. And what was she studying?

02-00:45:32

Cummins: English literature. And she had been living—she studied at the Sorbonne in '68, so had just come back, and then—

02-00:45:44

Rubens: Was she there during the events of May?

02-00:45:45

Cummins: Oh, yes. The whole time. Exactly.

02-00:45:49

Rubens: Because then you tell me that you also just had a love affair with French language. There was a professor at—

02-00:45:58

Cummins: Exactly, at La Salle. Richard Boudreau, yes.

- 02-00:46:05
Rubens: So this is before you meet her, so there is something you have in common, a little bit of interest in French. Had you gone to France, had you traveled?
- 02-00:46:12
Cummins: No. In fact, the first time we went was in 1970.
- 02-00:46:20
Rubens: And so when you went to Milwaukee—well, University of Wisconsin—when you did that, what did Peggy do?
- 02-00:46:31
Cummins: By that time, she had finished her undergraduate degree, she got a Master's degree from the University of Wisconsin Milwaukee in urban education, and she was teaching in a segregated school, basically.
- 02-00:46:54
Rubens: And you are now pursuing a PhD in education.
- 02-00:46:56
Cummins: In education, that's right.
- 02-00:47:00
Rubens: And who were your fellow students? Was it coed? Were they politically charged?
- 02-00:47:06
Cummins: Yes, men and women. Not—I can't think of anyone—I didn't keep in touch with them.
- 02-00:47:11
Rubens: Well, were they mostly white, were they—
- 02-00:47:14
Cummins: No, not necessarily. I know there was one Native American; there was one black guy, two, maybe three—so I want to say it was—
- 02-00:47:25
Rubens: All of these people want to be teachers? Why are they in education?
- 02-00:47:28
Cummins: I think—I don't know. Just getting their PhD, some had been organizers. It was at a time when I don't think we thought very much about it, what we were going to do next.
- 02-00:47:36
Rubens: I think that's very true of that era; you didn't have to think about it so much. There was enough money to get by, things didn't cost that much.
- 02-00:47:45
Cummins: And we really thought we were going to change the world. That was real clear.

02-00:47:53

Rubens: In your program, were you tied to one professor?

02-00:48:00

Cummins: Well, I had a major professor, Gerald MacDonald, who—gosh, he must have passed away by now. Very good guy. Very solid.

02-00:48:12

Rubens: And what did he emphasize?

02-00:48:16

Cummins: I can't remember that. I mean, there was a lot of tolerance, I think, for me there. You know, the dean at that time was a friend of mine, he was a young guy, he came from Chicago, Richard Davis was his name. He brought a guy named Chuck Lapaglia, who also came from Chicago and was a community organizer who used to work with the Blackstone Rangers in Chicago. A very good guy, and so there was a lot of support.

02-00:48:55

Rubens: Did you mean he brought him as a professor, or as a—

02-00:49:01

Cummins: No, and again, this was part of the creative way that the dean was willing to do things. He was really willing to make change and bring in different people, and he really wanted to change the world too. So it was a very supportive group of people who certainly didn't do anything to try and restrain you, in terms of the politics of things.

02-00:49:27

Rubens: And would you say, looking back, that some of these were models as well? Were they good administrators, or—how old was this dean, about? I mean, was he much older than you?

02-00:49:36

Cummins: No, I wouldn't say—maybe ten years older.

02-00:49:42

Rubens: And what did you write about for your thesis?

02-00:49:52

Cummins: Yes, and it was on the role of the university in the community, and it looked specifically at the dean's role in doing this, because there were lots of unorthodox things that he did. So for example, when I was in the program, there was an alternative school that was set up on the north side. It was all black students, and it was falling apart. So he said to me, you go and run that school. Amazing. I mean, where would you get that kind of support?

02-00:50:28

Rubens: Right. Before, at Marquette, you couldn't get a group to go tutor or work.

- 02-00:50:33
Cummins: Yes, exactly. You're right, no question. So yes. And he was getting letters—I think in one of these protests I did, it had something to do with writing to the trustees of the University of Wisconsin, and I used university stationary, so they went after him, and he said, "Just don't do that again." So that was the extent of it.
- 02-00:51:04
Rubens: So getting through school, that wasn't the biggest struggle for you. You did your classes, you wrote the piece, you got to work at the school, you were involved in major protests. Were your parents still alive, were they—?
- 02-00:51:22
Cummins: Yes, they were.
- 02-00:51:23
Rubens: They probably didn't know as much as they could have.
- 02-00:51:28
Cummins: No, they didn't. They were, I think, kind of taken aback by all of the change, trying to figure out what was going on.
- 02-00:51:39
Rubens: What did your younger brother end up doing?
- 02-00:51:44
Cummins: He got his undergraduate degree at George Washington in broadcast media. Then he went to Madison and got a Master's degree in English, and then worked as a kind of a TV journalist for a while, and now he works for a public relations company called Kelly Press. And they handle big conventions for unions, and he does all the kind of arrangements.
- 02-00:52:27
Rubens: But he was enough younger than you, he's not—
- 02-00:52:29
Cummins: Yes, he's about four years younger.
- 02-00:52:32
Rubens: I wonder if he was politically active like you, or—
- 02-00:52:34
Cummins: He was—he probably followed politics more closely than I did in those earlier years. He wasn't an activist, but definitely all of our leanings were in the same direction.
- 02-00:52:54
Rubens: Were you ever a member of an identified group, such SDS, or CORE, or—I mean, people could identify themselves as part of "the movement" without belonging to an organization.

02-00:53:12

Cummins:

Well, I mean, I went to SDS meetings; SDS wasn't very much—it was very hard because of their—what did they call it at the time?—participatory—

02-00:53:25

Rubens:

Democracy?

02-00:53:25

Cummins:

Democracy. You get tired of sitting in these meetings forever and ever and ever and not getting anything done. You know, but I would go to the meetings, and certainly knew a lot of those people.

02-00:53:39

Rubens:

Well, and then this fellow you mentioned from—Gilman. Now, he was in the Communist Party, but he didn't try and recruit you?

02-00:53:43

Cummins:

No. No. But he was an amazing guy. He was very impressive. I mean, anytime—and that's been one of my experiences dealing with protests here, as soon as they get violent in a serious way, people back off. They're scared and they don't want to have further direct involvement as a result.

02-00:55:07

Rubens:

I want to ask you one last question about this hemispheric conference to end the war.

02-00:55:52

Cummins:

Yes, that was interesting. So we get up there and the bus—

02-00:55:57

Rubens:

Who's organizing this? You think Gilman is part of it—

02-00:55:58

Cummins:

I think Gilman was a big part of it. But it's probably a Communist Party effort. So we get on the bus and it was an old bus, and the heater was in the back, and it was really cold, it was the middle of winter. And so if you turned up the heat to get the people in the front of the bus warm, the people in the back of the bus were roasting. It was really funny. So anyway, we'd get up there, and the conference was in a church. And Bobby Seale and some other Black Panthers show up, and they basically take over the conference. They walk up and they take over, and it was very disorienting. I don't know if we accomplished anything. But again, one of these interesting experiences where because they were so high profile, it's like, wow, here they are. And it wasn't that big, I mean, there were maybe a couple hundred people there maximum.

02-00:57:28

Rubens:

Theoretically this is something to end the war. I had meant to ask you about the National Conference on New Politics in Chicago in 1967, where there was an effort to address issues about black and white leadership, the war and the nascent women's movement. A lot was happening.

02-00:58:27

Cummins:

Well, in '72, or whenever we were trying to put together that meeting in Wisconsin with Rennie Davis, I think Sid Peck was involved, it was so frustrating, because they were trying to be all things to all people, and you just couldn't get it organized. It was just too hard.

02-00:58:47

Rubens:

Part of SDS goes underground after '68.

02-00:58:59

Cummins:

National Welfare Rights, and Abernathy's group, the Southern Christian Leadership Conference, they were trying too—everybody, it was just too hard. You could do it today with the technology, but we didn't have it. And

When I was at Marquette, I was the head of the graduate association, the graduate student whatever. And so I would do things—like put out things, treatises. And then—

02-00:59:57

Rubens:

Writing came easily to you?

02-00:59:59

Cummins:

Yes. And then people were very critical, but that's the way it was. And it was a year, and it passed so quickly. It raises interesting questions about leadership, because you know, certainly in Christian Brothers and then from then on, it was always in these roles. I didn't have any particular training for it, like running that school, or being the head of this graduate student union. So somehow, moving—

02-01:00:59

Rubens:

You rose to the occasion.

02-01:01:00

Cummins:

Yes, rose to the occasion, and then was very interested in getting things done. So by the end of the year, because in my graduate work at Marquette, we got the administration to agree to hold this major conference, and there was a lot of organizing that had to be done around that, and I played this key role. And it was actually getting the president of Marquette and others to show up, which we do at Cal now just routinely. You said you wanted me to talk about change; I mean people in those positions at that point had no idea what they were supposed to do. And we're much more sophisticated about how we deal with that now. But that was—

02-01:01:48

Rubens:

And do you mean also that in a certain way they wouldn't deign to meet with students?

02-01:01:56

Cummins:

They didn't know how to deal with it.

02-01:01:58

Rubens: What was the focus of the conference?

02-01:02:05

Cummins: Getting more underrepresented students. EOP, that kind of thing. And that was a big deal. That was—it went on for more than half a day; it was covered by TV, media, everything. The administration agreed to set up programs, so it was a big step forward.

02-01:02:26

Rubens: And so again, this was just coming out of what's going on at the time, perceiving needs. Are you reading Paul Goodman or Robert Coles?

02-01:02:50

Cummins: I read Robert Coles—

02-01:02:53

Rubens: Well, you must have read—and in your education courses, you must have read them.

02-01:02:58

Cummins: Not until I got here. But there's something—and other people have told me this—about not having any hesitancy to move into a situation and just do something. And that's been a common pattern of my work, I think. Like the California Policy Seminar.

[Editorial addition]You asked me about how I actually came to Berkeley. My PhD was in education, and my dissertation was on the role of the dean there in making the university more responsive to the community, to the needs of an urban center. This was 1972. I sent out my resume everywhere, and was offered a job at the Survey Research Center at the University of Michigan –I forget what they wanted me to do. But Ed Klingelhofer, at UC Berkeley's Center for Research and Development in Higher Education, liked my resume and offered me a job researching the impact of the sixties in higher education. I jumped at the chance to come to Berkeley.

The Center was in a building at the corner of Shattuck and Center in downtown Berkeley. I remember that the FBI was on the top floor of offices. This was the precursor to what is now the Center for the Studies in Higher Education. But the funding for that position was eliminated, the Nixon administration had ended the block grant program, and I needed another job. Somehow I had met David Gardner who was then Vice President of the University for External Affairs, and he offered to write a letter to Bob Kerley, who was Berkeley's vice chancellor for administration, under Chancellor Bowker, to help me find something. I think I proposed that the campus conduct a survey of how the university served the people of California. As a result, I met Eugene Lee, who was director of the Institute for Governmental Studies [IGS] and he hired me –at first part time- to initiate the survey. I remember it was called *The Berkeley Campus and the People of California*.

As a result of this, and following the suggestions of a five year review of IGS—chaired by Aaron Wildavsky of Berkeley’s political science department—to have Berkeley play a more active role in Sacramento, I started the California Policy Seminar. It was essentially a mechanism for bringing relevant, policy-oriented research done on campus—about health care, energy policy, prisons, a variety of public policy related research—to the attention of legislators and administrators in state government. I met a lot of interesting people in both worlds. [UC President] David Saxon chaired it; he appointed the faculty system wide. The governor, the state senate and speaker pro Tem were [part of it.]

02-01:03:23

Rubens:

After you were at IGS for a while, you told me in one of our pre-interview meetings, of your first encounter with Chancellor Heyman. I thought it was illustrative of a certain assertiveness you had, an ability to be forthright about your opinions. What was that about?

02-01:03:42

Cummins:

Well I think Jack Citrin and some others associated with IGS were quite concerned about some aspects of minority student recruitment and enrollment; about its effect and the cost of providing remedial education. Yes, so I go and I talk to Mike about this, and he was really upset, kind of basically kicked me out of his office. But that didn’t affect our later relationship in some way, I don’t think so.

02-01:04:04

Rubens:

But you were not—I can’t imagine that you were an arrogant, or insensitive.

02-01:04:12

Cummins:

No, never like that, but I didn’t hesitate to voice my opinion. Maybe I joked with him too.

I mean, just what I'm thinking about now, when we had all of the anti-apartheid protests, in the spring of 1985. I was able to inject a bit of humor into my response. I think one of the funniest things that we did was we had a major riot here one night and we had to call for mutual aid, which means bringing in other police jurisdictions. You turn over the police operations to the sheriff, basically, the county sheriff. And the City of Berkeley was opposed to our stand on divestment and they refused to allow—the City Council refused to allow the police to come to our assistance in a mutual aid situation. So they were excoriated in the press for doing this, it's against the law, the law requires that—so

02-01:05:15

Rubens:

What is the City Council’s position?

02-01:05:19

Cummins:

They wanted us to divest. This was before we agreed to it. And so they were pushing us to divest, along with a lot of other people, and because we didn’t,

they wouldn't send the police in the state of emergency. So I wrote a letter, because Clint Eastwood was the mayor of Carmel, and I wrote a letter to him saying something like, "You may be aware of all of the difficulties we've had up here. You're probably not surprised to know that the City of Berkeley wouldn't send their police in a mutual aid situation, so in the future, if we run into any of these problems, would you come up?" And then I said, "Even if you couldn't come—I know you're busy, but if you couldn't come, we could just say you were coming, and that would—" And it was a complete joke, so Herb Caen gets a hold of this, and he puts it in his column in the lead, with the lead saying, "This is how the Berkeley administrators spend their time." And I didn't even tell Mike Heyman I did it; I just did. The phone was ringing off the hook demanding that I be fired for not taking the divestment protest seriously. And fortunately, he thought it was very funny. So whatever this is about me, I don't know what it is, about just being willing to kind of do things, it's interesting.

02-01:06:58

Rubens: Great stories. Well, should we end today?

02-01:06:58

Cummins: Yes, that's fine.

02-01:07:00

Rubens: I think it's kind of a natural place to stop because we'll start next time with your arrival at Berkeley. But just to follow up on the riots in the spring of 1985.

02-01:07:17

Cummins: Oh, it was terrible. We had 350 police here, 2,000 protesters.

02-01:07:27

Rubens: But no Alameda County Sheriffs? Yet the City of Berkeley police refused to come?

02-01:07:35

Cummins: What we should have done is to call for mutual aid in case we needed it. So you alert the county sheriff, he alerts the local police, and then their police are on standby. So they have to be ready to show up at a minute's notice. So we made a number of mistakes; we—because we had these big shanties outside of California Hall, and they were very dangerous—They were all plywood. So we came in about 8:00 at night, we had all of our police, which was maybe 75, we took the shanties down, we arrested the people that were in them, about 120 or so, mostly students. They were handcuffed; they were put in county sheriff's buses, three buses with bars on the windows. And we could not get the busses out of that circle, because there were about 1,000 protesters on each side. And they were throwing everything they could get their hands on, the Molotov cocktails; they took those big dumpsters that were out between Wheeler and the library, the big library. And set them on fire, and rolled them down into the police lines. It was unbelievable. And so we had to wait. We

called for mutual aid at about 12:00, maybe 11:00 or 12:00; it took them until 4:00 in the morning to get here. And then they just moved right down here from Sproul there were at least 300. And the protesters had taken everything they could get their hands on to set up a barricade so the bus couldn't get out onto the south side of the circle. And so all of that stuff had to be removed, and the protestors all ran down and sat at Sather Gate. So the police lead the buses out, and you have police that aren't campus police, they don't mess around. They just moved right through that line. There were 30 injuries, 18 police offers, broken legs, and took the buses right down to Bancroft, right across from the plaza right down there.

02-01:10:12

Rubens:

So then you had a lot of fallout after that. Is Ray Colvig, in the Public Information Office, handling this?

02-01:10:17

Cummins:

Yes he was. Actually, that's what led Dick Hafner [Colvig's predecessor] to quit, because I called him that night, and he didn't show up, which that was like 1:00 in the morning. And the next day he called and said, "I'm stepping down," and I said, "Why?" He said, "I just couldn't take it anymore." Because he had been through the '60s and everything, and he said, "I don't want to have a heart attack in this job and die." But Ray was here. Ray left, well, in '92, '93, something like that.

02-01:11:00

Rubens:

Were you handling the recent protest –the people sitting in the trees, protesting the removal of some old oak trees to make room for the retrofitting of the football stadium.

02-01:11:14

Cummins:

I would be involved in all that.

02-01:11:15

Rubens:

I've just never understood why they don't just get them out of there.

02-01:11:18

Cummins:

Well, we can talk about that at another time.

Interview 2: May 21, 2008
Audio File 3

[Extraneous discussion omitted]

03-00:11:31

Rubens: I had a left over question from your last interview, regarding what you were reading to keep abreast of what was going on at universities while you were finishing your PhD in education. Would you regularly check out the *Chronicle of Higher Education*?

03-00:11:40

Cummins: Yes, you'd read the *Chronicle of Higher Ed*, sure, but I'd have to really think. There isn't anything that just jumps to mind right away. There was someone else that I read, who wrote about Central America, South America, Latin America, the issues in the—this was in the late sixties.

03-00:12:16

Rubens: Well, we all read Régis Debray.

03-00:12:19

Cummins: Yes, Régis Debray, but there was somebody else. And I just can't remember. But it had a big impact on me because of an expose of the United Fruit Company.

03-00:12:43

Rubens: Also, I wanted to ask you about an offer to you to live on the third story of the chancellor's house—nothing ever came of it?

03-00:13:28

Cummins: No, no. And I think probably for whatever reason—that's a very personal kind of thing. You would become part of their family in a way, but Mike and Theresa Heyman became very good friends.

03-00:13:57

Rubens: Once you began working.

03-00:13:59

Cummins: Yes. And that lasted and still lasts all the way up to the present.

03-00:14:08

Rubens: When was the chancellor's house refurbished?

03-00:14:26

Cummins: When Berdahl came. When Tien lived there he was attacked by a person who broke in, Rosebud Denovo. That was '92 I think. She was involved in People's Park and there was a campground that we discovered up in the hills by the Lawrence Berkeley Lab. And there was a notebook and explosive devices up there. The notebook targeted specific people. Tien was listed in that. There were regents who were targeted. And so anyway this was in the—

as I recall it was in the spring or early summer. And she broke into the house through the—there was a back window. And she had enough information to know that the house was alarmed. So she cut the window out, climbed in, went up the back staircase, like the maid's staircase, got to the second level. And Mrs. Tien was never comfortable in that house.

Anyway, it was a big house; you're in there by yourself. And that bothers all the chancellors' families. She always locked the door from that staircase to the second floor landing, and luckily she did, because the woman tried it. Rosebud could not get in and then went up to the third level. And when she opened the door to the attic the alarm went off. Silent alarm. The police show up immediately. By that time she had come down the steps. So there's a back door to the house with a window. And they looked in and they saw her, they knew who she was because of her background with People's Park problems, and thought that she might have explosives. And so they had Tien on the phone and told him not to leave the bedroom, to stay in the bedroom.

03-00:17:00

Rubens: Tien was there?

03-00:17:00

Cummins: He was in the house with Di-Hwa. And the police then waited for the Oakland canine unit. They got there very quickly. They went in the house. They were able to isolate her again on the second floor landing, where the Tiens were, but on the other side of the house. They got the Tiens out. She was in a bathroom. They opened the door and she had a machete and she was ready to attack the police officer and he shot and killed her in the house.

03-00:17:35

Rubens: My God, this is something I completely missed. So obviously this was an issue you had to deal with. Were there demonstrations against the police?

03-00:17:58

Cummins: No. People were just shocked by this. And Tien was amazing.

03-00:18:03

Rubens: You think this was '92?

03-00:18:06

Cummins: Yes it's about '92. He went through some terrible stuff. He had the fraternity house fire where I think three students died. He had a bomb threat where we evacuated the entire campus. The threat came in to UCPD and to Channel 4, KRON. Same threat. Bombs in five buildings on the campus. They were going to explode at five o'clock.

03-00:18:35

Rubens: Did they say who they were?

03-00:18:36

Cummins: No.

03-00:18:36

Rubens: And was this regarding the war do you think? Or was it unclear what it was?

03-00:18:40

Cummins: Yes. Again it was surrounding—I don't know if it had anything to do with People's Park. But we were dealing with People's Park, making changes there, etcetera. So anyway we had to evacuate the entire campus in two hours. The threats went to the FBI for analysis. And they said, "If you can evacuate the campus, then you should." So we did. And then the next one was the Durant Hotel situation. So we had all three of those.

03-00:19:11

Rubens: We better just say what that is for the record.

03-00:19:12

Cummins: The hostage situation. There was a crazed gunman who basically went into the bar at the Durant Hotel and held all these students hostage. One student was killed. We had a police officer, woman, Sara Ferrandini, who was pinned down in the lobby the entire night, couldn't move.

03-00:19:32

Rubens: He had somehow tied her up?

03-00:19:35

Cummins: Well, she knew that if she moved she'd be shot. He didn't know she was there. We knew she was there, because she had a police radio. But she couldn't move. And the Berkeley—

03-00:19:45

Rubens: So the pinning down was in a way her own—

03-00:19:47

Cummins: She was hiding, yes, exactly. The house break-in was not the same year I think. It was a little bit later. And what else? Oh and then we also had the Oakland hills fire. So we had an unbelievable number of terrible incidents—

03-00:20:16

Rubens: So that's '91.

03-00:20:20

Cummins: Yes, '91-92, and it was like my God, this is a curse, you just couldn't believe, it. It was unbelievable.

03-00:20:28

Rubens: The Oakland Hills fire, faculty lost their houses.

03-00:20:32

Cummins: Faculty lost their houses. We lost a student, I'm not sure how old she was. But her brother maybe was twenty-seven. He had graduated in engineering. I believe she was probably a graduate student. And a wonderful beautiful woman. And she lived up at Hiller Highlands and couldn't get out and they

actually had a recording: She called her brother saying, “How am I going to get out of here?” They had the recording and she never made it. So it was terrible, absolutely terrible.

03-00:21:13

Rubens: So Tien had to face all that.

03-00:21:14

Cummins: Absolutely. And he was unbelievable. Always optimistic. Here he was. His house was broken into and they were going to be killed, would have been, or very seriously injured if that door had been left unlocked, that’s how close it was. If she had gotten in that door, she was thirty feet from their bedroom. So God knows what would have happened. But he was out on Sproul Plaza consoling students at nine o’clock in the morning. This was all being covered. This was going live, okay, what was happening was going live on TV. It was unbelievable. He was absolutely—in terms of a resilient personality was unbelievable, and a total optimist.

03-00:22:17

Rubens: I know that Tien was very concerned about safety and access to information for students. He had information tables set up in Sproul Plaza.

03-00:22:35

Cummins: That’s right. That was called the smooth transition. That was his idea. That’s a good point you raise, because it was a very significant change. Up until that point in time the typical view was—and it used to be said all the time, that the story was that you go to class as a freshman and a professor would say, “Look to the student to your right and to your left, one of them won’t be here when you graduate,” terrible. Totally non-supportive. And so he said—and this was again tied into the fundraising efforts on the campus—“You’re fundraising from the time you make contact with that student.” That’s why Harvard and Stanford are so successful, because they know that in the long run the way that students view their experience is going to affect their willingness to provide funds to the university. So he said, “We definitely have to change that. We want students to feel welcome here. We want to put things in place that will support students to make them successful. We want to eliminate lines.” Remember how all the lines for registering, and they’d go on, and you’d stand in line for hours?

03-00:24:05

Rubens: Yes, I was just telling a student about when the long IBM computer cards came in. Otherwise you went to Harmon Gym, the old Harmon Gym, and there was no plaza, nothing was built there, and you would stand in line and there would be signs on the walls behind tables where you’d enroll in a class.

03-00:24:31

Cummins: Yes, this was before computers, before we used computers in that way. So anyway he changed that.

03-00:24:42

Rubens:

So let's just put this in perspective. Tien comes in- 1990, after Heyman, who you'd been in the chancellor's office for six years. We'll come back and pick up that history. You already knew Tien.

03-00:24:55

Cummins:

Yes, because he was the vice chancellor for research, so I knew him in that context under Heyman.

03-00:25:02

Rubens:

Had you worked much with him?

03-00:25:05

Cummins:

Well, we had animal rights issues, and I worked with him in that context, and we'd go to Sacramento from time to time. I didn't know him very well. This was when David Gardner was president of the UC system. And it was clear Tien was moved to UC Irvine to be the executive vice chancellor, and that was all in preparation, grooming his to be chancellor at Berkeley.

03-00:26:12

Rubens:

And Heyman was stepping down to go to the Smithsonian? Or do you think he wanted a break?

03-00:26:18

Cummins:

It's such a tough job, and I think even he would say that he probably should have stepped down a year earlier. You make decisions and you're going to alienate people by the decisions you make, it's just inevitable, and he was very outspoken on issues that he really believed in. Affirmative action. He wasn't a strong supporter of intercollegiate athletics. All these things catch up with you.

03-00:26:54

Rubens:

So he stepped down.

03-00:27:00

Cummins:

He stepped down. He didn't have any specific—

03-00:27:00

Rubens:

Plans at that point. And so at that point before Tien even takes office does he assemble a team to talk about the transition?

03-00:27:28

Cummins:

Oh, yes, and so at some point Tien called me. This was before he got here. He was still down in Irvine. And he said, "I would like you to stay on and I'd appreciate if you would." And I said, "Great." And then he obviously had been at Berkeley for many years. So that's very important because he already knew the culture, knew the issues, well, some of the issues. And then I'm trying to think who was the vice chancellor, actually it was Rod Park. Rod Park stepped down.

- 03-00:28:18
Rubens: His oral history has not been done, for your information. There's a small interview of him regarding his relationship to biosciences.
- 03-00:28:26
Cummins: Which is very important. But anyway so Rod stepped down. Rod was a candidate for the chancellorship and he didn't get it.
- 03-00:28:40
Rubens: Is that when he goes then to the OP?
- 03-00:28:41
Cummins: Then he leaves. Well, no, then he went to Colorado I think. He was like the acting chancellor at Colorado for some period of time actually, and has continued to play a role. He was also acting chancellor at UC Merced for a while very recently.
- 03-00:29:20
Rubens: Tien was the first Asian—well, non-Caucasian to be chancellor. Tien was born in China-
- 03-00:29:35
Cummins: Yes, he was, in Wuhan.
- 03-00:29:38
Rubens: And my understanding is that Ernie [Ernest] Kuh [College of Engineering] was quite in the running but Ernie Kuh states in his oral history that he feels his English pronunciation was not sufficient. There may have been other reasons.
- 03-00:30:08
Cummins: Oh, no, no, I don't think so. In fact I think Ernie Kuh had better language skills than Tien. Oh yes and one of the interesting things that I had to do was I got a call from somebody who coaches people in speaking, and he told me what his background was and he said, "I think I can help Chancellor Tien with his language skills, pronunciation." And I checked him out and he was very good. So I had to go in and tell this to Tien. I said, "This person called." And I had also been hearing this. In other words he would go to events and people wouldn't understand him. Or they would have a meeting with him and they'd come out of the office and they'd say, "What was that about? Tell me what he was saying." And just to give you one example, there was a Cal Performances event where Mikhail Baryshnikov was here and they had a reception afterwards, so they asked the chancellor to come and welcome him. And a lot of donors were invited to this thing. So I wasn't there, but Mike Smith [UC General Counsel] mentioned this to me, that in introducing Baryshnikov, Tien said something about "We're so pleased to have one of the greatest dancers in the state of California." And then just—now his name is hard to pronounce anyway, but really mispronounced the name. And everybody was taken aback. And so this was a common theme.

But the interesting thing was that it didn't really make a lot of difference because—and it was a big lesson for me. It was the way he conveyed things, which was always very optimistic, very positive, upbeat. That's what people remembered. They didn't remember what he said. They didn't. And so anyway when I went in to tell him this about the person that could help him, and this is hard to do, by the way, go in and tell him something.

03-00:32:54

Rubens:

How did you do present this? Did you talk it over with Peggy first?

03-00:33:00

Cummins:

That and Mike Smith, the university lawyer, and some others. And so he said, "Well," he said, "Henry Kissinger has an accent and people understand him. And I don't think I need any coach." So I just dropped it. The difference is that they could understand Henry Kissinger and they were having difficulty understanding him because of the Chinese accent. It was pronunciation issues, this kind of thing. But as I say it really made very little difference. People were worried. Everybody worries at the outset of the term of a new chancellor. It doesn't make any difference who they are. Are they going to succeed, are they going to be good for Berkeley, etcetera?

03-00:33:50

Rubens:

So was it not so unanimous? Was it very contested?

03-00:33:58

Cummins:

Well, no, I don't think it was contested in the sense that David Gardner knew who he wanted and got him.

03-00:34:06

Rubens:

And why?

03-00:34:06

Cummins:

I think it was very wise on his part. Because the Asian population in California was growing, the number of Asian students—and I know even Asian is not a correct term now, because there many, many distinct Asian groups. But anyway David Gardner I'm sure thought that this would be very wise. And Tien was highly regarded in his field. He was chair of mechanical engineering. He was the vice chancellor for research here at Cal. He was then executive vice chancellor of Irvine. He had all the right grooming for this job. And people, just like at Irvine, they loved him because he was so engaging and so positive.

03-00:35:00

Rubens:

Well, then I think he had pretty solid connections with China through research. Ernie and he traveled together.

03-00:35:07

Cummins:

Oh, unbelievable, oh, exactly, at the very highest levels. No question.

- 03-00:35:14
Rubens: So they must have hoped he would be opening more doors.
- 03-00:35:16
Cummins: And he did. Just by who he was, helped Berkeley become a really major international university. Not that it wasn't before, but it just really elevated. And Tien—I didn't travel with him in Asia, but people that did said in Hong Kong and Taiwan and places like that he'd go out in the street, he was like a rock star. People would come out of the stores to see him.
- 03-00:35:49
Rubens: He was not a physically big man.
- 03-00:35:50
Cummins: Very short, five-six I'd say tops, five-five, five-six.
- 03-00:35:53
Rubens: But something magnetic about him?
- 03-00:35:56
Cummins: Well, and he was really good at remembering people's names, recognizing them, never forgetting it. The students. In his time was when having your picture taken with the chancellor became a huge deal. It really did. People would do anything to get their picture taken with him. It was very interesting, it really was. And of course he went out of his way to build these relationships with students. So I think his greatest contribution—I think I've said this already—was getting us through very difficult budget times simply by force of his personality.
- 03-00:36:42
Rubens: Well, let's hold off on the difficult budget times. Regarding the smooth transition. That was his word? I thought there was another phrase, something like humanizing the face of the university.
- 03-00:37:06
Cummins: He had such a good sense of public relations and press.
- 03-00:37:09
Rubens: So is this something you're talking about when he's asking you to stay on and he's assembling?
- 03-00:37:12
Cummins: No, no, not at all. This emerged over—
- 03-00:37:15
Rubens: Once he's here this emerges. And he and probably someone else helped say, "We are going to have aids in the Sproul Plaza and it's going to direct kids where to go."

- 03-00:37:26
Cummins: Yes, and it's going to be very visible, and he also was somebody that was always walking around. And that's very important, I think, for the leader of the campus.
- 03-00:37:34
Rubens: To be seen. You know what else I remember distinctly? Is that there were more lights on campus.
- 03-00:37:40
Cummins: That was a very big issue too, the safety issue.
- 03-00:37:47
Rubens: A women's—
- 03-00:37:47
Cummins: That's right, Take Back the Night.
- 03-00:37:50
Rubens: There was a courtesy van, a security van that women could call. Call buttons were on some of the lights; you could also make a call if you were scared. That hadn't existed.
- 03-00:38:03
Cummins: No, that was all Tien's.
- 03-00:38:38
Rubens: How did Tien handle the killing of Rosebud Denovo?
- 03-00:38:44
Cummins: It's astounding, how he handled it personally. He had this remarkable optimism, it never wavered. It was incredible. I've never seen anybody quite like it. This is another example of language-related issues. But shortly after he became chancellor there was a national Sunday morning talk show. I think it was called "Sunday Morning" or "Good Morning" or something. I think it was ABC. And it had high-profile people on it, Sam Donaldson and people of that level. And so anyway he was invited to be on, and I thought, "I don't know if he's ready for this yet." And Ray Colvig, he always called me, and I wasn't at my desk. So he just called Joyce De Vries and said, "Would you ask the chancellor if he wanted to do it?" And he said yes. So I had some reservations about it because—And normally Ray and I would have talked about that. And we may well have concluded, "Well, that's up to him. He's got to decide."
- So we have a dry run of this. We had it over in Dwinelle Hall. We set it up exactly like what he would be facing, and we had people playing the roles of Sam Donaldson and others, very smart people, faculty people, asking questions. And he was in a room by himself with just the earpiece, because that's the way we knew they were going to do it. So they came out and they did a clip of Berkeley that they were going to use as an intro. And then that

morning he and I got picked up by the ABC car and driven over to the city. It was like six in the morning, earlier than six, because that's when the show went on, on the east coast

And so the *New York Times* had a piece about George Bush Sr., it was on the front page, addressing I believe it was the University of Michigan, talking about political correctness. And I said, "I'll bet you they use that as the lead-in." Because that's what the topic was. "They'll use that and then they'll turn to you and say, 'Is this the way it is on college campuses, that everybody's politically correct and blah blah blah?'" And I said, "I would say, 'That's absolutely not the case, not at a place like Berkeley. There are lots of interactions,' to get this thing started." So they did that. They used the Bush clip. And then they cut to this guy who was a professor at Yale, a dean and professor. And he was conservative, and he played into the party line, and then they went to Tien. And Tien said something that you couldn't really follow, okay? I couldn't tell you really what he said. What they did was, when we got to KGO, they put him in a chair just like I'm sitting in and they put a screen behind him that had a photograph of Berkeley—probably the Campanile.

03-00:42:38

Rubens:

Just a head shot.

03-00:42:38

Cummins:

That's it. He's sitting there. And it was very awkward because of the time delay. There was about a second and a half time delay from the east coast. So you'd get a view of him. They'd ask the question and then you'd see his face and he's still listening, but you've already heard it on TV. And so that created a little—so anyway I don't think they could understand what he said. And they didn't go back to him. And then later in the program they went back and they were talking about the Asian admissions controversy at Berkeley. And what he had done about it. And the answer was real simple, that basically yes, there was an issue that was raised. However, we've dealt with that. If you came to the Berkeley campus you would see that 29 percent of our student body is Asian. And so he said, "If you came and you walked on Sproul Plaza you would see we have twenty-nine Asian students on the campus." Okay. And I'm thinking, "Oh, God." And so then we're driving back in the car. And I thought, "Do I tell him that he said that?" This is my role all the time. And it's tough. So I said, "I thought that went really well." Didn't. I said that anyway as a lead-in. And then I said, "Do you realize that you said twenty-nine, not 29 percent?" He says, "Oh, no, no, I said 29 percent." And I said, "No you didn't." And he says to me, "That's your fault because you over prepared me for this," okay? So of course I go home, I talk to Peggy about this. And she says, "That's very typical of the optimistic personality. They don't allow in their role when things go bad. They project it out. So otherwise it would affect who they are." And I thought, "Okay."

03-00:44:49

Rubens: That's really fascinating. And it's a useful analysis.

03-00:44:49

Cummins: That's right. Useful analysis. And so I thought, "Well, that's the way it is. He's not the only one." When we had the Loma Prieta earthquake Mike Heyman was chancellor and I was in Washington when that happened and he was on the board of PG&E, and they had their motto, "At your service." And so they were spending millions of dollars at the Marina, in San Francisco, putting up showers and on and on over in the city helping all these people. And when the Loma Prieta earthquake occurred there wasn't a lot of ground motion in Berkeley, and Mike was over at University House and he got a call from a reporter for the *Chronicle* who said, "Will the university be open tomorrow?" And he wasn't aware that the *Nimitz* was down and the Bay Bridge was down. And he said, "Of course, business as usual." Well we got more mail on that topic. People were furious over this comment.

03-00:46:01

Rubens: Parents particularly?

03-00:46:02

Cummins: Oh, employees, students, everybody saying, "What? This is business as usual?" And so anyway when I got back and then he got back from this board meeting, and we had more mail than you could imagine, and he says to me, "Well, if you had been here, none of this would have happened." And I thought, "How did I get in this role, okay?" So it's typical. It's not uncommon.

03-00:46:34

Rubens: And so Tien never took language lessons, diction?

03-00:46:43

Cummins: No he did not. No he would not. Would not.

03-00:46:43

Rubens: And denied knowledge that it was an issue.

03-00:46:45

Cummins: That's right, that's right.

03-00:46:51

Rubens: He did seem beloved by the students. He was an important presence on campus; people wanted to have their picture taken with him.

03-00:46:57

Cummins: Oh, a hero. He was a rock star. We never had anybody like that I don't think.

03-00:47:04

Rubens: So he was chancellor until 1997.

03-00:47:07

Cummins: Yes, he was chancellor for seven years, '90-'97.

03-00:47:11

Rubens: And what led him to resign? Did he know he was sick?

03-00:47:18

Cummins: No, not at all. He was in line to be Secretary of Energy under Clinton. So he would have been the first Asian American Cabinet-level appointee. And that's when this issue of—we were dealing with VIP admissions. I think we mentioned this. Affirmative action ended in '95, and the Legislature then was concerned, "If we're not doing affirmative—"

03-00:47:55

Rubens: '95 is the result of—

03-00:47:58

Cummins: Regents' action, SP1, and then 209 was 1996. And that's when he stepped down. What happens is the Legislature, principally Tom Hayden and Quentin Kopp, go after what we called VIP admissions, which is if you have a connection with—you're a regent, a legislator, a donor, etcetera, you could have some influence over the admission of a student to UC. We had a committee, and we were exceptionally careful about it. So we would review all these cases very carefully. Pat Hayashi chaired the committee, and he did a really good job, and it was very careful. Three to five a year would be the most that we would admit.

03-00:49:08

Rubens: And these were undergraduate admissions.

03-00:49:11

Cummins: Undergraduate. We would never touch graduate admissions—that was at the behest of the colleges and departments.

Pat Hayashi was in charge of admissions, so that's why he was chair. So anyway they have a hearing in Sacramento and they ask for all records related to this committee. And we had, God, 1,000 pages of stuff that we provided. I forget how many years they wanted us to go back.

03-00:49:53

Rubens: But do you think it went into the sixties or the fifties?

03-00:49:57

Cummins: No. In those times it wasn't such a deal because there weren't so many people that were being rejected. So it just—and the privates do this all the time. I think at Harvard they admit only 10 percent of the class on the basis of academics. They're all very good but—

03-00:50:30

Rubens:

So do you think that went at least to the eighties when Heyman has to start dealing with the alleged over representation of Asians?

03-00:50:39

Cummins:

It may have. It may have gone back that far. And then I knew Tom Hayden from my previous work. And he called me and he said, "Would you help me understand all this information?" And I said yes I would do that, but I said, "I'm going to do this very quietly. And I don't want you ever to say that I did it, okay?" And I didn't tell Tien I was doing it.

03-00:51:19

Rubens:

And you do not want this publicly known for what reason?

03-00:51:24

Cummins:

In part because Tien was—oh gosh. He was very difficult to work for. He was very controlling about who got what information. I had no idea what he would think about this. But I knew that it would be advantageous for us to do this. And the legislature had focused on Berkeley and UCLA. So I said to Tom, "Yes, I'll do it, but we'll do it somewhere off campus."

03-00:52:02

Rubens:

This is called back-channel, it's negotiating.

03-00:52:07

Cummins:

Exactly, yes. And so we went down at Brennan's [a restaurant/bar in Berkeley] at ten o'clock at night and basically I went through the whole thing. Explained the committee, how it worked. I said we were extremely careful about the number of people, we never admitted anyone that could not succeed here. Most of these cases had to do with somebody who missed a test score or some minor thing, or they were highly competitive but just missed the cutoff or whatever. And he had all the stuff that we gave him. He asked me questions about some of it. So then we had the hearing in Sacramento, and Tien did not go. So it was me, Pat [Hayashi], Genaro Padilla, who was the vice chancellor at that time. And Pat reported to him. And then Chuck Young was there for UCLA.

03-00:53:12

Rubens:

Was Padilla then one of the first high-level Hispanic—

03-00:53:18

Cummins:

Yes he was, and appointed by Tien, exactly. So Chuck Young went first as chancellor at UCLA, and they had a lot more people that they admitted this way than we did, and they had this model elementary school that all the movie stars got their kids into. So I figured they'll spend so much time with Chuck. That'll be good. And towards the end they'll have less time. And so that worked. And when they got to us we're walking up. There's a shift change. The people that are up there testifying step down. Then this new group walks up. And Hayden says, "Well, I want to thank John Cummins for meeting with me." I thought, "Oh, you've got to be kidding me." And luckily there was so

much going on that people didn't pay any attention. But people wonder then. Like Chuck would think, "What the hell is he doing?"

03-00:54:56

Rubens: Did Chuck hear?

03-00:55:00

Cummins: He never said anything to me if he did. So we basically told them what we did again. And he said, "It's hard to believe that that's the number, that's the only—such a small number."

03-00:55:11

Rubens: Especially compared to UCLA.

03-00:55:15

Cummins: Yes, and so I said, "Well, put us under oath if you're challenging our veracity. Then put us under oath." And that ended it. But what happened—this gets back to Tien and the secretary of energy position. A *Washington Post* reporter got hold of some of this information. And one of the people that we admitted had ties to the key person in the Asian fundraising scandal in the Clinton administration. Remember with Al Gore and this temple down in Los Angeles and on and on? And so his name, Tien's name, had already been sent over to the Senate committee. He was on the top of the list was my understanding. Henry Cisneros and Walter Shorenstein were big backers for Tien. And he was very worried about this article. This was in January. He had already

03-00:56:17

Rubens: You get wind of it. It's not that it came out.

03-00:56:22

Cummins: No but I knew it was coming, and what I said to Tien was—I said, "I'll talk to the reporter and I think you should talk to the reporter so he doesn't think we're hiding anything and explain this, okay?" Because in the particular case the student applicant was a very good student and the only thing that she was missing was a test score. All of her other test scores were very high. That test score—

03-00:56:47

Rubens: And was she Asian?

03-00:56:49

Cummins: Yes. That test score came in and it was also very high.

03-00:56:53

Rubens: Let's stop to change the tape.

Audio File 4

04-00:00:00

Rubens: This young woman's father was connected-

04-00:00:36

Cummins:

To the Asian fundraising scandal that was very prominent at that point in time. So the article did not come out on Friday, and I was leaving for the week-end to ski. That Saturday morning —this was in January— and I called my brother who lives in DC and I couldn't get him, I just got the answering machine. Then I called Theresa Heyman and I said, "Do you get the *Washington Post*?" And she said yes. And I said, "Would you look in there to see if there's an article?" So she said, "Okay, call me back in ten minutes." So we're on our way to Kirkwood, and again the cell phones weren't all that great. So I get her on the phone and she says, "Yes, there's an article, a big article in the *Washington Post*, and you're not going to like how you're quoted." And then we lose contact. That's the last thing she says to me. We lose contact.

So then as soon as I get to the ski lodge, I call her and I get her answering machine. And I call my brother back and he's there and he reads me the whole article. So the quote—and it's all about this whole process, VIP admissions . And the quote from me had something to do with—and I think I can get that article for you. It had something to do with "Yes, we have this process. This student was a very good student." It laid out everything. And then the reporter says, "But if you didn't have a committee like this what would have happened?" And I said, "She could have fallen through the cracks." With Tien, they quoted him towards the end of the article, and John Huang was the person in the Clinton administration who was working with these Asian donors, playing this critical role, and he was very prominent in the press. Tien is quoted as saying, "Oh, yes, I know John Huang. He's a good friend of mine." And I thought, "Oh, Jesus, that is just going to—God knows what is going to happen" and so I called Tien immediately.

04-00:03:11

Rubens:

Is it true?

04-00:03:13

Cummins:

I don't know. I don't know. A lot of people say they're good friends. He did know John Huang. He was very well connected, amazingly, in the Asian communities. So it wouldn't surprise anybody if he knew him. But so I called Tien right away and I said, "The article is out. It was read to me. It's not very good. I really hope this doesn't hurt your chances." And he said, "I don't think it will." And I thought, "No, this will." The next day, Sunday, he got a call from Cisneros saying that they were going to have to withdraw his name because of the article. And it was so unfair. It was totally unfair. He would have been an excellent secretary of energy. That's the way life is.

The story is that he is at home and he gets a call from the White House and his son says to him, "The Vice President is on the phone for you." So he picks up the phone and he says, "Al, how are you doing?" Al Gore was not the Vice President anymore, Dick Cheney was. And that's how the conversation began. And then he said he offered him—he was calling on behalf of the President to

offer him this position. And the first person he called after that phone call was Clinton to say, “What do you think? Should I take this or not?”

04-00:05:34

Rubens: Because of going into a different administration, a Republican.

04-00:05:36

Cummins: Yes, right. And he said Clinton said, “Definitely you should take it.” So that was interesting.

04-00:05:42

Rubens: What is his background?

04-00:05:55

Cummins: He was an alum of Berkeley. He was here. I believe he was actually in one of the camps, the internment camps. I’m almost certain he was.

04-00:06:07

Rubens: So he’s Japanese.

04-00:06:11

Cummins: Yes. And Pat Hayashi also was in an internment camp as an infant. Then Mineta was on the city council and then mayor of San Jose, then was elected to Congress back in the seventies. Terrific. Just one of the most wonderful people I’ve ever met. And then was in Congress, played a very key role in Congress for a long, long time. And then was appointed the first Asian American to—was also given the—

04-00:06:44

Rubens: To be at the cabinet level, commerce under Clinton.

04-00:06:48

Cummins: And then Secretary of Transportation under Bush. And then he got something like the National Medal of Honor, which is the highest award you can get, from George Bush Junior. That’s an astounding record. And he was the one that had to deal with all the airplanes in the air during 9/11 —grounding all the airplanes and deal with that.

04-00:08:26

Rubens: I had us digress. And so back to Tien learning from Cisneros that he wouldn’t be appointed, was Tien pretty upset?

04-00:08:37

Cummins: He never showed it. Again he was an amazing person. He never let this stuff get to him. Was absolutely amazing.

04-00:08:44

Rubens: Did he maintain a lab the whole time?

04-00:08:47

Cummins: Yes.

04-00:09:03

Rubens:

When did the day start for Tien as chancellor?

04-00:09:04

Cummins:

Well, he would wake up around six in the morning. He always reviewed his calendar for the day, to see, to make sure that his meetings fit with his overall goals and objectives. And then at the end of the day he would review it again to make sure they did or not. And if he found out that a meeting didn't then he'd never have a meeting like that again. He always had a practice of having a clean desk at the end of every day. So often this meant that he worked till one, one-thirty in the morning. He'd have all the meetings during the day. He'd have the typical dinners and events in the evening. Then he always came back to the office. So many times if I wanted to see him I'd come in, because I knew he'd be there, late at night. And every day with one exception in the seven years he was chancellor he had a completely clean desk. All phone calls returned, all mail reviewed with all his notes on it at the end of every day. Astounding.

He also could sleep at will. If he were going to Washington and knew he was taking an early plane, he'd stay up all night because he'd just fall asleep on the plane. He could do that. He had this ability just to sleep at will. Extremely disciplined. Always upbeat. The only time I ever saw him in the least bit down was when they were doing the presidential search for Atkinson. And that was being chaired by Roy Brophy, who was the chair of the Board of Regents. And Ward Connerly and Brophy never got along. And Connerly was trying to maneuver on the side and was talking to Tien about if he, Connerly, could orchestrate something where all the regents would end up supporting Tien, would he take the job. And it was a very, very awkward position for Tien to be in.

04-00:11:28

Rubens:

So just to clarify—

04-00:11:32

Cummins:

Well, first of all, you can imagine, you're a chancellor, the president's position is open, the chair of the board is chairing the search. Tien said right at the outset, "I'm not interested." Brophy told me, "When anybody says that, they're out, I'm not going to consider them. If they don't want the job I'm not going to obviously waste my time dealing with them." He really liked Tien and everything. It was no issue. But Tien said, "No, I don't want that job." So then Connerly in a back channel goes to Tien and says—because they were struggling in this search for various reasons. And he said—Connerly and Brophy never got along—"If I can convince the majority or most of the Board of Regents to appoint you, will you take the job? I need to know that because I think I'll be able to do it." And there are confidential meetings of the search committee that are occurring, and they're tape recorded. I don't know why they do that, but they were tape recorded. And Campbell, who was the head of the Hoover Institution, was a regent at that time, and released some of these

tapes to the press, which is just terrible. And the alumni regent was our alumnus, David Flinn, who is now a superior court judge in Contra Costa. And he made statements to the effect when Tien's name came up that he had talked to faculty and other senior administrators on the campus and there were people who thought that Tien just was not a very good manager. Now I don't know how he got that impression. But anyway this is in the transcript that's released to the press that's printed in the *Chronicle*.

And in that meeting they talk about Connerly says, "I didn't talk to Tien." And it's absolutely false. Of course he talked to him. And I don't know if he said it in that article, I can't remember, or later, that he had never approached Tien, or something like that. That was absolutely not the case. But that's the only time I saw Tien somewhat dispirited. And it was very brief. Because it's so mean. It was. Yes you get caught up in these things from time to time. Senior administrator, the politics can be very, very mean.

04-00:14:41

Rubens:

What is going on? Let me just stay with this for one minute. Campbell is head of the Hoover at Stanford. He's appointed a regent—

04-00:14:47

Cummins:

Reagan appointed him.

04-00:14:54

Rubens:

And is he trying to besmirch Cal, UC? What's going on that he would release these tapes?

04-00:15:00

Cummins:

I don't know. I just don't know.

04-00:15:02

Rubens:

But Tien doesn't look good and then Connerly is going to not move ahead. And the fact was Tien didn't really want it so that was okay. Tien was going to be a wedge for Connerly against Brophy.

04-00:15:15

Cummins:

Yes.

04-00:15:18

Rubens:

But you're saying the upshot of the story is about the fact that Tien weathered things so well, handled things.

04-00:15:26

Cummins:

He did. He did. And there was a football game that weekend and Dave Flinn was up in the press box and Tien—

04-00:15:34

Rubens:

Remind me who Dave Flinn is?

04-00:15:34

Cummins: He was the alumni regent who made these comments about Tien's management. I don't know what that was based on because I never had the view that Tien was not a good manager. But anyway, he got into an argument, Tien, which was also highly unusual, into a real shouting match with Flinn up in the press box about—was really incensed that he would make such a statement.

04-00:16:04

Rubens: What is your job title during all this? Does he call you chief of staff?

04-00:16:59

Cummins: Yes. That's where I think the title finally emerged.

04-00:17:03

Rubens: Heyman said he didn't like the term.

04-00:17:04

Cummins: Yes, and it was even later in Tien's term.

04-00:17:09

Rubens: But effectively that is what you are. You are the last door to him, in a way.

04-00:17:16

Cummins: Yes. Well, I would never—and no chancellor I ever worked for wanted that—to try and protect him. And I would advise him about whether it would be worth meeting with somebody or not. Or sometimes it was just totally obvious that he wouldn't meet with a person. But any faculty member, anybody that had standing, I would never make that decision. I might advise him, but I would never restrict him. And then the role of his executive assistant, who was Joyce De Vries at that time, that's a very important role on the campus, because that individual sees all the mail, gets the initial phone calls, has to decide basically how you're going to funnel out that mail and who's going to take responsibility for it, does his calendar for him. It's a very hard job, very important job. And so she or whoever is in that role when it wasn't her would do those kinds of things as well, making sure that things got done.

So my role, those people report to me, but I left them alone to do that job. My role would be when there was some difficult issue that arose about well who's doing this or are they doing it well or we've got a big problem here, how are we going to address this or that or who's writing his speech for this, that kind of thing, or somebody better review this and get this done. What about this regent's item, what about this protest, who's doing that. That story I just told about going to ABC for the Sunday morning show, should he talk to this reporter or not, all those things.

04-00:19:30

Rubens: And what's your typical day? How does your day start? And how often do you talk to him? And days obviously were not typical when you have shootings or other crisis going on.

- 04-00:19:48
Cummins: I think for all the chancellors always an open door, so any time I needed to I could go in there. Virtually any meeting I wanted to attend, not all, but most of them. And I'd always check with the chancellor first.
- 04-00:20:07
Rubens: I would think sometimes he would say, "I want you at this meeting."
- 04-00:20:08
Cummins: Oh, many times, yes, would say that as well. So typically I start early, eight o'clock at the very latest, and then typically I would be there till at least six.
- 04-00:20:24
Rubens: Tien is at Cal Hall?
- 04-00:20:29
Cummins: They're all at Cal Hall but there was a period of time at the beginning I think—yes, beginning of his chancellorship, where he moved to University Hall while they were doing renovations. But basically always an open door.
- 04-00:20:47
Rubens: And where's Ray Colvig and then his successor?
- 04-00:20:49
Cummins: He's over in Sproul, 101 Sproul, from day one.
- 04-00:20:56
Rubens: Did you have a regular meeting with your staff or with him?
- 04-00:21:03
Cummins: Not a lot. I do from time to time, depending on what's going on. But my style of managing is get the good people and make sure they're good and then let them go and do their job. And then the only time I would get involved would be if there was some complaint about somebody, they're not doing this, they're not doing that, or it's a style issue, that kind of thing.
- 04-00:21:30
Rubens: Or somehow someone's feathers are ruffled.
- 04-00:21:34
Cummins: That's right, exactly, exactly.
- 04-00:21:39
Rubens: Berdahl said that you and he, "We met every day at eight-thirty." but we're not talking about him right now.
- 04-00:21:45
Cummins: No, so we did that. I always had standing meetings with the chancellor, but I was typically in and out of that office so many times that it didn't make any difference. So then you'd have a variety of meetings depending on what issues you're dealing with.

04-00:23:06

Rubens:

We're about to finish today, and I was wondering, as an example, who you met with after the attack on Tien: of course the campus police-

04-00:23:42

Cummins:

I was on vacation when that incident occurred and Dan Boggan had the responsibility because the campus police reported to him. Typically, we always had what was called an operations group, and we just used that as a euphemism, because we were always concerned about any record that we had being disc losable under the Public Records Act. And we didn't want to call it protest management. So we called it operations group. And it always involved people from police, public affairs, student affairs, somebody from the academic senate, HR often if it were labor-related issues. Who else would we have in there? We'd have somebody typically that was responsible for physical plant, because if you'd have major disruption, campouts, all that kind of thing, how were you dealing with that, how were you cleaning up? It would depend. Sometimes we'd have the fire marshal come. A lot of it depended on what we were facing. But we always did this as a group. Student conduct obviously would be there. We'd always have—like Mike Smith would be there, the attorney.

And we would try and think things through as much as we could about what we were facing. In the most difficult times we would meet every day or maybe twice a day. And depending on the magnitude of the issue—the way the operations group worked was that any vice chancellor or the chancellor could come at any time. They all knew when we were meeting. It would typically be in the most intense times like sometimes seven o'clock in the morning, seven-thirty.

04-00:25:45

Rubens:

You always chaired this?

04-00:25:50

Cummins:

Yes. And they could all come if they wanted. Not many times, but in the most difficult times they would all come. But on an ongoing basis, like when we were dealing with the anti-apartheid protests it would just go on and on and on and on and on, none of them could ever get their work done. So I think that's one of the reasons why I chaired this, to move things along, because they simply couldn't do it. And that helped a lot.

And then we would have their key staff be on this group, and they were always reporting back to—

04-00:26:23

Rubens:

The key staff of?

04-00:26:23

Cummins:

Various vice chancellors so that they had the information they needed. And then you're always dealing with what statement are we going to put out, and

on and on and on. And then you'd have after finally it ends, because the school year ends, then sometimes we'd have a retreat. We'd just go away for like two or three days and rehash everything and what are we going to do now. For example we had no rules with regard to campouts. So we had to change the student conduct code to deal with that. Changing the student conduct code requires all this consultation with student groups and others and attorneys and the president's office and on and on. It's all very, very bureaucratic; regulated.

04-00:27:15

Rubens: So you're remembering a particular retreat?

04-00:27:18

Cummins: Oh, yes. Yes, we definitely had these.

04-00:27:20

Rubens: Where would you go?

04-00:27:22

Cummins: Bodega Bay was a favorite place. There were a couple of inns we'd use. It was just quiet. And this was for maybe twenty, eighteen, fifteen people. Bigger ones took place in Asilomar.

We'd review everything. Between '85 and '86 the police chief at that point was Daryl Bowles, and we traveled around. We went to Cornell. We went to a couple of other campuses, talked to the police, their student affairs people. We visited Columbia. What were they doing to deal with this stuff? So we did a lot of planning, constantly reviewing, just as you go, about various police actions. There are a whole slew of things that happen in any kind of police action that you just start to count on because you're going to get accusations of police brutality. Then that sets off a whole slew of actions that have to take place. There's a police review board that's part of the campus police department. And so you're dealing with that. You're dealing with press inquiries all the time. You're dealing as the years progress with email. That is an enormous workload.

04-00:29:34

Rubens: A question I was going to slip in there. Do you remember when computers came in?

04-00:29:40

Cummins: When they hit first with major impact was over the Israeli Palestinian issues in 2003. That's where people were really getting sophisticated. And we'd arrest people in Wheeler and we'd have—I never will forget sitting at my desk. This is about six, six-thirty at night. And all of a sudden I'm just looking at my computer and it starts rolling, hundreds of emails coming in from all over the world, okay? So this is something obviously that they had orchestrated. At this point it was Students for Justice in Palestine. And they had a network and they

were very good about using computers. So we got like 1,500 emails alone on that issue.

04-00:30:37

Rubens: But just backing up, even from—

04-00:30:42

Cummins: '85 and '86 we didn't have computers. But the sophistication by 2003! And I know that San Francisco State had the same thing.

04-00:31:02

Rubens: And what about faxing?

04-00:31:22

Cummins: That and also people faxing the chancellor's office. So the labor unions would tie up our fax machines, okay, it would just keep coming and coming and coming.

04-00:31:36

Rubens: Well, we're close to eleven and need to stop. Is there anything you'd like to say in closing?

04-00:32:06

Cummins: Well, I just want to say this about Tien. Being the walking around chancellor, and being so intent on reducing those lines over for financial aid and other reasons that were stringing out of Sproul Hall and down the steps, so he would go over and check. And the staff was so—I wouldn't say paranoid—about this, but they had people that were out there watching for him, is he coming, okay? And then they would do whatever was required. And I just always thought that that was really funny. And it worked. The chancellor decides something. That's important. We better get it done.

04-00:33:00

Rubens: Did you play golf with Tien?

04-00:33:12

Cummins: Oh, well, he told me—again, Tien was hard, very hard to work for. He said that it bothered him that I played golf because it didn't look good, people would think I was slacking off and not doing my job. I didn't play golf during the work day, okay? I thought, "You've got to be kidding me." But that's the way he was. And so you had to accommodate for that.

04-00:33:45

Rubens: Funny, I had asked you off tape last time when you had taken up golf. And you said as a young man.

04-00:33:54

Cummins: Third grade. I just loved the sport, but I never played competitively.

04-00:33:59

Rubens:

At your retirement party there were several references, jokes, about your passion for golf. Do you think Tien saw golf as a class marker?

04-00:34:23

Cummins:

I don't know. But as I said, we spent more time talking about my role. He was always interested in my role. And I don't know if it was a matter of trust or what it was. I think I told you he said I had the hardest job. So he said, "You definitely have the hardest job here." And I said, "Why?" And he said—because in Chinese history the emperor had a person like me, and the emperor was always afraid that this person would poison him. And I laughed. I said, "Well, I don't think you have to worry about that" or something.

04-00:35:22

Rubens:

And what about that you were not a scientist? Did that have any—

04-00:35:50

Cummins:

That's something worth talking about too, because who these people are and their disciplines affect how they manage. It's absolutely the case. No question at all.

04-00:36:04

Rubens:

I have a left over question in my notes from last week. You mentioned that when Tom Hayden called you and wanted to talk to you about VIP admission, that you'd known Tom, but I don't think we discussed that.

04-00:36:34

Cummins:

I didn't know him when I was at Wisconsin. So it had to be out here. When we lived on Prince Street in Berkeley, there was a house that he lived nearby, with Jane Fonda, on Bateman Street. But that manifesto, he wrote the SDS manifesto, the Port Huron Statement, was one of the things that had a big impact for sure.

It was so interesting, because he was the one that held the hearing on the VIP admissions as I said. And I saw him in the airport at one point in time with his son. And I can't remember if it was before or after the hearing. He introduced me to his son and he said, "He's the guy that you talk to if you want to get somebody admitted into Berkeley." Just these connections.

04-00:39:21

Rubens:

You did not after the hearing approach him, "Hey, Tom—"

04-00:39:23

Cummins:

No, I just let it go.

Interview 3: May 29, 2008
Audio File 5

05-00:06:26

Rubens: I have not provided much structure for these interviews so far, but they have yielded wonderful insights into how the campus works, the various crises you faced, the exigencies of being an administrator, comparative styles of chancellors and more. More of a structured, comparative discussion about administrative styles or specific issues is probably in order. I need guidance from you. I do think we will eventually go systematically through some of the major issues.

[Organizational conversation omitted]

Why don't we discuss one of the significant issues on campus, that is how the campus deals with diversity, staff training on diversity and the like.

05-00:10:37

Cummins: Well, there was a big focus on affirmative action. It actually started under Bowker. And Jimmy Carter I believe had issued an executive order. Mike Heyman was vice chancellor. And if you received federal research money then there were certain affirmative action policies that you had to have in place. So this would have been 1977 or so, late seventies.

05-00:11:15

Rubens: Title IX regarding equal opportunity in education was so important for women, in 1972. That was a watershed. But that's different from this executive order, okay.

05-00:11:24

Cummins: Yes. So anyway there was an issue that we had with research money, I think it was from the Office of Naval Research. And it became a big deal. And I don't know if Mike talks about it in his oral history. But he had to go back to Washington as vice chancellor and work out the agreement between—I think it was the Department of Labor and the campus about our affirmative action policies and procedures. If you got federal money then there were certain obligations that came with it as a result. There always are. And that was one of them. And there was an issue about whether we were in compliance or not. And I'd have to go actually, or you could go back and talk to Mike about that. I just can't remember the details. But that was the beginning. And then Mike became chancellor in 1980 and that was one of his big pushes, even as vice chancellor. I think we talked a little bit about that where I went over and talked to him out of the blue about this. And so this became very important to him. It was one of his top priorities. And one of the first things he did early on was to appoint Mac Laetsch as vice chancellor for undergraduate affairs and to make certain policy decisions which he did unilaterally. He did not consult with the Academic Senate about these decisions, which is very interesting. And he told me that if he did that it would have taken forever to work these

policies through. So he just made the decision. The decisions were—and we're probably around it's in the like maybe 1983 or so, '84. And he basically decides that if you are UC eligible, which means you meet the basic admissions criteria for the university system, certain what they call A to F requirements, you've taken certain courses, you have a certain grade point average, certain test scores, etcetera, you're admitted to some campus of the university. There's obviously a difference in going to Berkeley, say, as opposed to going to another newer campus. And this standard gets higher simply because of the number of applicants and the quality of the students.

05-00:14:40

Rubens:

And that had been pretty consistent since the fifties.

05-00:14:41

Cummins:

That's right. And so he concluded that in order to increase the number of underrepresented students, if you were UC eligible you would automatically be admitted to Berkeley if you were underrepresented. The second decision he made was—housing for undergraduates was very scarce then. And he said again if you were underrepresented and met UC eligibility criteria you were automatically admitted and you automatically got housing. So this was a huge incentive obviously for underrepresented students. And our numbers went up.

05-00:15:30

Rubens:

Did he have a committee define what the underrepresented students would be?

05-00:15:37

Cummins:

Well, at that point in time I think it included Asian, as well as African American and Hispanic. I don't know. I just can't recall because I think already at that time the number of Asian—

05-00:15:54

Rubens:

It was growing, but I do believe you're right. We'll double-check this that it included Asian, because it's then going to pose a problem later on. He's going to have to deal with overrepresentation.

05-00:16:06

Cummins:

Absolutely. So those were two key policy decisions. Mac Laetsch also hired Francisco Hernandez as an assistant vice chancellor who was very close, had very good contacts with the Latino community.

05-00:16:33

Rubens:

Had he come from within the university?

05-00:16:36

Cummins:

Yes. I believe he was at the university in some capacity. I can't remember what his job was. But he worked for Cesar Chavez. He was a community organizer. So he had very good ties. And he took on the outreach function for the university and ended up being very successful in that position.

So there was a very big push for affirmative action. And with those policies it really paid off. So we went from—I forget what the base number was but at the high point of the Heyman era we were about 23 percent underrepresented. And after the passage of 209 we dropped to about 11 or 12 percent. So it was almost cut in half.

Now at the same time that he was doing that, dealing with the admissions issue, he was also starting us on really the big leagues of fundraising and brought Curt Simic in as vice chancellor for university relations. He's now just retired, Curt, from the same position at the University of Indiana where he's been very successful. So he got us started. Curt came from Oregon. Bob Kerley was the chair of the search committee that hired him. And he did really a very good job. So put the process, the mechanism in place to raise large amounts of money. And the first capital campaign started under him. And the goal for that started out at around \$350 million and then increased to \$420 million. And we surpassed that goal by the end of Mike's term or early into the Tien term. We had reached that goal.

05-00:18:45

Rubens:

We're talking about mid-eighties, a five-year plan.

05-00:18:47

Cummins:

Well, Simic came around '83 or '84, yes. And then the capital campaign started. So Mike was out raising money from essentially white families and foundations, corporations, etcetera. And particularly the alums who were very supportive of Cal were the very same people some of whom could not get their kids in and were upset about the fact that we were making special exceptions if you want to say for underrepresented students. So that was a very hard row to hoe for Mike. And it's very illustrative I think of what leadership means for a chancellor, because often you're in these difficult situations where you have to do things that are somewhat at least at odds with the goal. So one goal is affirmative action. The other goal is we have to raise a lot of money. And they don't necessarily jibe. And that never bothered him. In other words he always worked very, very hard for both of these things.

05-00:20:03

Rubens:

And is there something to be said about his personality that could reconcile this?

05-00:20:08

Cummins:

Well, I think I've talked to him about this, and my own take on it was that he grew up in New York City; he just lived in a very diverse environment. But he also told me that his mother, who was a schoolteacher for many, many years in New York and taught at the elementary school level I believe, she never spent a lot of time talking to him about diversity issues or anything of that kind. And so how much of this he arrived at on his own or not I don't know.

05-00:20:57

Rubens:

He had been a pretty sophisticated leader by the time, a lawyer, dean of the law school.

05-00:21:03

Cummins:

He was a leader from day one. In high school he got the top athletic prize and the top academic prize in high school. At Dartmouth as an undergraduate he finished all his work by the end of his junior year and spent his senior year as a result of an arrangement that the dean worked out in an office in Washington on the Hill. He went to Yale law school. And these kinds of experiences. He was just a leader from day one. In the Marines, when he was in the Marines, he was a leader. Told me about at one point they were assigned—his crew, the marines that were reporting to him as firefighters in a big fire. I believe that was in southern California someplace. And it was a very dangerous situation and one of the marines who was with him saved a small group of marines simply by covering them up. The fire went right over top of them. And so he had had really amazing experiences. Then working as clerk to Earl Warren, again these are unbelievable experiences. And he was so—

So he just had incredible experiences and was the kind of person that when he came here was again very active. So he was the head of the student conduct committee on Mario Savio. He was actively involved with all of the antiwar civil rights issues that were going on out here. Just a real presence. Was working on the Tahoe Regional Planning Agency. So just one of these people that is extremely smart, brilliant, very likable.

05-00:23:23

Rubens:

A personality that seemed to be able to roll easily with conflict and didn't get stuck.

05-00:23:26

Cummins:

Yes. A bigger than life kind of guy. Very astute politically. So handling the affirmative action at the same time we were doing fundraising he just took it on, and that's what he was going to do. That's what the times required. And he certainly saw the value of diversity in an academic context but also in the larger political context and knew very well because of the population projections that the state of the state legislature would certainly change, the composition, because of the growth in Hispanic population in the state of California.

So very astute there. Realized that the university as a public university had to serve all the people of the state of California. And was really willing to take that on.

05-00:24:26

Rubens:

So just to catch up on your story. You're brought in as assistant to him when he's—

- 05-00:24:36
Cummins: When he's chancellor. Only when he's chancellor.
- 05-00:24:39
Rubens: But when he was the vice chancellor -that's when you were working at IGS and come to him as a naïf to oppose affirmative action? Does he ever play that back to you?
- 05-00:24:54
Cummins: No, no, he never did.
- 05-00:24:53
Rubens: Ok. So it was clear he was astute at picking people to advise him and work for him. What kind of a kitchen cabinet does he put together? How does he gather his information?
- 05-00:25:08
Cummins: Well, I think the people that he relied on a lot—and we have to talk about the Asian admission controversy too. But at various points in time obviously Rod Park just absolutely essential. I think Rod was essential in everything that Mike did. Mac Laetsch. Francisco Hernandez. Pat Hayashi. Troy Duster. Russ Ellis. Also Jerry Karabel, a sociologist who was at City University of New York when they went through the open admissions process. Had written extensively about it. So those were people I think played very key roles along the way in how he was going to address these issues. He also had very close friends in the law school. He was very close to Preble Stolz and Sandy Kadish. He had a lot of friends and admirers in the law school, Jesse Choper, Herma Hill Kay, Dick Buxbaum.
- 05-00:26:06
Rubens: And would you count yourself at this point?
- 05-00:26:08
Cummins: Yes, sure. By the time I come over there yes.
- 05-00:26:11
Rubens: And what does he call you? In his remarks at your farewell event he said he never called you his chief of staff, he didn't like that term, or identification.
- 05-00:26:21
Cummins: No. I was just his assistant, yes. The title was assistant chancellor at that point in time.
- 05-00:26:26
Rubens: But he would run things by you, of course.
- 05-00:26:28
Cummins: Oh yes, we talked.

05-00:26:29

Rubens:

What I'm trying to get at is how did he gather information and come to his positions? More than reading reports, he relied on key people.

05-00:26:36

Cummins:

Definitely he spent a lot of time, because of who he was—he's a very gregarious outgoing individual, both he and Rod Park. And so they were constantly talking about issues. I just had dinner with Mike and Rod and Dan Bogan at Mike's house last Friday, so we were talking about a lot of these things. And certainly Dan Bogan was somebody that he relied on very much. He was the administrative vice chancellor. A triumvirate was Dan Bogan, Rod Park and the chancellor, Mike Heyman. So Mike read a lot. Mike is the kind of person that any time you sit down and have a discussion with him it's always substantive, it's always enjoyable, it's interesting. But it's substantive. He's a very, very smart guy obviously, and would reach out and talk to people and get opinions and—yes, was never hesitant to do that.

But he was reading a lot of stuff on his own. He's a voracious reader. And he goes to the AAU meetings. He talks to other presidents. I think the AAU meets twice a year. He would go to those meetings. He had very high-level contacts.

05-00:28:29

Rubens:

Was he close with Chuck Young, chancellor at UCLA?

05-00:28:36

Cummins:

Absolutely, yes. I think he and Chuck were certainly in sync. I know they were on affirmative action matters. But Mike had very high-level contacts. The head of the FBI and the CIA, William Webster. They were friends. There was a group of people that were Yale Law School classmates that stayed together and they would always spend some part of the summer of their summer vacation together. They would all go together someplace. And it was a very high-level group, very impressive. Webster was head of the CIA when they went on some of those summer vacations. And Mike said, "It's just amazing, he has his entourage. And of course they have to set up a perimeter and he's called away at various points in time." They'll be having dinner and somebody will come and whisper something in his ear and up he goes. But that's the level that he dealt with. At the same time, Mike was totally down to earth. He would never brag about these things or anything like that.

05-00:29:58

Rubens:

And some were FBI?

05-00:29:57

Cummins:

Well, yes. Webster was the head of the FBI and the CIA at different times.

05-00:30:05

Rubens:

This was a Yale Law School friendship network.

05-00:30:09

Cummins:

And in this the longer I did that work the more obvious it became that this group of people that went to Yale or Harvard, they had these connections and the connections were just extremely important. And they relied on their connections.

05-00:30:30

Rubens:

I think that's so critical in history to understand how these networks operate. In that vein, I don't know if the chancellor's position comes with a membership in the Bohemian Club?

05-00:30:59

Cummins:

No, and no chancellor that I'm aware of joined the Bohemian Club. They would not do it because it was a male-only and still is a male-only organization. But they would—and even some vice chancellors would be a guest of somebody at the Bohemian Club and go up to the camp on the Russian River.

05-00:31:28

Rubens:

Give lectures?

05-00:31:29

Cummins:

That's right. Or just spend time. They have different camps and chancellors would be the guest. And you're dealing with again very high-level people and it's very helpful to do that.

05-00:32:18

Rubens:

And I imagine you're feeding Heyman some information and suggesting some things.

05-00:33:26

Cummins:

Well, yes, from time to time. But he was so well-read, so smart, so thoughtful about these things. To be clerk to Earl Warren and to see how that process operates, my God, it's phenomenal. And so these were issues that obviously were very important to him that he had thought about for a very long time and that going in as chancellor he knew he was going to have to address, and he did.

There was the biology, transforming biological sciences at Berkeley, with Dan Koshland and Rod Park. The way he would define it was that biology was really a descriptive science. And then as a result of the dramatic changes that occurred through genetic engineering and other ways that it transformed biology. So the requirements of laboratory space, the interdisciplinary nature of the work, etcetera required a major change. And I think you do have some oral history on this with Rod and Dan Koshland that you mentioned. And Louise Taylor was somebody that was very involved in that, just on the basis of the space requirements needed. She was in the budget office.

05-00:35:11

Rubens:

But is this an example of him identifying a major need and being willing to—

05-00:35:15

Cummins:

Well, in that one of course he's a lawyer, not a scientist, but Dan Koshland came to Mike and said, "We have to address this issue." And that became interestingly the focus of the first capital campaign, which then enabled Berkeley to assume along with Stanford and UCSF and some other places a real leadership role with regard to genetic engineering, biological sciences, et cetera. So when you think back about what would be his major accomplishment—and we've talked a little bit about this—my own view is that affirmative action is going to be a passing phenomenon. At least I hope it is. I hope that there is not so much emphasis on diversity—and I'm not saying—of course it's incredibly important. But you move past it. And I think Obama if he gets elected is a good indicator of that, that race is not going to be—it will always be there but it's not going to play such a dominant role. Then it was very important. And anyway so that's my hope.

But the issue of the change in biological sciences and the implications for that with regard to the economic impact on the state and the nation and the ability as a result of the work to literally save lives, save people's lives, make huge contributions to the health and well-being of millions and millions of people, is incredible. The work for example that Jay Keasling is doing now on artemisinin and the ability to create artemisinin through biology and produce the quantities of it that will dramatically reduce cost so that you could literally eradicate malaria in the world, that's unbelievable. I just saw him the other day. And so he's one of the products, but it all started back there with Mike Heyman and Dan Koshland and Rod Park where you make the kind of changes that—and they're hard because you're changing structures, you're changing departmental alliances, you're moving faculty around into new departments, it's a complete reshaping, rethinking of the discipline. So it's a very major undertaking, and it requires lots of money, new lab space, much more sophisticated laboratories, this kind of thing, and much more interdisciplinary work, a lot of which is done in conjunction with Lawrence Berkeley Lab. So Keasling works at the lab, is also a professor at Berkeley, and a genius, and somebody that has now come up with a way to—and a company has now signed on board just this year to mass-produce this artemisinin. So it's likely that that will lead then to dramatically reduced numbers of malaria cases throughout the world.

05-00:39:09

Rubens:

Is the issue of patents and what monies the university can get from these discoveries or inventions as issue?

05-00:39:29

Cummins:

It is, but typically the kinds of discoveries that are made that are then translated into the—through technology transfer are made available to the public, and which the university has patents on that generate revenue, at least to this point they haven't generated really a lot. Some have but it's like there's one I believe in Florida where I think the person discovered something related to Gatorade or something and it was a big revenue producer for the university,

the patent. But there aren't very many. Certainly what Herb Boyer did at UCSF is going to, but there aren't that many that come along, and there's also a feeling that to the extent that we can a lot of this work should just be in the public domain so that lots of people can work on it and generate the practical applications of it.

What happened was there was a federal act Bayh-Dole, B-a-y-h D-o-l-e two names, two senators. So what that did was it permitted universities who were receiving federal money to retain patent rights. And so that changed everything. It made a very big difference with regard to—that's when universities started getting into technology transfer in a large way. And it was obviously very important but there were also a whole slew of issues, policy issues that had to be addressed as a result of that act itself. So to give you an example in California, there's the—what's it called? The Fair Political Practices Act. And you are not allowed to participate in a decision that could benefit you financially as an individual. And so if you are a faculty member and you are consulting for a company you are required to inform that company that if a patent emerges out of the work you're doing for that company that the university has potential rights to that patent, and that that information has to be disclosed to the university so that they can make a determination about whether they want to exercise that right or not. And that of course is because the faculty member has done research, possibly funded by the federal government. So that's the connection.

There are in certain disciplines—this is more true of engineering than it is of biology in terms of coming up with breakthroughs in software development and things of that kind—and that field moves so fast that it is very hard for companies to say, "Okay, we will do that." It's also extremely esoteric. So say a faculty member worked for Intel or something and they came up with a particular patent, and then that had to be disclosed to the university so that they could make their own determination. There are probably in some of these cases maybe three, four people in the world that could tell you whether there was any connection or not, okay? Plus it moves very fast. That's good for this year. What about next year when they develop—so it creates those difficulties and you've got to be able to work those out and—

05-00:45:31

Rubens:

So this is one whole realm that you're preoccupied with, with Heyman.

05-00:45:37

Cummins:

Well, this goes on as a result of Bayh-Dole. It just goes on. I don't have a whole lot to do with it. But I'm very aware of it because there are issues that come up with regard to—now even with whistle-blower cases or whatever, there are committees that are set up that will make a determination about whether it's proper for a faculty member to set up a company to do the applied work or the involvement of graduate students in that process. There are rules that deal with all of this, and if people feel that those rules aren't being

followed then you might get a complaint, in which case as in my role in the last five or six years during the whistle-blower cases you might have to deal with that, for example.

05-00:46:37

Rubens: And how do I prepare for us talking about that?

05-00:46:39

Cummins: There isn't a whole lot.

05-00:46:40

Rubens: Ernie Kuh, discusses many of his students that go into industry, who develop incredibly successful business, and then contribute generously back to the university. The College of Engineering did not scrutinize closely, I think, when he was dean anyway, the relationship between the research they were a part of or initiated here and the links to what they developed in their business.

05-00:47:12

Cummins: And that's exactly right. It's one of those things that you have to balance. So that would be the argument—and I think the data would support it—that you have to be careful because of what the rules are, okay? And a lot of this is driven as I said by the Fair Political Practices Act, which is different. It puts the University of California at a disadvantage vis-à-vis other public and private institutions.

05-00:47:47

Rubens: It's a state law.

05-00:47:50

Cummins: Yes, it's a state law. So that's where the rub comes. But at the same time that's exactly what happens, so that you'll get a situation where graduate students will leave, they'll build a company that'll be hugely successful, and they're very generous to the university. And that probably benefits the university much more than any patent that you would develop and fight over possibly for some piece of software that you're developing. Apparently it's easier in the biological sciences because those changes occur more slowly over time. That's what I've been told. So engineering is different.

05-00:48:40

Rubens: And so in these earlier days you had Koshland, Mac Laetsch is on board, who is a botanist. Park.

05-00:48:49

Cummins: Park was very involved. He's a botanist too. And he and Koshland I think were probably the two people that were most responsible for transforming the biological sciences.

05-00:50:31

Rubens: And so would you say that then the restructuring of the university somewhat administratively but then also physically is being driven by this—

05-00:50:55

Cummins: Change in terms of the conception of the sciences.

05-00:51:00

Rubens: What is generating the seismic study?

05-00:51:15

Cummins: Oh that's later. That comes with Bob Berdahl. But it's interesting because Mike is obviously a very liberal guy. But there were certain things that came along that in retrospect they don't quite fit. And so I'll give you a couple examples. One is the seismic issue. So we had studies that were done on the Hayward Fault that indicated how precarious things were. Mike's view was that if there's a major earthquake on the Hayward Fault there isn't a whole lot that we're going to be able to do about it and the state and federal government will in essence bail us out, okay? That was his view. And maybe that was true then. It's interesting.

Whereas when Bob Berdahl comes along, which is another ten years later, so he started in—let's see, Tien was '90-97, so that would be '80-90, so another seven, eight years after Mike steps down. He says, "No we can't." Absolutely this is a disaster. We can't just sit here." He proposes that we have to have a major plan. Now the state was also addressing this and I can't remember—I'm sure that somebody would know this. When they make a decision that most of the capital project money from the state has to be devoted to seismic retrofitting, you can imagine the state of California with all of the hospitals and major, major buildings that the state is involved in, to address this issue is huge. We're doing it. But what happened? How is it that a Bob Berdahl comes along outside the state of California, came from Texas, and says, "We can't allow this. We have to put a plan together to really address this issue."? Now maybe it was Loma Prieta in '89. That was during Mike's period. That all of a sudden was the wakeup call. But we didn't address it really significantly until Bob Berdahl. That's when we put the SAFER program together and got money from FEMA and there was this whole effort in FEMA called the disaster-resistant university and lots of time and effort and energy went into that. The other issue—

05-00:54:08

Rubens: Of course the earthquake had to have been a factor. And no doubt Berdahl is a little worried about moving into California and living in earthquake

05-00:54:16

Cummins: Well, I don't know. So the other thing that was interesting about Mike was he was a smoker and he stopped smoking right about the time I came over to the chancellor's office in '84. And there was a big push during his term to ban smoking in buildings, in offices, faculty offices, et cetera. And he didn't support it. He thought it was an individual decision. This was a faculty issue. Harry Scheiber was pushing this. And Mike just didn't agree with that. So in retrospect—we've made huge changes there as a result of that. And I don't

know at that point in time whether he felt that there was sufficient data from secondary smoke for example that would warrant this. But knowing what we know now it's pretty amazing that Mike Heyman wouldn't be on the forefront, that's all, it's interesting. He never smoked when I worked for him. He had stopped by then. And it was very hard for him to stop. And of course now he has emphysema and it's sad, it's very sad.

05-00:56:30

Rubens:

So this was an example, he can have such foresight and have his hands into so many things and then certain ones—

05-00:56:37

Cummins:

Exactly. And that was just a blind spot.

Audio File 6

06-00:00:42

Rubens:

Regarding affirmative action and related issues. I don't know if you want to pursue that in terms of training, if you played a role. And that's really why it would matter. Or if you had particular insight into—

06-00:01:00

Cummins:

Well, the issues would arise that were particularly difficult. They would take on a lot of momentum where certain black students may be targeted in a dorm or there was an African American theme house going all the way back to Mike's time, and there would be graffiti, slogans, etcetera that would be racist. And protests associated with that. And every chancellor was expected to and did speak out very publicly about the university not being a place for that kind of behavior. And I'm trying to recall when we first got into significant training. And that kind of work would typically be done by undergraduate affairs. So that would have been Mac Laetsch or Russ Ellis who would have undertaken that.

I don't recall about staff training. I certainly know that there was work like that that was done during the Tien administration and Berdahl administration.

06-00:03:20

Rubens:

Sure. It's an ongoing—well, it became the responsibility of a specific office.

06-00:03:23

Cummins:

Yes, that's right. And Edith Ng was one of the people who was involved in this. She was in the affirmative action office. There were certain kinds of things that were required I think even under federal policy. But exactly, I've just lost track.

06-00:04:24

Rubens:

So should we talk about the issue of the overrepresentation of Asian Americans

06-00:04:40

Cummins:

Well, what happened was that the Asian American community was much better organized, say, than the Hispanic or the African American community. And they were watching carefully and were concerned I think about whether as a result of affirmative action Asian students were not being treated fairly. This would have been in the late eighties. And a rumor circulated that we had put a cap—a floor on the verbal SAT score. And as a result that limited the enrollment of Asian students and— because of the language issue.

06-00:05:47

Rubens:

Whereas the presumption would be that with the math they would be off the charts.

06-00:05:50

Cummins:

Exactly, yes, that's right. So that never happened.

06-00:05:56

Rubens:

This was only a rumor.

06-00:06:00

Cummins:

Yes. It was discussed but never implemented. But that rumor got out and it got out at the same time that there was a significant drop in the number of Asian American students that we admitted, and it was a couple of hundred. And so the coincidence of that led to a major push by the Asian American community to say, "What's going on at Cal?"

06-00:06:34

Rubens:

What was going on that 200 didn't—would they have gone elsewhere?

06-00:06:37

Cummins:

I can't recall exactly, but Pat Hayashi could tell you in great detail exactly how all this played out. And at that point in time he was an intern in the chancellor's office. So he was working with Mike and me and Rod on these issues. And it became an extremely heated issue. So it got to the regents, it got to the legislature, it got to—the auditor general of the state of California came here and held a hearing on it. It was a very big deal. And it was what brought the faculty at Cal back into the picture vis-à-vis how we were doing admissions at Berkeley. So remember what I said about Mike deliberately excluding them. This brings them back in. And Mike was convinced that we had not done anything wrong. We did not set a floor with regards to the verbal SAT score, that there was a reason why that drop occurred that particular year. And ended up—and this was largely at the suggestion of Pat Hayashi, who was very connected in the Asian American community. He told Mike that "Basically the way you're going to have to bring this to some conclusion is in this hearing in Sacramento" that again Tom Hayden was holding that—

06-00:08:26

Rubens:

Is it the same hearing?

06-00:08:27

Cummins:

No, that was on VIP admissions. So that was much later. But that was in '96 or 7, so that was a good probably seven, eight years later, nine years later. But anyway Mike went up to that hearing and apologized publicly and he apologized not for any specific action that the university took but for being insensitive to the needs of the Asian American community in terms of how the issue was dealt with, okay? And that—

06-00:09:06

Rubens:

Did he discuss with you or his close team that he would do this, should he do this, how should he do it?

06-00:09:13

Cummins:

Exactly, exactly. And we were all I think pretty much in sync on that. And of course there was lots of outreach to the Asian American community. There was a group, their organizing group, that had a couple of judges on it. I'm just blocking on their names now. But that's all there. Pat Hayashi again would be very knowledgeable and has written about this.

But that was a very big deal. And that's when the issue of being UC eligible and automatically admitted ended, okay? We said, "No, we're not going to continue that practice. And we will pay much more attention to the individual applications." Now there was a regents meeting down in Los Angeles over this issue and it was in November right around big game. And part of the meeting was devoted specifically to this question of Asian admissions. And Bud Travers and Rod Park ended up going to that meeting. He was an associate vice chancellor at that point in admissions working for Mac Laetsch. And Mac and Bud became the targets for insensitivity related to Asian American admissions and in a way I think very unfairly. And this all ties in later to Tien becoming chancellor, what happens as a result of all that. But the politics were very dicey. So Mike couldn't go to that regents meeting because he had hurt his back, and because there were all these events, the typical events surrounding big game that the chancellor is supposed to go to, alumni events and things.

So the hearing occurs down in Los Angeles, regents meetings, public, and it turns into a mess, an absolute mess, where Mike is criticized by certain regents for not showing up and as an indicator not taking this matter seriously. There's a series of questions on how we do admissions, which was Bud Travers's responsibility. And one of the parts of our admissions process, which was pretty standard by the numbers—you got a certain number of points for your grade point average, you got a certain number of points for your test scores, and you got 500 points for your essay. And the questions centered around how do you decide who gets 500 points for an essay, how do you do that. And they just couldn't give an answer. And it turned out to be—well, it was described to me by Bill Baker as being one of the worst presentations at a regents meeting. He said it was just pretty awful.

06-00:12:47

Rubens: Most unfortunate. Why weren't you there?

06-00:12:52

Cummins: I typically don't go to regents meetings. Sometimes I would.

06-00:12:55

Rubens: These people should have been able to handle it.

06-00:12:58

Cummins: Yes, that was their issue. And so it was interesting. Now if Mike had gone, Mike in my view had this ability to resurrect things that were really going downhill, pull them back up, and would have handled these questions I think better than Rod and Bud were prepared to do. Now Rod probably didn't have as good a feel, knowledge of the admissions process, and so I think he was relying on Bud. And then he wasn't satisfied with how Bud was doing it. And then I remember—because I heard a tape of that discussion at the regents meeting. And when they went after Mike for not showing up, I thought, "Gee, that's strange. Rod should have spoken up and defended him. I know I would have done that for why he wasn't there." So who knows? It just really turned out to be awful. So one of the outcomes of these things is that here Mike steps down. Rod Park would be a natural candidate for chancellor to replace him and ends up not even being interviewed, okay? And very unhappy about that. And I think that that played a role. I think that regents meeting played a role in people's minds, David Gardner's mind and others, about why he would not be interviewed for that role. There are probably other reasons too. But Rod would have been an exceptional chancellor of Berkeley.

06-00:14:47

Rubens: Is this pretty close in time when—

06-00:14:53

Cummins: This was the end of the eighties, and then Mike steps down. So I would say it was a year or more before he stepped down.

06-00:15:03

Rubens: It's one of the turning points?

06-00:15:05

Cummins: Yes, it's just interesting that that's how things work, that's how things happen. And then of course Rod went on to be the chancellor or president at the University of Colorado. He was there on an interim basis. Then he stayed longer. He was also called in to be the acting chancellor at UC Merced. He's exceptionally good.

06-00:15:33

Rubens: And where is he now?

06-00:15:37

Cummins: He's retired. And he runs a big winery basically. He's just one of the most interesting people.

06-00:16:14

Rubens: And what about in general Heyman's relationship to Gardner and you? How much interaction did you with Heyman?

06-00:16:53

Cummins: Well, Mike was offered the presidency of the university when Gardner became president. So he had had—I don't know if he goes into that in his oral history or not. But they were very interested in having him as president. And when they approached him, talked to him about it, he said, "You should remember that I'm opposed to the university managing the federal labs, the weapons labs." And they said, "Okay, we appreciate your telling us that." They went back, they had further discussions, the regents, and they came back to him and said, "Okay, we can appreciate that you do. Would you be willing to remain quiet about that?" And he said no. And they said, "Okay, then it's not going to work." So then you have David Gardner coming in. And he had been a vice president for external relations previous to going to the University of Utah. And before that he had also been a vice chancellor at Santa Barbara during the Free Speech and anti-Vietnam protests.

Then he went to Utah and then came back here. And he was a very different person than Mike. Mike was very gregarious, very outgoing. David Gardner was also a very—he was very astute politically. He really knew how to manage the regents, which is what his principal job was. A very smart, very engaging person as well. But they just had different personalities. And there was also I think the dynamics of the president's office at that time was on the campus. It was in University Hall and always created these dilemmas about who was in charge. And so there was always the tension surrounding that.

06-00:19:30

Rubens: They didn't move to downtown Oakland—

06-00:19:36

Cummins: Till after Loma Prieta. I can't remember. It was during the Tien period. So they certainly respected one another but there were issues there. I don't know if they were largely ego-related or not. Somewhat different personalities. It was interesting to watch.

06-00:20:07

Rubens: And had been chancellor for ten years, and on the campus long before that. He knew the UC system well.

06-00:20:10

Cummins: That's right. And had been offered that job at some point. So it always creates this awkwardness. And so that was interesting. And it would get into funny things like the King of Spain came for a visit, and there would be an issue.

There was an issue over whether David Gardner or Mike would greet him first at the foot of the steps at University House. And I'm sitting there as a young guy thinking, "Oh hell, who cares?" But now Gardner again, Gardner was very protocol-oriented. As a student he worked for Clark Kerr. He would travel with him throughout the state and so learned a lot. I'd say he was more like Clark Kerr, David Gardner, than Mike was by any stretch of the imagination. Kerr was a very careful, very controlled person.

06-00:21:17

Rubens: Not cold, but just damped down.

06-00:21:20

Cummins: That's right, that's right. So anyway that was always interesting to watch. And issues arose during that time. So the Asian admissions controversy was one. People's Park was another one. Arrangements with the city of Berkeley over People's Park didn't go over very well with certain regents and with David Gardner. There was also the scandal in the development office.

06-00:21:59

Rubens: I don't know about that.

06-00:22:02

Cummins: Yes there was a person in the development office at a high level. There was a complaint about whether he was double-dipping, consulting with outside colleges and universities, etcetera. And that was very difficult, and that occurred right around the time that the chancellor at Santa Barbara, Huttenback, was forced to step down because of foundation-related issues. I'll never forget that. That was a very dicey time. So and they all had to do ultimately with Mike's relationship with David Gardner, because these were very big deals at that time.

06-00:22:50

Rubens: So you're saying—

06-00:22:54

Cummins: Yes, the relationship there, it always is, Berkeley being the flagship, one of the principal concerns of every chancellor is that the president and the system are going to favor the other campuses at the expense of Berkeley because they want to build them up. It's always been there.

06-00:23:12

Rubens: It's a huge issue underlying the Free Speech Movement, I know. And so were you sometimes Mike's "make Gardner feel better guy"? Did he rely on you to do that?

06-00:23:26

Cummins: Well, somehow I would get pulled into these discussions. So there was certainly on the divestment was another one where it was so contentious, so controversial, such a massive protest that we had, the regents decided that they

were going to hold a meeting on the Berkeley campus. It was unprecedented. It was held in Harmon Gym. And so there were lots of negotiations.

06-00:24:00

Rubens: And you're saying unprecedented that it was on the campus? Because the FSM one was at University Hall. So that was—

06-00:24:087

Cummins: Well, yes. Maybe not unprecedented, but highly unusual. They came and they held it in Harmon Gym. And I have to go back and look at those dates but it was really something. And it was very interesting again.

06-00:24:27

Rubens: Brave of them in a way. I'm a little surprised.

06-00:24:29

Cummins: Yes it was. Well, that was Gardner's way. Gardner was amazing. I just hold him in the highest regard despite the fact that he ended up with a scandal at the end of his term, which was just so regrettable, but as a president he was very, very good. He really knew how to work with the regents, he was instrumental in his first year working with Governor Deukmejian and getting a huge increase in the university's budget. He was very astute politically.

06-00:25:02

Rubens: Lucky in his times I always thought in terms of the economy.

06-00:25:11

Cummins: That's right, exactly. As a public speaker he was incredible. I've never seen someone like that. Extemporaneously or otherwise he spoke in paragraphs. He was so articulate. He never said "uh". He never paused. Everything was just crystal clear. And he was highly regarded by the regents. And willing to be tough. I remember there were hearings in Sacramento over the divestment issue and Gardner's views on it and Willie Brown took him to task and Gardner was really up to it and took him on. Very strong character, very strong, very, very impressive guy. So Mike was much more emotional than Gardner, and it was one of the things I observed in terms of leadership where the emotions of the leader are clearly—they translate right down through the staff. So if Mike were upset, depressed, whatever, it was very obvious, okay? Of all the chancellors I worked for he was the most that way.

Tien never deviated, always optimistic. Bob Berdahl, because of the personal challenges he faced, would go through periods where inevitably you're going to be depressed over dealing with these personal issues. But it was very interesting for me to see the effect of a leader, their emotions, on the rest of the staff. It's fairly transparent.

06-00:27:22

Rubens: Maybe we'd close by saying just a little more on that. Because you were so clear and I think articulate about how Tien cleared his desk at the end of the

day, he just had a way of dealing with things. And so what does this mean about Mike and his leadership style? Did he have a big staff?

06-00:27:43

Cummins:

No, Mike was very careful not to, and Tien also didn't believe in big administrative staffs. And interestingly it looks like we're going to go through that again with [President Mark] Yudof. We'll see, but that's what they're saying. That's what Dick Blum believes, that the system needs to streamline, down size, reduce staff.

06-00:28:04

Rubens:

So therefore you were a relatively small unit.

06-00:28:07

Cummins:

We were small, oh, yes, and constantly we were being compared with UCLA, where Chuck Young was willing to spend money and commit resources to build staff, which I think paid off for them in big ways. We were always so lean. And then we'd have problems that we would end up being criticized for and constantly compared with UCLA. That's changed I think now. But we should spend some time talking about that. That would be interesting. I think they have more resources as a result of having a medical school and a hospital. In other words you control more resources and you can siphon off resources from one place. It would be like us having UCSF as part of the Berkeley campus. It would be huge then. Can you imagine what that would be?

06-00:30:08

Rubens:

Okay, that's one reason.

06-00:30:11

Cummins:

And hospitals, every chancellor talks about the fact that if you're chancellor of a university where you have a hospital and a medical school, that is one of your major headaches. And athletics is the other one, okay? You can imagine. Just having these big hospitals and all the things that can go wrong when you think about it. It's huge. So you look like at Irvine where they had that issue of embryos, when they were taking embryos and not—I can't remember all the details of it, but they weren't sharing information about whose embryos were whose, that kind of thing. There was also—there were issues related to organ transplants, selling people—they were selling organs. I can't imagine, having just come from UCSF with my son in the last couple of days and my seeing things over there as an administrator wondering, "How in God's name do they do this, this and this?" And when you've got such a big thing and people's lives are depending on it, it's—

06-00:31:33

Rubens:

But I heard you say, so let me just bring you back there, nightmares and traps, but certain opportunities too because more money.

06-00:31:48

Cummins:

You're right.

Interview 4: June 17, 2008

Audio File 7

07-00:00:00

Rubens: As a warm up, I want to ask you about what led to the huge increase in some faculty salaries and signing bonuses to bring in “stars.” I think this escalated under Heyman’s tenure.

07-00:00:14

Cummins: I don’t know. I think they all get caught up in it, and so then it becomes a matter of well, if he or she is getting it I should be getting it. And the privates much more willing to pay these high-level salaries. But the publics are coming along. So this was a big step to pay Yudof that amount of money. And of course the chancellors’ salaries will now all go—everybody moves based on what—I remember when Gardner came in, was a very sophisticated guy and worked out what everybody thought was a very large salary. And everybody tends to move up then as a result.

07-00:01:01

Rubens: Because they’re bargaining or because—I just don’t quite understand.

07-00:01:03

Cummins: Equity. They base it on equity. In other words, you can’t have a huge gap between a president and a chancellor. You shouldn’t have a huge gap between the chancellor and the vice chancellors, depending on what their responsibilities are. So everybody tends to move up.

07-00:02:22

Rubens: And before we talk about working for Chancellor Robert Berdahl, I wanted to follow up with Tien, who died here in Berkeley a few years after he resigned as chancellor.

07-00:03:30

Cummins: He died after Berdahl is already in place for two or three years.

07-00:03:55

Rubens: After the position in the Clinton cabinet was no longer in play, do you think he might have gone to another university?

07-00:04:13

Cummins: He could, but I think he had been at Berkeley since ’59, so he was really wedded to this place. And he was on boards. I think he was on three or four different boards, Wells Fargo and Chevron. And had a tanker named after him by them. The *Chang-Lin Tien*. It was interesting, yes. So he was very much in demand because of his ties to China and Asia generally.

07-00:04:50

Rubens: So I imagine that he never really showed disappointment.

07-00:04:51

Cummins: No, he did not, no, absolutely not.

07-00:04:55

Rubens: And then did he have very long once he was diagnosed?

07-00:05:01

Cummins: I'm trying to remember what those dates are. I think probably he was out of the chancellorship I'm guessing about two years. And then I think I told you about his wife diagnosing this.

07-00:05:18

Rubens: No, we didn't discuss that.

07-00:05:20

Cummins: Well, he was so disciplined in everything he did, so he always got up at exactly the same time every day, every day of his life. And one day he slept in a half-hour. The next day he slept in an hour. And Di-Hwa said, "There's something wrong and I want you to go and see Phyllis," who was their daughter and is an MD down on the peninsula. Well, her husband I think worked at Kaiser. He was also a doctor. And so they went down there and they discovered this tumor and they did the surgery right away and the tumor burst and that was it. So he never—not clear exactly how much information he was processing, whether he could recognize people or not. It was very, very sad. And then he basically lived at home and they took care of him. And I can't remember how long he lived after that, but it wasn't short, it wasn't just a couple months. And so yes it was very, very difficult, very difficult.

07-00:07:16

Rubens: He was interviewed by Harriet Nathan with ROHO between 1997 and 1999.

Now regarding Berdahl's arrival. Had you known much about him? When a new chancellor comes, there's obviously a lot of information gathering.

07-00:07:59

Cummins: Oh yes, oh yes. We did a LexisNexis search and printed out everything that he ever said or anything that was ever reported on him and talked to some people in equivalent positions at Texas. When they announced his appointment. So the day they had the press conference or teleconference basically to appoint him, because regents were at different places in the country, so they did it by phone, and then they had an opportunity for the press to interview Bob Berdahl by phone, that's how they did it—and after that I was sitting in my office. It was like twelve-thirty, a quarter to one, and I got a call. And I picked up the phone. The secretary didn't answer. I picked up the phone and it was Bob. And I'd never set eyes on him and never talked to him before. And what was running through my mind was that Tien was an absolute stickler for protocol and would have expected Bob to call him, not to call me, okay? So Bob introduces himself and says that he had tried to get hold of the chancellor and Carol Christ, who was the provost. Couldn't get them. But Janet Young,

who was my counterpart in the president's office, had also given him my name, and he just wanted to say that he was looking forward to working with me and coming to Berkeley, and he was not the kind of person that just came in and cleaned house and started from scratch, okay? That was the basic message. So as he's saying this I'm thinking, "How am I going to tell Tien that he called me?" Okay? "Tien won't like this."

07-00:10:15

Rubens: And why do you have to tell Tien?

07-00:10:19

Cummins: Well, if you don't he could find out and then he'd think I was hiding things. So I said to Bob, "Gee, it's too bad that you didn't get hold of the chancellor." And he said, "Well, as I said, I tried, and then I tried to get Carol." And I paused and I said something like "Well, I'm sure the chancellor would have appreciated talking to you or something." Remember, I'd never set eyes on him. So he says to me, "Well, let's make a deal." He said, "I won't tell him if you don't tell him." And at that point I knew I would be able to work with this guy. He was just amazing. Insightful.

07-00:11:08

Rubens: He understood exactly what you were saying. He also knew something about Tien.

07-00:11:11

Cummins: Not very much. He never set foot on the campus before he accepted. And so his experience—he may have been at Berkeley during his professional life at some point. But his impression of University House was what he saw on the Web, an outside photo basically, where he would be living. The transition was not a very good transition for him because for whatever reason, reasons that I still don't understand, Chang-Lin was just not very forthcoming. So the first time Bob came to campus he stayed at the women's faculty club with Peg, his wife. And I met them up there early in the morning and took him over to meet with Chang-Lin. It was a Saturday. And Chang-Lin was flying out on a like nine o'clock plane or something. So it was a fairly quick meeting. And we went over to University House. And that was their very first time to see it.

07-00:12:42

Rubens: This was your job as—

07-00:12:44

Cummins: Yes, the chief of staff to the chancellor. So the meeting, it's pleasant enough, but the issue of Peg Berdahl traveling with Bob to various meetings and things comes up. And she just was in the process of recovering from breast cancer. And so Chang-Lin said, "Well," whenever Di-Hwa traveled with him he always paid out of his own pocket and that was what was expected. And I thought, "Well, you may choose to do that, but if she's traveling and it's business-related, then the university can certainly pay for that." And I didn't say anything. But she got quite upset. And so then we came out of that

meeting and I explained basically just what I said. And then there was an arrangement where the next time he came out, which was Charter Day I think, in March, that he would be able to see University House, the whole house. So I kept talking to Chang-Lin as that day approached and I said, “What are the arrangements that you want to put in place so they can see the house? Remember you made the commitment that they would be able to see the house.” And he just wouldn’t answer me, wouldn’t give me any information. And so the day arrives, there’s a public ceremony and then there’s a lunch at University House, and still no discussion about how they’re going to see the house. And they’re fully—

07-00:14:45

Rubens: Was Peg there?

07-00:14:45

Cummins: Yes, Peg was there and Di-Hwa and Chang-Lin and so there’s the lunch, it’s a small lunch. People get up and they leave. And Chang-Lin also has to go to another function. And they’re sitting there, the Berdahls, waiting to see the house. No arrangements have been made. And Di-Hwa doesn’t offer basically. And so then I had to say to them, “Well, I guess this isn’t going to work out.” And I didn’t know why. And so they said okay and so they left. And then when he did come back—so when he came back the next time he still wasn’t chancellor yet but he could see the house, and the Tiens had moved out. And they were in a state of shock when they saw that house, because it essentially had not been touched in probably fifty years. And the upstairs, which is the private quarters, was extremely spartan. They had something that Al Bowker put in. It looked like a little tiny kitchenette that was put in a closet.

07-00:16:04

Rubens: This is not where you were invited to live, is that right?

07-00:16:06

Cummins: No, next level up. So they thought, “Gee, we can’t live like this. And so we have to do some modifications to the house.” And initially it was just to put a decent kitchen in. And that grew to—once you make any kind of significant change to a building like that you have to deal with ADA and all kinds of things. And so we ended up spending about—I think it was around \$3.5 million to renovate the house. And the Berdahls didn’t live in that house for a year. They rented a house over behind the Claremont Hotel. And that became a sticky issue because—Atkinson, the president, had committed that he would cover the cost of the renovation and protect Bob from any kind of adverse publicity, and we were able to work that out so that it didn’t ever become an issue, and it was really necessary that it be done—but it created a lot of anxiety about “What’s this going to look like?” And Bob, again, he had been at Oregon, Illinois and Texas, so he had the experience of other campuses. And he inherited a kind of mindset, I think, that involved being very spartan and lean with regard to the administrative expenditures for the chancellor,

whether it was staff or buildings or whatever. And so he concluded, “I’ve got to do this. You can’t have a chancellor’s house where you’re doing major capital campaigns and hosting thousands of people every year,” which they do—

07-00:18:15

Rubens: Thousands?

07-00:18:15

Cummins: Yes, thousands. And so the place has to look better. So we got through that. That worked out fine.

07-00:18:26

Rubens: What are we learning here? Do you think that Tien was trying to save face?

07-00:18:35

Cummins: Parsimonious? Oh, I don’t know. I don’t know.

07-00:18:39

Rubens: Was he embarrassed maybe about how it looked? Or do you think he was such a private person that this was not—

07-00:18:46

Cummins: Hard to know, really hard to know. He was extremely concerned about perception. And for example I said at one point, “Why don’t you get cable television so you can get CNN and these other channels and Chinese channels and Chinese news?” And he wouldn’t do it. So there’s a balcony above the front door of University House and he had these rabbit ears, okay? Outside. And that’s the way he was. He was extremely careful about the expenditure of money across the board, whether it was salaries or anything. And Mike Heyman I think also. So that was a switch that Bob Berdahl I think was responsible for.

07-00:19:41

Rubens: Berdahl’s salary was not significantly higher than Tien’s.

07-00:19:45

Cummins: No, not terribly. But I think it was necessary obviously. And it brought a fresh perspective for this campus. And certainly I think this chancellor, Bob Birgeneau, has continued that, where he’s more willing to spend money, resources that are necessary and will benefit the campus. So I think both Bobs, Birgeneau and Berdahl, were willing to pay more to build up the staff so that it was—we were very lean. I think we still are fairly lean, but—

07-00:20:28

Rubens: And when you say we, again you mean the chancellor’s office.

07-00:20:31

Cummins:

Yes, the chancellor's office, the administration of the campus. And we're always compared to UCLA. UCLA, Chuck Young was always willing to spend a lot of money on the administrative operation of the campus.

07-00:20:47

Rubens:

Who is doing the literal—I don't know if it's negotiation—but working out the policy that it's going to be the president's office that will pay for the renovation? Is that your job?

07-00:20:59

Cummins:

No, I think that was Atkinson and Berdahl worked that out. Yes, "We'll cover the costs." And it was funny. Because Wayne Kennedy was the senior vice president who was responsible for this and we would have some conversations, and of course you're worried about it. And one day—we still had a University House manager, a woman, and even though the house was under construction, she would stay. And one day she called me and she said that Dick Atkinson was over there looking around. And I thought, "Wow, that's interesting." And I went out to eat that night at Rivoli over on Solano and there he was. And I said to him, "Oh, I understand you were taking a tour of University House today." And he said, "How did you know that?" It was really funny. It was really funny. So anyway yes, people watched, people were careful.

07-00:22:14

Rubens:

The house manager -she's the one who has to coordinate the events as the go-to person for the house?

07-00:22:24

Cummins:

Yes and it's a big house. I think it's something like 20,000 square feet. It has four levels. There are all kinds of maintenance problems that come up. Telephone won't work. Alarm system. Heating. There are deliveries that are made to the house. There are events. It just goes on and on.

07-00:22:47

Rubens:

Sure. I hadn't thought about it at all. That must be an interesting person. But has there been one longtime house manager?

07-00:22:57

Cummins:

There was up through Heyman. And then we went through some changes in the next three chancellors.

07-00:23:09

Rubens:

You had said that when Berdahl was trying to get ahold of Tien and said that he had talked to your counterpart in the—

07-00:23:30

Cummins:

Yes, Janet Young, chief of staff for the president at UCOP.

07-00:23:39

Rubens: When is it that your title becomes vice—

07-00:23:44

Cummins: Associate chancellor. That was under Bob Berdahl.

07-00:23:55

Rubens: So tell me a little about Berdahl.

07-00:24:14

Cummins: Well, he was born in South Dakota. And then went to University of Minnesota for graduate and then—

07-00:24:22

Rubens: I actually meant his personality and style; there's just something about him that's just a hearty hale fellow?

07-00:24:30

Cummins: Well, he was a very smart guy, very well-read, very comfortable in his own skin, very willing to say, "I made a mistake. I'm not sure what we should do here." Very willing to engage in conversation about how we're going to approach problems, this kind of thing. So a very approachable guy.

07-00:25:03

Rubens: It must have been very refreshing.

07-00:25:05

Cummins: Very nice, yes, you always felt very comfortable talking to Bob. And I think coming to Berkeley as a chancellor is a big deal from a faculty point of view. So you're a faculty member. We've always had—except for Sproul—faculty members were chancellors. And there's an expectation that you're going to be a very high-level faculty member. And you don't have to be. I think it's very important to have grown up through the ranks so you know what it's like to be a faculty member, chair of a department, etcetera.

07-00:25:56

Rubens: And the intellectual academic commitment to—

07-00:26:01

Cummins: Yes, exactly, yes. And Bob was a historian and I don't know how comfortable he felt among the faculty, whether he was recognized. For example this chancellor is a very renowned physicist. Everybody knows that. It's not that they check, by the way, it's just reputation. And so yeah, I don't know how Bob felt about how he would rank vis-à-vis other historians here. But once you got to know him, just terrific, very well-read, very smart, very articulate, very good speaker, very thoughtful person. And I would describe his leadership as a quiet leadership, comfortable with himself. He had obviously some major challenges. One had to do with the ethnic studies controversy in '99 and commitments that he made coming out of that controversy having to do with allocation of faculty FTE. That was challenged. There was an

academic senate meeting where if the particular resolution had passed it would have been tantamount to a censure of the chancellor. It did not pass but it was very, very tense, very difficult. And on the very day of the meeting that morning he found out that his daughter had breast cancer. And it was just devastating and I just have a vivid memory of that. And I said to him, "I'm sure people would understand. There's no expectation that—this meeting can be delayed." Because they were flying back. They were going to fly back to Minnesota right away. And he said, "Oh, no, we're going to deal with this, we're going to deal with this."

07-00:28:53

Rubens: One way or the other he was going to see this through, yes?

07-00:28:56

Cummins: And he did and certainly that motion did not pass.

07-00:29:05

Rubens: Now how much peppering of the field are you engaged in?

07-00:29:12

Cummins: Well, on that issue a lot. I'm trying to work with faculty I know that would be supportive. And it's basically—

07-00:29:20

Rubens: Well, Jack Citrin was very upset about the FTE. I have no idea what his position was on whether he would censure or not, but—

07-00:29:30

Cummins: Oh, yes, no, well, the motion wasn't a censure motion, but it was tantamount to it, because you're absolutely taking the chancellor to task. So I talked to a number of faculty. We worked a long time on his statement. I stayed up all night, I remember that, making sure with Russ Ellis and Troy Duster and others that we would get people to show up. And they did, and it was a somewhat heated discussion, but the motion didn't pass.

07-00:30:14

Rubens: And was it good attendance?

07-00:30:16

Cummins: Oh, yes, the senate normally—many times they barely get a quorum. But on issues like that you get a big turnout, people out in the hall, standing out in the hall. Oh, yeah, and faculty members really promoting it and pushing very hard taking him to task basically.

07-00:30:38

Rubens: Was political science one of the leaders of it?

07-00:30:41

Cummins: Well, Citrin was. I think Bob Price had some role to play in it. John Searle in philosophy. Very good faculty members. So not an issue there. And I think—

07-00:30:57

Rubens: Very passionate feelings.

07-00:31:01

Cummins: Yes. And David Hollinger was the chair of the budget committee at that point in time and played this very critical role, because he essentially stood up at the meeting, and he's very conservative, and everybody knows that, and said that—in so many words as I recall—that there was consultation with him as chair of the budget committee. The dilemma was that there were longstanding problems in Ethnic Studies. Just lots of contentiousness over the faculty appointments, just a whole bunch of things. And so I think the chancellor had to make a decision about whether we move forward with the current arrangement of Ethnic Studies, which would happen with the agreement. In other words a certain allocation of FTE. They weren't new; they were commitments that had been out there, positions not filled, this kind of thing. Or do you reconstitute the entire operation? And I think David Hollinger probably would have preferred the latter, but simply was going to stand behind the chancellor, which he did despite that.

07-00:32:48

Rubens: Now a couple things I'd like to ask you about. One dips back to the way you were talking about getting Berdahl to call Tien, the other to how you asked Tien, "What are we going to do about showing them the house?" You have to be exceedingly diplomatic; you have well-honed PR skills by that time. Is that instinctive, a product of experience? Are you consulting with anyone—for instance with is Ray Colvig.

07-00:33:20

Cummins: Ray, of course. [Editorial addition: Ray had been on the campus since 1964, and became the chief public information officer until he retired in 1991.] And I have just a small number of people that I would talk to about things, about how we're going to do one or the other of these things. But I would have been Ray's boss at that point in time. And then in '92 that stopped. I had been responsible for public affairs from 1986 to 1992. Then Tien wanted me just to work with him exclusively, so not have any reporting line.

07-00:34:57

Rubens: So managing the press was Ray's job, and then successive media affairs people—as the office became known—who dealt with hot-button issues. But you had to be part of response. For example in the dust up over University House. By the way, I mean to ask why do you think Atkinson got directly involved.

07-00:35:10

Cummins: Worried about it. And I always believe that myself. It's better to see it in person than rely on reports.

Now other things regarding Bob Berdahl, I think we talked about this earlier, but that Bob saw the importance of the seismic issues on the campus. And

there was a study that was done indicating some large percentage of the buildings were unsafe. And so put together a big effort to address seismic renovation. And still continuing to this day. But that's probably one of his major—well, it's clearly—I think it's probably the major accomplishment. Yeah, because it's not that he didn't do a lot of other things, but at some point we're going to have a major earthquake here, and if we hadn't prepared and the campus is shut down for any significant period of time, you lose the faculty. They can't do their research. Has very significant impact on the university.

And then I think the other thing that I learned from Bob was—and this is something I'm just really intrigued by—is kindness and management. You don't think about kindness and management in the same breath. And I would really like to have time to think that through, because I had a conversation with Bob. We were driving someplace and I said, “When I think about your management style, etcetera, that's what comes to mind.” And I think personally that's very important. You can be the kind of manager that somebody makes a mistake and you jump down their throat. And here if somebody makes a mistake—people feel badly enough about it themselves—you don't need to jump on them and make it worse. Or when you're in a crisis situation you don't—one of the biggest tasks I had was making sure that we didn't take out our stress and tension on one another, that we kept an even keel and—

07-00:38:54

Rubens:

And “we” means?

07-00:38:54

Cummins:

The group, that's dealing with it, yes. And so he said, “Well, that's interesting that you would say that, because there is a book by Kurt Vonnegut,” I can't remember what the title was. But it had to do with a judge.

07-00:39:11

Rubens:

Berdahl is talking about the Vonnegut book?

07-00:39:13

Cummins:

Yes. It takes place in a small town. And he was baptizing these twins, boys, and he said something to the effect during the ceremony that in all of his years, his long life, if he had one lesson to pass on to them it was to be kind. And so that was something obviously that he thought about as well. And we never pursued it in any great depth, but I do think that that's a very important concept in terms of having authority and exercising it. And he told me that he used that in a commencement address that he gave. So it was something that he had really thought about. And that's the way I remember him.

Another thing I think I learned from him was just the ability of leaders to deal with suffering in their own lives. So he was dealing with his daughter's situation all the way through. And she eventually died. She just died a year

ago. That was a very long battle. Just oh, so hard. But he had prostate cancer when he was chancellor. And then Peg of course is now in remission, but she had cancer while he was chancellor. So that's always a worry.

07-00:41:15

Rubens: Was that a public thing that he had had prostate cancer?

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Cummins: Well, yes, I think so. People knew. And so that's a lot to deal with while you're running a campus.

07-00:41:33

Rubens: The battles he faced seem relentless. In his first year he had to deal with the aftermath of Prop 209.

07-00:41:33

Cummins: Yes. Well, he had to deal with it. It took effect in his first year as chancellor.

07-00:41:37

Rubens: I wonder if you had a hand in this. Very shortly after he came he wrote an op-ed piece in the *San Francisco Chronicle* strongly condemning the proposition. He said that this is wrong and it's going to negatively impact the university. Is that something you would have written?

07-00:41:58

Cummins: Maybe I helped with it. He would share drafts, yes, with a number of people.

07-00:42:08

Rubens: I guess he had to take a stance? He has become the chancellor of a major university, whose regents had initiated the dismantling of affirmative action.

07-00:42:19

Cummins: And of course Ward Connerly was still a regent. Yes, and there was much more scrutiny of the university right after 209 in terms of "Well, are they following it?"

07-00:42:34

Rubens: Well you managed to not be benighted by the re-do of University House.

07-00:42:47

Cummins: No. Actually it became—we had a guy, Roy Pickerell, I guess he's still here, and he worked in physical plant, and he was a project manager, and he was very good. Managing projects around here is really difficult, these big capital projects and things. So he had a very good reputation. So we got him involved at University House. And somebody went to the *Oakland Tribune* and said, "They're spending all this money on University House, and isn't this terrible?" So there was no furniture in the house. The house was pretty much done. And so this was my idea. I said—this is the reporter—I can't remember his name, he was a good guy, he always covered higher ed issues, I'm just blocking on his name—but he wanted to see University House. So I said,

“Great.” I said, “Let’s have Roy Pickerell show him the house. And not certainly the chancellor or me or anybody else, but let’s have Roy do it.” Because he was one of these down-home guys. He had jeans and a white shirt and a potbelly, just like the person you would imagine. And so he showed him around and pointed out where the house was previous to this, why all these things were necessary. And the article came out, front-page headline news in the *Trib* and they had his picture, okay? Inside the house, perfect. And the article was fine, and that was it. That was it. There was no other big deal about it.

07-00:44:48

Rubens:

I hadn’t been in University House for a while, until your retirement event. It’s just absolutely beautiful. Has it been significantly done since then?

07-00:45:24

Rubens:

Because conversely the Bancroft—had a presentation celebration for John De Lucca of the Wine Institute up at the president’s house. I was a little taken aback by its appearance. I think the figure is \$10 million to bring it up-to-date.

07-00:45:57

Cummins:

They need a new roof. I don’t think that the new president will move into that house, is my hunch. I don’t know if he wants to or not, but I just think it’s far removed from his office. If you had a house in Oakland that was a sufficient house for entertaining, that would be better.

07-00:46:29

Rubens:

We had been talking about leadership skills and management style. I know that Bob Kerley, who was a kind of mentor for you, went to a Harvard Management

07-00:46:54

Cummins:

Summer program probably.

07-00:46:54

Rubens:

Yes, and he says how important that was and what an opportunity it was both to read and study but also to be around other people and learning from their experiences. And so I was wondering about you and if-

07-00:47:15

Cummins:

No. I didn’t. I think the only thing I’ve gone to over all these years was something called the Educational Leadership Management Institute, which they do at Stanford for a week. And it’s run by the Western Association of College and University Business Officers, WACUBO, and it’s interesting. You do get a chance to reflect. I think the Harvard program is more rigorous, they have case studies, there’s lots of reading, et cetera. So yes and Bill Baker is another one I think that did that. He was a senior vice president under Atkinson.

But I think in terms of management style, people would say that Bob Berdahl was not decisive enough. So I was going to say this may be the counter to the kindness issue. I don't know if it's that or not. I think you can be kind and decisive. And I think there's some truth to that, I think particularly in intercollegiate athletics. But it was a very different time then. When you have 209 and you've got Ward Connerly on the board and you've got all this scrutiny going on, when you have a fundraising campaign and you have major donors who really care about athletics and you're chancellor and you know that the budget is just out of control, how do you deal with that? So you could make the case, yeah, there was some issue about taking too long to make decisions and things of that kind.

07-00:49:22

Rubens:

And would you apply this specifically to issues surrounding intercollegiate athletics or in general?

07-00:49:25

Cummins:

Intercollegiate athletics I think would be one example. That's the most obvious. That's the issue I guess where there was the most back-and-forth. And there was also setting up a committee for example and involving donors, putting them on the committee, to help address getting the budget under control in intercollegiate athletics. And was that letting the donors get too close to the actual management operation of the university? So some concerns about that.

07-00:50:29

Rubens:

I know your position on intercollegiate athletics in general, we talked about it in the first interview. But did you have a position on that one, on the donors?

07-00:50:37

Cummins:

No, not initially. And I think in the final analysis the university has changed so much in this period of time that how much money we put into intercollegiate athletics is relatively small. So you would have to make the case that even though you are subsidizing intercollegiate athletics—and many, many universities do that—the question is how much are you going to subsidize—is that in the overall best interest of the university in terms of donors, in terms of the spirit that it produces, develops on the campus? And that's different. In other words that's shifted over time.

07-00:51:37

Rubens:

But I'm asking you your position specifically on donors being too close to the management.

07-00:51:39

Cummins:

It didn't bother me particularly at that point in time.

07-00:51:45

Rubens:

Why are you saying, "That point in time"? Because as it gets more—

07-00:51:52

Cummins: Well, intercollegiate athletics is a long story and—

07-00:51:59

Rubens: We can talk about it more systematically.

07-00:52:14

Cummins: Right. Well, when you're raising lots and lots of money—and it's critical that you do that—how important is it to get into a position where you're going to say, "We're going to cut sports at Berkeley because we're spending too much money on this."? And how will that affect your fundraising efforts?

07-00:52:39

Rubens: Why are the donors sitting on the committee, to bring in more money, that—

07-00:52:50

Cummins: No, to figure out how we can get athletics under control. So one way to do it is to reduce the number of sports.

07-00:53:00

Rubens: Of course. I see. I thought it had to do with donors shaking the trees for more donors.

07-00:53:03

Cummins: Well, no. It could have led to that, but that wasn't it principally. Because you're looking for "Okay, how important is intercollegiate athletics at Berkeley?" Previous—as I said earlier—to Tien, it wasn't. But it became more important or was given more importance because of the concern about how it would affect donors, okay? And the relationship of that to how it was managed. And that's another story. That's a long story that we may want to seal that part of it.

[A portion of the interview has been sealed until 2028.]

Audio File 8

08-00:00:00

Rubens: I was musing with you while I changed the tape about what an incredibly powerful job it is to be head of the academic senate budget committee.

08-00:00:29

Cummins: Yes, right. It's I think arguably the single most important job because you're making decisions on the tenure and promotion of faculty members. So you're really establishing the quality of the university in that role. And they recommend of course to the provost and then to the chancellor ultimately on those decisions. But they play a very important role, no question. You have to be very smart obviously because you're making judgments on people in disciplines that you know very little about. You've got to be a very prestigious faculty member to be on there. And it takes an enormous amount of time when you're reviewing these files, because they're voluminous.

08-00:02:04

Rubens:

So the reason I raised it is because you were talking about Hollinger's role with the ethnic studies controversy. So it's more than the tenure.

08-00:02:16

Cummins:

Well, see, the concern was that the chancellor was unilaterally making decisions with regard to the allocation of FTE when in fact that is a budget committee responsibility. It's advisory, yes, but you can't avoid it. And there's been ever since I've been here, and I'm sure long before, criticism of the budget committee and the long process it takes and why can't we streamline, simplify, etcetera. Comes up with every chancellor, and they all conclude it may be cumbersome and difficult and time-consuming, but you have to judge that against the quality of the faculty at Berkeley.

08-00:03:03

Rubens:

And you're speaking specifically about the tenure.

08-00:03:08

Cummins:

The budget committee, yes, exactly, their job, playing a critical role on the tenure, promotion and allocation of faculty FTE. So and nobody wants to take that on and want to change it. It can also drive chancellors nuts from time to time too.

08-00:03:22

Rubens:

Have we had many huge controversies over tenure?

08-00:03:25

Cummins:

No, they tend to be very individual and they don't occur very often. So and they tend to be highly politicized. So an individual will not get tenure, for example, and they will sue, or they'll attribute it to political motives, that they spoke out on something. The most recent one was in College of Natural Resources, and he was complaining about Novartis. And he eventually got tenure. But not very often.

08-00:04:05

Rubens:

I know there was a big case in the seventies with a woman law professor.

08-00:04:12

Cummins:

There was also the woman math professor. There are very few, very few. But the chancellor from time to time—well, again it's interesting historically because when Kerr was the chancellor he overrode the budget committee recommendations about 20 percent of the time, which is enormous. Typically the budget committee was saying, "Grant the person tenure," and he was saying no. And his concern was that when they went through the huge enrollment growth after the Second World War they had to bring in people to teach, and these were very loyal citizens of Berkeley, and they did good work, but they weren't the kind of quality—

08-00:05:10

Rubens:

The jewel in the crown.

08-00:05:11

Cummins:

That's right. And so he told me that he had to spend a lot of his time as chancellor sitting in his office with a faculty member, and in most cases the spouse, the wife, and they were in tears and very upset that he was denied tenure. Most of these were male, probably all of them. And then over the years the number of times that the chancellor was willing to override the budget committee grew smaller and smaller. And so they value that—I wouldn't say power, but in so many words, that's what it is. And so when the chancellor does override, then that can become an issue as well. So with Harry Edwards for example when Bowker was chancellor, that was an issue. You just take the heat and that's it. You have the final authority.

This chancellor also exercises—I don't know what number—but he's meticulous about reading these files. All chancellors are. Yeah, because it's so important. It's just—it's really the quality of the institution rides on it.

08-00:06:28

Rubens:

And are you asked to do any background investigation?

08-00:06:29

Cummins:

No, I have nothing to do with it. It's simply the provost and the chancellor ultimately based on what comes forward. So it's a very long process where the whole case is presented by the department. The department votes on it, then it goes to the budget committee. The budget committee reviews it. You have an outside review committee. It's very elaborate, very complex. And then it eventually gets to the provost and the chancellor. If I got involved it would be because somebody was either given tenure or not given tenure and it became political and in the public eye and there's protests associated with it.

08-00:07:14

Rubens:

Do you think at some point we should talk a little bit about the Novartis case?

08-00:07:21

Cummins:

Well, I think Bob Berdahl can tell you all you need to know about that, yes, and Bob Price actually too.

08-00:07:25

Rubens:

I interviewed Price for the FSM project, when he was still in the political science department. Now he's Associate Vice Chancellor for Research—yes I should talk to him.

Now it seems to me that during this time, Berdahl's chancellorship, that the whole structure of the administration is changing. Is that when the provosts come in?

08-00:08:02

Cummins:

Well, it was understood. So we did have it. But this is a good point to clarify. Bowker introduced this, I think, and he thought that besides having an executive vice chancellor, which is the number two on the academic side,

there should be a provost for letters and science and a provost for professional schools and colleges, because the workload was so enormous. And that changed.

08-00:08:42

Rubens: The provost sat under the executive vice chancellor.

08-00:08:47

Cummins: Under the executive vice chancellor, right. So then in the early nineties as a result of the budget crunch they changed that. And John Heilbron is the vice chancellor. Tien appoints him. There was no search. John had been in the academic senate, had been the chair of the academic senate. So he came in and was the number two guy. And then he left and Tien appointed Carol Christ. And I believe at that point in time they eliminated the provosts for professional schools and colleges and L&S and in part I guess that was for budgetary savings reasons, because the budget was in such terrible shape then. And all those deans started reporting directly into the vice chancellor. And I can remember Mike Heyman saying, "Leave it to Berkeley to appoint a woman into a position where it's impossible to succeed." That was his view, that that was a real mistake to do that.

08-00:10:00

Rubens: Let her be the target for—

08-00:10:02

Cummins: Well, because she had so many people reporting. She had no screen. Every one of those deans, okay? Could then whether it's engineering or optometry or business, they all have a direct line into her. Whereas in the past they would report to the provost for professional schools and colleges. Then you had a provost for L&S. And so what they did was they had one of the deans in L&S—because you've got the dean of physical sciences, biological sciences, interdisciplinary studies, etcetera, there are five or six deans, and they all reported to a provost who then reported to the vice chancellor. And when that provost position disappeared, they were all reporting in. So they realized that that was just unmanageable. Carol came out of L&S obviously. She was in the English department. She was chair at one point. That they had to pick among those L&S deans the dean of deans, all right? That gave—so again, the things we do, the machinations in the administration to try and make things work. So that's what they did. And essentially we've lived with that ever since.

08-00:11:24

Rubens: And who was the dean of deans?

08-00:11:29

Cummins: Well, it varied. George Breslauer was at one point in time. I forget who it is now.

08-00:11:33

Rubens: And Carol Christ by the way became the—

08-00:11:47

Cummins: Head of Smith College.

08-00:11:52

Rubens: To wrap up for now, I had in my notes to ask you about diversity training, if you had any responsibility or role?

08-00:13:00

Cummins: Well, not anything that I did in particular.

08-00:13:02

Rubens: Ok. We'll end now, and I thank you so much for putting up with this interview wandering a bit, but some wonderful history and insights have emerged.

Interview 5: January 20, 2010
Audio File 9

09-00:00:00

Rubens: It's the fifth interview, John, after a hiatus of more than a year. It's nice to see you and resume these interviews.

09-00:00:15

Cummins: Okay. Thank you.

09-00:00:18

Rubens: And you want to talk about the evolution of, the growth of public affairs over your long tenure here at the university.

09-00:00:25

Cummins: Right. So my active involvement with public affairs really began when I moved over to the chancellor's office, so maybe even a couple of years before. So let's say 1982, 1984, that period. The head of public affairs at that time was Dick Hafner and Ray Colvig was the public information officer, so he handled most of the press issues. And he and Dick also had a staff of maybe three people that also dealt with the press or prepared statements or whatever.

09-00:01:18

Rubens: But the staff was only about three people?

09-00:01:20

Cummins: I'd say Ray and maybe three other people that handled press inquiries and there may be a specialist, for example, who would handle science related matters. Others may handle social science, that kind of thing. But Ray was the go to person and Dick. And Dick, of course, managed the unit. So at that time Mike Heyman was chancellor. I can't remember exactly when Dick came but both of them preceded FSM. And then, FSM, of course, was a huge challenge for the university. I had nothing to do with that, obviously, but in eighty-two we started working together regularly. Between eighty-two and eighty-four. And at that point, as I said, Mike Heyman was chancellor and there was a concern that Dick had that public affairs not be a large unit, that it would not look good to the state legislature if the university was spending a lot of public funds on promoting itself. And so they were very careful about how they managed their budget and had a very lean budget at that point in time.

Well, I guess really the big issue that we dealt with in the eighties was the apartheid protests. The major ones were April 1 and April 3 of 1986. There were protests also in 1985 that were difficult but on April 1 and April 3, what happened was that the students and others had built a shantytown in front of California Hall and that ended up being a very difficult situation to manage.

09-00:03:36

Rubens: The goal was to get the university to withdraw their investments?

09-00:03:41

Cummins:

To divest from companies that do business in South Africa. And again, interestingly, it was one of these issues that the administration, Mike Heyman, in particular, agreed with, but David Gardner, the president, did not. And that's an interesting little sideline, too. But anyway, I guess that was April 1 the decision was made to take down the shanties, and we used basically all the police that we had available and that may have been seventy or so at that point in time.

09-00:04:19

Rubens:

University police?

09-00:04:19

Cummins:

University. Only.

09-00:04:22

Rubens:

And the decision is based on?

09-00:04:24

Cummins:

The fact that that was a major safety hazard. They were living in basically plywood shacks. Some were two stories. There were obvious sanitary concerns. Anytime you allow something like that to occur for a prolonged period of time—and prolonged isn't very long, it's a few days, then you get a lot of outside people coming in, homeless people, people that have mental problems, etcetera. It becomes an absolute mess. And so you're compelled to deal with it. And so the decision was made that the police would come in around 8:00 or 9:00 at night, dismantle the shantytown and arrest the 120 or so people that were in there. And we were able to dismantle. We had a court order. They were all served with papers, beforehand, each one of them saying they had to cease and desist. And so we arrested all of them and we put them in three county sheriff's buses which were inside the circle in front of California Hall. And there were so many protestors on the outside, on both sides. So we had police lines and police barricades on both sides of that circle. I would say there were probably a couple of thousand people protesting and we had maybe seventy police. And we simply—

09-00:06:08

Rubens:

Were there news cameras and—

09-00:06:08

Cummins:

Oh, there were all kinds of attention, media attention. So we had not put mutual aid in effect. Mutual aid basically means that you notify the county sheriff and he notifies all the other police jurisdictions that they should be on standby in case they're needed and we didn't have that in place. And we could not get the buses out. There were just too many people. And the protestors had taken anything they could get their hands on. And I'm looking right out the window at that granite little sculpture there. And they would take bicycle pods and granite benches and anything they could get their hands on and stack them up, pile them up in front of the police barricades. So if you're trying to get the

buses out, you're going to have a very difficult time doing it. They took dumpsters that we used to keep outside—I don't know if they still keep them outside—between Wheeler and Doe and set them on fire and rolled them downhill into the police lines. They were throwing Molotov cocktails. I mean, it was—

09-00:07:18

Rubens:

So this was a level of protest that you had not seen before?

09-00:07:22

Cummins:

Oh, without a doubt. This was very, very threatening. And so I think it was at one o'clock in the morning. Dick Hafner wasn't here. I can't remember if Ray was here or not. But I called Dick and I said, "You know, this is really a mess and you should come up." And he said, "Okay." And then I simply lost track of that because there was so much going on and it took until five or six o'clock in the morning to get enough police here. We had probably 350, 400 police from all over the place to help us extricate those buses and they took them right across Sproul Plaza and down Bancroft. So I had forgotten about this. And Dick called me the next morning and he said, "I want to apologize." I said, "What for?" He said, "I got up, I looked in the mirror," and he said, "I just couldn't come up there again. I just couldn't do it." And, of course, he had been through all of the free speech issues and the Third World College Ethnic Studies, People's Park, etcetera, and so that was it for him and so shortly after that he stepped down. And then I started doing public affairs from eighty-six to ninety-two.

09-00:08:42

Rubens:

It's Heyman that asks you to take over this?

09-00:08:43

Cummins:

Yes, right. And that was an interesting decision. I don't know how he concluded that. I didn't really have any background in doing public affairs. I know he was impressed. Mike, he was out of town when this occurred and I called him. He was at a NCAA meeting in Kansas City, something. Anyway, I said, "You really have to come back and we have to have a press conference as soon as you get back." Because it was a huge deal. Ron Dellums was Congressman at that time and his daughter Pepper was on the front lines. When we finally extricated the bus, there were thirty injuries, eighteen police officers, some serious. Broken legs and things like this. So it was a very big deal. Ron Dellums ended up flying out here.

So anyway, we put together the numbers of the people that were arrested, how many were students, how many were non-students, and most of them were non-students. And so we had a big poster behind him when he did the press conference in California Hall and made a big point about the fact that these were outside people. So I know that he liked that. So I don't know why he decided, but he did. So I did public affairs.

09-00:10:16

Rubens: And you agreed with this?

09-00:10:20

Cummins: Well, if the chancellor wants it. Public Affairs also included governmental relations, it included publications, it included visitors' centers. So it wasn't just the press. During those six years, we really didn't add much of anything to the budget of those units. I tried to build more cooperation between the publications and the press unit, Ray's unit. That was difficult to do. It's kind of a long-standing separation there which I didn't understand. But I wasn't very successful trying to build that level of cooperation.

09-00:11:04

Rubens: What was that about? What was the separation?

09-00:11:10

Cummins: Well, I think that in part it was because dealing with the press, and this, I think, is a very important point. The philosophy of dealing with the press at that point in time, and this was longstanding, was that you presented the facts as they were. There was no big effort to spin news. Ray had exceptional relationships with reporters over all those years. There was absolute integrity. Both exemplified that in everything they did. So the press really appreciated that. And that was kind of a touchstone for public affairs. It was very, very important.

So publications did more internal kinds of things. So they would do the *Berkeleyan*, which was an administrative organ. So it's different. When you're writing something that you control internally, it is one thing. You can slant that in ways, I guess, that you want. Not by lying about anything. I'm not saying that. But it's just a way of presenting the administration's case. And you don't have to present everybody's point of view on these issues. So it's a different way of communication versus dealing with the press.

09-00:12:46

Rubens: Just to conclude this area, what was it that you were looking for? What would you have liked to see in terms of more cooperation?

09-00:12:55

Cummins: At that point they were putting out lots of press releases on a variety of things, mostly dealing with research on the campus. And I thought maybe you could expand this little bit, have some of the people that write for publications, the publications unit also do that kind of thing. And there were some efforts. But I don't know that I fully understand it to this day. They're still both separate to this day. There was also a publication unit within the development office. And it's important to remember that right at this point in time, eighty-four, eighty-five, was when there was a major shift here with regard to fundraising on the campus and that was very important. Mike came and hired Curt Simic to come in, who really laid the foundations for us to be in the big leagues of fundraising. And they had their own publications unit, and of course, they

would put out their own publications that were glossy pieces dealing with the Nobel Laureates on campus and things like that. And I remember trying to integrate their publications unit with the one in public affairs. And that just met with this massive wall of resistance. So anyway, it was a good idea. Maybe it was, maybe it wasn't. But we didn't get very far there.

So I did this from '86-six to '92. Tien comes in as chancellor and he appoints Dan Mote eventually as the Vice Chancellor for Development, fundraising and Public Affairs. Up until that point, it always reported in through the chancellor. And he said, "No, let's have that be part of the vice chancellor's portfolio and let's call it university relations—that included then development and public affairs. And I fought very hard against that, not because I wanted to do public affairs. It didn't have anything to do with that. I felt that if you put public affairs and fundraising together, there is a great temptation to skew what you're presenting to the press and others because you're very concerned about the perception of what is occurring and how that will affect fundraising.

There were basically two different models in higher education at that point in time. One was the one that we had previously, the second one, which is what UCLA had adopted, I can't remember when, but before us, and that was to move it all into university relations. So anyway, that's what happened.

And Tien—and I think I mentioned this elsewhere—said to me that he didn't want me to have any units reporting to me—that was also part of the reason for shifting this—because he wanted for me not to have any agenda. And if you have units reporting to you and you have line responsibility, then it could affect the advice that you're giving the chancellor. From my point of view. I said that's a good point. That's fine with me. And he wanted me to be completely objective. He didn't want me to have an opinion about things. He wanted me to present the pros and cons of various issues. Well, that's very hard. Very hard to do. We had many discussions about this. But anyway, there was a shift at that point in time.

09-00:17:12

Rubens:

So what had your title been previous to—

09-00:17:16

Cummins:

I think maybe at that point it was still assistant chancellor and I think it was assistant chancellor/public affairs officer. So I kind of replaced the Dick Hafner role is what I did.

09-00:17:31

Rubens:

And now under Tien, did that title change?

09-00:17:33

Cummins:

Well, I think that's when the Chief of Staff title came. So he said, "Well, we'll make you the chief of staff." And that was fine.

09-00:17:44

Rubens: Did it retain “assistant chancellor?”

09-00:17:47

Cummins: Yes, assistant chancellor/chief of staff. Yes.

09-00:17:52

Rubens: Assistant chancellor and vice chancellor are not equivalent?

09-00:17:54

Cummins: No, no. Because vice chancellor typically means that you have line responsibility, you have units, so they’re—

09-00:18:04

Rubens: And that’s your view point that you just made.

09-00:18:06

Cummins: Exactly. Yes. So it doesn’t have to mean that but it normally does. So then there was a search committee. I think I chaired that committee. And Chancellor Tien hired Linda Weimer to be the director of public affairs. So Ray would report to her. And she had come from the University of Wisconsin Madison. But I think she played the role of public affairs officer not only for Madison but for the University of Wisconsin system. I thought she was very good. This was the time when the internet was coming in. It was just at the very beginning. So the mode of communicating was changing and that’s important at that point in time. So Ray leaves at some point. I can’t remember exactly when he retires.

09-00:19:19

Rubens: It’s around 1991.

09-00:19:21

Cummins: Ray had hired Jesus Mena. M-E-N-A, a very competent guy, who took over Ray’s responsibility when Ray stepped down And he and Linda did not get along. I don’t know. I can’t remember exactly what the dynamics of that were. And Dan Mote, who was the Vice Chancellor for University Relations, really didn’t have a lot of experience either in fundraising or dealing with media. And his job was, of course, to fundraise. If you look at the vice chancellor for university relations, ninety percent of your effort is going to be devoted to bringing the money in. It’s critically important. And it varied from vice chancellor to vice chancellor. But in Dan Mote’s case, he basically left public affairs alone. So it was not a priority. I would see the agenda for when he would meet with the chancellor for his standing meetings and public affairs, rarely, if ever, was on their agenda. And this was, again, right at the time of this change from reporting directly in to the chancellor to reporting to a vice chancellor. And so she was caught. She didn’t have a direct line to Tien. Linda and I had a very good relationship. That’s been true over all the years because of my role. I was in constant interaction with Public Affairs. But Linda had a hard time and Jesus then became an obstacle to her carrying out

what she wanted to do. And Dan Mote wouldn't defend Linda. And so that became a very difficult issue.

09-00:21:20

Rubens:

Had Jesus come up through the university?

09-00:21:22

Cummins:

He was a reporter and we hired him. I think he reported for the—I'm not sure—the *Oakland Tribune*. Ray hired him. He was very good. He was a very competent guy. And I can't remember exactly what the issues were between him and Linda, but Dan did not stand up for Linda and so that made it even more difficult. It wasn't just Jesus. There were other people in that unit that were also unhappy and again I don't know what the issues were. So Bob Berdahl then becomes chancellor. Linda is here at that point in time but she soon leaves and goes back to the University of Wisconsin to become the system wide public affairs officer. And maybe she wasn't system wide previously, so that was kind of a step up for her. So she had a tough time here. I don't know how much of it was justified or whatever, but it was partly because of the change in the structure and partly because she didn't get the support she needed and the lines of communication weren't always the best.

So Bob Berdahl becomes chancellor, Linda leaves and there's a search and Bob hires Matt Lyon, L-Y-O-N, and they were very close friends from the University of Texas days. And Matt was a very sophisticated guy. He worked in a similar capacity at the University of Texas. He was a speechwriter for Bob but he also had extensive connections with political campaigns, with people in Washington.

09-00:23:28

Rubens:

He was a young guy.

09-00:23:28

Cummins:

A young guy, yes. A very impressive guy. And so at some point there, Dan Mote leaves and Don McQuade then becomes vice chancellor. And Don, very smart guy. Very creative professor of English. Very focused on the importance of writing in the statements that we put out and had more interest in the function of public affairs than previous vice chancellors in that role but was also caught because Matt had a personal relationship with Bob Berdahl, as well as a professional relationship. And so there was a lot of direct communication between Matt and the chancellor that may or may not have included Don. Not by any design but it just happened, and so that created some friction and some tension. But when Bob came in, Bob Berdahl, there was much more focus on public affairs and its role, and the view was that it was understaffed, considerably understaffed, and that they needed more resources to do their job well. So I can't remember the numbers, but there was a substantial augmentation over that period when Matt was there to the staff of public affairs. There was a big emphasis on our website, on redesigning the website, on how we communicated. It was good. It was needed. We brought

some good people in. We had a person that was hired to handle only broadcast media, for example, which didn't exist under Ray, I don't believe, or Linda. Maybe Linda hired somebody. I can't remember.

But one of the changes that occurred was that there was a view that there were too many press releases that were being put out. And there was a concern about this going back even to Mike Heyman. Where the feeling was is this the best way to do things or are there other ways to be in communication with the media through personal communication, that would serve our needs better? And now, Ray, of course, knew many of these reporters and had known them for years. And should we be using different media? How can we use the web more effectively? How can we use broadcast journalism more effectively? Shouldn't there be a broadcasting capability from the campus, which there is now. You know about that. Where you can go over to media services and if you want to be on NPR or whatever, they can do it. They can do the hookups from there. So all those things I think were positive and I think that there was a need to beef up that unit.

09-00:27:07

Rubens:

There was also the development of Berdahl speaking to the campus directly. He had the "Bear in Mind" campus video-cast program.

09-00:27:16

Cummins:

Oh, that's correct. See, that was another thing. That was something that I did. I completely forgot.

09-00:27:23

Rubens:

Well, that was very important and innovative I think.

09-00:27:26

Cummins:

I was on a plane coming back from somewhere, I can't remember, and I happened to sit next to this woman and we started talking and it turned out that her job for a company that she worked for was to set up these opportunities for the entire company, say Cisco or Oracle or whatever, to hear directly from the CEO. So they would do these presentations and it could all be done on the web. So if Bob, say, were in China and he had a meeting with some very high level official there, it would be possible to do an audio clip that would include that person and then put it up on the web for everybody to see it. And I forgot all about this. So anyway, I thought, "Hey, that's a really neat thing." So I came back and I talked to the people in public affairs and to Bob and I said, "What do you think? This could be really neat." And she was a very nice woman and her boss also. I can't remember their names. And they were very good at what they did and they could do it quickly and they could do it cheaply.

Interview 6: January 27, 2010

Audio File 10

10-00:00:00

Cummins: We talked a little about the corporatization issues that the campus has to face. Should administrators have experience in the corporate sector. For example, the two vice chancellors that chancellor Birgeneau brought in, Frank Yeary and Nathan [Brostrom] from the banking industry and the kind of views with regard to the legal affairs office and the need to beef that up. A committee was set up by the chancellor that was chaired by Jesse Choper that made specific recommendations vis-à-vis replacing Mike Smith, UC's general counsel, once he retired.

10-00:00:39

Rubens: I don't think we talked about Jesse Choper specifically.

10-00:00:43

Cummins: Okay. So at some point it would be worth getting that report. I think that was done after I left. But I know the chancellor was talking about—

10-00:00:56

Rubens: This would be called the Choper Committee?

10-00:01:00

Cummins: Review of Legal Affairs at Berkeley. Something like that. And it may be a confidential report. I don't know. Jesse [Choper] put it together. But no reason for it to be confidential. The chancellor—this was before this budget crisis hit—believed that the legal affairs office should be beefed up. There should be a “high powered” attorney brought in that would more than likely come out of the private sector and that there would be other attorneys reporting to him. That would be a big shift from basically having one person who has done this for all these years. And again, it's a different way of viewing legal affairs on the campus.

10-00:01:54

Rubens: So we pointed to some of this last time. For the record, let me say here that this is interview six and it's the 27th of January 2010 and I'm with John Cummins at The Bancroft Library.

10-00:02:08

Cummins: So it's interesting and I think important because I think it indicates a shift. And it could be exactly the right thing to do. I don't know but time will tell and it will be important to see.

10-00:02:33

Rubens: So Mike Smith is coming back right now as a—

10-00:02:36

Cummins: He's just on recall, something like three days a week.

10-00:02:40

Rubens: And this is being put into operation? Have they hired yet?

10-00:02:45

Cummins: No. They're doing a search right now and I don't know how that's coming along. So they can take quite some time to do that. But, again, it's an interesting shift, just like public affairs was. As I say, we'll see how this goes. I certainly think there's plenty of work to do in both these units, public affairs and in legal affairs. And when you bring more people on, it seems like they absorb that work. But the question I would have is in the long run, how can you point to what makes a difference? In other words, you should be evaluating this in terms of kind of the bang for the buck. How many people you're bringing in, what they're doing, what the changes are, etcetera.

10-00:03:47

Rubens: But your evaluation or your assessment at this point is that it's a kind of indicator of this shift towards a more corporate management style of the university.

10-00:03:55

Cummins: That's right.

10-00:04:04

Rubens: More than management style? I think you said that word management but—

10-00:04:07

Cummins: Well, it's a view that there is a business side to the university that has to be highly professional. And I certainly wouldn't say that it wasn't professional but there is a belief on the part of this chancellor that if you bring in certain people with particular expertise, like in finance, et cetera, which we obviously didn't have, that that's going to make a difference over the long haul. The issue, however, is that these people definitely bring a finance background, very strong finance background, but they don't bring any background vis-à-vis the university, managing in the university context. So that's a change.

10-00:04:54

Rubens: They're not steeped in the educational mission of the university.

10-00:04:57

Cummins: That's right. Now, both Frank and Nathan were on the Foundation Board, the Berkeley Foundation Board, so they both have, I would hope—and they do, I think—an in-depth knowledge of the university, at least from a fundraising standpoint. And there has been a great effort made on the part of the development office to educate donors about the mission and the challenges facing the university, so they do know that. But, for example, Nathan, coming in and managing the police department, for example. Well, he's not had any experience managing a police department. Or HR, for example, human resources, which is a very big operation on this campus. Of course, you can learn that. When I took over public affairs, as I said, I didn't know anything about public affairs.

So another interesting point, I think, very key point here and I don't know that we've talked very much about this, is how little training is done within the university for managers. We've made some improvements there but there's a long, long ways to go. And I can remember, years ago, finding out, discovering that at the University of Michigan, which is one of our comparison institutions, very good university, that for deans and senior administrators, they have a week long training program coming in, which I think is a very good idea. And we pushed that. And that went—

10-00:06:57

Rubens:

Who is "we"?

10-00:06:58

Cummins:

Me and some others. That we should do a better job of training. I think it's pretty self-evident. But I don't think we do nearly enough of it. So our response to that was that we would have a retreat or at least a day long conversation with all the deans, both at the beginning of the semester and then midway through the year. There would be an effort to do some training. Sometimes they would last a day and a half or two days and they would be offsite, to bring people in to give them a brief understanding of the budget, of rules and regulations, what various offices do, like legal affairs, what the whistleblower policies are, that kind of thing. And you asked me about that at one point, did I go to the Harvard Management Institute, which I never did. But certainly you could take, as an example, and it wouldn't cost very much money, key administrators and say, "That's just a requirement. We want you to go to the Harvard Management Institute." And I think that lasts like ten days or something. And it's a very, very good thing to do. So I don't know exactly now whether they've made any changes in that regard in the last couple of years. I doubt it because of this budget crisis. So they probably haven't. But I think we could do a much better job of training managers.

10-00:08:25

Rubens:

The retreat began under which chancellor?

10-00:08:31

Cummins:

Heyman and Tien had an annual retreat. I believe Bob Berdahl had more than one and Chancellor Birgeneau has three per year.

10-00:08:38

Rubens:

But it sounds like it was a review in terms of getting everybody on the same page about what certain policies are as opposed to management issues and style?

10-00:08:51

Cummins:

That's right. Exactly.

10-00:08:52

Rubens:

And how to handle certain crises.

10-00:08:55

Cummins:

At Harvard, they basically do case studies and it's intensive and they have lots of homework at night and you really work for about ten days. But it's very insightful, I would imagine, and can be very helpful certainly.

10-00:09:10

Rubens:

I didn't ask you this question. You had no preparation in public affairs. Did you consult people? Were there certain people that you were consulting?

10-00:09:21

Cummins:

Yes. I think so, certainly when I look back on it. Ray was the expert. What did I know? And Dick Hafner. Dick had been an editor at the *Daily Cal* and was a reporter. So they had very extensive experience. And not only that, they had very good contacts with the press and were highly regarded. So I kind of took my cues from them.

10-00:09:51

Rubens:

But I think you were clear about the point that what began to change was the notion of spin, that there was a certain kind of—

10-00:09:58

Cummins:

Well, yes. That was later. I just read an article in *The New Yorker*, the last issue on the Obama Administration and how they manage or attempt to manage the media and it's an entirely different world than ten years ago. It really is. It really made me think that, in a way, say for this university, any university, what choice do you have, because news is so immediate. And what drives the news now is the internet. It's not the other way around. And stories take on a life of their own and there is a view that is very strong and that is mentioned in this article -I think Ken Auletta was the author of this- that you have to respond right away. If you don't respond, if you're not ready to respond right away, which means, of course, you're tracking what's going on on the internet, who's saying what. It's incredibly, incredibly difficult to do. And then you've got to respond right away or the stories become a reality. They could be completely false. So you at least have to be on record saying, "No, that's absolutely not the case."

In reading the Bob Berdahl oral history when he's talking about the ethnic studies protest, he talked about Matt Lyon and Matt's view that you have to respond right away and he didn't agree with that. So here you've got a completely different approach. And as I said, Matt, of course, came out of a political background. And even then, and that was 1999, it was a very different situation. The internet was certainly powerful but not like it is today. You didn't have Twitter and all these other things, Facebook and so on. It's totally different. So my view was very similar to Matt's. And Bob, by the way, never told me that he had that view. I was kind of surprised when I read that. Because my view is you have to respond right away. And in the protest we had where this really hit me was on the Students for Justice in Palestine

and they had these checkpoints they set up and they took over Wheeler Hall at one point.

10-00:12:46

Rubens: The checkpoints were?

10-00:12:48

Cummins: The Students for Justice in Palestine set up checkpoints at Sather Gate to imitate or demonstrate what checkpoints are like in Palestine, where the daily movements of the Palestinians are controlled by the Israeli army and how difficult it is. They would do this at noontime and they would literally block Sather Gate except for one of the gates there. So they would leave that open. But it created great consternation among the Jewish students and Hillel, for example, because it was viewed as not enforcing our policies. It was not designated, Sather Gate, in the time, place and manner rules as a place of protest. So we were pushed.

10-00:13:56

Rubens: Adam Weisberg was Director of Hillel.

10-00:13:57

Cummins: Yes. Terrific guy. Very, very impressive. And so he would push very hard on why aren't you enforcing the rules. But anyway, on that issue, the Students for Justice in Palestine—I forget. We took some action. We suspended their student privileges, which meant that they couldn't register for Sproul Plaza and things like because of their takeover of Wheeler Hall, among other things.

And so there was a big push nationally to generate email coming into the chancellor's office complaining about how we were persecuting Students for Justice in Palestine. And I was sitting at my desk. It was about six o'clock one evening and I looked at my computer, and all of a sudden—and I'd never seen anything like this before—these messages starting coming in, all synchronized, hundreds of them. And the computer just keeps screening. I thought, "What in God's name is this?" So they had a standard message that they had prepared. They asked everybody to send this to the chancellor's office and they started coming in. And so I remember staying there very late writing a response to the message we were receiving, thinking if somebody doesn't counter this, their version will become "the truth."

At that point in time, there was a discussion about that. Why do you feel it necessary to respond to all of these things? That takes time and you can't get into a shouting match with these people. And I'm, "Well, we were already in a shouting match with them." And my view was you've got to counter it. So interesting. You can get overwhelmed by these things. And certainly San Francisco State had a very similar problem.

10-00:16:13

Rubens: How often did you meet with other university people; your counterparts. Were these informal phone conversations?

10-00:16:24
Cummins:

Yes. We would certainly have some of that. There was a group of us, my counterparts at other campuses, and we would meet periodically at the Office of the President. So we would discuss it. We would certainly be on the phone, say, if UCLA had something and we had something.

After the apartheid protest between—this really started in earnest in 1985, then 1986 was when we had the huge problems. But in that summer, Derry Bowles, who was the police chief and I, went to Cornell. Where else did we go? We went to Columbia to talk to the senior administrators there, the employees, etcetera, about how they were dealing with their—because there were protests there, as well. When we got to Cornell, which is out in the middle of nowhere, in Ithaca in New York, we got out of the car and there was a mock protest going on. The students were dressed in military uniforms. It was just ironic. And we met with the president at that time, who was Frank Rhodes, a famous university president, a very good guy. So we did that. Went to Columbia. Columbia relies on the New York Police Department. They don't have their own police. So you get into a very different situation there. So it was interesting, yes. Yes, we would do that.

10-00:18:13
Rubens:

So do you want to shift to student activism? You feel that all of this came under the rubric of public affairs and media. But, in fact, the interview last week had begun with student protests and one of the topics that you wanted to cover was the changing student body and the changing nature of student protests. I don't know if it would be appropriate to start with your observations about how the student body was changing so dramatically.

10-00:18:49
Cummins:

Yes, it was. I think Bob Berdahl covered that in his oral history. The fact that the number of Asian students was increasing dramatically and they had very strong views on the importance of education. They were much more concerned about getting good grades, completing their degree here. So that was a very big change. There was also—

10-00:19:27
Rubens:

I'm sorry for interrupting. Did you take a strong position on the issue of overrepresentation?

10-00:19:33
Cummins:

No, not at all. I think we talked about the Asian admissions controversies in the late 1980s. And that's simply the reality of the situation. It kind of was called the Pat Hayashi effect or something. I forget where. He said that no matter what you do in terms of comprehensive admission, in terms of all the criteria that you take into account, socioeconomic status, special talent, first-time college entrant from a particular family, the Asian students out-compete the whites and underrepresented minorities. So you take all those factors into account, they fit in all those categories, plus they still do better academically

in terms of the criteria we look at. So I think that's the reality of the situation. We have tried to address that in a whole variety of ways but no, there's nothing wrong with that. It is—

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Rubens: We talked about it particularly as a challenge for Heyman.

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Cummins: Well, yes, yes. Absolutely, it was. And he—

10-00:20:57

Rubens: We didn't talk about it so much as a point of view that you had, that's all I'm saying, but rather to get at your sense about how the student body was changing because it was becoming a much more Asian campus.

10-00:21:07

Cummins: Right. I think throughout, everybody, all the chancellors that I've worked for were very strongly committed to affirmative action. And also, and this I think is a very strong value at Berkeley, is to provide the opportunity, the access, for people who come from socio-economically disadvantaged backgrounds, people that are underrepresented. And so even now the number of Pell Grants which Berkeley gives is very high, which is an indicator. It's about thirty, thirty-three percent of the entering undergraduate students who get Pell Grants, which means they fit within a particular socioeconomic category based on family income. I can't remember what it is. But I think that's very important and it's one of the major concerns of a lot of people now that tuition is going up at such a high rate. So hopefully Berkeley will never lose that focus.

In terms of the representation of the student body. I think that Bob Birgeneau makes a very good point, that it is to everyone's advantage, all students advantage to have diversity on a campus. You can't have everybody that is like you or like me. And you've got to have a real diversity there and it's just very important for the educational experience of being here. You have to continually work very hard to achieve that. So one of the most difficult issues has to do with African American students, because we still haven't made enough progress there and there's been an enormous amount of effort devoted to that.

10-00:23:12

Rubens: There was an enormous amount of effort in terms of staff diversity training, too. When you were speaking about preparing administrators for taking management positions. That may have not been a priority but that certainly seemed to become a major—

10-00:23:29

Cummins: Oh, yes. No question.

10-00:23:30

Rubens: Is that being driven by the unions? Do you know?

10-00:23:33

Cummins: Not particularly. No, I think it's something that the administration just felt we have to do this. We have to be very sensitive. And certainly with recruitment of under-represented faculty and women. I should bring that in for you. At least you could look at it. There was a big file that Ray Colvig gave me on affirmative action. He keeps everything. He gave it to me when I left and just yesterday I brought it up from our downstairs into my study and I thought, "Wow, here is all of this stuff." So there was a department of labor. I think I mentioned this to you. There was an executive order that Jimmy Carter ordered about affirmative action and hiring, which we talked about earlier, and so he's got that. That's in this file. And he's got all the news articles and everything dating back to that time. And so there was a very big emphasis on it and as I said, every one of the chancellors really believed strongly in doing this. It's a real tribute to this campus. Yes. So it was very—

10-00:25:2

Rubens: So other ways in which, when you just think about the sweep of time that you've been here, successively how the student body changed?

10-00:25:32

Cummins: Well, I think one of the other changes, which is interesting—and this is a gross generalization, so forgive me for doing it. But the Asian students—and I know there's a great differentiation when I say Asian students among all the Asian groups—but I can pretty clearly mark change with regard to the participation in class of Asian students. They tend to hold back. And I wouldn't teach that much but I taught freshmen seminars from time to time and I would see it. And I talked to other faculty about it and they said, "Yes, definitely. It's like pulling teeth." And I don't know what that's about, whether that is—I know I've read about the Chinese approach to education, which is basically you just sit there and they give you information and you absorb it and it doesn't require a lot of critical thinking. I don't know how much of it is that or how much of it is—obviously it's cultural. And what that's all about, I don't know. But that's a change.

We have also had Asian American students who were involved very much in ASUC and the politics of the campus, so that's a change. There were concerns—not concerns, but questions raised over time about why there wasn't more student protest and is the student body generation X or whatever more self-centered and not so interested in the big issues. And my view on that is that that's not the case. In other words, they don't view the protest of the past, where you're out there marching and sitting in and doing those kinds of things as important as engaging in other ways in the political process. So volunteerism is one, which I think on this campus is absolutely remarkable. And also on the use of the internet for political purposes, being more sophisticated in terms of how they're engaging their opposition in trying to

bring about change. Now, it'll be interesting to see what happens in the spring vis-à-vis the protests that have occurred on the tuition issue.

10-00:28:18

Rubens: Tuition hike.

10-00:28:21

Cummins: There has been all this talk and regents like Dick Blum and even the president [Yudof] saying, "Well, they would join a march on Sacramento." Well, we'll see.

10-00:28:34

Rubens: And so the students want them, because then—

10-00:28:36

Cummins: Well, and it creates a problem for the students. In *The New Yorker* piece that this guy, Tad Friend wrote on Berkeley protests, that was a very naïve piece. It's hard to understand Berkeley when you're living in New York, in Brooklyn and trying to write.

10-00:28:58

Rubens: What was naïve?

10-00:29:01

Cummins: Oh, naïve. It wasn't clear at all what his point was. Maybe he didn't have a point. I don't know. But this issue, there was a revolt at Berkeley, I thought that was so overextended and kind of ridiculous. What was experienced here in the fall with regard to the Wheeler Hall sit-in and certainly the attack on the chancellor's house was unprecedented. But what happened at Wheeler Hall was absolutely standard. You could predict everything. And I think what happened was that, first of all, the campus was caught off guard with regard to the first sit-in at Wheeler because they didn't know it was going to happen and they wake up in the morning and boom, here they are, they're dealing with it. That drew a very large group of people. The police had to bring in outside help. And I think they did that because obviously they weren't prepared, number one. And I'm not blaming them. They just couldn't be prepared. And there were a large number of fire alarms being pulled on the campus, apparently, and all these buildings were emptying out so it became an issue of how do you maintain control. And so they brought in others. Then there was the issue which is standard of police brutality. And I've looked at some of the stuff on YouTube, etcetera. I didn't see anything that we haven't seen many, many times in the past. Then you had faculty. Faculty who sided with the students. Again, standard procedure going all the way back to the Free Speech Movement. You have a group of faculty who routinely are going to take the side of the students and there's going to be this uproar over police brutality. So what I think happened then was that the chancellor overreacted, sent out various messages indicating that he was very upset by the level of violence, which is okay to say that, but then to say that you are going to have a complete review by our police. Well, that puts the police immediately on the

defensive. So in my view I would have held off on that. I would have strongly urged that they don't do that at this stage. I didn't think, based on what I saw—

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Rubens: Or at least make a public—

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Cummins: —make a public thing about it. You could certainly say to the police chief Mitch Celaya, “Mitch, I want you to look carefully at this.” We do have an internal police review board. It was set up a long time ago. It's a good thing to have. But once you involve them, it takes a lot of time of the police officers, and most importantly, it sends a message that you don't trust your police. And so my view was when you know the spring is coming, the spring is always worse than the fall because people have more time to organize and it's kind of the rites of spring that we're used to here, and so you don't want to be putting your police on the defensive right away. And I think Bob Birgeneau and the people that were involved there kind of understood that in retrospect, that we overreacted. I'm not blaming them because these situations are very tough. They're all very idiosyncratic.

10-00:32:58

Rubens: Or they seem so at the moment.

10-00:32:59

Cummins: That's right.

10-00:33:00

Rubens: They're frightening.

10-00:33:00

Cummins: Yes, absolutely. And then they have the Wheeler Hall kind of occupation again during Dead Week and I think they made another mistake there by letting them stay in overnight. It seemed, because again they got all this pressure from certain faculty. There was a view among certain faculty that people should be allowed to stay in buildings overnight. Well, they just don't know what they're talking about. And if they had gone through some of this in the past, they would not have agreed to that. And you want to be consistent when you're managing protests as much as you can in terms of what the rules are and why you have to follow them. And when Wheeler Hall was taken over in the past and I had to deal with it—and this goes way back before me, as I'm just reading a book that Rod Park wrote—it just came out. I'll give it to you—called *It's Only the Janitor*. And he published it himself and it's very interesting, but he makes a very important point in there about the fact that the academic program cannot be disrupted. You have an absolute responsibility to maintain the academic program. And that other individuals who are protesting something do not have a right to disrupt the ability of other students to get what they paid for. And so he hammered that over and over again. And when they took over Wheeler Hall, they essentially shut it down. This is the recent

protest, over tuition hikes. And then they were allowed to stay in. And the situation that you have when they're allowed to stay in a building and it's open access is that you can get all kinds of strange people coming into Wheeler Hall.

10-00:35:00

Rubens: Well, and you did in this case. Wasn't it non-students?

10-00:35:01

Cummins: Yes. Non-students. Exactly. And I think they had a police presence there. You can't control the situation so you don't want to do that. And I think that that was a mistake. And then they had to take them out anyway because they had no intention of leaving like they said they were going to and we're going to have a big celebration there on that Friday night. So all these things. I've seen them many, many times and, as I've said, these are fairly consistent patterns.

10-00:35:36

Rubens: The shift in the student body and the behavior of the student body, you're saying it was not so dramatically different?

10-00:35:47

Cummins: Not in terms of the tactics employed during the protest itself.

10-00:35:48

Rubens: One of the things that Professor Lawrence Levine in the history department, made about the students during the FSM was that there really was a cultural shift in terms of respect for authority, including an incivility of language.

10-00:36:03

Cummins: Yes, yes, yes.

10-00:36:03

Rubens: And he has really, I think, a very insightful observation about a woman who a policeman seeks to "protect" from an activist who uses some foul language; the policeman warns the young man, "Watch your language in front of this woman," and she turns to him and says, "Well, F-you." Levine was taken aback, and from that came a realization that something culturally had changed.

10-00:36:28

Cummins: Yes. Oh, the en loco parentis thing just completely fell apart. When you think about it, previous to the Free Speech Movement, the sororities, for example, had rules about how long men could stay visiting women in the sororities. They had these Dutch doors where the bottom part of the door had to be open at all times so the women who were in charge could see what was going on.

10-00:36:59

Rubens: So you could see that there were feet on the floor.

10-00:37:00

Cummins:

Feet on—yes, that whole thing. And so totally, totally changed I think at that point. But you get through the FSM. We move on from there. There is a real similarity vis-à-vis the kind of protests, and we can go through all these if you want. Maybe we should at some point. But the university got much more sophisticated, much better about dealing with these. The Office of Student Life was much more attuned to building communications and contacts with student groups, sitting down and talking with them about their concerns. The administration would work hard to come up with alternative ways to express their frustrations, the students' frustrations on a variety of issues. So there's a whole lot of learning that occurred over this period of time.

At the same time, in every one of these protests, and it's true of the ones this past fall, the protestors want to push the university to respond. They want the police to come in because bringing the police in will lead to more publicity, which will help their cause. It's all part of the game. It's a great theater, basically, that you go through when you deal with these. And then eventually they kind of peter out. There is a cycle, as I said, during the year and we used to plan on that cycle. So we would always have this operations group—I think I mentioned it in the past—we would get together in the late summer and say, "Okay, what can we expect? What are the surprises that are out there?" And we would try hard to figure out what they were. It's very hard to do but at least it was a way to maintain a kind of team effort that we engaged when we were dealing with these protests. You would then get inklings over the fall semester. A great deal of the success or failure of student protest movements has to do with the student leadership at the time. You can have very powerful persuasive student leaders and they do have a major impact, there's no question. So you're attuned to that. Who are they? How can we build bridges? How can we begin talking to them, this kind of thing. Then the pattern in the spring is that—and we're on a semester system and that kind of plays into this a little bit. The students come back around the end of the third week in January. It takes them a while to reorient themselves, to get their group back together, to know what they're going to do in the spring. It's also raining. We planned on all of this. We would pray for rain, literally, because it effects how many people they can turn out.

Again, we would be constantly trying to build these bridges with these groups. Then there would be some kind of action in the spring, usually mid-March on is the period you're dealing with and you're planning from mid-March to Dead Week before final exams, because you may have large groups but once they are coming to their final exams, that all peters out. So you kind of count on that, as well. And that's how we did it basically.

10-00:41:03

Rubens:

Are you bringing in sociologists at times who are—

- 10-00:41:08
Cummins: Well, Neil Smelser [sociology] was somebody that we would bring in. And one of the things that I would do is talk to people who had been through it before. Budd Cheit. [business]
- 10-00:41:27
Rubens: You just, as an offhand, said that you taught a freshman seminar and I made a note to ask you about that. I would think in part it's because you could really have a closeness with students and sort of an ongoing—
- 10-00:41:40
Cummins: Oh, yes.
- 10-00:41:41
Rubens: What did you teach and why did you do it?
- 10-00:41:48
Cummins: Well, basically it was on how the university works. And it wasn't that I myself did a lot of teaching. I organized this freshmen seminar.
- 10-00:42:01
Rubens: Bob Berdahl had a course on the history of the university.
- 10-00:42:04
Cummins: Yes, he did. Right. So what I did, the purpose was to give freshmen an understanding of how the university operates from the inside.
- 10-00:42:19
Rubens: I would have loved to have taken that.
- 10-00:42:20
Cummins: And so Pat Hayashi and I did this together. He was, at that time, the Associate Vice Chancellor for Admissions and Enrollment. Very, very good guy. Very smart guy. So we would bring in people like the chancellor. We had the chancellor come in, whoever the chancellor was. Bob Berdahl would come. Chang-Lin Tien came.
- 10-00:42:52
Rubens: You started it under Tien?
- 10-00:42:55
Cummins: We started it under Tien. When they first started, which was under Tien, the freshmen seminars. And we would have, for example, a football coach come in —Tom Holmoe at one point came in and met with students. We had the police chief, we had the dean of students, we would have the vice chancellor for administration come in. We would have maybe the chair of the academic senate to talk about what they do. And it provided an opportunity to—I believe we had like Edith Ng come in and talk about affirmative action and why we did certain things. We had Clark Kerr. Clark Kerr came in and that was always a big hit.

10-00:43:43

Rubens: You must have had a variety of readings.

10-00:43:44

Cummins: Yes, we had readings. We always had readings.

10-00:43:46

Rubens: You need to look through your papers. I think having the syllabus for that course would be wonderful as an appendix to your oral history.

10-00:43:52

Cummins: Yes. I'll have to go back and look. Yes, because I do have it. And I would urge them to get his book and many of them would, on *The Uses of the University*. That was one of the required texts, actually. And, of course, they would all come up. They would want him to autograph it. So it was very neat.

10-00:44:15

Rubens: How often did you teach that, then?

10-00:44:15

Cummins: Once a year. And it was interesting because I would tell the students—and Pat and I always said this—that we're totally available to you. If you have problems, if you are having difficulty working something out with the bureaucracy, give us a call. And certain students would take advantage of that. In other words, they'd come over, you'd get to know them, we would talk. One day Al Gore was coming. He was the vice president. This was in '95. And there was going to be a big push for student financial aid, increasing student financial aid monies. They contacted Berkeley, his office, and said that they wanted to have a town hall meeting over at the Clark Kerr Campus. That's one of the things I organized and it was a lot of fun.

But one of his advance people was a young guy, lived in Santa Cruz or grew up there and he was a golfer. So we went out and played golf. And he said, "We need some drivers for when the vice president shows up and did I have any ideas?" I said, "Well, I have these students. I could contact them." They would have been nineteen years old or thereabout. So I sent an email out and I said, "There's a possible opportunity. They need three drivers. I decided that the first ones to respond, that's who I'll work this out with." So they responded, the first ones, and I worked with the prep guy from Gore's office and they got to drive in the motorcade. And I think they drove in these vans and they had the press in the vans or some of the dignitaries that were coming with him. So they go out to the airport and the Secret Service sees them. The advance guy told me this. He says, "Who are these people?" Remember, now, the advance guy was only in his early twenties, okay, and he replied, "They're the drivers." They said, "Well, we didn't clear these guys. No one cleared them. They can't drive. How old are they?" And the advance guy says to the FBI, "Tough. We're doing it. It's all set. They're driving." I thought, "Oh, my god. Is this how it works?" So anyway, they drive. They get in these vans; they drive out on to the tarmac at San Francisco Airport. The entourage gets

out of Air Force One and there they are. They're driving around with Gore. They said by the time they got here, which was close to three o'clock in the afternoon, they said, "Oh, I just can't believe this experience." So you get to do these things.

10-00:48:00

Rubens: How did that town hall meeting go?

10-00:48:02

Cummins: Oh, it was interesting, because the student body president, and I forget his name, ended up being a Marshall Scholar. Very, very good guy. He's one of the few Marshall scholars from Berkeley. But he was supposed to introduce Gore. It was all set. And then I got a call from Gore's office saying, "We're just double-checking. Does he receive financial aid?" So I checked and I got back to them and I said, "No." And they said, "Well, then, he can't introduce. That wouldn't look good." And I said, "What are you talking about? He can." "No, no, we don't want that." And I said, "That's ridiculous." I said, "This is all set up. You can't do that." And they said, "No, this is coming right from the top. That's the way it has to be." And so I said, "Okay, but he's going to speak. He's going to be on the platform because we've already set that up. So if he doesn't introduce him, it wouldn't surprise me a bit if he didn't get up and say, "Look, this is what happened. This is how these things—Oh, you couldn't do that." Then I said, "I'm just telling you, this is Berkeley and that's what might happen." "All right, all right. Leave it alone. Leave it." And so that's how we dealt with that.

10-00:49:12

Rubens: How funny.

10-00:49:13

Cummins: Yes. It was amazing. It was interesting because I remember we were standing together, he and his chief of staff. I can't remember the guy's name. And he was just getting ready to walk out on stage and he says—

10-00:49:48

Rubens: This is before the second election?

10-00:49:49

Cummins: Yes. Well, it would have been ninety-five. Yes, it would have. I think it was ninety-five. Somewhere in there. Yes, it was before the second election. So anyway, he turns, Gore does to his chief of staff, and he says, "So who's in the audience that I have to acknowledge." And the chief of staff says, "The mayor of Oakland, Shirley Dean, and the mayor of Berkeley Elihu Harris." And so I said, "No, no. It's just the reverse." And he looks at his chief of staff and he says in the most negative hostile way possible "Can't you get anything right?" in front of me. And I thought, "Wow." Now, maybe he was nervous but I thought that was uncalled for. So I never liked Gore from that point on. And then Mike Heyman told me, because I mentioned that to him, and at that time Mike was the secretary of the Smithsonian Institution and Gore was on his

board. And he said that fits with his view of Gore, because at one point they were dealing with a very difficult budget issue and he had made repeated calls to Gore's office and just never got a call returned. So finally he made contact with Gore and Gore gets on the phone and says, "What the hell do you want?" I thought you don't have to do that. You really don't have to treat people that way. So anyway.

10-00:51:32

Rubens:

Should we look a little more systematically at some of the student protests that you did have to manage?

10-00:51:46

Cummins:

Right, yes. So I started working for Mike Heyman in '84, I think it was, and there were protests dealing with apartheid. There were also affirmative action related protests. And during one of these meetings that we had with the police chief and some others, Mike Heyman turned to Derry Bowles, who was the police chief, and he said, "I want John involved in all of this now." And I think I had mentioned this earlier, that was news to me. I had been a protestor in college and so I thought, "Well, that's interesting. I wonder how—and I never talked to him about it—why did he decide that." But anyway, so that's really when I started in earnest doing this.

10-00:52:52

Rubens:

Now, this is sort of one of your areas that you were responsible for as chief of staff?

10-00:52:59

Cummins:

That's right. Yes. And I didn't have that title, then. It was just Assistant Chancellor. So I got along very well with the police chief Derry Bowles. I don't know if he was police chief at UC Santa Barbara, but he was certainly an officer there, I think he was, when they went through all the protests in the sixties. And Vicky [Victoria] Harrison, who became police chief here after Derry was a young officer under Derry at UC Santa Barbara. And we got along very, very well. I was fascinated with police work because my grandfather was a police officer. I think I had mentioned that earlier, too. So he was an Irish immigrant police officer and worked in Pittsburgh in the Hill District, which was an all-black segregated area of Pittsburgh for many, many years. So I was always fascinated by that.

And I believe my first dealings with the police after that announcement was—would that be right? I guess it was Al Gore again who came here, but he wasn't Vice-President. I can't remember. Anyway, there was some high level person who came. There was an exhibit at the university art museum that involved our students. It was part of their MFA work. One of the exhibits involved a television and it had something playing on it that implied a threat against Ronald Reagan. I'd have to go back and look at this in great detail. I'm pretty sure it was Gore that came. But anyway, I was involved with that and there was some controversy around this. Got into the press. There was a

police officer named Dave Broneker who I worked with. He was really the first officer. He was a good guy and he was here for a long, long time. He's now retired. And his wife was also a police officer here. So anyway, that was kind of the beginning of the police stuff.

So the first major protest, obviously, was in eighty-five, eighty-six, on the apartheid protest. It was huge, particularly in eighty-six. I think I've said some of this.

10-00:56:08

Rubens:

We discussed this at the opening of last week's interview. You were talking about the using of the dumpsters, that it really represented an escalation.

10-00:56:22

Cummins:

Exactly. And I remember—I don't think I said this—but Calvin Handy was a black officer. He was a lieutenant at that point in time. Maybe he wasn't even a lieutenant. He eventually became the police chief at UC Davis. Just a great guy. And we used to play tennis together. He was on this police line which would have been the north side. It's funny. I can smile at this stuff now. It was really not very fun. And they were throwing Molotov cocktails at his feet. I looked at him. Of course, he had the police mask on and everything. I thought, "My god, he looks white." So after this all settled down, we were talking. It was a few days later. And I said, "Calvin, were you scared out there?" And he said, "No, no. No, I wasn't scared." I said, "Okay." So then a week passes and we're playing tennis. And he says, "Oh, I want to bring that up again. I have to tell you, I was just scared to death." So it's very tough. Very tough being in these situations. You have to exert the utmost in control. We had one of our police officers, they threw a garbage can over the police line and it hit him and all this garbage came out. He went right out after them, which of course you can't do, and then he had to be pulled back by other police officers. So it can be very, very difficult.

10-00:58:08

Rubens:

Yes. Let's stop for a minute so I can just change the tape.

Audio File 11

11-00:00:00

Cummins:

Yes. So that was the first major one. And I think the other interesting point—I don't know if I said anything about this either—but that the morning of April 3, I called Mike Heyman, who was out of town, to tell him this kind of finally had ended. And I was walking over to the police station to make that call because we couldn't get in California Hall and it was around 7:00 in the morning. The police had just gotten all the buses out. There were just the three buses going down Bancroft, right past Sproul, right down Bancroft. And the protestors came back. And I was walking towards them. They knew who I was. And they surrounded me out on Sproul Plaza. I thought, "Oh, this is great." And there was a shouting match going on.

11-00:01:04

Rubens: You as representative of the university?

11-00:01:05

Cummins: Yes. And so Joe Johnson, and I don't think I talked at all about Joe. But Joe was this terrific police officer. Big black guy and had been here all through the sixties. And he came around the corner. He wasn't on duty that night, so he was just coming to work. But they all knew who he was because he was called the mayor of Sproul Plaza. He was always out there. He was the one that would pull the cord on the mic at one o'clock. They all knew who he was and they all admired him and respected him because he was very impressive and he was also very big. So he moved in to the crowd, basically, and dispersed them, which I'll, of course, never forget. During the sixties, there was a bomb that went off at the ROTC building. I can't remember what year it was. But he told me he was on a motorcycle and he went past the building. There was a protest there and he went past the building and stopped and they were all running, taking off. Maybe there was a car that was stopped and took off, and he had to make a decision either to get out, stop his motorcycle and look at what was that package that was in front of the ROTC building, which was down here by Harmon Gym, or chase the car. And so he decided to chase the car and the bomb went off. So if he had checked the bomb, he would have been right there when it went off.

11-00:03:00

Rubens: Johnson should be interviewed.

11-00:03:04

Cummins: Oh, absolutely. He's around. If you could get hold of Joe, that would be very good.

There were always protests over the American cultures requirement. During Mike's time there were concerns about affirmative action up at Boalt. I mentioned some of that with Jesse Choper. But the next one had to do with People's Park. And Chang-Lin Tien was chancellor then. And it was clear that the regents wanted People's Park to be dealt with. I should go back. I'll do some research on this. I have to go back and look. There was one point, and I believe Mike was the chancellor, where the Catholic Workers dealing with People's Park protesting, they brought in a big trailer, one of these mobile homes, and brought it in at night and parked it on People's Park, right in the middle of the park, and let all the air out of the tires so it couldn't be moved and then opened what was called the People's Café. Now, what this was related to I can't recall —whether it was tied into the homeless issue that we were dealing with at the time. So this was in Mike's time but it was amazing. Because talk about an amazingly creative thing to do, and I can still see it to this day. They had a porch outside. They served food there. We were dealing with this constant problem that they're still dealing with to this day about serving food at People's Park.

So we were really stuck in terms of trying to get this thing out. Finally, I don't know how many months it was there—maybe two or three, I can't remember. And then the decision was made, "Okay, we've got to get this thing out." And so we took it out at night, of course, and we had to cut down some trees to get this thing out. We had to drag it out because it was—

11-00:05:42

Rubens: So this is your job? You needed—

11-00:05:44

Cummins: Dan Boggan and I were dealing with this, and the police, of course, and physical plant—they reported to Dan.

11-00:05:49

Rubens: —finding out who are the haulers, what kind of haulers can literally—

11-00:05:53

Cummins: Oh, yes. That was physical plant. They reported to Dan. And they've always been involved in these protests, like when we were dealing with the apartheid protest. They had to figure out how they're going to clean this mess up that was out there. And then, of course, once you have something like that, where they're destroying anything they can get their hands on, the bicycle pods and the granite benches, how do you stop them from doing that? It's complicated. Anyway, they're always part of this. And then in People's Park in particular, they're always involved because they have to maintain the cleanliness in People's Park and that's always been an issue, yes.

11-00:06:36

Rubens: So in dead of night this thing in fact is—

11-00:06:39

Cummins: Yes. So we get this thing out. That was absolutely amazing. It was either at that protest, or another one related to People's Park, where the City of Berkeley Garbage trucks were being used to haul away debris. Dan, remember, was the former City Manager and very popular with all the workers. He was also tall and strong. Somehow the garbage truck became the center of attention of some of the protesters on Bowditch between Haste and Dwight. Dan went right up there, moved right into the protesters and extricated the truck. Dan had a temper. It was quite obvious at that time and nobody messed with him.

11-00:07:26

Rubens: You got away with that then. The issue is what's going to happen to People's Park?

11-00:07:33

Cummins: Yes, exactly. And the regents were really fed up with People's Park. And I think I talked already about the fact that when Mike was chancellor, we entered into an agreement with the city and the regents were unhappy about that and on and on. So it's just a constant thorn. And Mike has always said,

“The university will finally be able to deal with People’s Park when everybody who had anything to do with it is dead.” Yes. And Bob Berdahl repeated that in his oral history, so I think that’s true. But it’s one of these absolute perennial issues. I couldn’t imagine how many hours, days, and people’s time were spent on People’s Park over all these years. It’s absolutely enormous. Enormous.

11-00:08:24

Rubens:

And that incredible piece of property just sitting in the middle of—

11-00:08:27

Cummins:

Just sitting there. Yes.

11-00:08:28

Rubens:

Which really is not used by students or by—

11-00:08:32

Cummins:

Well, the basketball court is. And this will get us to the next thing. So Tien comes in and he has this mandate, basically, from the regents that they want People’s Park addressed. And so there’s the typical consultation with the community groups. And basketball court and a volleyball court were built. And a restroom area there. And there was incredible protest over the volleyball courts, in particular. And they were sabotaged. They were set on fire. These were sand pit volleyball courts and they were really nice. There was wood framing around them. Syringes were thrown into the sand and glass. Made it impossible to actually use these things. So there were continuing protests over People’s Park and that led to—

11-00:09:40

Rubens:

Now, who were the people who were throwing the syringes and the—

11-00:09:45

Cummins:

It goes back to this notion that it’s the People’s Park. And what that meant was it was the homeless people’s park and the drug culture people’s park. But they were able to get enough people involved, particularly this radical fringe and the anarchists.

11-00:10:10

Rubens:

So it’s not really students that are involved.

11-00:10:12

Cummins:

No, not at that point. You may have a few students, but no, it was not really a major student issue. But there were riots on Telegraph Avenue. They were quite serious. Dash Butler was the police chief for the City of Berkeley at that time and there were rubber bullets used against the protesters for the first time. I remember that very well. At one point Steve Barclay and I—Steve was an associate vice chancellor under Dan Bogan and then he became the vice chancellor for administration at UCSF. But we were down on Telegraph kind of observing what’s going on and we got caught in one of these police responses. And it can be scary. Of course, the merchants get very upset. And

the merchants are in this catch-22 situation where they would like the park improved but when action is taken to do it they back immediately away because of the protests and the damage to their stores and then people don't want to go down Telegraph and buy things. That was the next major one.

There were continuing actions over affirmative action as a result of SP1 and SP2, the regents' actions in ninety-five and then Prop 209 in ninety-seven. There were marches, rallies on Sproul Plaza, but it was hard to direct that against the administration because Chang-Lin was so pro-affirmative action and so outspoken, as Chuck Young was, about this is the wrong direction to go. So anyway, interesting.

I think it would be just an interesting aside on SP1 and SP2. Peltason was the president at that time and here you had this regent, Ward Connerly, who was really pushing this. Had his own agenda. And David Gardner told me that if he were president, he would not have permitted SP1 and SP2 to come to the board for a vote. And he said he had suggested that to Peltason but Peltason didn't follow through. And so I thought, well, that—

11-00:12:54

Rubens:

Could he have done that?

11-00:12:55

Cummins:

Yes, that was my question. Could he have done it? And I suppose he could have. The president controls the agenda. You, of course, would be very reluctant as president to do that, but the regents had very high regard for him. Not that they didn't for Peltason, but I think he was the kind of person that would have been willing to take on that kind of fight and say, "No, we're not bringing it before the board." And, of course, you get that worked out in private so it doesn't become a public issue like it did. I suppose he could have even threatened to resign if they brought it forward because the president does set the agenda. So interesting little aside right there.

11-00:13:39

Rubens:

Yes, that is. And then would Connerly have—

11-00:13:42

Cummins:

What would he have done next? Exactly. Of course, 209 happened, but at least you wouldn't have had the regents on record.

11-00:13:52

Rubens:

Yes, exactly, as if they initiated it.

11-00:13:56

Cummins:

That's right. And then they rescind that, SP1 and SP2. I forget when it was. 2001 or something like that.

11-00:14:03

Rubens:

Only a couple of years later. Less than—

11-00:14:06

Cummins:

So that was interesting. So we had that. Then we had the ethnic studies controversy that again was one of these very difficult issues. I had talked about that in an earlier interview.

11-00:14:26

Rubens:

We did but did you want to say more on that? You didn't really talk about the student protest.

11-00:14:51

Cummins:

Well, yes. And it was a campout, again, in front of California Hall and a hunger strike. Bob clearly made the point that when you have a hunger strike, you really are concerned because the health of the students, and faculty, of course, are concerned, too. And there isn't any way to know whether they're eating or drinking anything or not. And so you would get into these situations where one of the students would call 911 and paramedics would show up. But you never knew if that was staged or the real thing.

11-00:15:32

Rubens:

A lot of drama.

11-00:15:33

Cummins:

Drama. There was actual drama. Faculty would come into California Hall and plead with me to do something. And we definitely were very, very concerned, no question. So Bob Brentano was chair of the academic senate and a terrific guy, wonderful man, and so he was able to negotiate.

11-00:16:02

Rubens:

To cut a deal?

11-00:16:04

Cummins:

Try and work it. So Bob Berdahl and I went to this long meeting and Jan de Vries had just been appointed the vice-provost for faculty welfare, I think it was. Very, very important role on the campus. Actually, he wasn't yet appointed, but that's where I first met him. And I think that's probably Bob Berdahl's first experience with Jan, too. And he was terrific in that setting. He was very firm. He discussed the FTE situation. Again, it was one of these situations where the problem resided in the department among the faculty, as Bob pointed out. So anyway, it was odd. But lots of unhappiness among a certain group of faculty for what Bob had agreed to. There was a lot of miscommunication. David Hollinger played this very important role—I'll never forget that—at the meeting. And, again, we got through it. So the protest itself, I've probably said enough about that. But hunger strikes, yes, they're definitely problematic, that's for sure.

11-00:17:31

Rubens:

Yes. And you had first seen that in the anti-apartheid protests?

11-00:17:36

Cummins:

I don't know that there were hunger strikes at that point in time. I just can't remember. Yes, yes. But obviously, it's an effective tool, that's for sure. I think we had one dealing with the student union. I can't remember.

11-00:18:01

Rubens:

Are you worried about time? Do you want to stop now?

11-00:18:02

Cummins:

Let's see what would be next here. Well, the whole issue of the Israeli Palestine conflict, Students for Justice in Palestine. I think we talked about that, we talked about the course, the Politics and Poetics of Palestinian Resistance Literature. I thought that was a very strong indicator of how Bob Berdahl dealt with issues. And he talks about that in his oral history. Very, very thoughtful and amazing level of sensitivity for the student Snehal Shingavi, I think. Always remember him. Anyway, those issues over the Israeli Palestinian situation, we've had those as long as I've been here on the campus and they ebb and flow depending on the situation in the Middle East. So they can be very difficult.

11-00:19:08

Rubens:

Ehud Barack was here. And there were demonstrations both in the city and on campus.

11-00:19:15

Cummins:

Right, right. And he [Bob Berdahl] didn't talk much about this. I think I may have said this already. But the governor was very involved. The Jewish lobby is very powerful and there were regents who were Jewish who were very powerful. Norm Pattiz was one. There were others. I can't remember specifically, but there was real concern about anti-Semitism on the campus and they went to the governor. And then it was necessary for every university campus, University of California campus and every CSU campus to do a report on any anti-Semitic activity.

11-00:20:02

Rubens:

This was coming out of the governor's office?

11-00:20:05

Cummins:

The governor wanted it, yes. And really, the major activity was here and at San Francisco State and maybe to some degree at UCLA. And I think I've already talked about the fact that we made great effort to reach out to the Arab Muslim community. Bob doesn't say it specifically in his oral history, but the first—I said this—the first Iftar was held, the evening meal to break the fast after Ramadan, that we had was under his watch and he agreed to do it and it was very, very powerful. It was like the Pope coming to Yankee Stadium. The community was so appreciative. I think Iftar is still observed here.

11-00:20:41

Rubens:

So that's something that you're proposing and then seeing through?

11-00:20:45

Cummins: That idea emerged from the discussions we were having with the interested parties. One person who was particularly helpful was Hatem Bazian, a lecturer in Near Eastern Studies. And Bob was very willing to do these things as chancellor. Also put money into alternatives to protests so that students could submit proposals. I mentioned this earlier, too, about the film festival, for example, that was around the issues in the Middle East and other proposals that students got funded through Genaro Padilla on Middle East issues in general.

11-00:21:26

Rubens: We don't need to rush this, either.

11-00:21:29

Cummins: Exactly. So we can talk more about it.

11-00:21:31

Rubens: Yes. So should we call it a day today?

11-00:21:31

Cummins: Yes. Good.

Interview 7: February 3, 2010
Audio File 12

12-00:00:00

Rubens: This is February 3, 2010. It's our seventh interview with John Cummins and we had been discussing last week student activism and the changing nature of student activism and we were proceeding through successive demonstrations, and the need for administrative preparedness and the variety of administrative response.

12-00:00:22

Cummins: And I think we talked about People's Park. We certainly talked about all the affirmative action related protests. Not all of them, but there were a number during that period of time for sure.

12-00:00:42

Rubens: When you say affirmative action, you're referring to?

12-00:00:42

Cummins: Well, diversity issues, the American Cultures Requirement. Everything related to issues of diversity. So by affirmative action I mean just the concerns over the number of underrepresented students we had on the campus, how we attempted to deal with that. And there were protests from time to time over that, as well.

12-00:01:08

Rubens: Did you have a strong feeling about American cultures? I think we did not discuss that in depth.

12-00:01:15

Cummins: Well, it's always an issue when you start making changes to the curriculum, especially mandating courses. And a great reluctance on the part of the faculty to make changes in that regard. So the issue of the American cultures requirement went on for several years.

12-00:01:38

Rubens: Did that particularly come under your domain?

12-00:01:39

Cummins: Not the academic part of it. That would be the responsibility of the academic vice chancellor and provost. It was approved in the late eighties under Mike Heyman. But there were lots of meetings, protests, lots of discussion about it over the years and some of that centered at the law school and other places. But we eventually got there and I think it is—

12-00:02:05

Rubens: It's over twenty years now that it's been going.

12-00:02:06

Cummins:

Yes. And I read somewhere, where there may be a review of this now. But the idea was a very good one, where you draw on very broad disciplines that can cover issues related to diversity, ethnicity in a variety of ways, so you can study the culture of music, for example, in various ethnic communities or the history of various ethnic groups, so that it gives students a very broad appreciation and a significant choice about what to pursue to give them a better understanding of diversity.

12-00:02:58

Rubens:

So this was not something that then was revisited? It's accomplished under Heyman and—

12-00:03:04

Cummins:

That's right. It goes forward.

12-00:03:07

Rubens:

It seemed to really become embedded in the curriculum rather quickly —there were summer faculty workshops to encourage new courses.

12-00:03:10

Cummins:

Yes, it has.

12-00:03:11

Rubens:

It's one of the few, if not the only, graduation requirements for all undergraduates. Cal is of the few schools in the country that has something like that. The study of diversity has to be comparative; it has to include at least three cultural or ethno/racial groups.

12-00:03:24

Cummins:

Yes, exactly. It was a very smart thing to do. So we certainly covered the ethnic studies protests, People's Park. We talked about. Students for Justice in Palestine. The difficulties with that, the fact that it became really an issue that involved the governor and the regents of the university. So I guess the next issue—

12-00:04:28

Rubens:

And we really concluded with the Regents' response.

12-00:04:40

Cummins:

Right. And then I guess one of the major crises was SARS and that was around 2002, 2003. And SARS was Sudden Acute Respiratory Syndrome. It was a virus that originated in Asia, in East Asia, and it created a lot of concern because of the mortality rates. This occurred in the spring, was very prevalent in the winter and spring, the concern about SARS. And the issue we faced was whether we should admit students from SARS affected areas. The Centers for Disease Control issued travel advisories for certain countries. Certainly Taiwan, China in particular. And we used that as kind of a base. If the travel advisories from the CDC indicated that one should not travel to those countries, including faculty, to do research, etcetera, should we be accepting

students from those countries during this crisis? And we were in a unique position because we were on a semester system. We ended classes earlier than other campuses that were on the quarter system, and we ended typically earlier than most other campuses in the country, and so we had to face this issue about taking students for summer extension classes earlier than other campuses. The chancellor, Bob Berdahl, convened a group to look at this. I chaired that group.

12-00:07:16

Rubens:

And the group consists of? Just descriptively.

12-00:07:19

Cummins:

It was a large group that included all the relevant units that you might think of. So certainly the Dean of Extension was on it. We had public affairs representation. We had public health representation, both from the school of public health on the campus, as well as public health representatives from the City of Berkeley and the State of California. We had members from the Tang center because they would be charged with dealing with SARS related cases if they emerged. We had people from the Housing Office because the students would be housed on the campus. We had the police. We had somebody, I believe, from Alta Bates Hospital because that would be a place where students would be transferred to. So it was a very complicated—

12-00:08:23

Rubens:

And how many students are we talking about?

12-00:08:26

Cummins:

Well, I'll get to that, because that became a critical issue, to say the least. We began with a large group. It became too large and so we narrowed it to focus on medical personnel, the public health people, the people that do research on epidemiology. I'm blocking on the person's name, Tomas Aragon. But he played a very key role because he was heading a center dealing with infectious disease on the campus and also was somebody in public health in the City of San Francisco who had lots of experience. He was just terrific. Anyway, we figured there were several hundred students that were coming for the summer session. I believed they would start arriving in late May. And we concluded that it would be better to not have these students come and to let them know fairly early on so that they could find other arrangements for themselves. Most of these students, virtually all of them, were coming to study English as a second language and that was it. So they were not "our" students. They were not part of the student body here. They were coming for a class in the summer. That decision cost about a million dollars. It was a million dollars of lost income to the university extension that conducted these classes.

And so we spent a lot of time on putting together a policy. And the policy was finished on a Friday. There was also a task force that was headed by a vice-president at the president's office for health affairs, who is now the chancellor

at Irvine. We put the policy together. I made sure that it was reviewed by the president's office, because by that time they had a set of criteria that should be included in any policy and they did approve it.

12-00:11:19

Rubens: This is a general disaster policy?

12-00:11:21

Cummins: No, this is specific to SARS. How are we going to deal with this situation? So we put together the policy. It was finished. I basically wrote a good deal of it myself and we sent it out on a Friday for review with the understanding that if we didn't hear back from people we were going to release it on a Monday. So we didn't really get much feedback at all. It was also the recommendation of the Public Health Officer for the City of Berkeley that we implement this policy of not having students come here.

I should say also that one of our biggest concerns was how do you deal with students who come here and then have SARS, or have at least the symptoms related to it, because it required quarantining for ten days to two weeks. There was a question about if they were in dormitories and there was then a general concern about other students in the dormitories, would they contract SARS? What were the implications of this? So we actually had made contact with a company that provides trailers and we had, as a backup, even going into the fall, three trailers that were parked over at the Clark Kerr Campus so that if students did contract SARS, they could be moved there for quarantine purposes.

12-00:13:15

Rubens: So not only was there lost revenue, there was also a considerable cost?

12-00:13:17

Cummins: Oh, exactly. Liability issues and a whole range of things. We issued this policy on a Monday, and immediately phones started ringing off the hooks from every possible news outlet. The BBC, China news agencies. It was a huge deal that we did not fully, to say the least, anticipate. And there was a great deal of criticism heaped on the university for this. There was a specific accusation that the campus was being racist, we were targeting students from China. I don't think there was any evidence of that at all. There were phone calls. I got a call from the minister of education in Hong Kong who pleaded with me, "Please admit these students because we are at the point now where we've gotten over the biggest hurdle. This situation is under control. I can guarantee you that we wouldn't send students who have any SARS related symptoms. They had implemented at most major airports in many places in the world detectors, so that if you went through the detectors it would provide a reading on your body temperature and anybody over a certain level immediately pulled aside and talked to and looked at carefully so that this virus—

12-00:15:13

Rubens:

There were specific rugs that people stepped on when they left airplanes and—

12-00:15:15

Cummins:

Exactly. It was just amazing. And there was a major concern. So there was all of that going on and it was just an absolute firestorm. I'll never forget the number of phone calls. And Pete Dietrich, who was the medical director at the University Health Service at that time, started handling these calls and was on all kinds of news outlets. He did a very good job and explained why we were in this situation.

Then a major issue arose related to a donor from China who was providing a very large gift to the university. There was a major concern that with all of the attendant publicity surrounding this, that he might withdraw the gift. The Development Office, Don McQuade, the vice chancellor in particular, was heavily involved with this. We were under the impression, the people on this committee that I chaired, that all these students were coming at the same time. The dean of extension never told us otherwise. When we started really pressing because of all the attention this was getting, he told us that, well, they come in stages and the first stage was like twenty-five or thirty students. So if we had known that, we could have done things quite a bit differently. We probably would not have issued a policy. I'm not so sure about that, because I don't think there was a concern that the policy was not the right thing to do, but there was a concern that we hadn't thought through the public relations strategy well enough. We didn't consult with the people in China, for example, to say here's what we're planning to do and I think that was a very legitimate criticism.

So Don McQuade and Scott Bidy and Art Reingold, who is a leading epidemiologist on this campus, ended up going to Hong Kong to say that we wanted to figure out a way that we could work this through. It was interesting because this was on a lot of top radio shows and things like that. I don't think there was any unanimity at all with regard to whether or not we should have had this policy. I remember we were in a cabinet meeting and Bob Berdahl got called out because he had a call from Julie Gerberding, who was the director of the CDC and who was also an alum of our School of Public Health. Terrific person. So he and I went out and took this call and Art Reingold was in her office because he did a lot of work with the CDC, was very close to her at that time. Still is, I'm sure. And Bob basically said to her, "Do you want us to change the policy, just drop it? Is that going to be better?" And she said, "We can't be in the position of telling you how you have to deal with a particular situation on your campus. That's your decision and no, we would not ask you to change the policy."

12-00:19:17

Rubens:

Had you consulted with UCLA or Stanford?

12-00:19:21

Cummins:

Well, we had people from public health here. We had the people from the city department of public health. Public health director for the city takes over in a public health emergency. She's in charge. She can tell people literally what to do. She could tell Alta Bates to admit or not admit patients. She could tell us, "You may not bring these students." She had recommended that, yes, we go forward with the policy and we had, as I said, two people from the California State Department of Public Health who were also involved on the committee. At any rate, Don and Scott went to Hong Kong with Art Reingold and they worked out an arrangement where we ended up taking maybe—it was a small number, maybe twenty, twenty-five students maximum instead of the 700 that we were supposed to take. And that seemed to calm things down.

It was interesting, because I talked to Art after that, and this was maybe several months afterward and we happened to be at a dinner. I sat next to him and we were talking and I said, "So what was that like when you went to Hong Kong?" He said, "Well, it was really interesting, because when we got there, the first meeting we went into, which was at Hong Kong University"—I think it's Hong Kong University of Science and Technology. They have a big medical school, hospitals. They went into the room and everybody—these were high level official—everybody in the room was wearing masks. Everybody except them, which of course is going to give you second thoughts about what's going on. He said people there, everywhere, uniformly, were still wearing masks. So then we had an interesting discussion. He said he had been on a number of these talk shows and he said a number of people called in supporting the policy. People contacted me, said, "Yes, that was the right thing to do." But it was a very big deal from a public relations point of view and certainly we should have done more outreach before just issuing this policy.

12-00:21:56

Rubens:

A kind of preemptive—

12-00:21:56

Cummins:

That's right. Kind of work that through instead of springing it on people. That certainly wasn't our intention, because from our point of view on the committee it seemed like a very reasonable thing to do. It would be different if these were our students. That would have been very different. And we were losing money, on top of it, trying to do this. But looking back on it, in terms of managing a crisis like that, I think that what happened was that we got into a group think situation, because whereas the committee at the beginning was quite large, it was just too hard to manage, so we narrowed it and all the people we had on the committee were health related people, so we didn't have the feedback from public affairs, development, etcetera. And that would have obviously been very helpful. And we would have then had more of the initial contact before issuing the policy. Second, how we ever did not know that these students were coming in stages and not all at once was amazing. We definitely should have known that, but there was no indication from the dean.

He was in every one of the meetings and never indicated otherwise, so that was kind of a shock to get that. Anyway, we learned. We learned a lot from that and then that led to the—

12-00:23:34

Rubens:

So were there actual consequences? Did the donor withhold?

12-00:23:37

Cummins:

No. No, he did not. Anyway, it was probably the most difficult, one of the most difficult issues to manage from a public relations point of view. You read about these things in the paper, where there's just a firestorm of media interest and concern over something. That was certainly one of those cases.

12-00:24:30

Rubens:

Did any other schools in California have to face this?

12-00:24:32

Cummins:

No. Not after they saw what happened when we did it.

12-00:24:37

Rubens:

I didn't know if UCLA drew foreign Asian students.

12-00:24:40

Cummins:

No, they didn't. They had students. I am sure some of them must have had some Asian students coming for summer programs.

12-00:24:50

Rubens:

But not of a scale?

12-00:24:52

Cummins:

No. And I know the Dean of Public Health here told me, because he was also heavily involved in this, that the deans of schools of public health had a conference call about it and one of the other deans, and I can't remember if he was at Columbia or at UCLA—maybe UCLA. He was actually supportive of what we did. Others weren't. And, again, when you're in a situation like that, there are very specific circumstances that apply that people outside the institution can't see. And so that's always an issue you have to deal with.

12-00:23:37

Rubens:

And, in fact, were there any cases of SARS?

12-00:25:40

Cummins:

No. No.

12-00:25:40

Rubens:

It could have easily been not just these students but it could be Berkeley students that were traveling. Or the administrators and or fundraisers who traveled to Asia.

12-00:25:50

Cummins:

Oh, absolutely. As the committee was meeting, we were hearing from the public health officials, both in Sacramento and from the City of Berkeley, from Alta Bates, from Tang, that there were students coming—these were our students or traveling students, graduate students who had been there and come back and they were quite ill. So you had all of this going on with very little information and also not a very good understanding at all, because it was so new, of exactly what was going on with regard to these viruses. So one of the things that came out of this following the visit of Don McQuade and Scott and Art Reingold was that there was a delegation that came from Hong Kong. We met with them for about four or five hours to learn from them how did they do it, deal with it. Their school, they literally closed down their school. And they said they didn't close it down. They had, for example, three students. I think these were medical students who contracted SARS and it spread extremely quickly. I think three of these students died. I'd have to go back and look at the data, but they had to quickly put a lot of the students who contracted SARS in a room. There were lots of beds of people with SARS. One of the high level officials at the university, as you would do, went into that ward. This was in the early days. They probably weren't even wearing masks yet because they didn't know. And the next day he came down with it. So it was very rapid and very scary to lots and lots of people throughout the world. So that was helpful. We had them come.

Anyway, the point I was going to make was once the word got out among the students that three people had contracted SARS, they all left. They wouldn't go anywhere near the university. So the administration didn't close it down, just nobody would have anything to do with the university, so it couldn't function.

And then in this most recent H1N1 swine flu issue, the way that this was handled in China was extremely strict, where you may recall there were students from Mexico who went to China. They didn't have symptoms and they were all quarantined for fourteen days over there just immediately. Now, something like that, if we had done something like that here it would have been a huge outcry. But what they basically learned from going through the SARS experience is that these things have to be taken extremely seriously. They were also heavily criticized because SARS had actually taken hold in China and they were not forthcoming about the number of cases. So this became a huge issue, as well. It was a very difficult issue.

12-00:29:43

Rubens:

A crisis to get through.

12-00:29:43

Cummins:

A real crisis, yes. Another thing that came out of that was the creation of Project X, which was a group that I put together to—

12-00:29:56

Rubens: How did that name come about?

12-00:29:58

Cummins: I don't know. We didn't want to reveal it. Just like we called the protests group the Operations Group. As soon as you have a name attached to something and particularly in an environment like this, where the media's always focusing on Berkeley, then you get a lot of Public Records Act requests, show us your records, did you take any minutes, who's on the group. We just wanted to avoid that so we gave it some innocuous name. But Mike Heyman was on that group, Bob Berdahl, Don McQuade, George Strait, who was head of public affairs, Neil Smelser. I'm trying to remember some of the other members. The Dean of Public Health was on there. Vicky Harrison was on there. The director of the Tang Center, I think that was Steve Lustig. And we met. And Neil Smelser actually wrote a paper called "Anticipating Surprises." We gave him some money to hire a couple of graduate students who did a lot of research, went back and looked at several of the crises going back to FSM and moving forward. And it's a very, very good paper that he wrote that's going to be published soon in a book that he's doing for UC Press.

So it's hard to keep a group like that going because you don't have a crisis to deal with. The idea is how as an institution can you anticipate, to the extent you can, and how do you keep people engaged in a way so that they're always thinking about it and what would we do in the case of X,Y and Z. If we had a major earthquake on this campus, for example, there was a very elaborate procedure that is really determined by the State of California and all related jurisdictions. The Office of Emergency Services for the State of California has a procedure, it's a very detailed procedure, about how these things work, how the police agencies cooperate with one another, hospitals, etcetera. So that's all laid out. But then you get into these other situations that are minor compared to a major earthquake and you have to be ready to deal with that.

12-00:32:36

Rubens: So health crisis, potential terrorist.

12-00:32:39

Cummins: Exactly. Or a bomb. We've had bombs on this campus that have gone off, one seriously injuring a graduate student on the campus. There was also an English professor, going back to FSM, that was seriously hurt with a bomb that went off. There was the reference I made to Joe Johnson, the police officer and the bomb at the ROTC building. We have a bomb squad on this campus, which we're very fortunate to have, because they are trained and can respond immediately to these situations. They're also utilized by other jurisdictions that don't have bomb squads. But you can have that. You can have suicides, where we've had students jump off of buildings and tragic situations like that. They're easier to deal with, obviously, because it only involves one individual, but you can get into a situation where there is a

pattern of suicides and that, of course, raises concerns. Or concerns about how the Tang Center is equipped to deal with students who are depressed. How we identify them. And there's a whole process there that involves educating faculty about symptoms to be aware of, how to deal with it, if there is a student who appears to be dangerous either to himself or others. There's a committee that meets. I wasn't on that committee but there is a committee that meets to deal with that, faculty members know where to go when that's necessary. So the director of the Tang Center plays a very key role. Mike Smith, the legal counsel, plays a key role.

12-00:34:36

Rubens: So these people were represented, as well, on this committee?

12-00:34:40

Cummins: On the committee. And how do you move and deal with that.

12-00:34:43

Rubens: How long did you meet or was this an on—

12-00:34:47

Cummins: For Project X? I don't know. We probably had four or five meetings. But these are all very busy people and so it's hard to keep them engaged unless you have something that is coming that you can say, "We need your help to deal with X."

12-00:35:01

Rubens: But you were trying to anticipate where there might be holes?

12-00:35:05

Cummins: Yes. Really a question of how do you structure yourself so that there are at least people worried about what might happen, and that's one of the things that I did. We typically have meetings in the beginning of the fall semester. We'd pull together the appropriate people and say, "What do you think may occur during this year that we need to be attentive to?"

12-00:35:33

Rubens: So that became a regular administrative procedure that you would engage in?

12-00:35:38

Cummins: Right, yes. We tried to keep this operations groups together, even if it was meeting only once or twice a year so they're thinking about these things, so that when something does happen, you can quickly convene them.

12-00:35:54

Rubens: And did any policy come out of this, or at least charts or lines of communication?

12-00:36:01

Cummins: Yes. There were documents, I'm sure they're in the files, that talk about the operations group. I know there is because I sent one to Bob Birgeneau

recently as a result of a current protest in the fall semester. And I think I said this earlier. If you have a vice chancellor or the chancellor trying to manage a protest, a major protest, they couldn't do anything else. And so the purpose of the operations group was to have the people that were on the ground dealing with it be meeting regularly as a group so that they could advise if a decision is to be made about a major arrest. So that's the way it works. And then oftentimes, because I would be chairing this thing, I always made a point of being there whatever the issue was, whatever the protest, to see exactly how it was being managed. And sometimes that would require making a decision on the spot. "Yes, we're going to arrest. Yes, we're going to do whatever." Anyway, that's typically—

12-00:37:26

Rubens:

There was that horrible shooting at Virginia Tech in the spring of 2007. You were you still here.

12-00:37:37

Cummins:

Yes, I was.

12-00:37:38

Rubens:

And wasn't one of our former administrators someone who—

12-00:37:43

Cummins:

Jim Hyatt, yes, was the vice-president there. He was a vice chancellor here for budget. And so I think when he went there he had bigger responsibilities than the budget and the police reported to him and there were meetings here with some of the people from Virginia Tech to review our procedures.

12-00:38:06

Rubens:

This was a disaffected student who did the shooting. But the issue became that the university had not adequately informed the students immediately after it happened to stay indoors.

12-00:38:19

Cummins:

Yes. There's a procedure now that is used so that you can—I don't know if they use Twitter now or what they use—but to immediately alert students, faculty and staff that there is a safety situation, and therefore do X, Y and Z.

12-00:38:38

Rubens:

It crossed my mind to ask you when you were talking about the SARS policy formulated on a Friday and to be made public on the following Monday, that that was so quick. No doubt you were sending this out by email. I came across in my notes preparing for my interviews with you that you remember when you were using carbon paper to make copies of memorandum. Xeroxes and then faxes made a huge difference in speeding up the circulation of information—but no comparison to the internet.

12-00:39:25

Cummins:

Absolutely. And the use of the internet is a good thing because you can get the word out very quickly. Well, they must know it because I think on

Wednesdays they typically check the siren system to alert people in case of a major emergency. That was something that we worked on. Gosh, that was a long time ago. I'm trying to remember, because I was on that committee, too. It must have grown out of the Loma Prieta Earthquake in 1989. We were fortunate that that earthquake didn't affect this campus the way it did the Marina and San Francisco, the Stanford campus, but we could easily have one right here.

So we put together that system of communication. Then the Virginia Tech situation brought to mind again how we can utilize the new technology to really communicate very, very rapidly with students. So they were criticized for not alerting students quickly enough to that situation. And having been involved in a lot of these protests and crises situations, they are extremely difficult. I have the greatest sympathy for people that have to manage these and inevitably you're going to make mistakes. You're going to be second guessed. You're in a position where you have to make decisions quickly with nowhere near sufficient information and you can make an assumption that can be very wrong. So in the situation at Virginia Tech, as I recall, the police initially thought that there were killings at a dormitory. They involved two people. And they thought that the shooter had left and in fact he hadn't. They're very, very difficult. And it's very hard, and I always try to focus on this when I had anything to do with them, to kind of understand going in you're going to make mistakes and second to not be blaming each other for those mistakes. And it's really hard not to because people are under tremendous pressure from a number of different sources and for various reasons. Yes, it's tough.

12-00:42:30

Rubens:

So was anything particularly changed or put into place as a result of Virginia Tech or was it really just an awareness and review?

12-00:42:42

Cummins:

Well, I think we reviewed everything that was going on, yes, at that point in time. Yes. Definitely.

12-00:42:52

Rubens:

And so did it remain Project X?

12-00:42:55

Cummins:

Well, then it just kind of faded away, which is very typical for these things because—

12-00:43:01

Rubens:

Okay. So the policies were in place. And you, as chief of staff, until your exit, called meetings of this group?

12-00:43:09

Cummins:

The Operations Group, yes. So you try to keep it somewhat fresh in people's minds, but it's not easy.

12-00:43:24

Rubens:

So any other incidents that we should tease out regarding crisis preparation? I imagine even with the SARS you pointed to that the issue of racism ran throughout. There's always the potential for civil liberties violations, as well, privacy issues arise—

12-00:43:45

Cummins:

Yes. Well, when we had the apartheid protests and that was so heated and so difficult, there was a group that was a catering group for the restaurant at the university art museum. Amazing things happen here. They came out with a little flyer that talked about their menus and what was happening at the university. It came out every week. And they would have little ads in this thing. This was just a thing that you Xerox and give out to people. And there was an ad in there about how to make a Molotov cocktail. And I was furious when I saw that.

12-00:44:36

Rubens:

That went back to the radical slick magazine *Ramparts*. I think there were instructions about how to make one on the cover or inside the magazine.

12-00:44:38

Cummins:

Yes, yes. And I made a huge deal about that and basically told them do not put that ad in there ever again and if you do, you're finished. You're not going to have any work here on the campus. So the phone starts ringing, KCBS and other people about infringing on their free speech because I wouldn't allow them to have an ad about how to make a Molotov cocktail. And I thought, "God, this is just crazy." But then one of my neighbors who is an attorney, heard the woman say on KCBS, "You really have to be careful about those things because of First Amendment." And I'm thinking, "Holy God. We're trying to maintain order, protect people and they're going to jump all over me for saying it." That's the way it goes.

12-00:45:33

Rubens:

Sort of the nature of the job, right?

12-00:45:37

Cummins:

The nature of the job. That's right.

12-00:45:37

Rubens:

That someone takes the fall for these things and deflects really—

12-00:45:41

Cummins:

Yes. Or when we had the break-in at University House with Rosebud Denovo and then she was killed in the house. Shot by the police. We were under all this pressure to release what we were doing to upgrade the house and I would not do it. Simply said, "Why would we do it and tell everybody what we're doing?" We're simply not doing it. So anyways, that's the kind of thing.

12-00:46:15

Rubens:

There is a narrow path you have to tread. You have to be very politic to maintain the integrity of the university policies and the right of the public to know.

12-00:46:30

Cummins:

Yes.

12-00:46:33

Rubens:

So do you think we've covered what you'd like to say about student activism and the administrative response to it?

12-00:46:40

Cummins:

Well, the only other thing we didn't talk about was the animal rights issue. Again, I have very strong views about that and I always have. The first dealings we had with animal rights, and I think I talked about some of this earlier, had to do with the Life Sciences Addition, the building that is the addition to the Life Sciences Building; a building right next to it that's attached to it called the LSA, Life Sciences Addition.

On the sixth floor, that floor was devoted to housing animals for research. Most of these are rats and mice. And Mike Heyman was seeking state funding for these buildings and it became a very, very big issue because of the animal rights protesters. There were lots of meetings in Sacramento dealing with this in our budget committee in the legislature.

12-00:48:13

Rubens:

Well, this is pre-PETA?

12-00:48:18

Cummins:

This was called In Defense of Animals and the head of it was a veterinarian named Elliot Katz. I think I talked about this the last time, so remind me if I did. One of the hearings in Sacramento involved Gladys Sergeant. She was the head of Sergeant's Flea and Tick Collar and an absolute character. She was in her eighties, I'd say, at this point and when we went into the hearing room she was given the privilege by the chair, who was Bob Campbell from the Assembly, chair was Bob Campbell from Richmond, to sit up on the same level as the members in these big leather chairs. I thought that was just amazing. And he was more sympathetic, Bob, to the animal rights issues. Mike Heyman hired a vet named Al Edward who we brought in, because there was a group called AAALAC, which is the American Association for the Accreditation of Laboratory Animal Care, and they are tied into the Department of Agriculture. Our management of laboratory animal care was in very poor shape here. There was a view that we couldn't really have a lot of central organization of it because each of the faculty should have responsibility for how they deal with their own animals, and it wasn't working. So Mike Heyman brought in Al Edward, who was an absolute character. He was seventy years old, at least, by that time.

We went up to the first hearing and Gladys Sergeant was there and she attacked Al Edward for being someone who was a hunter and killed animals. This didn't bother us particularly. He ends up doing a great job for this campus in pulling together laboratory animal care and making it much more according to the rules. But the next trip to Sacramento, Rod Park and Chang-Lin, who was a vice chancellor for research at that time, and Al Edward and myself were driving up in the car. And so I jokingly was giving Al a hard time about how could he possibly, as someone we hired to clean up our lab animal care issues, be a hunter and kill animals. And he said, "You're damn right I've killed animals, and I've killed human beings, too, in the war." So Rod Park, who was the vice chancellor, "Don't tell them that. Don't tell them that in the hearing." So anyway, it was—

12-00:52:02

Rubens:

What brought this to public awareness? There's going to be permits required for—?

12-00:52:08

Cummins:

You had to follow a certain set of regulations for managing laboratory animals. And we were out of compliance.

12-00:52:18

Rubens:

All right. So someone had found that?

12-00:52:20

Cummins:

That's right, and made a big deal about it. In Defense of Animals. And then when we were trying to get funding for the Life Sciences building addition, and for the Northwest Animal Facility, this became a big deal. The In Defense of Animals simply did not want us to have any further labs for animal research. They just didn't want that to happen. So then when we were building the Northwest Animal Facility, which is right down there on Oxford, and has lots of security measures built into it, it's essentially underground, there was a crane, one of these boom cranes, to build this building. It was maybe seven or eight stories high. One morning we find out that the crane has been taken over by the animal rights people and there were seven or eight of them up on the crane itself. To get up to the crane you have to go up a ladder and then there's a door and you push it open and then go up into the cab where the operator works. There were seven or eight of them up there and they had all this repelling gear and they blockaded the door to get in. When the police would attempt to go up, at least the first time, they just rappelled out on the boom. So this got international attention. A friend of mine was in Germany and he said, "I flew in. I got into the hotel and I turned on the TV and you were on TV explaining how we were going to deal with the situation." And that took a week, ten days to get them down and there were TV trucks lined up down there on Oxford that entire period of time. It became a spectacle, so they certainly brought a lot of attention to the animal rights issue.

12-00:54:41

Rubens: And this was during the construction of this building where the—

12-00:54:45

Cummins: Yes, the Northwest Animal Facility, at Oxford and Berkeley Way.

So then in more recent times, because that was back in '88 or so, the animal rights people have become much more aggressive. They have targeted individual faculty members on their websites. They go to their homes, they break into the homes, they vandalize homes, break their car windows, target. Some of our faculty are young, they have young children who play soccer, for example. They'll go to the soccer field and pass out information with the father or the mother's picture on it saying these people are brutalizing animals and on and on. So it's a very personalized attack. There's now federal legislation to deal with this because of the attack on individuals who are doing this work. So that's a complete change from the—

12-00:56:07

Rubens: Did the legislation originate from Berkeley?

12-00:56:10

Cummins: Well, there were problems here and at UCLA and then at a few other places in the country. So, yes.

12-00:56:17

Rubens: And so how does that come about? Does Berkeley testify?

12-00:56:22

Cummins: Well, we make a big deal about it. First of all, it's in the news because these people want it in the news, the animal rights people. Second, we are publicly making an issue, going to legislators and saying you have to address this issue to protect our faculty. The vast majority of people are outraged by this kind of behavior. In some places, I believe, like on the abortion issues, people have been killed over this or a laboratory will be broken into and all the animals will be released. So it can be a very complicated, difficult situation.

12-00:57:04

Rubens: Let's stop for a minute while I change the tape.

Audio File 13

13-00:00:00

Rubens: Is this something where you would turn to the AAU also for—

13-00:00:07

Cummins: Yes, right. There would be a lot of concern among AAU members, because anytime a faculty member is targeted like that it's a very, very serious matter.

13-00:00:19

Rubens: So this occupied a considerable amount of time?

13-00:00:21

Cummins:

Well, it's interesting because on the inside these are some of the issues that you have to deal with if you're the vice chancellor for research. Or the academic vice chancellor. You will, very rightly, be contacted by the dean or faculty who have been targeted and they say, "We want security for our homes and we want the university to pay for it." And so we ended up doing some of that, putting security systems in, putting cameras into discreet places to make sure that we did everything we could. If we could anticipate where these animal rights protestors were targeting or who they were targeting, we would have police there in front of their house for several hours on various days.

13-00:01:22

Rubens:

Is there any value to face to face negotiations with these people? They want just an ultimate stop to this?

13-00:01:29

Cummins:

Well, there were laws passed in certain places. I think Berkeley passed a law, too, where there has to be a certain distance that you have to maintain if you're protesting in front of someone's house. We've also gotten this from unions on the campus protesting at the president's house. They show up and they march. Not that many have been violent. But it's a relatively new phenomenon where you would have such a personal attack on particular individuals. I think as a result of the legislation that's been passed, these animal liberation front people have been dealt with. And it's viewed in some respects as a form of terrorism. That's really what they're doing, especially when homes are broken into. In one case, a hose, just a regular garden hose, was stuck inside a broken window and turned on. Person was away for the weekend, so the interior of their house was flooded.

13-00:02:46

Rubens:

So you think the legislation put a certain cap to it and also there was a peaking and waning of the protest?

13-00:02:53

Cummins:

Well, typically, the groups that do this are very small. The numbers are very small. So once you can identify them, and of course, they were always wearing masks when they were having these protests at an individual's home, they would wear masks so you couldn't really identify them. And eventually we were able to identify them. The FBI was certainly involved in this.

13-00:03:24

Rubens:

Is there still an animal facility up by the Lawrence Berkeley lab up close to the fire trail?

13-00:03:32

Cummins:

That's where the hyenas are, yes. I think I talked about that. I'm not sure. But it's again, another interesting story where when we had the Oakland Hills fire, we had to get the hyenas out of there and move them into the Northwest

Animal Facility. And Roy Hendrickson was the campus vet who was hired as a result of Edward being here. Now it's a woman. I'm blocking on her name. Anyway, Roy had to get the hyenas down. The fire was on a Sunday and nobody was prepared for it but he knew those animals, there was the potential for all those animals to be destroyed in the fire or they would escape. And hyenas are very dangerous animals. They're incredibly powerful. They weigh about 120 pounds. They can carry prey of 200 pounds in their mouth running at full speed. That's how strong they are. So anyway, he went up, had to anesthetize these animals and bring them down in his own truck and put them in the Northwest Animal Facility. And he told me this story about he got them down and five—

13-00:05:05

Rubens:

How many hyenas are we talking about roughly?

13-00:05:05

Cummins:

I don't know. Twenty or so. It's not a small number. So he's just dealing with the last one, getting it into this room and it starts waking up, but he manages to get it into the room. And the Northwest Animal Facility was not occupied at that time. It was finished but not occupied and it was not meant to hold hyenas. And so the animals, of course, they're not used to being cooped up anyway. They have open space up there on the hill. So they destroyed it. They pulled light sockets out of the walls, they ripped the handles off the doors. Whatever they could destroy, they destroyed. So that was the initiation of the use of the Northwest Animal Facility.

13-00:06:01

Rubens:

But there has been no successful effort to get rid of these hyenas? This has been a long-term research project?

13-00:06:10

Cummins:

Well, the research project is over, it is my understanding, and I'm not sure what the current situation is. But there were efforts being made to move the hyenas to a zoo. [They were moved to the Oakland Zoo, January 2013.]

13-00:06:30

Rubens:

So this episodically occupied time. Did this come as a crisis or as something that you needed to keep watch over?

13-00:06:42

Cummins:

The animal rights issues? Yes. It could last, when we were doing the life science building addition it did for a good period of time. But then that ebbed. Then there were other issues. There was a student group for the protection of the animals that's against animal research on the campus, but they were non-violent. But the next time when it became very time consuming was when the individuals were targeted. That was in the 2000s. When Bob Berdahl was here. And I think even up to Bob Birgeneau's time. Yes.

As I say, it began with, they had a legitimate point. In the eighties, we were not complying. And if you lose your, what's called AAALAC accreditation, then you can't have animals. You're not allowed to have them on the campus and it's strictly federal law. So we had to do better here and we did.

13-00:08:23

Rubens:

I'd asked you off camera about the evolution and expansion of administrative structures to deal with specific problems and I think that this is a case example. A campus vet has to be hired.

13-00:08:40

Cummins:

Well, we had a campus vet. In other words, there were these requirements. I can't tell you when they came in. So we had to have a campus vet and Max Redfern was the name of the vet when I came. This is when I first started working for the chancellor, Mike Heyman. And there were issues with Max Redfern and so that's, in part, why he ended up being fired. And I knew, just from my position, I had certain confidential information about this and what they were trying to do. So Mike Smith, our legal counselor, and I were very good friends but at that stage we were just becoming friends, because I had just moved over to the chancellor's office. So somehow, after work one day when we were dealing with all these animal issues, I called him up. Max Redfern had a British accent. So I feigned this British accent and I called and I said, "Is this the Mike Smith that's the legal counsel for the university?" And he said, "Yes." And I said that we had a major incident and he said, "What is it?" I said, "We had some monkeys that we were using for research, langur monkeys, and they were bringing them in to a holding facility which was in South Berkeley." And I said, "This is Max Redfern. We were bringing these monkeys in and they escaped and they were terrorizing the secretaries and throwing typewriters, these big IBM Selectric typewriters, through the window and it's a terrible situation." Mike was believing me. I was beginning to worry how am I going to get out of this.

13-00:10:53

Rubens:

The more outlandish this got.

13-00:10:54

Cummins:

Yes. And he said, "Well, did you call vice chancellor Park?" And I said, "Oh, no, no, I wouldn't do that. They're trying to fire me. They're trying to fire me and he's offered me a paltry settlement." He said, "Maybe you and I could have lunch and we could get a little more out of this settlement. I'd be happy to give you half of whatever I can get." And so I thought he was believing this whole thing. And so finally I had to tell him that this isn't Max Redfern. So anyway, we had fun. We had lots of fun.

13-00:11:35

Rubens:

Yes, that's good to hear. I think this gives some kind of human dimension to what seems to be the hard-nosed business of handling rapidly succeeding,

demanding issues; that there was camaraderie and levity in your working relationships.

13-00:11:39

Cummins: In the chancellor's office. Yes. Exactly.

13-00:11:47

Rubens: In the time remaining—you want to leave in about five minutes—should we talk about what I raised with you off camera, about various offices that were created to respond to the needs of student life? Student activism has changed significantly since the Free Speech Movement as you have addressed in these interviews. And it's extraordinary to me now how many student organizations that are now registered with the ASUC and that are given support. There was a controversy under Berdahl's administration about one particular organization.

13-00:12:39

Cummins: Students for Justice in Palestine.

13-00:12:40

Rubens: I think so. The issue was whether they were entitled to ASUC's support because they were an activist organization.

13-00:12:51

Cummins: You have to be a sanctioned student organization to get resources, to use Sproul Plaza, to get rooms.

13-00:13:01

Rubens: Right. And then there was the issue of whether they using their resources, inappropriately-

13-00:13:09

Cummins: Yes. That had to do with lobbying, yes. The UCSA, the University of California Student Association and their lobbying efforts in Sacramento and can we use state money to lobby and is that a free speech issue or isn't it.

13-00:13:29

Rubens: Right. So there's the requirement of oversight but also facilitating the existence of these organizations on campus. I think they serve a great function in developing leadership skills and confidence in one's capacity to act in the world. But I think there's just been an incredible expansion of the numbers and kinds of groups, too. You go to the web page for the Office of Student Life and you see registered groups break down into a variety of categories, political, religious, humanitarian, philanthropy.

13-00:14:11

Cummins: Exactly.

13-00:14:15

Rubens:

The number of programs on campus, both in terms of the academic offerings, but then again of particular centers that study and then organizations that are open to students of lesbian, gay, transsexual, transgender, disability, besides all the specific identity issues of Asian American and then all the breakdowns of the specific Pacific Islander, all those varieties of places that these students are coming from. It's quite phenomenal.

13-00:14:53

Cummins:

It is. No question. I know that Student Affairs has been reorganized from time to time. That has probably led to a few additional staff. But it's a, in my view over all these years, it's been a very effective office because their job is really to stay in touch with and to assist students. So just on the management of crises, they're very good at identifying students who are political leaders, maintaining contact with them, building relationships with them, explaining the rules, what's required, why they're required. Under Jonathan Poullard, who is the new dean of students, new, gosh, I don't know, maybe four years now already. But he reorganized things and there's been a big focus on what he calls student leadership, building student leaders and using his office to educate students about what it means to be a leader. And when rules are violated in political protests or whatever, he's all over them about why that's not exercising leadership. You might think it is but it isn't and there are rules. And he's also very good about enforcing rules and being very consistent about them.

It's a hard job being dean of students, particularly when there's a major controversy on the campus. Karen Kenney was the dean of students here for a long, long time and she's now the director of Girls, Inc in Alameda. But the job can be very, very difficult because you are playing a mediating role between the students, the police, the campus administration, oftentimes me, legal affairs. You not only have responsibility for all the student groups on campus and of all the matters related to students but you also have student judicial affairs or student conduct. And that's a difficult role to play, where on the one hand you're trying to be friends with students, on the other hand you're the prosecutor. That would often create conflict. And Karen would often be caught between somebody like me and Mike Smith who were complaining about, and insisting that you've got to move on, this student conduct matter. Why is it taking so long? Why is it that these student conduct committees are so hard to convene and that's always kind of a continuing concern.

13-00:18:26

Rubens:

Why have they been hard to convene?

13-00:18:28

Cummins:

Well, that's changed now. Faculty are appointed typically every year to be on student conduct committee by the academic side and when it comes down to it, to actually serving on that committee in a highly politicized environment, a

lot of them don't want to do it. People just don't want to do it and then you've got to reconstitute a committee and do all those things.

13-00:19:02

Rubens:

Excessive alcohol consumption is a big problem in the student community. And I know that there's been a lot of attention now to alcohol education directed to incoming students.

13-00:19:35

Cummins:

Yes. We should talk about that at some point because that's one of the things I did.

13-00:19:40

Rubens:

Oh, good. We'll discuss that later. Well, then, should we stop here for today?

13-00:19:43

Cummins:

Yes, let's stop.

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Audio File 14

14-00:00:30

Rubens: In our previous interview we were talking about student life and support systems for mediating or moderating some of the problems that arise. And one of the things you had talked about was that you had been involved in creating a student neighbor taskforce. Could you tell me about that?

14-00:00:55

Cummins: Yes. So that occurred during Bob Birgeneau's chancellorship. Let's see. This is his sixth year, so it probably started in his third year. Second or third year. And this seems to be a perennial issue on college and university campuses. Issues related to drinking, excessive drinking. For a number of reasons, there was renewed focus on this issue nationally, as well as locally. The reason that I got more involved with it was because I kept receiving numerous complaints from neighbors, principally on the south side of the campus, about noise, very rude obnoxious behavior when students were drunk. The change in drinking patterns from what used to be beer and wine to hard alcohol in the last five, six years and the kind of impact that this was having on people who lived in that neighborhood.

Our view on the campus with regard to student conduct and how to deal with issues of this kind vis-à-vis students who lived off campus was, in something related to partying, alcohol, etcetera, it was principally a City of Berkeley responsibility because the City of Berkeley police patrol on the south side off of campus, and that pretty much they should handle it. Obviously we assisted the Berkeley Police, and have done this for a very long time. So we would have patrol cars circulating in that area. And Thursday, Friday and Saturday nights are typically the big party nights. But it got to the point where the number of complaints and the level of drinking, excessive drinking and the impact on students health, very serious impacts where students would require medical transport for alcohol poisoning to Alta Bates Hospital, would be very near death as a result of the alcohol poisoning, really raised an alarm.

And so I decided to propose to the chancellor that we create this taskforce and he said, "Fine, that would be a good idea." And so it was really a large group of people. It included administrators from the campus, myself—I chaired it—the police chief was on it and the assistant police chief. Steve Lustig, who was the Director of the Tang Center at that time was also a member because of the health implications involved in this. The dean of students was on this, the public affairs person was on it.

14-00:04:43

Rubens: Were the students represented?

14-00:04:44
Cummins:

And there were student representatives, yes, including students from the fraternities and sororities and from co-ops and the ASUC also had a representative. There were neighbor representatives on it who were very good, I thought, and the City of Berkeley, the assistant city manager, Jim Hynes, the police chief for the City of Berkeley, two other police officers from the City of Berkeley. I'm trying to recall if the public health person from the City of Berkeley was on there. I'm not sure. Can't remember. But anyway, it was a high level group and that's typically how I do things if I'm trying to solve a difficult issue, is to pull all the relevant people together and see what we can do to change it.

So, as I said, at that point in time Karen Kenney was the dean of students. The issue of loud obnoxious behavior emanating from parties where there was public urination on people's lawns and students vomiting in the middle of the street and a phenomenon where a particular party would occur and students would text one another and say, "Oh, there's a party at such and such," and you could have 200 people show up. Some of these incidents turned into very loud raucous behavior that required police intervention. And this would typically be City of Berkeley police intervention. They would show up. At times beer bottles and things would be thrown at the police. It was very uncalled for behavior. But because the Student Conduct Office, which reported to Karen Kenney at that time, was simply overloaded—it's a very small office—they thought, "My God, if we get into dealing with behavior of students off-campus in this kind of situation, how would we possibly deal with it?" Student Conduct does have jurisdiction, to some degree, for students who are off campus. It's been a very sensitive issue over many years. I can remember Clark Kerr dealing this and he mentions it in *The Blue and the Gold*, his memoir. But we thought, well, we need to take a look at this issue and see where we are.

So we convened this taskforce. We met three to four times a year. And it did lead to some specific changes that I thought were very helpful. One involved city ordinance changes. If a party occurred and it exceeded the decibel levels that were set already by the City of Berkeley, then there would be a much stronger fine for the people that were responsible for having the party. If there was one loud party, they received a warning. If there was a repeat they were fined \$750. If there was another repeat event, the fine was \$1,500. For certain houses, they were prohibited from having any kind of party again for 180 days. And this was quite contentious obviously. There were students both in the fraternities and sororities where the university does have more control because they require registration with the campus. Even though they're independent, they require registration. They also have national chapters that can suspend their privileges. So we could move on fraternities and sororities and Karen Kenney had done that from time to time, instituting an alcohol moratorium, for example, on all fraternities and sororities. We did not have control over individual apartment buildings or homes. So the city ordinance

then dealt with that. It was very contentious. It required a couple of city council meetings. I went down and testified at one point. There were thirty students down there on the other side of the debate. But we prevailed. They changed the ordinance. So that turned out to be successful.

There was also an ordinance that dealt with the serving of alcohol to minors and also very stiff penalties for that. So both of them passed.

14-00:10:32

Rubens:

When had the regulations changed about the serving and selling of hard alcohol within a mile of the campus?

14-00:10:36

Cummins:

That was a long time ago. A long time ago. I can't remember when that shift occurred. But yes, there used to be a prohibition against selling within a mile of campus.

14-00:10:47

Rubens:

Was there any consideration of reinstating that here?

14-00:10:49

Cummins:

No, but one of the things the taskforce did—in fact, there were representatives from the owners of bars. There was at least one owner of a bar who was on there representing bars and restaurants. There was also a representative from the Berkeley Real Estate Association. And we got an excellent representative. Sid Lakireddy. He was just terrific. And we did a lot of education with landlords about their responsibilities when parties got out of control. Attempted to make changes in leases so that people could be evicted. His family owned 200 real estate units in the city and a lot of them were on the South Side. He was very willing to take strong affirmative action when there were issues on his properties. That was also a significant change.

Another change involved instituting a program called Alcohol EDU. This is a national non-profit organization that prepared online educational information for incoming students. We mandated that all incoming students take that class before they even arrived. There was no way to really enforce it, but we got strong compliance. You can get strong compliance from freshmen before they get here. That was part of our strategy. They don't know enough to resist the authoritarian approach. But anyway, they did that and it was a two or three hour online course that they had to take with questions.

14-00:13:09

Rubens:

And that came out of this?

14-00:13:10

Cummins:

Yes. The Office of Student Affairs was familiar with the program and wanted to implement it but didn't have the money to get it going. I believe the amount was something like \$50,000. The impetus from the task force made that happen much more quickly. So we started doing that. That led to Stanford

adopting that program. UCLA has now adopted it. So I think a lot of good things came out of the taskforce. We also wanted to set up a website. This was one of the suggestions, that in our student housing office, when students come and they can see all the range of options for student housing, including rental properties and that we would actually rank these rental properties on whether they reached certain minimum criteria for addressing issues related to alcohol and other things. So that became complicated. We were concerned about lawsuits emanating from landlords about it. But we did other things to start building cooperation with them and then made some progress there.

That taskforce, it's hard to maintain momentum in something like that and there are continuing violations that occur. Quite aware of that. In fact, I ran into some of the neighbors recently at Costco and asked them how it was going and they said, "Well, some progress has been made but there are still some issues." A part of the success of something like that depends on having somebody like me, in the position that I was, that's willing to drive it. The chancellor was very helpful. He provided about \$100,000 so we could undertake this Alcohol EDU program. That was around 50,000 just to do that. And to do other things that showed his commitment to really trying to address this issue. There were also issues, obviously, related to drinking during football games.

14-00:15:30

Rubens:

Well, I was going to ask if there were spikes in—

14-00:15:33

Cummins:

There were. Yes. It would tend to go up and down. When it was up, especially in regard to fraternities and sororities, we could move much more forcefully. One of the things, for example—I don't know how many people know this—but at the football game, every football game, there is a student conduct table that is located on the south side of the stadium. That's where the student entrance is. And there are representatives from the police department, our police department, and student life who watch students coming into the stadium. And if we identify that they are drinking excessively, have obvious signs of being drunk, they're pulled out. They're not allowed to go into the stadium.

14-00:16:24

Rubens:

Backpacks are searched?

14-00:16:25

Cummins:

Yes, backpacks. You're not allowed to bring alcohol in.

14-00:16:29

Rubens:

Right. That's longstanding.

14-00:16:31

Cummins:

Exactly. But there are a number of students during any given game that, before they even get into the stadium are already intoxicated. Security tries to

identify them and not let them in. They are certainly removed if they are inside and are drunk. They're taken out by the police. So those are good ways to deal with it.

The taskforce is now chaired by Linda Williams, who's in my position. The associate chancellor. It doesn't meet as regularly, so I'm not up to speed on how much has been done since. But in my view, it was very important to do this, not only because of the number of neighborhood complaints, but also because of the safety, health of the students who were involved. At various times, we would actually—and this is Jim Hynes and myself. Jim is the assistant city manager, and they have jurisdictions they're responsible for. His was the south side. He was just terrific. He's a graduate of the School of Public Health. Has a master's degree from Public Health here. And we would go on ride along with the police, either the city police or the campus police, during various nights to watch this behavior. When there was an alcohol moratorium in the fraternities and sororities, they would rent buses, big buses, and go over to the city. And then the buses would return. They would all get off at Piedmont and Channing. It was something to see. People would literally roll off the buses, falling down on the ground, drunk. And so it's hard to control but you make the very best effort to do it. There's always a way around these kinds of things. There's not supposed to be alcohol in the residence halls, but people bring alcohol in. It's something that there has to be vigilance about, constant attention being paid to it, dealing with it. If you don't, if you let it get out of control, then you can have, obviously, very serious problems.

14-00:19:20

Rubens:

What accounted for the rise in the use of hard liquor?

14-00:19:29

Cummins:

I don't know.

14-00:19:32

Rubens:

Was this matched by any concomitant use of minor hallucinatory or other drugs, whether marijuana or—

14-00:19:40

Cummins:

Yes. I don't know what those numbers were. But drugs, yes, definitely drugs are a problem on this campus. People's Park, obviously, is a place where people can get drugs and we did lots of work between our police department and the city over all these years.

14-00:19:59

Rubens:

Sure. We've talked about that. That's been a constant—

14-00:20:01

Cummins:

Sting operations, this kind of thing. But Jim and I would go down unannounced and meet with offenders. And I'll never forget one time, one of the neighbors called and said that this woman was particularly obnoxious. The

students who were the offenders had the view that this was their neighborhood. If the neighbors didn't like it, they should move out. It's completely reversed. In other words, students are temporary, neighbors are permanent. So anyway, we heard about this particular young woman. So we showed up at her house. It was about nine o'clock at night, and you can imagine announcing that the associate chancellor and the assistant city manager are there, along with the neighbor who she was terribly rude to as she was drunk and yelling at him. So we said we wanted to come in and talk about this behavior. She was in an absolute state of shock.

14-00:21:13

Rubens:

And did it have some kind of—

14-00:21:15

Cummins:

I don't know. At first she was very upset. She cried, she apologized, then she got angry about why were we singling her out. I knew, everybody knows, that when somebody like a senior person goes down unannounced and confronts somebody that the word spreads all over the place very, very quickly. So that was what we were hoping to do. And we did that on two or three different occasions and it hopefully had some impact. But I think about her. I have a daughter that's now twenty-two and a son that's thirty-two, so you would hate for anything to happen to some young person as a result of drinking. And certainly we've seen cases where that occurred. I referenced the fraternity house fire during the early Tien years where students died. Students would fall off buildings and die as a result of too much alcohol.

14-00:22:19

Rubens:

What prompted my asking you about it, and then I wonder if you have something to say or if we should just follow up on sexual harassment or sexual violence. Usually more alcohol—

14-00:22:30

Cummins:

Well, there's a correlation.

14-00:22:32

Rubens:

Yes, leads to more assaults, usually men on women.

14-00:22:34

Cummins:

That's correct. There is a very high correlation between alcohol use and sexual assault. The city police had figures about the chances of a young woman, college aged, being sexually assaulted and they're very high. I was astounded. I can't remember what the percentage is, but it's scary. And certainly if you're a parent and you're sending your children here. That was one of the other things. We had a representative from the parents' association. Didn't really work. She didn't come very often. But what I would have preferred to do was to notify parents, just in a general blanket way, through their newsletters and whatever, that we have drinking problems on the south side in these particular dwellings. And think well, it will have an effect if you

know your daughter or son is living near or at that address I think you would want to do something about it.

14-00:23:41

Rubens: What are parents' associations?

14-00:23:43

Cummins: Oh, we have a parents' association here. It's run out of the Development Office and Diana Musto is the director of that.

14-00:23:53

Rubens: And so are all incoming students informed about this? That their parents are given—

14-00:23:58

Cummins: The parents, yes, they're contacted and said if you wish to join it doesn't cost anything, I don't think. You can receive newsletters.

14-00:24:08

Rubens: It's the college form of the PTA.

14-00:24:09

Cummins: Yes. It's interesting because one of the issues that arise here is *in loco parentis*, interestingly, and that's a shift. *In loco parentis* fell away in the sixties. If you go back and look in the 1950s, and there are many descriptions of this, there was much closer supervision, say, in fraternities and particularly in sororities, where you had kind of a house mother living there watching. It was a very different time. So then you go through all the protests in the sixties, FSM, and major change in culture at that time and *in loco parentis* falls away. Then more recently, say in the last ten years or so, there is this phenomenon called the helicopter parents and they're the ones that hover—it's a neat term—over their kids. And pay attention to this. And then we, as administrators, certainly, and this is one very good example, were paying very close attention to their alcohol consumption. We got pushback for this, saying, "You don't have any right to tell us what we drink." But, in fact, we do if there is a health concern and if they're disrupting the neighborhood in which they live. So that was our rationale. But I often thought about that, because I lived through, as a student, the end of *in loco parentis*, and now, in some way, I'm part of re-imposing it in a small way.

14-00:26:07

Rubens: But as a response to a prescient need.

14-00:26:11

Cummins: Exactly, yes. And this was something, again, that was a national issue and that this group, Alcohol EDU, was addressing, and I think with some success. The figures for binge drinking, the number of students that binge drink in college is considerable. And we were able to track through this Alcohol EDU program the number of students who came in and had never drank and then got here and started drinking. One of the patterns that we saw, which was really quite

alarming, was the number of women, young women, who were drinking excessively. What the figures show is that your drinking patterns are established in the first three months of your freshman year. If you get into a habit of drinking excessively, that's going to stay with you. You establish that. If you don't drink during that period of time, you're probably not going to drink. If you drink moderately, you'll drink moderately. The number of binge drinkers goes up. It's not a large percentage. I think it may be like five percent of students who come in will be or are binge drinkers and they will continue to be binge drinkers even when they leave the university. So certainly you want to try and, if you can, identify them and start helping them in some way. Second, that number goes up. So the percentage is five. It may go up to twenty-five percent or something of people that binge drink at various periods during their college years. Maybe it's higher than that. After they leave, it goes down.

One of the things I forgot to mention that we would do, which was a change in student conduct, was that when a student was involved in a party and was fined, for example, or was charged with being drunk or with open containers—you're not allowed to have open alcohol containers on the streets—those names were forwarded from the city police to the Student Conduct Office and the dean would write a letter to the student for the first offense saying, "We realize that this happened." This was a positive letter. It wasn't intended to threaten them. So it said, "We understand that this occurred. We want you to know that there are resources on the campus that can provide you with help with regard to drinking." So we tried to make it not a threat. If they had a second offense, the same person, then they were called and had to come in and have a conversation with the dean. So the level rose. Hopefully that had some effect, too. That was a change. That was a big change for student conduct to do that. So I think there were a number of good things that came out of that as a result, and certainly the neighbors knew that we really cared about what was happening to them and we were trying to do the best we could.

14-00:29:45

Rubens:

So as associate chancellor- you're of course notified, or kept informed, if something really egregious happens on campus or in the community?

14-00:29:49

Cummins:

Oh, yes.

14-00:29:52

Rubens:

There are these special offices, and deans of student life that take care of things.

14-00:29:54

Cummins:

Right, yes.

14-00:29:56

Rubens: But then if it's going to be something that potentially is really—

14-00:29:59

Cummins: Oh, yes. I would always be called. I would find out through calls from the police or the dean of students. Because I was doing the whistle blowing, there were lots of complaints that would come in that way. The whistle blowing policy did not apply to students but to faculty and staff.

14-00:30:20

Rubens: Well, should we move to that?

14-00:30:21

Cummins: We could. Yes, sure.

14-00:30:23

Rubens: Okay. There's a reformation in the whistle blowing policy and a change in name, I think of the Internal Audit Department to the Audit and Advisory Services.

14-00:30:48

Cummins: Yes. So this is all after I've left, then. Interesting. I'm not surprised at that. There's also a—

14-00:30:56

Rubens: I thought this was 2002, though. California was—

14-00:31:03

Cummins: That is the new policy. Right. That's when I started doing this. That was the new policy that came in. Okay. So it's funny. I've always referred to audit as internal audit just over all those years. So they may have changed their title. They reported to me during the Birgeneau period. We worked closely together. Stephanie Siri was the internal auditor. Was terrific at that job. Had been here a long, long time. And so we worked very closely together.

So in 2002, actually there was a piece of legislation, again, that Tom Hayden played a role in passing, that said that every state agency had to have a whistleblower policy and what they called a locally designated official. In other words, some one individual that was responsible for handling whistleblower complaints. There had to be much more communication to the campus about the fact that there is a whistleblower procedure. The burden of proof changed on the part of the campus. We had to show that there were no grounds, for example, to a particular whistleblower allegation instead of the whistleblower having to provide chapter and verse on why there was a particular violation. So it—

14-00:32:50

Rubens: And changes in the protection to the—

14-00:32:53

Cummins: And changes in the protection of the whistleblower. Exactly. There could be no retaliation. So they were the main elements of the policy. It took—

14-00:33:04

Rubens: Do you know what generated that? Had there been—

14-00:33:06

Cummins: I don't know. I'm not quite sure. And I think the legislation was passed even a year or more before the implementation at the university. So in 2002, President Atkinson sent out this policy and each campus had to designate somebody and so I got that job. I don't think anybody wanted that job. It's a very unpleasant assignment, to say the least, and we can get into that later. And how I ended up getting it, I don't know. It was true during all the years that I did this job as a chief of staff for the chancellor. It often felt like the cereal commercial for Mikey. The big brother and the little brother Mikey are sitting there and the big brother says, "Let Mikey try it first." So somehow I always seemed to get these things. I said, "Okay, I'll do this."

And there is a requirement in the policy for the university—the university takes the law and then says, "Here's our policy. Here's how we're going to implement it." And it required a committee, a whistleblower committee that included the director of internal audit, had the director of human resources. It had the police chief. She was not on it initially but we added her, Vicky Harrison. Mike Smith was on it. The controller for the campus, John Ellis, was on it. I'm trying to think who else was on that committee. There was also a committee on internal audit that the chancellor chairs and that I served on when I became the locally designated official for whistleblowers. So you have, in a way, two layers then to look at improper activity.

14-00:35:27

Rubens: Because historically there's always been internal audit, right?

14-00:35:30

Cummins: Yes. That's right. Pat Reed was the university wide auditor and he was very helpful to me. I had no experience particularly with auditing or with whistleblower matters. And certainly audit didn't report to me up until Chancellor Birgeneau came along. But Pat Reed said that his concern as the university auditor— And each campus has an auditor, like a Stephanie Siri. And they also had a joint reporting line, just as the legal counsel does. The internal auditor has a joint reporting line to the university auditor and to the chancellor. And I as the local designated official also had a joint reporting line to Pat Reed, the auditor, and to the chancellor. The reason for that being that you don't want to have a conflict. In other words, suppose the chancellor is implicated in an improper activity. Then you need to be reporting to somebody else, obviously. So that turned out to be a good thing to do. That's why the auditor and the legal counsel and myself had these joint reporting lines.

But anyway, Pat Reed was helpful to me and when cases arose I would often be in touch with him depending on the level of sensitivity. If a particular case involved misappropriation of university resources beyond a certain dollar level or if any allegation arose that would create public attention, then the locally designated official was required to report it to the university auditor and then that would go to the regents and to the senior vice president and president of the system immediately. And obviously I would be talking to the chancellor about that, as well.

14-00:37:50

Rubens: Did you feel this was a timely or necessary—

14-00:37:55

Cummins: Oh, I wanted to get to that point. What Pat Reed said was that when they were thinking through how to put the policy together to implement the law for the university as a whole, there was a scandal at UC Irvine dealing with a fertility clinic down there and the exchange of embryos. So a woman might think that she was being implanted with a particular embryo but it wasn't hers. It was somebody else's. I don't quite understand all the details of it.

14-00:38:40

Rubens: This was something that was prevalent, that was in the news.

14-00:38:43

Cummins: Yes. Oh, it was huge. It was huge down there, particularly in Southern California, because it was so highly unethical to do that. And, of course, parents were furious about this.

So Pat, as the university auditor, was assigned to do that investigation. And he said what he found was that one hand did not know what the other was doing. This was not only a medical ethics question, it was also a criminal question. There was fraud involved in how this was handled. And he saw most clearly there that there was not sufficient internal communication on that campus, say between audit, the police, the medical school, etcetera, and so he thought there was the need for a committee like I described, so that when these cases came in—that would be a case, for example, that would definitely come in as a whistleblower case.

14-00:39:52

Rubens: You'd have something in place.

14-00:39:54

Cummins: Yes. And you had all the people that might have anything to do with this case on a committee and that they saw it right away. So that was the reason why the policy was set up this way. And so we began. This committee met. There was a big announcement about the fact that there is this new policy, there's a new way of dealing with whistleblowers, there's protection for whistleblowers. There were posters made that went to every unit on the

campus that had to be displayed prominently so all staff, faculty could see these.

We typically had, when I was doing this, in any given year, maybe fifty or so of these cases.

14-00:40:42

Rubens:

Just what I was going to ask you. Really? I wouldn't have expected that many.

14-00:40:45

Cummins:

And that was in the early days. That number would decline. Sometimes it would go up.

14-00:40:56

Rubens:

And someone reporting to the internal audit or the police?

14-00:41:00

Cummins:

That's right. Some could come in through internal audit. Some could come in through the police department. Some could come directly to me.

14-00:41:06

Rubens:

Even through a department chair or division head?

14-00:41:11

Cummins:

Yes, exactly. Or any staff member. Anybody. And it did not require anything in writing. The previous policy before this required that if you were a whistleblower, you had to provide in writing what your concern was, what your evidence was, what the policies were. So it was a burden on somebody to do that.

14-00:41:33

Rubens:

So was the number going up because of the—

14-00:41:35

Cummins:

I'm not quite sure because we don't have any pre-existing data on this—we could get it but we never did—to know.

If you're a senior official on the campus that has a responsibility, a supervisory responsibility, and somebody says something to you just off the cuff, not realizing that what they're saying would imply that there is either an egregious violation of policy or a violation of federal or state law, you are under an obligation to report it. You can't let it go. So that's a change, as well. This is very interesting. And sometimes it would happen. Sometimes I would be in a conversation with somebody, they'd tell me something and I'd think, "Oh, that's a violation. Can't do that." Even that might lead to an investigation. In certain cases it did.

Anyway, over the years, doing this work really was a burden. It was difficult to do because allegations would be made, including against people that I knew very well. I'd worked here for a very long time. I knew lots and lots of people

and some of these allegations were directed at people that I knew or that occupied senior positions. And in a way, you're investigating your friends. It's like being in the police department and being the internal affairs person that nobody likes. So that part of it I did not enjoy. And these cases, some of them were complicated and very difficult. Over time cases would go to court to be resolved because we were involved in these cases. I would have to go to court or be deposed.

14-00:43:57

Rubens:

Would the ordinary public know about this? Was the *Chronicle* trying to—

14-00:44:03

Cummins:

Sometimes. Sometimes there was public attention to these things.

14-00:44:07

Rubens:

Because I was trying to do some research on whistle blowing and I came up with only three cases.

14-00:44:12

Cummins:

Yes, exactly. So Karen Moe Humphreys was a case. She was the swim coach. She was an Olympic athlete before that and there was a case involving her being fired, I guess would be the way to describe it. She had been a longstanding employee here and this turned into a very, very complicated matter. That case eventually settled and we had to pay legal fees and reinstate her. But on that case alone I was deposed three or four times. And it is not fun to be sitting there with a battery of attorneys on the other side of the table answering these questions. The letter that came from President Atkinson saying here's the policy also said that people who were in these positions, locally designated officials, would be provided with training. And that didn't happen, not to any significant degree. So I was being deposed in another case and the attorney pulls out the letter from Atkinson and says, "Okay, tell me about your training," for example. So it's unpleasant. It's anxiety producing; not an easy job to do.

14-00:45:53

Rubens:

Let me just get this clear. You're saying fifty or so cases. Are you marking that from the change in policy from when you take—

14-00:46:02

Cummins:

From when the new process goes into place in 2002. Fifty a year. Now, sometimes that number would go down. A lot of those cases didn't ever lead anywhere. We would certainly look into them and make—

14-00:46:16

Rubens:

So we'd have to look at the numbers, but is it the case that when allegations had to be written obligations, the number was smaller?

14-00:46:31

Cummins:

That's right.

- 14-00:46:32
Rubens: But nevertheless, there was the potential. It had to be somewhere in that neighborhood.
- 14-00:46:36
Cummins: Exactly.
- 14-00:46:36
Rubens: I am surprised. When you have a system this large and you're dealing with this amount of money—
- 14-00:46:43
Cummins: You would think there'd be more?
- 14-00:46:45
Rubens: No. You would think there would be some number. But it seems to me that Berkeley has always had a culture of—maybe I'm being naive—of honesty, of integrity.
- 14-00:46:58
Cummins: Yes, I think so. Absolutely.
- 14-00:47:00
Rubens: You don't have chancellors who were—
- 14-00:47:02
Cummins: No, no. No. No. Absolutely not.
- 14-00:47:04
Rubens: —ever accused of any of this.
- 14-00:47:07
Cummins: No. No, on the whole, the campus does a remarkable job. It really does. It's a really great institution in that regard. What do we have, 15,000 staff on this campus and 35,000 students. You're going to have some problems.
- 14-00:47:40
Rubens: Sure. And when you have the scale of grants that are coming in.
- 14-00:47:42
Cummins: That's right.
- 14-00:47:44
Rubens: So what are we talking about? Is there some way of kind of characterizing?
- 14-00:47:47
Cummins: Well, there are all kinds of things that could come forward. The policy, which is a problem in and of itself, because it says gross, egregious violations of policy. Well, who's going to determine that, okay? That's part one. The second part is a violation of law. That's easier because it's very specific. Violation of policy. And I'll give you an example. I won't talk about any names. The university is not supposed to support through its funds any

political activity. So you can't have university money used for political campaigns. So there was a case involving a little party that was held for a government official. It was held in a person's home. It was small. A couple thousand dollars. But that was not permitted. You couldn't use university money for that. So the individual had to refund. Repay. So that would be a small case. Not difficult but it was spelled out. Now, of course, let me give you a few more examples. Another one would be misappropriation of money. So you're traveling and you're using university money for things that aren't related to the university. That would be one. We've seen some of those.

14-00:49:41

Rubens: You had mentioned the Karen Moe Humphreys case.

14-00:49:46

Cummins: Well, that came under discrimination, a discrimination policy because she was a woman. And that's a federal violation. So that's how that was dealt with. Let's see. Some of the other cases.

14-00:50:07

Rubens: Did you say the sciences in terms of the—

14-00:50:10

Cummins: Well, one case, for example, had to do with consulting. Faculty members consulting and there are rules and regulations dealing with that. So was this a violation of the rules? That got back to the issue that we did talk about earlier, about the fair political practices act and disclosure. That's, again, legal. It's complicated. But it can have significant ramifications. There's another case involving federal contracts that were obtained under what appeared to be the guise of an organization that was affiliated with the campus but the clear indication from the grant proposals, was that this was being done through the university even though it was an affiliated organization. The affiliated organization was used in order to provide faculty members with salary on top of their university salary. So you can see the difficulty there. So that was another case that had to be looked at. Some of these can drag on for a long, long time. They're very complicated. And that's the point I wanted to make, that nobody likes to be investigated. Nobody. It's very uncomfortable. It creates lots of anxiety and it's inevitable. It just is inevitable. So that's part of it.

14-00:51:51

Rubens: So this took a significant amount of your time. You have to meet with the—

14-00:51:57

Cummins: Absolutely. Yes.

14-00:51:59

Rubens: —attorney and then with the different departments that might be involved and be prepared for your testimony.

14-00:52:03

Cummins: Attorneys. Yes. Right. You also have to setup a process for investigating these cases. And so we did have Alan Kolling who is an attorney and has worked here for a very long time —was Student Conduct Officer at one point in time, knows the law, knows how you do investigations. He was tremendously helpful. He is still doing that work now for Linda Williams.

14-00:52:31

Rubens: It's still under her?

14-00:52:33

Cummins: It's still under her, yes, part of her job. And that job has actually been expanded now because there was, as a result of all the difficulties around the compensation issues a few years ago with President Dynes and other senior officials, a push to have an ethics person responsible for ethics on each campus. And so Linda has taken that over, as well. I left just before they started implementing that so I don't know a lot about it. But from what I understand, it's an additional burden, obviously, because there's, I'm sure, a lot of work involved in informing people about this and then monitoring it. You can get into situations where, for example, there might be a number of employment related complaints about a particular unit or coming from a particular unit on the campus and so that might lead to the locally designated official initiating an investigation of what's going on here in that unit that would lead to X number of complaints. Well, if you're in charge of that unit, you're not going to be happy with that. So that's the dilemma that you get into.

14-00:54:04

Rubens: So there weren't any significant clusters in terms of construction or plant—?

14-00:54:08

Cummins: Well, I don't want to comment on that.

14-00:54:10

Rubens: Fine, okay. Are there other cases you can discuss?

14-00:54:19

Cummins: You had mentioned the Novartis matter and the Chapela tenure case. You're right that he raised an issue about the fact that he spoke out against the Novartis agreement and therefore this affected his tenure. In the whistleblower policy, if there's an allegation against a faculty member, the process moves out of the whistleblower bailiwick into a process that is governed by the vice chancellor and provost for academic affairs.

14-00:55:04

Rubens: Okay. And the academic senate becomes involved.

14-00:55:06

Cummins: And the academic senate becomes involved and the investigation is done through a committee that is appointed or through an investigator, typically a

faculty member, who is appointed by the vice chancellor. And this has happened. So the vice chancellor and I would work together on this. He would keep me informed but it wasn't a responsibility of mine. He would report back to me, the vice chancellor, what happened with regard to the investigation, where it was, but I didn't have to undertake that investigation. I had to make sure that it was done. That's different for staff. As I understand it, when the policy was being put together by Pat Reed, the faculty wanted to make sure that they were being judged by their peers and so that's how that kind of carve out occurred.

14-00:56:07

Rubens:

Do you think that in fact the policy does protect the whistleblower?

14-00:56:16

Cummins:

Well, we went extremely out of our way to make sure that it did. We're under an obligation to do that. The whistleblower always had access to me, even after the case was closed. And some of these, as I say, they were really, really difficult cases. They would involve allegations of sexual harassment and on and on that were just very unpleasant but had to be addressed. And, of course, it isn't hard to figure out who the whistleblower might be. The whistleblower can be confidential. Under the policy can be anonymous, I should say. But when that whistleblower met with me, we would always be clear that their identity could become known as a result of the investigation itself.

14-00:57:14

Rubens:

And certainly the move into the legal arena.

14-00:57:17

Cummins:

Into the legal or not. Say you made an allegation against your boss. In carrying out an investigation, say the boss only has two or three people in the unit. Well, it's going to be pretty clear who that person is and so that's what happens in the process. We would also protect whistleblowers to the extent that we might move them out of that reporting line and find another job for them so that they didn't have to report to that individual. We would do that.

14-00:57:50

Rubens:

Let me stop and change the tape.

Audio File 15

15-00:00:03

Cummins:

So the woman that handles sexual harassment cases, Nancy Chu I should have mentioned, is also on the whistleblower committee. And when these allegations come in, it is her responsibility to investigate them and she has a procedure to do that. So she will inform me and the members of the committee that there is a case that she is investigating. And some of these cases can be very difficult. One, for example, got considerable public attention and it had to do with the former dean of the law school and that received a lot of press attention. Was involving the dean drinking at a party with students

and then having some involvement, sexual involvement. But received lots and lots of attention. It led him to resign as dean, and from the university. So he left. So Nancy Chu plays a key role. But even there, the investigation would be under the vice chancellor because it involves a faculty member and Nancy would be working very closely with the vice chancellor in that regard and the person who is conducting the investigation. Yes. And I'm really glad you mentioned that, because that's a very important component. The idea, as I said, behind the whistleblower policy is to make sure that there is communication across units that have anything to do with violations of policy or violations of law, to make sure that people who are on a need to know basis, I think that's critically important, are aware of what's going on in case they know something related to the case that might require additional investigation or work.

15-00:02:31

Rubens:

Okay. We're going to seal this next portion. But not before I just say that I am trying to get at a culture of Berkeley that emanates from the top, that really does strive for accountability.

15-00:02:51

Cummins:

Oh, yes. That's absolutely the case.

[A portion of the interview has been sealed until 2028.]

15-00:13:19

Rubens:

We've talked about some of the incredible luminaries who have come to this campus and you had talked about Mandela and Tutu. But I think you had a story to tell about—

15-00:13:45

Cummins:

Oh, Cory Aquino, the president of the Philippines. This was in Mike's term. This was maybe 1985 or '86, something like that. She had just been elected president. It was a very major news story and she came for charter day and spoke at the Greek Theater. And this was the first major event that I had to worry about when I was his chief of staff, Mike's assistant. So it had to be eighty-seven. Something like that. And there was a great concern about her security and so we had the Secret Service involved. I guess they were the park police who worked—this is federal police—who worked with Secret Service. There were a 150 of those police, plus our own police, plus there were army SWAT team people involved with this visit who literally were up in the trees behind the Greek Theater with rifles, for this event. And what I remember about it was that she came up to the Greek Theater in a bulletproof limousine, big black limousine and there was a woman who was an intern, an American Council on Education intern named Karen Arms. A-R-M-S. And she was one of the people who was helping on her visit. You can imagine how many people are involved in making this work.

So for some reason, the limousine pulls up and Cory Aquino gets out and Karen managed to leave her briefcase, which said on it, “Karen Arms,” —left it by the limousine. So President Aquino gets out and is escorted backstage and the Secret Service see this briefcase that says “Arms” on it and that created this big flurry of activity trying to figure out what this was and who it belonged to. Then backstage I met Aquino and explained to her what’s going to happen. And when you do an event like this, the Secret Service gives you a pin, a little pin for your lapel that indicates that you’ve been cleared. But for whatever reason, when I approached her, I was immediately swarmed by the Secret Service agents. I’ll never forget it. It was instant, like that. And I thought, “What’s going on here?” Anyway, I said, “I’m here to tell her,” and they said okay. So I was then able to have a conversation with her. But it was really, really amazing.

15-00:17:34

Rubens:

So was that kind of security heavier than—we had talked about Ehud Barak.

15-00:17:39

Cummins:

It was similar but I do not recall any Army SWAT team members being here for Barak. Even for Bill Clinton or Al Gore. Of course, Clinton was no longer President when he was here. Al Gore was the Vice President. Jimmy Carter was also here but as a former President.

15-00:17:50

Rubens:

Yes, Al Gore—you talked about.

15-00:17:51

Cummins:

That part I talked about. Clinton, of course, was no longer president when he came. And I may have mentioned that, too. But he had such a magnetic smart personality. The thing that amazed me was that obviously, despite the Monica Lewinsky problems and on and on, there were women on the campus who just fell over backward with Bill Clinton being here, which I thought was interesting. We had an overflow crowd at Zellerbach, so we had cameras set up to pipe his address into Harmon Gym for those who could not get in. So he decided to walk over there and meet those students. By the time he got there, the students were leaving and the basketball team, with Ben Braun, were practicing. So he walked in. They all stopped. He shot some baskets and talked to the players and he was the most relaxed charismatic person and gave the greatest talk. No notes, no nothing. That was just amazing to see that.

15-00:19:08

Rubens:

Yes. Was there any smaller venue where you met with him?

15-00:19:13

Cummins:

No, we met him backstage and I took my daughter and she got his autograph.

Interview 9 April 13, 2012

Audio File 16

16-00:00:01

Rubens: Hi, John. We haven't talked for quite a while. I'd like to bring your oral history up to date, because since then you've been engaged in several projects which I think are important to document.

16-00:00:24

Cummins: Yes. When I got back from Paris—I was gone for a year. My wife and I spent the year in France. We got back in August of 2009, and a couple of interesting things were going on. One was that the budget situation had really deteriorated, and there were faculty who were quite upset about the amount of money being spent on intercollegiate athletics, and passed a resolution saying that that should be stopped. There should be no subsidy for intercollegiate athletics. I thought, well, when I had athletics, which ended around 2006, we had gone through a similar exercise, and a decision was made that the amount of savings involved in cutting sports, to address the budget issue, was about four million dollars. Chancellor Birgeneau decided at that time that it just wasn't worth it. The pushback in cutting sports was simply not worth it. When I got back, I thought, well, this is *deja vu*. I really want to try and understand this, and I have the time to do it now. I decided to begin by looking at the management of intercollegiate athletics in the 1960s, because there was a very good book that Glenn Seaborg and Ray Colvig wrote, called *Roses from the Ashes*, which describes the dissolution of what was called the Pacific Coast Conference, as a result of scandals that included Berkeley, UCLA, Washington, and USC.

16-00:02:24

Rubens: The scandals then were over?

16-00:02:26

Cummins: Paying players to play football, basically, and violating Pacific Coast Conference rules, et cetera. I thought this would be a good place to start, because they did a very thorough analysis leading up to 1960. So I started interviewing some people, going back almost that far. Dave Maggard and others. One night, I sent an email to Charles Faulhaber, who was the director of the Bancroft, saying, "I'm doing these interviews." I think I had done three or four, and I said, "I'm taping them, and I don't know if the Regional Oral History Office would have any interest." He wrote right back, on a Sunday night, and he said, "Oh, definitely. We have very little on athletics. I'll cover some of the cost of the transcription." So that was wonderful, because I was doing this on my own.

That's now led to my interviewing. Right now, I've done fifty-six interviews, and they're all averaging, I'd say, at least four hours. Two to four hours. Some are much longer than that. Then I plan to write about this. So I'm in the process of doing some writing, doing research, looking at intercollegiate

athletics in general, and how it applied to what Berkeley went through. I have a coauthor, Kirsten Hextrum, who's a Ph.D. student in the School of Education, who was a two-time national champion rower for Cal crew, from 2003 to 2007, and for the last three years has been working in the Athletic Studies Center. So she has a very good experience as an athlete here, as well as working with athletes that we bring here who have challenges academically.

16-00:04:37

Rubens: What is her dissertation work related to?

16-00:04:39

Cummins: To Title Nine, actually, which I think will be very interesting. I've been working on this now for two years. We're going to go back to Paris for six months at the end of June, so I'm looking forward to doing more writing at this point. I've learned an enormous amount. It's been very, very interesting.

16-00:50:06

Rubens: And the kinds of interviews that you're doing, how would you characterize your sample, besides athletic directors and coaches—

16-00:05:14

Cummins: The people that I've interviewed are key individuals who play some role in the management of intercollegiate athletics. That would include chancellors, obviously; vice chancellors; faculty athletic representatives; donors; some coaches; professors like Karl Pister, who chaired the committee dealing with the renovation of the stadium and the Student Athlete High Performance Center; professors who sponsored the senate resolution, that passed recommending no more subsidy for inter collegiate athletics.

16-00:06:08

Rubens: Neil Smelser, who had chaired the Ribbon Committee?

16-00:06:12

Cummins: Yes. I haven't interviewed him yet. I probably will. But those are the kinds of people.

16-00:06:23

Rubens: Then coaches and—

16-00:06:27

Cummins: There will only be a very limited number. For example, the person who did the press relations for intercollegiate athletics in the 1960s is a man named Bob Steiner, whom I've tracked down, and lives in Los Angeles. He'll be very interesting, I think. When I do the interviews, I tell everybody I'm not an investigative reporter. I want them to feel free to tell their stories, so these are open-ended questions. Yes, there certainly are some obvious controversial matters dealing with intercollegiate athletics. People, I think, on the whole, have been very open and willing to discuss them. There are no major scandals or anything like that. But themes emerge, and a lot about the culture of

Berkeley. Who we are as an institution, and how that affects intercollegiate athletics, and how that changed, certainly as a result of all the protests related to the 1960s and all that upheaval, et cetera.

16-00:07:42

Rubens: Because that diminished? Was that a turning point?

16-00:07:45

Cummins: It was a turning point. We had successful teams under Pappy Waldorf and others. We went to the Rose Bowl in 1959, under Pete Elliott, who was the coach at that time. But beginning with the dissolution of the Pacific Coast Conference, it's clear that chancellors, starting with Clark Kerr and Glenn Seaborg and Ed Strong, Roger Heyns, Bowker, Heyman, Tien, all had a view about—certainly in those early years—about the importance of de-emphasizing athletics. There was lots of talk about that. Should we become more like an Ivy League school, et cetera. It is a real turning point. Also the fact that the administration takes over the management of intercollegiate athletics. The ASUC, which had managed it, was more generous financially. So when that shifts, the administration is more careful about expenditures and puts a huge burden on the athletic director to raise money, which just further commercializes the entire operation. Anyway, that's what I've been doing in regard to athletics.

16-00:09:15

Rubens: You've just outlined a little of the lessons learned. What I didn't feel I quite got clear enough was, what drove you to do this? Of course you had athletics under your portfolio. There's no question about that.

16-00:09:30

Cummins: Well, I like athletics. I've always played some sport. I still work out.

16-00:09:37

Rubens: We know you played golf.

16-00:09:38

Cummins: I played golf. Yes, exactly. I still do that.

16-00:09:40

Rubens: Were you a fan? Were you a football, basketball—

16-00:09:44

Cummins: I liked to watch. I wasn't what I would call a rabid fan. Some people are. I wasn't. I like watching games. I want to say a little word about that, too, because one thing that has become very obvious recently is the impact of concussions on players. The amount of research on this is now large and significant and growing. There is a view—

16-00:10:20

Rubens: And the lawsuits that are mounting.

16-00:10:22

Cummins:

And lawsuits, exactly. NFL, et cetera. Which puts a great deal of liability on the NFL. It would also apply to, I would assume, colleges and universities, eventually. It would certainly be, and is, a concern now for parents, about whether they want their kids to be playing football. A recent article in *The New York Times*—they do a column in their magazine, Sunday magazine, on ethics. The ethical question was, should people, knowing what is known now about the impact of concussions, and particularly in light of this very recent news about bounties being paid to NFL players to hurt other players, deliberately hurt them—the New Orleans Saint coaches, one was suspended for a year, the head coach. The other one was removed indefinitely from participating in any kind of NFL employment. But the question raised was, do people who know this have an ethical responsibility to not watch football games? Very interesting. To not watch football games. Because the issue is, if you know that this kind of enterprise is actually hurting people, how can you begin to express your own personal moral views on this? They raised the question. They don't come to any answer. But they quote a *New York Times* reporter, Malcolm Gladwell, I think his name is, who said that, in fifteen years, he thinks this will have a major impact, and that just like people today are very reluctant to pay much attention to boxing because of the impact that that has had in injuring people, it will be a similar reaction to football. It's really interesting. It would take something like that, I think, to change, fundamentally, our approach to intercollegiate athletics.

16-00:12:58

Rubens:

You could see it having a greater impact at Berkeley sooner than a place like where Berdahl came from, from Austin.

16-00:13:05

Cummins:

Exactly. Yes.

16-00:13:08

Rubens:

Has there been any implication that these practices go on at the intercollegiate level? That they're—

16-00:13:15

Cummins:

No. I haven't seen anything in the press to indicate that. But the research is showing that even routine contact, where there's this constant pounding, which you certainly get when you're practicing football, that alone, whether you have a concussion or not, has an impact on the brain, because of the constant pressure of the brain hitting the skull, even in minor hits. So of course football, particularly at the intercollegiate and NFL level, big emphasis is on hits. You just listen. That's what people watch for in games. You wonder, when you see it, what kind of shape their bodies have to be in to endure that kind of pain. The average lifespan of an NFL player is fifty-five. It raises all these very important questions.

16-00:14:27

Rubens:

So you're having fun doing it?

16-00:14:28

Cummins: Oh, yeah. It's really interesting.

16-00:14:28

Rubens: Learning a lot about the university. Do you think, ultimately, it says something larger about the culture of Berkeley? Not just about athletics.

16-00:14:38

Cummins: Yes. One thing is really clear, that each of these institutions, whether it's UCLA or Oregon or whatever, they are different. They have different cultures. The culture, obviously, but not so obviously if you're not aware of it, affects how intercollegiate athletics is viewed. Intercollegiate athletics is such a small part, financially, of the university. Say the university averages a subsidy of something like ten to twelve million dollars. Say that's the case. That's what it's been averaging in the last ten years.

16-00:15:27

Rubens: That's all?

16-00:15:28

Cummins: That's it. So if you're a chancellor and you're managing a one point eight to two billion dollar budget, how much attention should you pay to it? If you pay a lot of attention to it, if you attempt to reform it, that's certainly one of the findings. That when you study athletics, you see very quickly there is not going to be significant reform. If you decide, as a chancellor or a president, that you're going to undertake to reform intercollegiate athletics through work in the conference level or with the NCAA, you're wasting your time totally. Totally. That's absolutely clear.

16-00:16:11

Rubens: This became clear—

16-00:16:12

Cummins: As I did the research. You look at the history of the NCAA, and it's pretty clear that it is a series of compromises of their values that were established a long time ago, with regard to amateurism. This was never an amateur undertaking, intercollegiate athletics, in the United States, from the very beginning. There was always a commercial element and a money element, going back to the 1850s.

16-00:16:44

Rubens: So you're going to have some history in that too?

16-00:16:46

Cummins: Oh, yes. Fascinating.

16-00:16:46

Rubens: Oh, this is going to be wonderful. On the one hand, you're saying there's this issue of contact. Literal damage to the body that may have a backward effect. May then percolate down into the college level. The opposite, showing how

resistant there is to reform. It was Birgeneau who basically made the decision to cut the teams.

16-00:17:15

Cummins: Yes, to cut prime sports, yes. And then re-instated them.

16-00:17:20

Rubens: And then reinstated them because of the pressure, plus that outside support came in.

16-00:17:24

Cummins: Outside support, yes. They raised maybe nineteen, twenty million. That's in pledges. You don't have exactly that money. You have to wait and see. There's also a new PAC-12 TV contract that is supposedly going to bring in a substantial amount of money. It will. It will bring in a substantial amount. The problem is that the enterprise of intercollegiate athletics, particularly in the big-time revenue sports—football in particular, and basketball—they keep growing. The appetite for spending is voracious. You may have a new PAC-12 TV contract, but as a result, you need to have a TV broadcasting capability, which we now have at the Student Athlete High Performance Center, which is more sophisticated than anything we have on the campus. You begin to see this. I was just up at Oregon to look at their facilities, and Phil Knight, the founder of Nike, has poured money into their athletic facilities. He's contributed 600 million to Oregon alone. Twenty percent went to the academic side, and the other 80 percent to intercollegiate athletics. They're now going through an effort to separate themselves to some degree from the Oregon University system, by setting up their own board. There's a lot of talk about doing that here at UC. Phil Knight, of course, is instrumental in that as well. It's a long, complicated story, but he will be—it appears, anyway, to be very, very generous to Oregon. He's in his eighties now. There's so much that can be said about this, but anyway.

16-00:19:43

Rubens: I do want to acknowledge that your old friend and former chancellor, Bob Berdahl, is now the acting president of the University of Oregon at Eugene. You saw him when you were there.

16-00:19:59

Cummins: He's only there until September, he says. He set this up for Kirsten and me to go up, and then he went along with us to see the facilities, talk with some folks. So we had a tour, we met with the athletic director, the chief financial officer for athletics, the lawyer, vice president, et cetera. So he came along, and it was his briefing as well as ours. It was very interesting. It was just amazing. At Oregon, this question of the relationship between intercollegiate athletics and the academic program is just so glaring, because so much money is spent on intercollegiate athletics. Eventually, assuming that this move towards—I hate to say privatization, but more separation for the University of Oregon—works, Phil Knight is going to be instrumental in that, simply

because of the amount of money he has and what he's willing to contribute to the university. There's the connection again. Bob Berdahl said that—they played in the Rose Bowl this year, Oregon—he said there's just no question that it has upped their enrollment, their applications. Forty-nine percent, he said, of the undergraduates are out of state. That's a critical component of their financial model. Whether that will hold or not over time, it remains to be seen. But the fact that they have such a good football team definitely reverberates vis-à-vis applications.

16-00:21:51

Rubens: Do you have a working title for your book?

16-00:21:57

Cummins: Not yet.

16-00:21:58

Rubens: Let's switch gears and talk about your role as ambassador for Fred Weisman on the Berkeley campus.

16-00:22:12

Cummins: This also began when I came back from France—this would have been in January, of 2010—maybe a little bit later. Fred Wiseman is a documentary filmmaker. He's eighty-one now. He is an icon in the documentary film industry. He began doing documentary films in the mid-1960s. He's done over forty films. He focuses on institutions. In the filming, he does no voiceover, no interviews. He focuses on institutions. He's done three on the military, he's done two on public high schools, he's done one on a welfare center in New York, police departments.

16-00:23:16

Rubens: He became famous with one on a mental institution.

16-00:23:18

Cummins: The first one, yes. The first film was *Titicut Follies*, and it was hugely controversial. He was teaching law in Boston, and he was doing mental health law, and there was an institution for the criminally insane outside of Boston. He went out there and saw the conditions and thought, I have to do something to make this more known, widely known. Elliot Richardson was the attorney general at the time. He and the superintendent of this facility gave Wiseman the access, basically, to film. When he finished the filming, I'd say maybe sixty-four or sixty-five, something like that, it was going to be shown at the New York Film Festival, and reporters saw it earlier. One of the things that happened in this facility was that they kept people in the nude. Not everybody, but some. So you would see nude prisoners. You would see how they were treated. Of course, they were mentally ill. One scene in particular is absolutely unforgettable, where this prisoner, whose name is Jimmy, refuses to eat. He's sixty-five, I'd say, at least. They taunt him, the guards. Then they tell him that if he doesn't eat, he will be force-fed. Then the doctor comes in, who looks

like somebody out of a Nazi concentration camp, and they put, literally, a funnel in his mouth, and they—

16-00:25:15

Rubens:

And the institution knows they're being filmed. There's just no—

16-00:25:17

Cummins:

They know they're being filmed. Exactly. It turned out, as a result of the press reviews of the film, that there was this outrage expressed, and Elliot Richardson is now running for governor, and he changes his mind and sues Wiseman to not produce the film. That lawsuit goes on for, like, twenty years, and it got lots of attention, and finally it was eighty-five, ninety or so, before it could actually be seen. He got lots of attention for that. That's one of the things he's known for. Then he gets into this business. He has a very small company, called Zipporah Films. It's maybe two or three people. He works very hard to get money. Public broadcasting, PBS, always shows his films, so they provide some funding, and then he's got to raise money. Anyway, he had never done anything on a university. He contacted Bob Birgeneau. Bob had known of him because of being at MIT, and was very aware of the lawsuit, et cetera, and *Titicut Follies*. Admired him. Fred Wiseman said to him, "I would like to do a film of a university. Could I do Berkeley?" So there was discussion, and in March, I guess, of 2010, the chancellor agreed. Then the chancellor asked me to be a liaison between the administration, basically, and Fred. I worked for Fred, and my job was to get access for him in various settings.

16-00:27:13

Rubens:

And this was attractive to you because?

16-00:27:15

Cummins:

I just thought it was so interesting to do it. He was here, Fred Wiseman, about three and a half months. He started in August and he filmed through October. He ended up with 225 hours of film that he'll then edit down to maybe two hours or three hours. The editing is getting there. He thinks certainly by maybe the end of fall or early spring next year—that would be late fall of 2012 or spring of 2013—it will be ready. Then he'll come out and he'll do a viewing here first, and then it will be distributed. It's very risky to do something like that, because he's in control. His editing is not chronological, so he takes bits and pieces to tell a story about what he's learned about the institution. But everything I saw that he filmed, virtually everything, was so positive. For me, coming back, having been gone for a year, it struck me again what an incredible institution this is. The research, the quality of the faculty, the students, the engagement with issues, on every level. He filmed everything. He did intercollegiate athletics. He did Cal performances. He did professors teaching in classrooms. He was in research labs. He did drive-along with the police. We got him into planning meetings for protests. He filmed protests. He filmed—

- 16-00:29:14
Rubens: Could he film the academic senate at all?
- 16-00:29:17
Cummins: He got into some subcommittees of the academic senate, but not a full senate meeting that I recall.
- 16-00:29:28
Rubens: Are you along with him on virtually all of this?
- 16-00:29:31
Cummins: On a lot of them, yes. Not everything, but almost everything. He came out with a recent film, called *Crazy Horse*, which is a nightclub in Paris, as another institution. It's an amazing film. It was reviewed in *The New York Times*. It was a long article and was very positive, and at the end, it said his next film is a film he's been working on at Berkeley, and even he is impressed. I thought, oh, that's really interesting.
- 16-00:30:16
Rubens: Did he come to Berkeley, do you think, at all with a story to tell? Did you think he had preconceived ideas?
- 16-00:30:25
Cummins: No. He forces himself not to. He lets it emerge, which is really good.
- 16-00:30:35
Rubens: I recall you saying something to me about that he was surprised at the quality of, or the level of discourse amongst the protesters —particularly over tuition hikes. That he expected it to be of a higher quality.
- 16-00:30:48
Cummins: Yes. He said, "It's a good thing that I have captured Berkeley students in classrooms, because if this was all I got, it would be very discouraging." That was his only negative comment, was the quality of the discourse of the protestors, because he thought it was very shallow.
- 16-00:31:15
Rubens: So in terms of what you learned, was it more a reiteration or just a confirmation of your positive feelings about Cal?
- 16-00:31:31
Cummins: Just how phenomenal an institution it is, and how hard people work to keep it that way, and all the challenges that are confronted day-in and day-out. The critical nature of the place.
- 16-00:31:49
Rubens: Has he consulted with you at all about the editing?
- 16-00:31:51
Cummins: We talk from time to time. Not on the editing. He spends about half a year in Paris.

16-00:31:59

Rubens: So will you see him?

16-00:32:00

Cummins: So I'll see him when I go over there.

16-00:32:01

Rubens: Had you been to that nightclub?

16-00:32:04

Cummins: No. It's expensive. It's very expensive. They have performances, mostly in the nude, which is interesting. With body paint and things like that. Of course he has total access, so he's in the dressing rooms of the women performers with nothing on. Again, it's just one of these fascinating—

16-00:32:26

Rubens: So you're impressed with him as a mind and—

16-00:32:28

Cummins: Exactly.

16-00:32:29

Rubens: —an artist.

16-00:32:30

Cummins: He's a MacArthur Genius award recipient. He got an Oscar for lifetime achievement when he was here. He had to go back to New York for that award. He's a total workaholic. He works every day, I'd say, twelve hours, without cease. He's really a remarkable individual.

16-00:32:52

Rubens: Hopefully we'll see it in a year from now. All right. You need to go. Thank you.

Interview 10 May 22, 2012

Audio File 17

17-00:00:01

Rubens: Do you have any comments about the recent event to honor the 2012 Clark Kerr Awardees for Distinguished Leadership in Higher Education. Robert Berdahl and Marian Diamond here the recipients.

17-00:00:16

Cummins: Oh, it was very nice. As you know, I think so highly of Berdahl. I think he felt quite honored. This took place in the Bancroft Hotel.

17-00:00:28

Rubens: I had had a student interview Diamond many years ago. I don't think there is enough available about her career.

17-00:00:40

Cummins: Amazing.

17-00:00:41

Rubens: And sort of slid into her appointment. They didn't recognize her as a—

17-00:00:50

Cummins: As a woman scientist. She's eighty-six and still teaching. Just an amazing woman. There was an oral history done. Not here. It was some other group, in San Francisco, quite a long time ago.

17-00:01:18

Rubens: You ever seen her reach into a hat box and pull out a brain?

17-00:01:23

Cummins: Yes, yes. We filmed her in the Wiseman film. She teaches anatomy, and so she was discussing the different areas of the brain, which are mapped, and what they do, et cetera. I think we must have talked about this, but when Fred Wiseman did the film, he always announces to the class, and this was in Wheeler, what he's doing. Then if people don't want to be filmed, they need to indicate that, so it's kind of a release for the film. They couldn't hear him. He didn't have a mic on. So Marian said, "Why don't you come up, stand next to me, and they'll pick up the sound from my mic." So he went up on stage at Wheeler, and he was maybe two inches from her face. He's eighty-two now, I think. He said, "Well, I can't tell you"—to the class—"I can't tell you how happy I am that you could not hear me." The whole place came down in laughter. I thought, only at Berkeley could this—two people in their eighties, so active, so totally engaged.

17-00:03:05

Rubens: Was there filming of her holding a brain?

17-00:03:08

Cummins: No, but they filmed her class.

17-00:03:10

Rubens:

I've just been to a couple of functions where she's been the keynote speaker and she carries a hatbox. In fact, I didn't know who she was the first time—she looked trim, well-coiffed, and a little bit old style. She looks just radiant. She's a very attractive woman, but just carrying a hatbox. That reinforced that kind of fifties image. Then she's talking about the brain and the brain on drugs, and opens the hat box and pulls out a real brain.

So our purpose for meeting today is to talk about new plans afoot for modernizing governance throughout the UC system. You have a distinct

Perch from which to talk about this as well as being a player in the reformation as well. Firstly, you worked under four chancellors.

17-00:04:00

Cummins:

Yes. The chancellor, when I got here, was Bowker. It's four plus Bowker. I worked for Bowker, but not in the capacity that I did with the other chancellors. I did governmental relations. I certainly knew him. We'd have meetings and things like that.

17-00:04:23

Rubens:

Since 1972, there were seven presidents of UC. Hitch was here when you started. You were still here when Yudof came in. I haven't asked if you ever had perspective on—and there were surely times when it was more intense—the campus' relationship to UCOP. Maybe we can get to that in terms of your involvement with the current reform effort. This focuses on—

17-00:05:04

Cummins:

Devolution of authority from regents to local campus boards.

17-00:05:12

Rubens:

The position paper [Modernizing Governance at the University of California: A Proposal that the Regents Create and Delegate Some Responsibilities to Campus Boards] that Birgeneau and “et al” wrote, argues for keeping certain functions central. So devolving means transfer of others?

17-00:05:32

Cummins:

Transferring. Giving some of their authority to local boards. The thinking on this started probably a few years ago. There's always been tension between the president's office and chancellors. I think I talked a little bit about that. I know I mentioned, much earlier, that when David Gardner was president and Mike Heyman was chancellor, the king of Spain came to visit, and there was an issue who was going to greet him first, that kind of thing. But there was always a concern, as long as I've been here, that Berkeley would be shortchanged vis-à-vis the other campuses, because the president had to grow other campuses. Resources going to those campuses would mean resources that may not be coming to Berkeley. But on the whole, I think the presidents, certainly up through Bob Dynes, knew that they had to maintain Berkeley. Even though there was always a concern—and the concerns surfaced around

how money was allocated. Mostly state money, because it was collected by the president's office, and then there were rules and various taxes and things like that to fund the Office of the President. It would come up over capital projects, for example. It would come up when there was a crunch vis-à-vis students coming to Berkeley being accepted under the master plan, and the number of students growing. Taking more students than you were actually being compensated for, on a formula basis. It would come up around those things.

Then, as we went into this really difficult time financially, beginning in 2008, I think people, on this campus at least, started thinking seriously about how are we going to maintain the kind of quality and excellence of Berkeley, and where are we going to get the money to do it? Because the state contribution was declining so substantially. You can increase tuition, which was done and still is being done, but there's a limit to how much you can increase tuition. And in order to maintain the public nature of the university, access and affordability are really important. So you have to have enough money to ensure that people who cannot afford to come here, but are qualified, can still come. So there have been efforts that this chancellor has made that are quite successful. So that, for example, if your family income is under—I think it's now \$140,000—there's a sliding scale in terms of tuition. There's still room and board, but tuition. If the family income is under \$80,000, I think eighty or ninety, then you pay no tuition. Family income. You don't pay any tuition. That's the way they've dealt with the affordability issue.

17-00:09:21

Rubens:

And the campus has the autonomy to establish that?

17-00:09:26

Cummins:

Well, that was always a battle. Should Berkeley be able to lead, be the first to do something. I would assume the President's office was informed, but I doubt that permission was sought. Berkeley has more resources at its disposal than some of the other campuses. The way they did it here, for example, and they've started this at other campuses, is to take more out-of-state, international students.

17-00:09:40

Rubens:

That was my next question. And there's the discretion also of what the balance is?

17-00:09:45

Cummins:

What the balance should be. As long as the university as a whole is still meeting the top 12.5 percent under the master plan for admission. That's one of the ways they've done it. There were always issues, going back several years, about differential graduate student fees. So if you were at Haas School, and you wanted to charge more because there was such demand to go to the Haas School of Business, or to engineering or law, you could raise those fees, and that was a battle that took a long time finally to get approved. So there are

differential fees. The question is, should there be differential fees at the undergraduate level? What has evolved in the past year is a paper that the chancellor and Frank Yeary, George Breslauer, Jud King, and John Wilton wrote on UC—

17-00:11:04

Rubens: Frank Yeary too?

17-00:11:05

Cummins: Frank Yeary is in there, yes. They're all vice chancellors. Jud was a vice president at one point, and is the head of the Center for Studies in Higher Education. The chancellor asked him would he do a first draft, and the idea is that if there is more autonomy at the campus level, that you will—and part of that autonomy is to have your own board. That's where you get into this devolution of power. Each campus, in this plan, would have their own board, and the campus board would have certain powers, one of which would be to decide what a proper tuition level is, even at the undergraduate level, within a range that the regents would set. Because Berkeley, obviously, could charge more than a Riverside or a Santa Cruz, whatever. Merced. The local board could have the authority to hire and fire chancellors. Maybe, I think in Birgeneau's paper, with the approval of the regents. Another version would be just they have that power, period, to do that. They would have control over the budget. They would have control over salaries, of administrators, et cetera. The regents would retain their authority for the treasury, for example, the treasury function, for retirements and benefits, for dealing with union contracts and things of that kind.

17-00:13:06

Rubens: And I guess interfacing with the legislature.

17-00:13:08

Cummins: Yes, and the state budget. So they would continue to manage the state budget, but currently, the campus only receives 10 percent of its budget from the state. When I came here, it was probably 70 percent, so it's a huge change. The feeling is, because of the level of change in society, both technologically and certainly the impact of globalization, internationalism, et cetera, that the more control and understanding you have at the local level, as opposed to the regental level, the better off you will be. The thinking is, for example, that if Berkeley had a board like Stanford does, the amount of money that would be raised would be substantially greater annually. The campus already raises around 300 million annually, which is very substantial, and some people believe they could raise another 200 million more.

17-00:14:17

Rubens: Are there limits that are placed by the regents on how much—

17-00:14:21

Cummins: Oh, no, not on what you raise. If you had a local board with very prominent people, who had the means to provide that kind of money—

17-00:14:31
Rubens: Then you could demonstrate that this really goes to whatever increases and—

17-00:14:38
Cummins: Right, and they'd have real authority, and they would be invested in the success of the campus, et cetera. That's essentially the proposal.

17-00:14:49
Rubens: Can I just interrupt you for a minute here? When you say the plan emerged and the thinking has been—can we point to particular people or sectors that are driving this?

17-00:15:03
Cummins: I think the people that I mentioned, for sure. What happened with the paper was. It was put up on the website. Basically, Chancellor Birgeneau and John Wilton took the paper to Mark Yudof, the president, and they said, "Look, we really need an alternative to the way things are currently going. We need new thinking, fresh ideas, if we're to maintain the excellence of this place. Here's our thinking on this." Yudof basically disagreed completely with it. He said it's—quote—"a veiled form of privatization." This proposal won't see the light of day, it's not going to survive, it's too politically volatile, et cetera. Clearly opposed to it. The chancellor did manage to have a discussion of the paper at a council of chancellors meeting, and there was some support for it from the UCLA chancellor in particular, and perhaps the San Diego chancellor. But Yudof, after that meeting, essentially convinced them not to support it, and so they backed away from it. It does not have any significant regental support at this point in time, because they'd have to give up some of their authority. It has received some press attention. All the chancellor asked for was to circulate the paper to the regents for discussion, which you would think would be pretty reasonable in a university in particular, and Yudof wouldn't do it. So there's—

17-00:17:16
Rubens: That's in his power to do that?

17-00:17:19
Cummins: It is. I mean, you can't really stop people from discussing it. But there is an outside group, that I'm a part of, with Steve Weiner. Steve used to be the associate dean at the graduate school of public policy. He has his Ph.D. from Stanford. He was the head of the Western Accrediting Association for Schools and Colleges, WASC. He was also provost at Mills for a while. He knows higher education. This kind of approach has been done at Michigan and Virginia.

17-00:18:02
Rubens: The paper has an appendix of—

17-00:18:05
Cummins: Various places, right. The outside group—

17-00:18:11

Rubens: Weiner, yourself.

17-00:18:12

Cummins: Yes. Chuck Young, former chancellor at UCLA. Former state senator Gary Hart. There was another person, John Curry, who was a senior vice president for administration at USC, UCLA, Caltech, and MIT. Very experienced. The idea with the outside group is to build pressure, quite independent of anything internal to the campus, that would say, again, the regents need to consider this. That group is progressing. Steve Weiner, I think, is the key person—I don't think; he is the key person—and making some progress.

17-00:19:04

Rubens: So no business, big donors, or—

17-00:19:09

Cummins: Part of the university's effort to push this forward is coming from a group called the Friends of Cal. The leader of that group now is named Mark Robinson. He and Frank Yeary—who is no longer a vice chancellor here but is still on the Berkeley Foundation Board—he and Frank and a guy named Bill Floyd are trying to lead this effort. They have the ability to raise money to maybe hire a staff person for coordination, et cetera. We're working with them, so trying to coordinate this. We'll see how it goes.

17-00:20:06

Rubens: Why did you get involved?

17-00:20:09

Cummins: I think just by chance, because I happened to see Steve Weiner at an event on campus, and he said, "Let's have lunch. I want to talk to you about what we're doing."

17-00:20:25

Rubens: Few know the system better than you.

17-00:20:27

Cummins: So we've been working on that ever since.

17-00:20:32

Rubens: When I asked why are you involved, you talked about how you're brought in, but do you have a firm belief in the direction this is going?

17-00:20:40

Cummins: Yes, of course I do. There are people here who don't really retire. Karl Pister is one example. Budd Cheit is another one. They have this abiding commitment to this university, and so they stay involved. Paul Gray would be another person. I guess I'm like that. Having been here for so long, you get attached.

17-00:21:26

Rubens:

It must be also—fun might be diminishing a little bit about how serious it is, but also being able to really look at all these moving parts and see how you move forward an idea.

17-00:21:38

Cummins:

Exactly.

17-00:21:41

Rubens:

Are you concerned at all about the—I don't know if the word is unwieldy, or the complications of setting these things up. I don't get from the paper how the boards are established. They're supposed to be regents that rotate.

17-00:21:58

Cummins:

There can be, but from what I understand, there were some regents who did discuss this. Having regents on local boards in that paper, the thinking was that it would make it more palatable to regents, but in fact the regents that they talked to said they didn't have any interest in serving on a local board. In so many words, I'm appointed by the governor; why would I want to be on a local board? Missing the whole thing. Really missing it.

The fact is, the more decentralized you can be, vis-à-vis local control, the more effective. They just don't see it. They tend to spend their time on issues related to, well, how much salary are we going to pay vice chancellor X, or this person, or that person, or whatever, instead of really trying to set very broad policy and think about the future of the university. They say they do that, but it's not very clear. Who knows? Steve Weiner has also written a paper. The key difference in the two papers is that, in the Steve Weiner paper, he believes that the Office of the President could be shrunk considerably. They've already reduced staff in the Office of the President substantially, but their budget is still about \$300 million, which is the equivalent of budgets at some of the smaller campuses. It raises questions about where does all that money go. The history of decentralization is interesting, because when Clark Kerr became president after Sproul stepped down—Sproul was a centralizer. Everything was controlled by the president. Kerr wanted to decentralize to give more power to the chancellors, because he had been a chancellor under Sproul, and Sproul didn't even want there to be chancellors. He was forced into it in the early 1950s by the regents. That's a long story. But anyway, when Kerr becomes president in 1958, it's clear that he's going to decentralize and give more power to chancellors. The senior staff people who worked for Sproul—they would be vice presidents—were at the regents meeting in Davis when Kerr was appointed president. There was a reception following it, and Kerr talked about the fact that, at the reception, this small group of people came up with drinks in their hand and dumped them at his feet. His comment was he assumed that was their way of submitting their resignation. So this issue of centralization is a longstanding one. It's really longstanding. They have given more authority to the campuses in terms of setting salaries for professional school faculty

17-00:25:46

Rubens: People beyond also.

17-00:25:48

Cummins: Yes, exactly. The steps. Then for setting tuition in certain professional schools. There's a big concern there. That's also centralization versus decentralization, but on a campus level, where deans want more authority than chancellors may be willing to give them. Because if you have, and we do, faculty in professional schools that are making substantially more than they are in the humanities, then that creates some division as well.

17-00:26:26

Rubens: Is there faculty buy-in to this proposal

17-00:26:30

Cummins: No.

17-0026:33

Rubens: Is that disinterest or is it opposition?

17-00:26:37

Cummins: Bob Anderson, who is the head of the Academic Council, which is the system-wide academic senate, is adamantly opposed to it. The senate tends to be conservative. Part of the thinking here is that if the tax initiative that Jerry Brown is pushing doesn't pass in November, that's another 250 million cut to the university, and that maybe at that point in time, they will be forced to seriously consider, especially if there are editorials and op-eds saying, why aren't you thinking about these things? Chuck Young has played an important role here. He's written about it. He'll probably do an editorial with Don Kennedy, talking about the value of this approach.

17-00:27:41

Rubens: Donald Kennedy being the president at Stanford. Where's Chuck Young writing? Is that being circulated, or is it published?

17-00:27:52

Cummins: Yes. He did a paper, I think, for the Center for Studies in Higher Education, and part of it at least was reprinted in the HR newsletter, I think, was the last thing I saw. [Policy Options for University of California Budgeting, March 2011]

17-00:28:22

Rubens: What are you calling your outside group?

17-00:28:23

Cummins: Really doesn't have a name. If a group did form, it wouldn't be us. It would be some of those people, but I don't have that stature. Steve Weiner doesn't. You need people who are like a Chuck Young, who are very well-known. Former chancellors, for example. Legislator, like Gary Hart, would be very influential.

17-00:28:47

Rubens: Someone like Blum, too? A regent or—

17-00:28:49

Cummins: Not clear where he is on this. I just don't know.

17-00:28:51

Rubens: But someone of that order?

17-00:28:52

Cummins: Yes, right.

17-00:28:53

Rubens: With money and influence.

17-00:28:54

Cummins: Money and influence, that's right, who are saying, look, you're in a different world now. Bob Berdahl was here to get the Clark Kerr Award. He was the president of the AAU, so he's got that broad perspective. Now he's the acting president at Oregon. Oregon is going through the same process, where the University of Oregon functions in a seven-campus system. They're obviously the big campus. The other ones are small compared to it. They have legislation pending to enable them to create their own board. Once they get that, they can issue debt. The plan is to issue a billion-dollar bond to take the state contribution to their campus, which is about 5 percent of their budget, and use the state money to pay off the bond. Apparently, the debt issuers, the bonding companies, want more collateral than just the state money. Phil Knight, the head of Nike, has agreed to put up a billion dollars of Nike stock, which will eventually move over to the university after he dies. Again, it's this different approach. That's the plan in any event.

17-00:30:26

Rubens: I'm missing just one piece of this. In other words, the strategy is to get more money, but to have—

17-00:30:34

Cummins: Is to build an endowment that you can—Bob thinks, Bob Berdahl, that if this approach works and all is said and done, they'll end up with an endowment of three to three and a half billion. That would be more than our endowment at Berkeley. They invest that money, and the operating money comes from the investment of that money, but also from out-of-state students. They have a high percentage—50 percent may be a little high, but not very high—of out-of-state students, so they can use that tuition also for operating purposes. Having the local board gives you much more flexibility and autonomy to move. We had dinner on Sunday night, and he will be, possibly, working at NYU, kind of on a volunteer basis. They have campuses in Abu Dhabi and Shanghai. They have a plan to really build their international stature and have lots of exchange. It's all part of this internationalization. That will happen. There's no question about it. Those campuses already exist. If Berkeley wanted to move in that direction, for example, and had the autonomy, instead

of getting everything approved by the regents, et cetera, you could get it done here. You could also avoid—like on capital projects, the regents approve everything that has already been approved at the campus level in terms of the Environmental Quality Act, CEQA, the funding mechanisms, et cetera. That's the thinking.

17-00:32:37

Rubens:

I recently was talking to an old pol in San Francisco who said regarding the district elections, the theory was that they would be more immediately responsible to—the supervisors would be—to the districts, and that it would shrink the cost of governance. In fact, it's really expanded the cost.

17-00:32:57

Cummins:

You don't know. I would assume there's always risk in everything that you do. And this is modeled, of course, on places like Stanford, Harvard, et cetera, that have these boards and that are very successful. That's what enables them to maintain their quality. We know that. It's interesting. Mike Heyman was the one that really started fundraising on this campus in a big way. We've made huge strides. The first capital campaign raised about 420, 30 million. Now, this campaign, the goal is three billion. I think by the time Bob Birgeneau steps down, it will be two and a half billion they'll have. So that's incredible. It is.

17-00:33:58

Rubens:

I remember once reading it was Stanford and Harvard, I think, had the highest. What are we talking about there?

17-00:34:07

Cummins:

Before the big stock market decline in 2008, it was really high. I think Stanford is like eighteen or twenty billion. It's really high. That, of course, means that they're just moving away from the pack. The whole argument here is, we have to maintain—I keep saying we, but they have to maintain the public nature of Berkeley, but you need much more flexibility in order to do that. The state keeps functioning like they did when they were giving us 70 percent of our budget. Now they give us 10 percent. The details have to be worked out. No question.

17-00:34:59

Rubens:

There has to be some kind of buy-in so these are circulating—

17-00:35:03

Cummins:

It may require legislation. But that's the gist.

17-00:35:08

Rubens:

Maybe this is a good transition to reflections on Birgeneau. Here he's retiring. He's announced his retirement for next December. Is this in the role of being a good citizen that he's putting himself up for this kind of attack?

17-00:35:26

Cummins:

Oh, yeah. I think so. He—

17-00:35:32

Rubens: Just believes in this. He's one of the longest-serving chancellors.

17-00:35:36

Cummins: It will be eight years, I guess. Bowker was nine, and Heyman was ten. But no, I think he's always been willing to speak out, which is unusual for a chancellor or president. He has very strong views. I really respect that. I didn't always agree with him. That's what you want a leader to do. He certainly did that. He raised a lot of money. The whole Hewlett \$100 million gift for endowed chairs, matching endowed chairs, is phenomenally successful and really, extremely important. That was his idea.

17-00:36:30

Rubens: And that was his idea?

17-00:36:31

Cummins: His idea alone. Certainly the whole diversity inclusion, he just never quit on that. That was very important. Plus, he maintained this, despite really hard times, positive attitude, which is very important, I think, for a chancellor.

17-00:36:53

Rubens: He came in at an extraordinarily hard time.

17-00:36:56

Cummins: Absolutely. Having lived through the first few years of the Tien chancellorship, where there were again these big cuts, it's really depressing. You have no flexibility, and you're just cutting, cutting, cutting. It's very unpleasant, and everybody knows it, and everybody's unhappy, and staff morale is bad, and on and on.

17-00:37:21

Rubens: It's interesting what you're saying about the deans, because their responsibility for raising money really increased.

17-00:37:30

Cummins: Enormously.

17-00:37:36

Rubens: Would they be in opposition to this? No. It ultimately would serve them?

17-00:37:42

Cummins: Yes, it would.

17-00:37:42

Rubens: It would be a whole food chain.

17-00:37:43

Cummins: Exactly. At Harvard, for example, deans have lots of autonomy. They basically function on their own. We're moving in that direction already, say in law and engineering and business, to some degree. Not to the extent that they have it at Harvard, but we may get there at some point. All of higher

education, just like the world, is in this incredible period of change. People are just feeling their way.

17-00:38:22

Rubens: Can you imagine that Berkeley would have, what, centers or programs abroad that would—

17-00:38:27

Cummins: Oh, absolutely.

17-00:38:28

Rubens: That would match when you talked about NYU.

17-00:38:32

Cummins: Yes. I think we'd almost have to.

17-00:38:37

Rubens: That's certainly where there's some money.

17-00:38:38

Cummins: Exactly. China is building and putting lots of money into higher education.

17-00:38:46

Rubens: I just learned parenthetically that David Hollinger had been in Abu Dhabi. I know Troy Duster had.

17-00:38:55

Cummins: Yes, and Tom Campbell, when he was dean was very involved there, too. Of course, they just pour all this money in, and also build museums and create a culture, like, overnight. That's what they're trying to do. Of course, the problem is you have to live there while you're teaching, et cetera. That's hard.

17-00:39:20

Rubens: Just to come back to Birgeneau. We're talking about being a good citizen and really a leader.

17-00:39:28

Cummins: A leader, absolutely. No question.

17-00:39:29

Rubens: How does this impact how a new chancellor would be selected? I would think that Yudof would be, as a measuring stick, someone who would be opposed to this.

17-00:39:45

Cummins: That's an issue. It's also interesting that nobody comes to mind, on the faculty or in the administration, to replace him. There are very, very few names that you can think. In a way, that's really too bad, I think. Both Bob Berdahl and Bob Birgeneau were from outside the campus. There is very good reason for that to happen, and then there's some negatives because of not being part of the community and coming in, et cetera. Some of the thinking is, well, it

would be good to have an inside candidate, but there's nobody that really emerges. Maybe one or two names and that's it.

17-00:40:41

Rubens: Smelser is someone who's too old now.

17-00:40:44

Cummins: Too old. Yes, exactly. There are some young people that would be very good, but they don't have that kind of stature. Then you take a chance.

17-00:40:56

Rubens: Particularly at a time like this.

17-00:40:58

Cummins: Yes, and that's why it's almost like you need a bigger-than-life individual right now.

17-00:41:08

Rubens: Does that person come from, can they be found in academia. You had, at one point –bemoan is not quite the right word, but expressed concern that there was being cultivated and being brought into campus administrators with more business background than higher ed, and that represented a real shift. There was a line in this proposal that said to the effect that it is stimulating to be bringing in different kinds of people. “Bringing into governance highly respected and capable people,” who are reflective of ideals and have experience. That seemed like a good thing here.

17-00:41:42

Cummins: Well, he did that. Nathan Brostrom and John Wilton, I think, and Frank Yearly, all three are examples of that. I think, on the whole, that was very good, because it does give this very different way of looking at things, and certainly from a financial point of view. That was what they were looking at. However, coming into this environment is very different than coming from the World Bank or JP Morgan or Citibank, where they came from. It's hard to understand this environment initially, and you can't figure out why, for example, things take so long to get done, and it's true, they do. Part of it is because you have this multi-layered bureaucracy, and some of it is on campus, and then it's in the president's office, and then the regents. It takes so long. Like you said, the academic senate here is very, very important. That's a great strength. But at the same time, it can be a major obstacle.

17-00:43:06

Rubens: Because—

17-00:43:07

Cummins: Because they're so slow. They're tradition-bound, et cetera. The kinds of issues are very typical of a large bureaucracy at a time of rapid change, and trying to adjust. I think what Bob Birgeneau did in terms of bringing these people in was very good, because it's a breath of fresh air. At the same time,

you have to be careful that you don't go too far. For example, on the stadium, and there's a lot of concern being expressed about the financing.

17-00:42:45

Rubens: Oh, right. I wanted to ask you about it.

17-00:43:52

Cummins: That's based initially, both the Student Athlete High Performance Center and the stadium, different financing models, but one part is the same, and that is that they were going to raise all this money through various means and invest it and then borrow money. Pay the cost of the stadium. The difference between the money raised and invested, and what you made on the investment versus the lower interest loans, tax-exempt loans you can get to pay for the stadium, will provide all these benefits. You'll be making money. Well—

17-00:44:35

Rubens: There was some scathing revelation about—

17-00:44:39

Cummins: How much money they have raised, and whether part of this financing model is the seat licensing. The seat licensing initially was set up like a timeshare. If you wanted one, you had to pay all this money. People were very reluctant to do that, so then they changed it to say, well, you can pay this off over thirty years. The very best seats were, like, \$225,000.

17-00:45:09

Rubens: Thirty years. That's a long time.

17-00:45:11

Cummins: But then they said, you're under no obligation. If you ever decide that you don't want to do it anymore, you don't have to. So it's not like a timeshare. It's not even a contract. It's questionable. That just builds in uncertainty. If everything worked perfectly here and we won all these games and went to the Rose Bowl and were terribly successful, yeah, it would work. But things don't work perfectly. I think the numbers are something like, for the seat licensing, they have thirty-one million in cash, and they have 144 million in what are essentially these contracts, or pledges, that they'll pay over time. The question is, of course, will they pay over time? There was also, in terms of how the seat licensing program was put together, and promises that were made about it, a lot of bad feelings. Some people pulled out as a result of that. People were told, no, the sports won't be cut, and then sports were cut. Or, you can give your money to water polo, and that counts towards your contribution. Because you get points, basically. You donate so much money, you get points, therefore you get a seat. It's all an exchange.

We'll see whether it will work or not. There's certainly enough money to pay this off. Basically, the numbers that I've seen are that the debt is nineteen million a year for the first twenty years. Then it jumps to fifty-five million. Now, those numbers may be off a little bit, because part of the bonding is tied

into now what they call century bonds that the university has issued. It prolongs the period of payment for a hundred years. I don't know what they got for that. I just have no idea. But anyway, those numbers are probably close enough. You're betting, basically, that you'll bring in enough money through basically your ticket revenues, your seat licensing. Once the stadium is done, and it looks spectacular now—it's incredible—then you'll have the opportunity for naming rights on certain things. It wouldn't surprise me, at some point in time, if things got bad financially that the name changes. It may be the Doritos Bowl or something—stadium or something. I don't know. I hope that doesn't happen. But you can be forced—

17-00:48:18

Rubens: The goal is to do this within nineteen years, though, to not have to—

17-00:48:21

Cummins: Yes, absolutely, because that's a lot of money.

17-00:48:25

Rubens: All right, so it doesn't sound quite as bad as I thought I had seen the figures of.

17-00:48:30

Cummins: They're saying that they have thirty-one million now, in cash. They've got these pledges. They'll have naming rights. They have a ticket surcharge to pay for the stadium. So they're collecting money. They'll make those payments for a certain period of time, then we'll see. It all rests on whether the football team does well or not. If they don't, the whole thing suffers.

17-00:48:58

Rubens: Who architects that strategy?

17-00:49:00

Cummins: That was Nathan. You're going to get that kind of thinking, and that's my example. So he may be right. He may be wrong. But it involves a level of risk that the university was not prepared to take as a public institution until fairly recently.

17-00:49:22

Rubens: What about issues of master planning; of campus refurbishing and expansion?

17-00:49:59

Cummins: Right. Most of that money basically is—we already raise it privately. They don't give us much money, the state, for buildings. Mostly it's for seismic. So you're out raising money anyway. The thinking is, you'd be better off if you had your own board, because you'd be better able, and you could approve your own projects, and you wouldn't have to go through an entirely new review in the president's office.

17-00:50:30

Rubens: All right. Do you feel we've covered this?

17-00:50:39
Cummins: Yeah, I think so.

17-00:50:44
Rubens: You mentioned the press campaign. Is that part of the strategy right now?

17-00:50:49
Cummins: If we can. This is a very shoestring operation.

17-00:50:52
Rubens: Sure. I don't think the *Chronicle* yet has had something on it, has it?

17-00:50:58
Cummins: No, they haven't. *Los Angeles Times*, *Sacramento Bee*. Yeah, that's about it.

17-00:51:03
Rubens: What do you think that's about?

17-00:51:06
Cummins: I don't know. It's more a function of their ability.

17-00:51:13
Rubens: I would think someone at the *New York Times* would—

17-00:51:16
Cummins: Eventually.

17-00:51:16
Rubens: —get a hold of this, but maybe you want to have the thing thought out more a little bit more.

17-00:51:22
Cummins: Yeah, and really, it needs that. It needs that. It's really to force a discuss—

17-00:51:26
Rubens: How often do you meet about?

17-00:51:31
Cummins: Steve Weiner and I talk a lot. We've gone around and met a number of people and we've talked about it.

17-00:51:39
Rubens: Really enlist people.

17-00:51:40
Cummins: Yes, and we're in communication with John Wilton and Friends of Cal.

17-00:51:50
Rubens: All right, so in the face of Birgeneau retiring, is there—earlier, you were talking about how effective he was. That he's really been—

17-00:52:01
Cummins: Absolutely.

17-00:52:03

Rubens: Is there anything more that we want to say about him particularly?

17-00:52:06

Cummins: No, I just think he did a really good job. It's such a hard job, and it just gets harder. His salary came out yesterday. I don't know if you saw it. Comparing with other public and private university chancellors. I think his salary was in the neighborhood of, I don't know, 450. Something like that. He was sixtieth, I think, even among public universities. It was pathetic. I mean, really. I know that salaries are big issues for the public. No question about it. I also don't think there's an appreciation for how difficult that job is. It's a twenty-four hour a day job. We were at this dinner for Bob Berdahl and Marian Diamond, and I was sitting with him, right next to him, at the dinner. He gave a nice talk and everything. He's sitting there, and his phone goes off. He gets up and walks out. I thought, wow. It was unusual. Normally he wouldn't do that. He came back, and he said, "The only reason I got up and left," to me, he said, "was that it was the police."

17-00:53:24

Rubens: I thought it had to do with the occupiers.

17-00:43:27

Cummins: No. There was a tree that fell last night, and it was blocking his driveway. So they wanted to let him know. It just never ends.

17-00:53:43

Rubens: My heart went out to him having to deal with the occupiers.

17-00:53:46

Cummins: And then people trying to break into his house, set it on fire when he was in the house. I think that really got to him. Then criticized for police actions over protests. It's never-ending. As Rod Park says, you accumulate more enemies than friends in that job, and it's true. Everybody, all the chancellors, realize that.

17-00:54:13

Rubens: He's going to stay here, though, is that right? He's going to have a lab at—

17-00:54:17

Cummins: Yes, he's going to stay. He's very anxious to get started. He says he's going to teach freshman physics. It's great. He's got an amazing amount of energy. Very, very smart. Mary Catherine, his wife, is just great.

17-00:54:35

Rubens: She's been involved in a lot of things. I don't want to hold you too long, but just back to the presidents that were in tenure over your many years. Were there any that you were more close to than others? Atkinson. I was thinking that's—

- 17-00:54:57
Cummins: Yes, Dick, and David Gardner. Let's see. I think probably those two I was the closest to. I certainly knew Bob Dynes. That was such a difficult presidency, his. I thought—
- 17-00:55:22
Rubens: Difficult because, just so we have it on the—
- 17-00:55:23
Cummins: Because of all the compensation, pay issues and things. I thought David Gardner was exceptional.
- 17-00:55:35
Rubens: Eighty-three to ninety-two.
- 17-00:55:37
Cummins: Yes. He just was so skilled at what he did. He had the scandal, of course, at the end, again about his compensation, and the golden parachute, and on and on. Up until that time, exceptional. He was very thoughtful, was a real visionary. He was a protégé of Clark Kerr. He worked closely with Clark Kerr as a student. He was just amazing, watching him. Of course they were located here for a good period of time, at University Hall. That's probably why I knew him perhaps the best. Very impressive.
- 17-00:56:32
Rubens: Atkinson, it seems to me, that he devolved some. It was really important to him to create these centers.
- 17-00:56:40
Cummins: Exactly.
- 17-00:56:41
Rubens: Yet, at the same time, there was the whole affirmative action issues. Huge issues where it seemed that the capacity of UCOP to have a centralized administration could react very quickly to the demands of first the regents, and then the legislature.
- 17-00:57:02
Cummins: Yes, it's interesting—
- 17-00:57:03
Rubens: He kind of had the position that this paper is really going for. That you keep certain central functions, but you promote more autonomy.
- 17-00:57:22
Cummins: On the diversity/affirmative action, David Gardner told me that if he were president when Ward Connerly wanted to introduce that motion, SP1 and two—that was in '95—that preceded to prop 209.
- 17-00:57:39
Rubens: Atkinson comes in, actually, with that in motion.

17-00:57:42

Cummins: Yes, that's right. Peltason was the president then. But he said he never would have allowed it as president.

17-00:57:48

Rubens: Gardener wouldn't?

17-00:57:49

Cummins: It never would have gotten on the agenda. I thought, now that's really interesting. Whether he could have succeeded or not, I don't know. I'm sure he had a way, because he was so smart, and he had the regents in the palm of his hand. That's such an important part of that job.

17-00:58:09

Rubens: He had liberal appointments, too, comparatively.

17-00:58:13

Cummins: Yes, I think he had better appointments. Smarter people. More informed, et cetera.

17-00:58:19

Rubens: Whereas Atkinson's were people from the Deukmejian era. I asked Jud King if there was any way that Atkinson could have dealt with that, not subjecting himself to the public humiliation.

17-00:58:50

Cummins: John Moores was the regent that was driving everybody nuts.

17-00:58:57

Rubens: All right, I think we we'll have to stop now.

17-00:59:01

Cummins: Thank you.

17-00:59:01

Rubens: Thank you.

[End of Interview]