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Richard A. Hogarty  
*University of Massachusetts Boston*

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# The Search for a Massachusetts Chancellor:

# Autonomy and Politics in Higher Education

*Richard A. Hogarty*

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*Political scientists have not devoted much attention to the politics of higher education. Their reluctance is hard to explain since the material for study is close at hand and the subject offers ample research opportunities. The search for a chancellor conducted by the Massachusetts Board of Regents in 1986 aroused considerable public attention and controversy. This case study examines that controversy along with the tensions that arise when academic and political forces collide. Few searches in academia are perfect and none is a morality play. This one proved to be no exception. This article is an attempt to reconstruct the controversy and explain its causes and consequences.*

*Trying to keep education free of politics is a favorite theme of reformers. In exploring this central theme, the author finds that theory often crumbles in the face of unpredictable events. He emphasizes the hard choices that the participants had to make amidst their continuous efforts to resolve dilemmas. The underlying argument that higher education is so technical and professional that only a professional educator can manage it is also examined.*

*As an independent agency in state government, the Board of Regents — like any other actor in the political game — has to concern itself with political realities. If the governor has political power, the agency may “knuckle under” to him; if he lacks power, the agency will probably turn elsewhere to seek the support it needs to sustain itself in the competitive world of budgets and patronage and the authority to expand operations or to grow in personnel and importance. Better communication between the Regents and the political leadership is necessary to avoid the repetition of such conflict.*

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**A**mong the threats to the viability of American education that seem to abound in our age is the challenge to the public university. Retaining the ability to make fair and autonomous decisions is of critical importance to its operation. Inappropriate political interference with line authority in the governance of higher education threatens that independence. The threat is a grave one because it goes to the heart of the academic enterprise. In delivering the Askwith Lecture at Harvard in 1986, Clifton Wharton, then chancellor

*Richard A. Hogarty is a professor of political science who teaches courses in state and local government at the University of Massachusetts at Boston. He has served on various search committees, including those for chancellor, provost, and dean at the Boston campus.*

## Chronology, 1985–1986

December 10	Chancellor Duff resigns; search committee appointed.
January 8	Search committee meets with governor and obtains commitment from him to press for early legislation to increase the chancellor's salary.
February 11	Board of Regents adopts procedural resolution to abide by search committee's recommendations.
March 15	Application deadline; 107 candidates apply.
March 27	Pay raise bill (H-5474) filed.
April 3	Screening subcommittee recommends 32 candidates.
April 16	Public hearing on pay raise bill (H-5474).
April 17	Search committee narrows field to 12 candidates.
May 2–3	First round of candidate interviews.
May 6	Pay raise bill in new form (H-5639) reported favorably by the Public Service Committee.
May 14	Ylvisaker alerts Board of Regents that search committee will not be able to report final selection of candidates on June 9 as originally planned.
May 22	Search committee makes penultimate cut and reduces field to 6 candidates.
June 9	Board of Regents attempts to abandon search but instead authorizes a maximum of 6 finalists.
June 12–18	Second round of candidate interviews. Speaker Keverian refuses to advance pay raise bill unless Collins appears among the finalists.
June 19	Search committee selects 4 finalists; Collins eliminated.
July 1	Board of Regents ignores 4 finalists and elects Collins as new chancellor; Ylvisaker resigns in protest.
July 2	Governor intervenes in dispute, replaces Regents chairman Beaubien with Lashman, and announces his intention to overturn the Board of Regents' decision. House of Representatives unanimously endorses Collins as chancellor.
July 3	Governor contacts Collins and warns him not to resign from legislature or to proceed on present course.
July 6	<i>Boston Globe</i> breaks story that Collins asked Duff to sell tickets to Speaker's campaign fundraiser.
July 7	Eisner resigns from Board of Regents in protest of Collins's appointment.
July 8	Collins rejects 90-day contract offered by Lashman.
July 10	Collins appears on television to argue his case.
July 18	Six Regents call for special meeting of Board to act on stalled contract negotiations.
July 24	Seven Regents ask attorney general to rule on legality of Collins appointment.
July 25	Attorney general rules Collins legally elected but serves at pleasure of Board of Regents.
July 31	Governor appoints three new Regents and gains control of the Board.
August 5	Board of Regents reopens search and denies Collins one-year performance contract.
August 18	Newell drops out of race, claiming atmosphere too politicized.
September 9	Board of Regents fires Collins and elects Jenifer as new chancellor.

## **Members and Terms of Office Massachusetts Board of Regents of Higher Education, 1986**

### **Appointees of Governor Edward King**

- \*David J. Beaubien (1980–1988)
- \*Nicholas Boraski (1982–1992)
- Gerard F. Doherty (1982–1987)
- Janet Eisner (1980–1986)
- \*George Ellison (1980–1982)  
(1985–1990)
- \*J. John Fox (1981–1989)
- James Howell (1982–1986)
- David Paresky (1980–1986)
- \*Elizabeth B. Rawlins (1980–1982)  
(1984–1988)
- Edward T. Sullivan (1982–1987)

### **Appointees of Governor Michael Dukakis**

- Mary Lou Anderson (1984–1989)
- Paul S. Doherty (1986–1991)
- Ellen C. Guiney (1986–1991)
- Kathleen Harrington (1984–1988)
- Joe M. Henson (1986–1991)
- L. Edward Lashman (1986–1990)
- Paul Marks (1984–1990)
- Norma Markey, student member (1986–1987)
- Hassan Minor (1984–1989)
- Paul N. Ylvisaker (1984–1986)

\*Initially appointed by King and reappointed by Dukakis.

\*\*Initially appointed by King and then appointed by Dukakis.

of the state higher education system in New York, explained the crux of the problem: “Public colleges and universities are identical to their counterparts in the independent sector in having no margin of tolerance for political quid pro quo. That which compromises the integrity of their administration and governance also compromises the integrity of their teaching, research, and service. It is a short step to making faculty appointments or awarding tenure on the basis of political persuasion and ideological preference.”<sup>1</sup> Educators therefore tend to take a very dim view of political intrusion into the academic community, where it is seen as an infringement of the cherished principles of academic freedom and institutional autonomy.

In legal terms, public colleges and universities are creatures of the state. As such, they operate in a political environment that makes them accountable to the public and at the same time exposes them to steady external pressures. One can argue that influence over a publicly funded institution is appropriate in achieving democratic responsibility. Similarly, the argument can be made that a university, like a hospital or a motor vehicle office, ought to be autonomous. In reality, however, no university, whether public or private, enjoys complete autonomy. Both are subject to the constraints imposed by government funding and to the decisions handed down by state and federal courts. In the public domain, the boundaries between democratic accountability and academic autonomy are not always clearly defined. Most controversies in state higher education involve the clash of these competing demands.<sup>2</sup>

For higher education as a whole, the issue of autonomy arises when a new chief executive officer is being hired. The differences between the public and private sectors are revealing. Hiring a president at a private university is customarily shrouded in secrecy. New England schools such as Brown and Dartmouth, for example, neither reveal the names of their candidates nor keep the outside world informed of the progress of the search. Furthermore, formal offers are not made to qualified prospects unless their acceptance is assured. By sharp contrast, public institutions operate virtually in a glass house when performing the same function. Something more is involved. The recruitment of campus executives in the public sector is at best a delicate and arduous task, as various groups and individuals each with its own agenda seek to become active if not predominant in the selection process. Such searches must be done in compliance with affirmative action rules and with the requirements of “open meeting” laws, which are designed to ensure accountability. Studies indicate that in states such as Florida, such laws (sometimes



referred to as “sunshine legislation”) may be more of a hindrance than a help in attracting the most qualified people.<sup>3</sup> Preserving confidentiality, as the private sector well knows, is often the key to a successful search. Candidates for the job do not want their names bandied about for fear of jeopardizing their current positions. And if they are not accepted for the post, such disclosure may impair their future opportunities elsewhere. The courts generally recognize certain privacy rights of the individual placed in such circumstances. Balancing these rights against the obligations of sunshine laws is indeed a difficult and perplexing exercise.

Procedures are normally adopted to protect the confidentiality of the candidates and to guard against the impact of publicity and the cruder forms of direct interference. Even the most elaborate procedures, however, do not necessarily guarantee such protection. Leaks to the press and other premature disclosures are almost bound to occur.<sup>4</sup> Public awareness of the candidates is unavoidable at a certain point. Since the selection process involves dynamic tensions among the competing interests, it may well become politicized. Once this happens, the politics of the search run a course similar to the politics of any other controversial dispute in a democratic society. Some people want something from government and build a coalition of influence to get it, while other people want something different and build a countervailing coalition to block or modify the design of the first group. Compelled to conduct its educational business in a highly charged political atmosphere, a search committee may stray from its proper course, despite its best efforts and intentions.

Perhaps there is no better illustration of this phenomenon than the search for a chancellor of higher education in Massachusetts in 1986. During the first six months of that year, the state Board of Regents conducted a national search for a new chancellor to head its public higher education system. Before long, the search developed into a fierce power struggle both inside and outside the Board. The media seized on it. Powerful forces — some obvious, some subtle — exerted tremendous pressures in their attempts to influence the outcome. Much of the politics and press attention focused on James Collins, a state representative from Amherst and an erstwhile supporter of public higher education, who became a central figure in the struggle. Bypassing the four finalists that their search had produced, the Regents appointed Collins as chancellor and thereby invoked a storm of protest. The fact that they had picked a state legislator rather than a professional educator did not sit well with Governor Michael Dukakis and his followers. Dukakis opposed the Collins appointment. Claiming that the selection process had been seriously flawed, the governor intervened in the dispute and proceeded to pack the sixteen-member Board of Regents with a new chairman and three new members who were favorably disposed to his own position. By so doing, he was able to get the Board of Regents to reconsider the Collins appointment and to remove Collins from office. Meanwhile, Speaker of the House George Keverian criticized the governor’s intervention and vigorously defended Collins. Subsequently, the realigned Board ousted Collins and chose Franklyn Jenifer, a black educator from New Jersey and a previous finalist. Values and vested interests were at stake as well as pride and ambition.

The chancellor search controversy must be understood in the context of a very complex political system involving history, culture, personalities, institutional arrangements, special interests, and ethnic group participation. To be sure, the political culture of Massachusetts colors all aspects of its institutional life, including the most rarefied and lofty level of higher education, highlighting perhaps more than simply a division between academic and political interests. Over time, politicians in the Bay State have adopted a proprietary attitude toward its public colleges and universities. They regard them as their

prized possessions, if not their own creations. To use the parlance of Beacon Hill legislators, they “own” them. Some of these institutions had become legislators’ fiefdoms. In addition, the higher education system was a patronage haven for several ex-legislators. Unless one understands these dynamics, one cannot fully comprehend or appreciate the particulars of this specific case.

In many respects, the main battle over the search for a chancellor reflected what has been going on in Massachusetts higher education for the past twenty years — a struggle between the traditional politics of the Irish and the new politics of insurgent reformers. It also set in motion the bifactionalism within the state Democratic party that pitted conservative Ed King Democrats against liberal Mike Dukakis Democrats and the legislative and executive branches of state government against each other. Urban-rural rivalries and other old antagonisms were rekindled between those who favored centralization of the system in Boston and those who favored decentralization. Among the latter were those who sought to restore UMass/Amherst to its once preeminent position. The controversy was further aggravated by the enduring tension between public and private institutions of higher learning. Indeed, the elite private institutions, especially those of world-class caliber, have always enjoyed center stage, much to the chagrin and intense jealousy of the public sector. Before the main battle ended, it was transformed into a public versus private skirmish with the trappings of an Irish-Harvard, town-and-gown confrontation.

To add to the political drama, Regent James Howell was accused of a conflict of interest by the state Ethics Commission in arguing against the approval of a graduate nursing program at UMass/Boston. The new program would be competing with a financially troubled one at Boston University, where Howell served as a trustee. Although he actually abstained from voting on the issue, he was nonetheless charged with a conflict. As a consequence, legislation was passed that clarified the relationship between the law establishing the Board of Regents and the law establishing the Ethics Commission. The matter did not end here, however. The legislation was promptly vetoed by the governor, and the governor’s veto, which evoked additional public criticism from Speaker Keverian, was later overridden by the General Court. But the furor over this effort to censure and then to exonerate Howell took a back seat to the controversy sparked by the effort to remove Collins.

All of this activity occurred in 1986 while the newly created Board of Regents was still struggling to organize itself and define its role. For the most part the public was baffled by the intricate political game being played at the State House. Public opinion on the governor’s handling of the chancellor search controversy was strongly divided. Some people looked on the whole affair as smart politics, especially for an incumbent governor who was currently seeking reelection and planning to run for the U.S. presidency in 1988. Others viewed it as a manipulative exercise of power that was as blatant as it was transparent, and of doubtful legality as well. Still others were too confused by the Board of Regents’ overturning of its original decision to know quite what to make of it. Before the political flak abated, the participants themselves felt that something had gone wrong. My own recollections are those of an interested faculty member who viewed the dispute from a discreet distance. The account that follows is based primarily on the public record and on personal interviews obtained from the principal participants.<sup>5</sup>

On the assumption that a look backward may illuminate the way ahead, I will examine the central issue of process and analyze why things went awry. Inevitably mistakes were made, and those were mostly procedural. Some of the troubles were systemic and thus unavoidable. Others were not, but something like them could have been predicted by



considering the difficulty the Regents had encountered in their search for a chancellor in 1981. (More about that botched effort will be discussed shortly.) Anyone looking at the events that took place in 1986 cannot adequately explain why they occurred without raising a set of deeper questions.

What was the nature of the decision process itself? What preconceptions did the participants bring with them? How did their perceptions play against each other? Under what sort of pressures were they operating? In what specific ways was the process flawed? What midcourse corrective measures were at their disposal? Did the Regents act in such a way as to reduce their own autonomy? If the Collins forces could control the Regents, why could they not also shape a search committee to serve their interests? How did it come about that the anti-Collins faction depended on the search committee to achieve its ends while the pro-Collins group relied on the Regents to do so, when the former was a creature of the latter? Answering these kinds of illuminating questions should shed light on what actually happened. The questions, of course, answer themselves much more clearly after the fact than before. My list is far from complete. Many other questions may need to be asked and answered. Even so, this approach at least takes into account the different ways in which key actors saw the episode and their roles in it.

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### **The Struggle for Autonomy**

American public higher education originated in Massachusetts in the late 1830s, when Horace Mann departed from the General Court to become the state's first secretary of education. An educator of great vision, Mann presided over numerous reforms, including the establishment of a series of normal schools to train teachers. These were the prototype public colleges. In 1862, the U.S. Congress passed the Morrill Act, which gave land grants to each state for establishing colleges to train students in agriculture and mechanics. The Massachusetts Institute of Technology accepted the mechanical training mandate of this federal program. To address the other mandate, a state college of agriculture was created in Amherst in 1863.

Before the Civil War, Massachusetts was largely rural, Yankee Protestant, and agricultural. By the turn of the century, it had become largely urban and industrial and increasingly Catholic. The public colleges met these new social realities as best they could, but they competed with an illustrious array of private institutions that benefited greatly from the windfall of capitalist philanthropy. Bridging the gap between them was costly, and the public colleges suffered as a result. Subjected to benign neglect, they were starved financially and abused politically.

The hegemony of the independent sector explains in large measure why Massachusetts was so slow to provide more generous support for public higher education. Under these circumstances, the state college of agriculture at Amherst remained small in size and stature. It did not achieve university status until 1947, when its enrollment still hovered between two and three thousand students. At that time, it paled by comparison to the large land grant schools in the midwestern and western states. "Mass Aggie," however, yearned to play catch-up and to emulate states like California, Ohio, Michigan, and Indiana, which had a healthy mixture of strong private institutions and eminent public universities. But change came slowly. During the 1950s, Governor Foster Furculo championed the establishment of a network of community colleges. Despite its success, Massachusetts sent a smaller proportion of its high school students on to college than any other state except

Maine and Mississippi. Lacking the prestige and financial clout of their distinguished private counterparts, the public institutions suffered from an inferiority complex, considering themselves as second best. This attitude, which was rooted in historical developments, persists to some extent today.

By the early 1960s, conditions began to change sharply. The era of the Great Society, which witnessed greater federal involvement in and funding of higher education, marked a decisive turning point in the evolution of public higher education in the Bay State. During that decade, enrollment at UMass/Amherst soared to 23,000 students, and more than seventy new buildings were constructed to accommodate them. Capital outlay funds at the state university rose from \$1.6 million to \$89.8 million. New campuses were created at Boston in 1964 and at Worcester in 1968. The state built a medical school in Worcester with federal assistance, and the new teaching hospital overlooking Lake Quinsigamond was soon providing better care than had previously been available in the area. Mergers of small technical colleges led to the establishment of Southeastern Massachusetts University in 1969 and the University of Lowell in 1973. At the same time, the community college system was expanded and the old normal schools were converted into modern liberal arts colleges. New community colleges appeared in cities like Brockton and Lynn in the east and Pittsfield and Springfield in the west.

Spearheading this expansion drive were leading Irish Democratic politicians such as Maurice Donahue, Kevin Harrington, Robert Quinn, and George Kenneally, who were all close to the party's blue-collar base. Solving the problem of the 1960s with such dramatic expansion required the combined efforts of both the executive and legislative branches. What had happened? Apparently the demand had always been there. Why was the legislature now willing to meet that demand? Or, to put it somewhat differently, why did it take the Irish so long to commit public funds to the education of their children? No single explanation is satisfactory. Part of the answer lies in the fact that the Republicans controlled the governorship and both houses of the legislature, with few exceptions, from the Civil War to almost the middle of the twentieth century. The Democrats did not gain control of the House of Representatives until 1948. They did not capture the Senate until 1958. Another part of the answer had to do with the dramatic transformation of Catholic institutions such as Boston College and Holy Cross, which began to recruit faculty and students nationwide. Such private colleges became too expensive for middle-income and working-class families. Even more prohibitive were the skyrocketing tuition costs at the private medical schools. Consequently, Senate President Donahue and Speaker Quinn made increased funding a top legislative priority. In fact, it was mostly Boston College alumni on Beacon Hill who pushed for the creation of UMass/Boston. They saw it as a way to pick up the slack in the private system and to service their blue-collar constituents. UMass/Boston, dedicated to the pursuit of the liberal arts, was envisioned by its founding faculty as the "Harvard for the working class."

With the passage of the landmark Willis-Harrington Act in 1965, the public sector won considerable fiscal and institutional autonomy. As Robert Wood observes: "All through the sixties, higher education in Massachusetts was on a roll. Enrollments swelled as post-war baby boomers came of age. Federal support for research and development, the student aid programs of the Great Society, liberal state appropriations for public institutions, and the first sizable endowment drives for many private ones provided sufficient and occasionally ample resources. Civil-rights legislation released the pent-up college demands for minorities. Capital outlays for new campuses, classrooms, and laboratories



were often authorized even before architects completed plans. The times were golden.”<sup>6</sup> Values and social demographics were changing. The new informational age spawned by computers was dawning. With the abundance of state and federal funding, the entire system prospered. Nothing since has matched that period of accomplishment.

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### **Creation of the Board of Regents**

Those years of euphoria placated all but the most ardent proponents of expanded growth. Regulating such growth and the way in which the public system was governed presented a formidable challenge. Under the Willis-Harrington legislation, the system was loosely organized into five “segments,” with governance delegated to separate boards of lay trustees. Their efforts were coordinated by a central Board of Higher Education, whose primary functions were to develop a master plan and to review budgetary requests. But the Board of Higher Education never obtained from the legislature a budget or staff that was sufficient to carry out these responsibilities. Opposition to the Board of Higher Education came mostly from UMass/Amherst, which did not want any state agency interfering with its flagship status or with its plans to catch up with the more prestigious Big Ten state universities. Much of this resistance was engineered by Winthrop Dakin, an astute Yankee attorney from Amherst, who had opposed the creation of the Board of Higher Education. Ironically, Dakin wound up as its chairman. In this capacity, he implemented the Amherst game plan, which was to keep the Board of Higher Education weak. The private sector, which also desired to protect its independence from the Board of Higher Education, aided and abetted that game plan.<sup>7</sup>

A succession of chancellors (Richard Millard, Patrick McCarthy, Leroy Keith, Edward McGuire, and Laura Clausen), whose selection was embroiled in controversy, managed the Board of Higher Education. Keith, who later became president of Morehouse College in Atlanta, was the first black to head the commonwealth’s system. In addition to its being underfunded and understaffed, the Board of Higher Education was further compromised in 1971 with the awkward presence of a secretary of educational affairs, a position that had been established as part of an extensive reorganization of state government. This institutional arrangement resulted in substantial overlap of statutory authority and responsibilities.

By the mid-1970s, with the Arab oil embargo, soaring inflation, general economic uncertainty, and the first Dukakis administration imposing across-the-board funding cuts for public higher education, this cumbersome and stifling bureaucracy proved most unsatisfactory. The hegemony of the segmented boards not only resulted in a disparate set of academic programs and duplication of effort but also replicated budget hearings that were prone to internecine battles in the competition for what were now scarce state funds. As John Millett observed: “What had been demonstrated in Massachusetts was the inability of a state coordinating board and a secretary of education to bring about substantial change.”<sup>8</sup>

As a result, Kevin Harrington of Salem, who had succeeded Maurice Donahue as Senate president, was anxious to replace the Board of Higher Education with a better institutional arrangement. A special legislative commission headed by state Senator Walter Boverini of Lynn was established in 1977 to study the problem, but its work was interrupted by a gubernatorial election in 1978 that saw conservative Edward King defeat the liberal incumbent Michael Dukakis in a bitterly contested Democratic primary. Buoyed by his startling upset, King went on to win the governorship. Like his two predecessors in the

corner office, King advocated the creation of a strong central governing board, but he could not break through the stalemate of forces surrounding the reorganization of public higher education. The main obstacle was James Collins. Strongly influenced by Winthrop Dakin, the young state representative from Amherst, who chaired the House Education Committee, remained vehemently opposed to the idea of a central board. He saw it as a major threat to the autonomy of UMass/Amherst. Although no Irish symbolism attaches to the rural town of Amherst, nevertheless the flagship campus was located in his base of political power. From the mid to late 1970s, Collins succeeded in blocking a series of reorganization proposals.<sup>9</sup>

In the meantime, it took three governors (Francis Sargent, Dukakis, and King) to restructure public higher education and to streamline its bureaucracy. In May 1980, the Boverini commission submitted its report, but its recommendations were torpedoed. Exasperated by such obstruction, the Irish Democratic troika of Governor King, Speaker Thomas McGee, and Senate President William Bulger broke the stalemate and agreed to enact major reform. (By this time, Bulger had succeeded Harrington in the top Senate post.) The deal was supposedly struck while the three men were on a trip together in Ireland. In what amounted to an end run around Collins, they achieved the reform measure by use of an "outside section" that was appended to the appropriations bill for FY81. Since the issue was resolved by a conference committee, it did not require either a public hearing or a floor debate. Hence, Collins could not kill the measure. Both state Representative John Finnegan and state Senator Chester Atkins, who chaired their respective Ways and Means committees, were responsible for engineering this feat. What became known as the Higher Education Reorganization Act of 1980 was thereby enacted.

The new law abolished the Board of Higher Education, the community college and state college boards, and the position of secretary of educational affairs. These instrumentalities were replaced by a powerful Board of Regents that was given both coordinating and governing functions. Under this strong legislation, the Board of Regents was made responsible for long-range planning, personnel policies, collective bargaining, and review and approval of academic programs. In addition, it was made responsible for overseeing the charters of independent degree-granting institutions in the private sector. All in all, the Board of Regents was assigned the broad powers necessary for achieving unity and cohesion in what was then a highly fragmented and unwieldy system.<sup>10</sup> What this meant in blunter language was that the authority of the central board would be increased at the inevitable expense of the local boards.

By statutory language, the Board of Regents was granted a seven-month transition period before it became operational. During this orderly transition, which extended from August 1980 to March 1981, Paul Guzzi served as its temporary chancellor. He was secretary of state and a former state legislator from Newton. While he presided in an interim capacity, the Board of Regents conducted a search for his permanent replacement. Guzzi himself did not become a candidate. Worth momentary note is the fact that the search committee in 1980–81 was composed exclusively of Regents. There were no outsiders. The chancellor's salary was fixed by statute at \$54,500, which proved to be a significant drawback to attracting the best applicants. According to Regent George Ellison, everyone entered the search expecting that the salary would be raised to \$95,000. Four highly qualified educators from out of state were selected as finalists. Albert Bowker, the chancellor at the University of California at Berkeley, was the leading contender. But the Regents were unable to persuade the General Court to increase the chancellor's salary, and none of



the finalists would accept the job because of the low salary. Consequently, the first phase ended in stalemate. Seven months of searching amounted to an exercise in futility. The search had to be reopened.<sup>11</sup>

In the second phase, three contenders emerged. They were David Bartley, Kermit Morrissey, and Franklin Patterson. All three came from within Massachusetts. Morrissey was the former president of Boston State College, and Patterson was the former president of Hampshire College. The front-runner, Bartley, was no stranger to state politics. He was the former speaker of the House and the sitting president of Holyoke Community College. The Regents rejected him because he came across in his interview more as a politician than as an academic leader. They also failed to pick either Morrissey or Patterson.<sup>12</sup> In a surprise move, they drafted John Duff, president of the University of Lowell. Duff was also the founder and head of the Public Council of College and University Presidents and as such was serving as academic adviser to the search committee. Although he apparently did not seek the job, some people resented the fact that he was an insider choice.

A transplanted New Jersey educator, Duff was given a \$10,500 salary increase, but the additional compensation that he was promised was not forthcoming. He was a feisty Irishman who proved to be very controversial. Despite questions from skeptics about his abilities and policy initiatives, Duff provided strong leadership, especially in dealing with systemic problems. But his management style was autocratic and confrontational. He also frequently mixed politics and education. All of these traits eventually landed him in trouble.

Among Duff's more notable accomplishments was the successful merger of Boston State College with UMass/Boston. More than anything else, this merger demonstrated to a tax-conscious public the willingness and determination of the Board of Regents to terminate programs that were no longer cost-effective. Its decision had an unpopular impact on local loyalties and aspirations, however. Boston State College, which had been founded in 1852, had powerful allies on Beacon Hill. A hue and cry went up, but the Board of Regents stuck to its guns. In implementing the merger plan, the Regents acted as a buffer by taking the political heat off the Boston legislative delegation for the demise of its state teachers' college.

By 1986, the public system had grown huge and complex. Taken together, it encompassed three state universities, nine state teachers' colleges, and fifteen community colleges, with a total enrollment of 180,000 students and a work force of 14,000 employees. The Board of Regents chancellor administered a budget in excess of \$700 million, which included a \$58 million scholarship program and a capital outlay plan. In addition, he supervised a staff of seventy-two people and an office budget of \$3 million. As the primary advocate for higher education, he was its most visible leader, both symbolically and operationally. His continued effectiveness depended in large measure on his personal style and his professional competence.

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### **Duff Resigns and Beaubien Appoints Search Committee**

On December 10, 1985, John Duff suddenly resigned as chancellor under the cloud of allegations of improper political fundraising. He had sent a letter to the Regents soliciting them to buy tickets to a \$100-a-plate dinner that was given for the benefit of Speaker George Keverian. Subsequently, the print media revealed that it was James Collins who had asked Duff to sell the tickets. This solicitation, many State House observers believed, was part of a larger scheme by Regent John Fox to rehabilitate Collins politically.



After Duff's departure, the picture was further clouded by the revelation of a major sex scandal that eventually led to the indictment of the president of Westfield State College and the payment of \$10,000 as a legal settlement to the student involved. The fallout from this affair radiated widely. To add to the Board of Regents' administrative chaos and disarray, a \$2 million discrepancy was discovered in its computer account.

Gerard Indelicato, the governor's educational adviser, had a long-standing and bitter feud with Duff that stemmed from a dispute over tuition policy. Duff distrusted Indelicato and had found him to be duplicitous in dealing with the legislature. Both men disliked each other intensely. Indelicato saw the fundraising incident as the perfect excuse to oust Duff. This was the precipitating event, as we shall see, that set off a political chain reaction. In his turn, before leaving office Duff had warned Governor Dukakis about Indelicato.

Against the background of these mishaps, Board of Regents chairman David Beaubien moved quickly to fill the leadership vacuum created by Duff's departure. Beaubien had served on the Board since its inception in 1980. He was a senior vice president for a high-technology firm (EG&G), where he was responsible for new business ventures. A UMass/Amherst graduate in engineering, Beaubien lived in Montague in western Massachusetts. His residence was located within state Senator John Olver's district and near James Collins's district in Hampshire County.

At its December 10 meeting, which Regent Gerard F. Doherty missed, the Board of Regents named Joseph Finnegan as the acting interim chancellor. Finnegan, whose brother helped create the Board of Regents, came from a well-known political family in Dorchester. He was not an academic. (Doherty, who soon became a major player in the search, was a former state legislator and former chairman of the state Democratic party. He had helped deliver Bunker Hill Community College, along with an MDC hockey rink, to his predominantly Irish working-class constituency in Charlestown.) At the same meeting, the Board approved Beaubien's appointment of an eleven-member search committee. Unlike the original search committee, this one was composed of six Regents and five non-Regents. Since 1980, the Board of Regents had adopted a new policy governing searches that followed a national model and called for adding outside people to meet the multiple demands from the many constituencies within public higher education. The new policy also specified that once the Regents delegated the screening function to a committee, they could not resort to an alternative means for picking candidates.

Six of the Regents volunteered to serve on the search committee. Three of those were chosen and three other Regents were drafted. Of the volunteers, Doherty, Howell, Harrington, and Sullivan turned out to be Collins supporters; Rawlins and Minor were the other two volunteers. The final Regent representation on the search committee consisted of Mary Lou Anderson, Janet Eisner, James Howell, Hassan Minor, Edward Sullivan, and Paul Ylvisaker. The non-Regents were Joyce King, a trustee at Roxbury Community College; David Knapp, president of UMass; Robert Lee, a faculty member at Fitchburg State College; Laura Clausen, former Board of Higher Education chancellor who now served on the Board of Regents staff; and Eileen Parise, a student trustee at Southeastern Massachusetts University. Obviously, Duff's departure was anticipated, and Beaubien received help in producing these names. He had consulted with Duff and with vice chancellors Joseph Finnegan, Peter Mitchell, Roger Schinness, and Clare Van Ummersen. Staff member Jan Robinson had recommended Eileen Parise.<sup>13</sup>

There was no shortage of brains and knowledge among the people responsible for screening candidates. Nor did they lack gender balance and ethnic diversity. There were six men and five women. Nine of the eleven brought substantial experience in higher

education, though from different vantage points, and the other two were a student and a member of organized labor. There were two blacks and one Asian.

Paul Ylvisaker was asked to chair the search committee. He did not volunteer for the assignment. As the former dean of the Harvard Graduate School of Education, he brought with him both academic and political experience. In the mid to late 1960s, he had served as the first commissioner of community affairs in New Jersey. Before accepting his new assignment Ylvisaker made his conditions known. If he was going to put his professional reputation on the line, he insisted on conducting a fair and open search.<sup>14</sup> Hassan Minor, a black academic who had taught courses in organizational behavior at MIT, was chosen as vice chairman. Janet Eisner, president of Emmanuel College, was the only person who had served on the original search committee in 1980–81.

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### **Probing Assumptions**

The participants approached their task with concerns and objectives colored by assumptions based on past experience. Even before the search had gotten under way, rumors began circulating that James Collins had sufficient votes on the Board of Regents to win the chancellorship. These rumors, which were not entirely without substance, created the impression that the outcome was predetermined. Meanwhile, Collins, who wanted to redeem his political stature, was busy lining up potential support. He discussed his candidacy at separate luncheon engagements with Mary Lou Anderson and David Knapp. Anderson, who lived in Worcester, belonged to several professional women's groups and chaired the Regents' subcommittee on affirmative action. Such early maneuvering raised sensitivity about whether there was to be a genuine search or merely the ratification of a decision that already had been made.

Not surprisingly, the participants soon divided into pro- and anti-Collins camps. The Collins backers saw the chancellor's job primarily in terms of generating legislative support for public higher education and obtaining the necessary funds to finance it. In 1984, while lobbying for a salary increase for the chancellor, Regent Edward Sullivan discovered that John Duff had become persona non grata on Beacon Hill.<sup>15</sup> Duff's credibility problem stemmed in part from what was widely perceived as his expensive lifestyle. His deteriorating relations with the General Court had impaired his continued effectiveness.

As a result, the holdover King appointees on the Board of Regents, three of whom were on the search committee, now wanted someone whom the legislators liked and respected. In their eyes, James Collins was the ideal person. Endowed with abundant Irish charm and wit and popular among his peers, he was a seasoned Democratic politician with fourteen years of legislative experience. Thus, he could serve their interests well in the competition for state funding. As the former chairman of the joint Education Committee, the thirty-nine-year-old Collins had won his reputation in leading the fight for elementary and secondary school reform. A son of a taxi driver, the Hampshire County Democrat had graduated from UMass/Amherst in 1968 and from Suffolk Law School in 1984. He was also the protégé of Regent John Fox, who had close ties with former Speaker David Bartley.

In the view of many observers, Judge Fox saw the chancellorship as a way of rehabilitating Collins. The latter had been stripped of his committee chair in a House leadership fight in 1984. Collins had backed incumbent Speaker Thomas McGee in that fight, but McGee lost to George Keverian, who had promised rules reform in the lower House. No one played the inside political game better than Judge Fox. He had served as chief secretary to former Governor Paul A. Dever from 1949 to 1952. In 1972, he cosponsored the



Bartley-Fox bill, which served as a national model for handgun control legislation. As a former trustee of UMass, Fox was closely identified with its Boston campus.

It became clear that a combination of ethnic, class, and Democratic party loyalties were the main factors that shaped the thinking of the King appointees on the Board of Regents. The fact that Collins was an alumnus of UMass/Amherst made him all the more attractive to them. With a home-grown product of the public system right in their midst, they saw little or no need to conduct a national search. Brimming with confidence, they gave some thought to putting Collins in office without going through the motions of a search, but they decided against such a move.<sup>16</sup>

The anti-Collins camp, which was made up entirely of Governor Dukakis appointees led by Ylvisaker and Minor, operated with fundamentally divergent attitudes. They wanted to find the best educator in the nation or someone who knew how to manage a complex public organization. If that person happened to be a minority or female, so much the better. Affirmative action and the advancement of women's rights were values that they prized. Clearly they did not want to have another Irishman or a Beacon Hill crony in the post. While they desired someone who could develop a good rapport with the legislature, they did not see this dimension as an absolute prerequisite for the job. If they had to accept a legislator, they much preferred state Senator John Olver, who held an earned doctorate in chemistry from MIT. He had taught for several years at UMass/Amherst. Above all, they were looking for a tough-minded administrator who had experience in shaping academic policy and was familiar with the way bureaucracy works. Put another way, they wanted a "change agent" who could shake things up and turn the Board of Regents around in much the same way that Ira Jackson had done at the state Department of Revenue. Whether they could find such a person remained to be seen, but they were determined to cast as wide a net as possible.<sup>17</sup>

At a courtesy meeting held on January 8, 1986, Governor Dukakis revealed his assumptions to the search group. He indicated that he wanted a "cracker-jack" appointment but was hopeful that they might find a qualified person within the state. In the past, there had been a large turnover of people who had been recruited from out of state. He also wanted someone with political savvy who knew Massachusetts and could hit the ground running. Hassan Minor recalled the governor saying, "I'm not the least bit interested in academic deans who can't find their way through the State House."<sup>18</sup> Dukakis expressed his dismay that nobody from Massachusetts had surfaced in the recent search for a new commissioner for the state Board of Education, which dealt with elementary and secondary schools.

At one point in the meeting, Ylvisaker attempted to flush out the governor by asking him a loaded question. "We have heard stories to the effect that somebody already has been picked for the chancellorship. How do you respond?" Dukakis said that he had heard similar "rumors coming over the transom," but as far as he was concerned there was no inside candidate for the job. He ended the meeting by telling the committee that he wanted "to keep politics out of the search" as much as possible.

Reaction to the meeting varied. The pro-Collins forces interpreted the governor's remarks as a "backhanded endorsement" of their man. The anti-Collins camp felt encouraged by his disclaimer about an inside candidate. Obviously, the governor had given them mixed signals. Had he defined more clearly the objective or outcome he had in mind, subsequent events might have been different. They might even have produced a happier result from his standpoint. Privately, he confided to Beaubien that he could live with someone who was not a traditional academic. In fact, the governor seriously considered his close friend and political adviser Edward Lashman as a possible candidate. But



Lashman, who came from the labor movement and lacked even a bachelor's degree, declined to be considered. After discussing the matter with David Bartley, Lashman concluded that his candidacy not only would be an affront to academic people but would also damage the governor politically.<sup>19</sup>

Dukakis did agree to the need for a more competitive chancellor's salary, and he promised to press for early legislative action. He did not keep his promise, however. That in itself became an issue. As James Howell lamented, "The pay raise issue was the albatross that hung above our ship."<sup>20</sup>

Even more revealing was the exchange that took place between the governor and *Boston Globe* reporter Steve Curwood. In an exclusive personal interview intended for publication, Curwood asked Dukakis about the charges that his administration was not fully supportive of UMass/Amherst as the flagship institution. Dukakis answered, "We aren't California, we're not Texas, and we're not Michigan. We're a different state. We do happen to have some of the finest academic institutions in the world. And I don't think it makes sense for us to try to duplicate that."<sup>21</sup> Such words inflamed smoldering tensions. The interview infuriated the constituencies who identified themselves with public higher education. Many of them feared that the governor lacked sympathy for their cause and was not genuinely committed to providing educational leaders of superior quality. Besides leaving himself vulnerable to charges of favoritism, the governor inadvertently undercut the search. His comments went a long way to explaining his failure to play a more aggressive leadership role, particularly in the early stages of the search.

A short time later, a small group of Regents, which included Beaubien, Fox, Minor, and Ylvisaker, paid courtesy calls to both Speaker Keverian and Senate President Bulger. Among other things, they discussed the salary issue as a major problem facing them in the recruitment of a new chancellor. Keverian promised that he would not interfere with their efforts to seek corrective legislative action. While Bulger indicated that he did not favor a salary increase, he likewise promised not to put up any roadblocks.

The drafting of the necessary legislation soon got bogged down in an intramural spat between James Samels, the attorney for the Board of Regents, and Stephen Rosenfeld, the governor's legal counsel. Consequently, the pay raise bill (H-5474) was not filed until March 27. The governor's bill was designed to eliminate the practice of setting the chancellor's salary by statute. It delegated this prerogative to the Regents, subject to the approval of the commissioner of administration and finance, at that time Frank Keefe. Public hearing on the bill was held by the Public Service Committee on April 16. Since Ylvisaker was out of town that day, Beaubien and Minor testified at the hearing.

On May 6, the pay raise bill was reported favorably out of the Public Service Committee, but it now appeared in much different form. The new draft (H-5639) allowed the Regents to set the salary, but the first increase had to be approved by the Ways and Means committees of both houses. The legislative intent was to retain the "power of the purse" as a means of exerting leverage on the Board of Regents. H-5639 was then referred to the House Ways and Means Committee, where it languished and never resurfaced. The bill, which became an instrument of control for Speaker Keverian, succumbed to a slow and painful death.<sup>22</sup>

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### The Nature of the Selection Process

The selection process was essentially a two-stage affair. The first stage, which extended from January 8 to June 19, involved establishing procedures, organizing the search, and

screening the applicants. The latter two functions were performed by the search committee. Procedures were set by the Board of Regents itself. The second stage was shorter but more intensive. It covered the twelve days between June 20 and July 1, when the Regents interviewed the four finalists and then finally picked the chancellor.

During the first stage, the search committee held fifteen meetings. These meetings were all duly announced as required by the state open meeting law. Formal minutes were recorded and made publicly available. Janet Eisner hosted most of the meetings at her campus. Those involving candidate interviews were held at MIT's Endicott House in Dedham and at the Park Plaza Hotel in Boston. Ylvisaker, who was designated as the sole spokesman for the search committee, reported about its progress at each meeting of the Board of Regents. He delegated the staff work to Hassan Minor, who was director of a nonprofit community organization headquartered at 315 Commonwealth Avenue in Boston. Candidate files were kept sequestered there during the first stage. The committee originally contracted with the Association of Governing Boards (AGB) of American Colleges and Universities to conduct reference checks on semifinalist candidates. Because of a scheduling conflict, the AGB was later replaced by the firm Peter Levine Associates, which performed the same service.<sup>23</sup>

Given the divergences between the rival factions, it could have been predicted that they would have difficulty working with each other. Ylvisaker may have foreseen that prospect; at least he came to see it right away. He showed a meticulous concern for maintaining a proper balance between politics and education. To the King appointees, Ylvisaker seemed more interested in process than in outcome. Unless he developed a fail-safe mechanism for protecting the process, he was afraid that it would be rigged or otherwise subverted. Ylvisaker's concern was heightened by the rumors of a "political fix." He soon found a way around the dilemma.

The Board of Regents meeting of February 11 was held at Roxbury Community College. Because of a winter snowstorm, six Regents were absent, including James Howell and Kathleen Harrington. At this meeting, Ylvisaker introduced a resolution that committed the Regents to make their appointment from a list of three to five candidates recommended by the search committee. If none of them proved acceptable, Ylvisaker's resolution further stipulated that the process was to be remanded back to the search committee, which would then provide additional recommendations. This provision was designed to guard against the repetition of the stalemate that had occurred in 1981. It was a masterful stroke that was deceptively simple. Since the resolution passed by a vote of 8 to 1, the Collins forces either were caught off guard or were slow on the uptake. Only Gerard Doherty opposed it.<sup>24</sup>

More lay behind this maneuver than met the eye. The subtle message it conveyed to the Collins people was that they themselves were not operating in good faith and therefore could not be trusted. More significant were the realities that it moved power away from the Board of Regents and farmed out more of its autonomy. Gerard Doherty, who had missed the December 10 meeting when the Regents had approved the composition of the search committee, strongly objected to Ylvisaker's resolution on the grounds that it transferred his authority as a Regent to five non-Regents, who did not share his statutory responsibility or political accountability. In his view, the Ylvisaker maneuver was reminiscent of the "politics of exclusion" that had banned certain people from the 1968 Democratic national convention.<sup>25</sup>

In that issue lay the misunderstanding. Ylvisaker, who privately referred to his scheme as "shark repellent," got his way in the adoption of the binding resolution but stored up



trouble for himself in its execution, thereby setting the stage for gubernatorial intervention. For the time being, calm nevertheless prevailed.

The search committee had established a set of procedural guidelines that were appended to Ylvisaker's resolution. They also rewrote the chancellor's job description, but not without some difficulty. Given the wide gaps in perspective, they found it hard to agree on the kind of person whom they wanted to fill the position. After extensive deliberation, they finally reached a consensus. Much emphasis was placed on the leadership and managerial skills required to run a comprehensive system with twenty-nine campuses. Another criterion called for "sensitivity to the educational needs of a changing population, and a record of commitment to affirmative action."<sup>26</sup> Although the job description mentioned that an "earned doctorate" was desired, the wording was ambiguous enough to allow for someone who lacked such a degree. In fact, the guidelines specifically allowed for "exceptional talent or accomplishment" as a qualification equivalency. They intentionally steered clear of making the Ph.D. the litmus test. It was preferred but not required.

The Massachusetts chancellor vacancy was advertised in the *Chronicle of Higher Education*, *Black Issues in Higher Education*, and Boston and national newspapers, with March 15, 1986, set as the deadline for applications and nominations. In an effort to attract women and minorities, letters were sent to women's organizations and traditional black colleges encouraging them to apply. With these tasks completed, the wide net had been cast.

The next step was the screening of candidates. By the March 15 cutoff date, the committee had received 107 nominations, constituting a rich pool of both national and local candidates. A subcommittee composed of Ylvisaker, Knapp, and Minor did the initial screening. The first cuts were relatively easy. By March 31, they had reduced the pool from 107 to 32. Some 39 either withdrew or failed to complete their applications. Another 36 were eliminated for various reasons. Of the remaining 32 candidates, 6 were people of color, 16 were white, and race was indeterminable for the remainder. There were 6 women and 26 men.<sup>27</sup>

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### Surviving the Next Two Cuts

On April 3, the search committee unanimously approved the work of its screening subcommittee. They spent the next two weeks examining candidate files. On April 17, Bruce Rose, the Regents' affirmative action officer, gave the list of 32 names his official stamp of approval. He found its racial and gender composition to fall within the prescribed guidelines.<sup>28</sup> On the same day, the committee winnowed the field from 32 to 12. Those who survived this cut were Alice Chandler, James Collins, Robert Corrigan, Elbert Fretwell, Leon Ginsberg, Franklyn Jenifer, William Monat, Barbara Newell, John Olver, Lawrence Pettit, Donald Stewart, and Blenda Wilson. This first short list consisted of 3 women and 9 men, three of whom were black.

The first indication of trouble was the leaking of these names to the press. On learning of the leak, Ylvisaker became visibly angered by the breach in confidentiality. The main casualty was Blenda Wilson, a black female educator who headed Colorado's Commission on Higher Education. She immediately dropped out of the competition to protect her quest for the presidency of Spelman College in Georgia. This post was being vacated by Donald Stewart, whom she did not want to offend. Up to that point, Wilson, along with Barbara Newell, were Ylvisaker's favorite contenders. Wilson had previously worked for



him as an assistant dean at Harvard. It was generally conceded that someone in the Collins camp was responsible for the news leak.

To no one's surprise, two state legislators survived this cut. Most participants felt that Collins and Olver were being paired to offset each other. The Ylvisaker group clung to a stereotype of Collins as a "hack politician" who they believed was only marginally qualified. His critics considered him an opportunist. They deplored the fact that he lacked a doctorate degree and that he did not come from a traditional academic background. Adding insult to injury, they admitted that Collins had been absorbed in elementary and secondary education, but they argued that he was a "Johnny-come-lately" with regard to higher education. Another complaint of his chief detractors was that Collins had never managed a large-scale public organization. The only job that the legislator held prior to entering politics was assistant director of an Upward Bound program at UMass/Amherst. For that matter, state Senator John Olver suffered from the same deficiency. He too had not managed a large public organization. Perhaps that was inevitable. It speaks to the legislative careers and the overlapping interests that the two prominent men shared. Both chaired legislative committees, both were politically qualified, and both came from Amherst.

The Collins advocates rebutted their opponents by arguing that their candidate more than met the "qualification equivalency" as specified in the accepted procedural guidelines through his legislative accomplishments. They were quick to point out that even the president of Harvard University only had a law degree and not an earned doctorate. They saw an attack on Collins as an attack on legislators in general. Senate President William Bulger stayed out of the chancellor search controversy largely in deference to state Senator John Olver. Although Bulger liked Collins personally, he did not want to embarrass his colleague Olver by going against him publicly. It was a form of senatorial courtesy on Bulger's part.

While this furor continued within the Board of Regents, House Speaker Keverian made threatening gestures of blocking the chancellor's pay raise bill unless Collins appeared among the finalists. That pressure grew in intensity as the "ownership mentality" of the General Court asserted itself. In legislative circles, Keverian's support of Collins was seen as a symbolic act intended to show that the Speaker was not vindictive toward his previous opponents in the 1984 House fight as long as they accepted his leadership.

Further complications arose when selection of the chancellor was attempted across sex lines. Gender and race were affirmative action criteria that had to be taken into account. The same was true of other factors such as social class, age, and ethnicity. Any combination of these variables made the search committee's choices that much more difficult. Inherited memories of the past gave certain options added weight and at the same time tended to exclude others.

In early May, as the emerging controversy surfaced publicly, the search committee began its first round of interviews. Professor Robert Lee from Fitchburg State College prepared a list of questions that solicited pertinent information about each candidate's track record and about his or her commitment to salient issues in public higher education. Due to scheduling problems, these interviews progressed slowly. Ylvisaker notified the Board of Regents that the search committee would not be able to present its final slate of candidates by the Board's June 9 meeting as originally planned. He also informed Beau-bien that the search was becoming politicized. The Collins entourage was especially active in May. Judge Fox lobbied hard to line up the necessary votes for his protégé. The

tactics of the Collins forces appeared heavy-handed to those who were not enamored of Collins.

Beaubien, who readily admitted that his business interests were interfering with his job as chairman of the Board of Regents, was content to play a passive role. He studiously refrained from taking sides. Compared with the forceful leadership exercised by James R. Martin, the Board's first chairman, Beaubien seemed weak and inept. He did not have the organizational skills to prevent the drift that the agency was experiencing. Without a firm hand at the helm, coupled with the custodial chancellorship of Joseph Finnegan, the Board of Regents was left operating with a loose rudder.

On May 22, the penultimate cut from twelve candidates to six was made. By this time, three of the contenders had dropped out. They included Blenda Wilson of Colorado, Alice Chandler of SUNY at New Paltz, and William Monat, chancellor of the Illinois Board of Regents, who accepted a job elsewhere. That left nine remaining. Of these, Robert Corrigan of UMass/Boston, Leon Ginsberg of West Virginia, and Lawrence Pettit of the University System of South Texas were eliminated. Corrigan was seen by the Collins backers as a threat to both Boston University and the resurgence of UMass/Amherst. They thought it was inappropriate for him to move ahead of his boss, David Knapp. At the conclusion of the meeting to narrow the field, the committee sensed a move afoot by Ylvisaker and Minor to limit the number of finalists to four.<sup>29</sup>

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### **Selection of the Final Four**

As the search entered its final stages in June, the Collins phalanx became alarmed, and with good reason. Since their native son candidate had barely edged out Leon Ginsberg for the sixth spot, they feared that he might be eliminated in the final cut. To avoid such a consequence, they now attempted to do what they had flirted with back in December. At the Board of Regents meeting of June 9, which met in executive session, the Collins backers moved to dispense with the search and thereby clear the way to put their man in office. Ylvisaker firmly resisted this move and warned that if the search were disrupted he would be forced to go public. His counterthreat worked. The Collins faction backed off and withdrew their motion. As a compromise, the Board of Regents took the easy way out and authorized the submission of six names as finalists. And indeed, for a time it appeared that the search committee would take this way out.<sup>30</sup>

For a meeting that was called for the purpose of reducing internal strife, it did not succeed. Strong differences of opinion split the Board of Regents. At one point, Janet Eisner walked out of the meeting in complete disgust, but Elizabeth Rawlins talked her into coming back. Eisner deplored the fact that the Board had spent five hours discussing the search, compared with one hour discussing the crisis at Westfield State College. Only fragmentary accounts of their confidential discussions leaked out, some of them a year later. The discordant factions now went their separate ways as the donnybrook headed for its first major showdown.

Three days later, on June 12, Eisner notified her fellow Regents that since she would be leaving the country for the next few weeks she would not be participating in their upcoming decisions. This announcement came as a big blow to the Collins camp, which had been counting heavily on her vote. Some thought that she "took a walk" to avoid trustee pressure on her campus. Emmanuel is a Catholic women's college that was founded by the Irish in 1919. As might be expected, many of its alumnae favored Collins. How much



pressure they actually applied to their trustees and president cannot be ascertained. Eisner herself unequivocally denied such allegations, claiming that she had scheduled her trip months in advance. For her, the Collins candidacy presented a quality issue. She definitely preferred E. K. Fretwell, who she felt would bring stature to the commonwealth.<sup>31</sup>

Maneuvers on both sides heightened the impression of a political fix. Distracting bombshells, like the Westfield State scandal and the conflict-of-interest charges leveled against Regent James Howell, exploded in their midst. The mudslinging continued unabated. Collins was severely criticized for his opposition to the creation of the Board of Regents and his subsequent attempts to repeal the enabling legislation. It seemed absurd and ludicrous to his detractors that he would now be chosen to head the agency that he had previously tried to dismantle. In a similar vein, John Olver was taken to task for his stance in favor of abolishing the president's office at UMass. The pro-Collins Regents complained bitterly that the non-Regents were usurping their prerogative to select the chancellor. Failure by chairman Beaubien to clarify this confusion in roles not only exacerbated the process issue but also led to a temporary breakdown in accountability.

On June 12 and 18, the six semifinalists were invited back for a second interview with nonsearch Regents in attendance. Complete reference checks were made on each candidate. At the beginning of the search, Collins had asked several well-known educators to nominate and endorse him. Gregory Anrig, the president of Educational Testing Service and former state secretary for education, nominated him for the chancellorship. Collins also obtained recommendations from the renowned historian Henry Steele Commager and from Peter Pouncey, the president of Amherst College. In addition to these, he received endorsements from a legislative delegation composed of UMass alumni and from the Massachusetts Black Legislative Caucus.<sup>32</sup> The latter endorsement was considered to be a real coup for affirmative action. But the outside consulting firm (AGB) downplayed the impact of these endorsements. The consultants indicated that such letters of recommendation were unreliable because their authors could be sued in a court of law if they wrote comments that might be construed as damaging.

What particularly irked the Collins camp is that the nonsearch Regents were not allowed to see these letters or to attend the meetings of the search committee. As staff director, Hassan Minor kept the letters under tight security in his private office. This procedure distorted the process by giving the anti-Collins group an unfair advantage. As James Howell put it: "He who controls the mail has the power."<sup>33</sup> The Collins faction was peeved at Minor for other reasons. They felt that he had his own agenda, which was to get Franklyn Jenifer elected chancellor. Minor's close friendship with journalist Steve Curwood of the *Boston Globe* also disturbed them. In their view, it was no accident that Curwood's articles were highly critical of Collins and his supporters. Both sides were guilty of leaking information to the press. But not all of the leaks were detectable, at least not immediately. In 1987, a year later, the *Boston Globe* revealed that John Sasso, the governor's top aide, had leaked damaging information about Collins's academic record in law school.<sup>34</sup>

Amid the swirl of conflicting information, UMass president David Knapp played a crucial role in promoting Collins. He was largely responsible for getting him into the semifinal round. Knapp warned his cohorts that there would be a major uproar if they excluded Collins.<sup>35</sup> Some saw Knapp acting in his own self-interest in not wanting a strong chancellor who might well overshadow him. Others believed that if Collins became chancellor, he would have to depend on Knapp for advice and counsel. Still others felt that Knapp was under heavy pressure from both the UMass Alumni Association and the public



college presidents' group to fall in line behind Collins. Knapp's motives may have been mixed but surely were more complex than his critics would acknowledge.

During the second round of interviews, Donald Stewart, the president of Spelman College in Georgia, impressed everyone, but he suffered from the same drawback as Olver and Collins in not having managed a large public organization. Barbara Newell came across as an upper-middle-class professional woman who knew Massachusetts from her earlier days as president of Wellesley College. Since then, she had been chancellor of the Board of Regents in Florida, where she ran into difficulty with its state legislature. In 1986, she was a visiting scholar at Harvard, and over the years she had been friendly with Ylvisaker. The Collins faction found Newell not only aloof but also unsympathetic to their concerns. Franklyn Jenifer, who felt that a few questions in his first interview were "flagrantly racist," fared somewhat better in his second interview.<sup>36</sup> He was able to use his central office experience in New Jersey to advantage. The chancellor position was a career advancement for him, since he would be moving up from a deputy position to the top spot. E. K. Fretwell, who had done his graduate work at Harvard, came right out of central casting. He was an orthodox candidate typically revered in the halls of academe. In this sense, he had a perfect résumé. At sixty-two years of age, the chancellor of the University of North Carolina at Charlotte had spent a lifetime in education and had gained a stellar reputation nationally. Fretwell, however, was seen as nearing retirement. Nevertheless, the age factor did not seem to harm his chances. He was on everybody's short list.<sup>37</sup>

Salary remained the big stumbling block. Paradoxically, Massachusetts had one of the largest systems with one of the lowest salaries. Speaker Keverian was now holding the pay raise bill hostage as a means of promoting Collins. Of the six semifinalists, only Olver and Collins were willing to accept the job at the current salary of \$65,000. There was also a housing allowance of \$18,000. This combined figure paled by comparison to the \$178,000 that California paid the head of its system. The other four candidates felt the total compensation package was too low, though Newell and Jenifer were willing to negotiate. Fretwell and Stewart were not. Stewart was astounded to learn that the Massachusetts chancellor earned less than some of the public college presidents within the same system. Frustrated in their attempts to change the law, the Regents were powerless to rectify the situation. Keverian's tactics had stymied the search committee. Caught in a classic catch-22, Ylvisaker found himself with little room to maneuver. His antagonists gave him no end of trouble.

The final meeting of the search committee was held at the Park Plaza Hotel in Boston on June 19. Before commencing, they waited over an hour for the arrival of the student member, Eileen Parise, who was stuck in a traffic jam on the Southeast Expressway. As a result of the absence of Janet Eisner, Parise's vote became that much more crucial. Both sides insisted on waiting. Still young and inexperienced, Parise was pliable.

Intent on circumventing the Regents' June 9 directive, Hassan Minor presented a three-step process. One was to reject the Regents' directive that authorized six candidates. A second was to submit only four names. The third was to select the four people and submit them in unranked order. All three steps were discussed at length and approved. The results of the tally on the third option put Fretwell on top with a maximum of ten votes, followed by Olver with nine, Jenifer with eight, and Newell with six. Eliminated from the short list were Collins with four votes and Stewart with three.<sup>38</sup>

The Collins group reacted in shock to the outcome. They were particularly disappointed in Eileen Parise. She was the one vote they had miscalculated. Mary Lou Anderson, who was pushing Barbara Newell, felt that the Collins people had exhibited "sexist"

behavior in their questioning of Newell. Anderson was accused by them of exerting undue influence on Parise in persuading her not to vote for Collins. Both Anderson and Parise denied that any sort of arm-twisting had taken place.<sup>39</sup> But the Collins backers claimed to have overheard conversations to the contrary. In any case, they were furious. Suspecting that Ylvisaker had engineered the outcome, they accused him of having rigged the process to prevent Collins from making the list of four finalists. There was an element of truth in their accusations when one considers that Ylvisaker's own binding resolution allowed for a maximum of five candidates. Whatever the grievance, Edward Sullivan stormed out of the meeting taking a binder of confidential material that was supposed to remain sequestered. The hostility of Sullivan toward Ylvisaker and Minor became especially caustic.

Shortly afterward, Collins had an unexpected meeting with former state representative Mel King. Collins told the black leader that he was disappointed in King's wife, Joyce, who did not vote for him. She favored Jenifer and Stewart, whom she saw as risk takers. In her view, Collins did not meet the quality standard. Because of her involvement in her husband's Boston mayoral campaign, which witnessed the emergence of the "rain-bow coalition," the Roxbury Community College trustee had missed several search committee meetings.<sup>40</sup>

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### **Collins Appointed and Ylvisaker Resigns**

Through the remainder of June, the political pressures and maneuvering intensified. The sense of urgency in the Collins camp bordered on frenzy. Panic seized the members as they realized that the terms of three Regents (Eisner, Howell, and Paresky) were about to expire. They were afraid of losing their numerical advantage on the Board. So they pressed for a final decision by July 1. As David Knapp had warned, the major uproar now erupted. Still smarting from their defeat on June 19, the Collins aggregation not only got mad, but, in the Irish vernacular, they also got even.

While this fighting was going on, Ylvisaker convinced Dukakis that he was getting battered by his adversaries. They clobbered him by belaboring the point that his committee had come up with only one viable candidate, John Olver, who would accept the job at the prescribed salary. The governor was reluctant to intervene. He did not want to pull a power play. In the words of one critic, "Dukakis does not thrive in such circumstances, because he is above all a consensus politician uncomfortable with open conflict."<sup>41</sup> The governor admitted that he did not have the votes to prevent Collins from being elected chancellor. He therefore asked Ylvisaker to play the "heavy" until he could appoint new members to the Board of Regents. By that time, however, Ylvisaker was perceived by the opposition as a "tool of the Duke." This perception was based in part on a personal affinity that had evolved between the two men beginning in the mid-1950s, when Dukakis was a student of Ylvisaker at Swarthmore College in Pennsylvania, and continuing when their paths crossed again at Harvard in the late 1970s.

At the Board's special meeting of July 1, in which the full panoply of tensions erupted, chairman Beaubien had one purpose in mind: to elect a chancellor. After Ylvisaker gave a brief summary of the search, the first ballot was taken. Jenifer obtained five votes, Olver one, and Fretwell one. Strangely, Newell received none. At the time, both Newell and Fretwell were traveling as part of an exchange program in China, and most Regents read their absence as a sign that they were no longer interested in the position. The Collins faction showed its strategy by registering eight abstentions. Then came the second ballot. There were six votes for Jenifer, three for Olver, and six abstentions. The third ballot



produced the identical result. Thus, the stalemate that Ylvisaker had anticipated did in fact occur.

At this juncture, the process should have reverted to the search committee, but it did not, and that is precisely where the fatal flaw came into play. In a series of parliamentary maneuvers designed to scuttle the search, George Ellison moved to discharge the search committee, to rescind the resolution of February 11, and to take nominations from the floor. All three motions passed and thereby cleared the way for Collins to reenter the picture. This pressure caused Beaubien to cave in. Then came the final ballot.

When the votes were counted, Collins received eight, Jenifer three, and Olver three. David Paresky of Weston abstained. As a fellow UMass/Amherst alumnus, Beaubien cast the decisive vote for Collins. It was shades of Winthrop Dakin. Norma Markey, the student Regent who attended North Shore Community College, also voted for Collins.<sup>42</sup>

Ylvisaker was outraged. The implications for the commonwealth seemed alarming to him. He believed that the integrity of the process had been grossly violated. He resigned that same day, charging that the selection of Collins had been “politically wired” and that it amounted to “politics as usual.”<sup>43</sup> Soon after, Eisner, who had returned from abroad, tendered her resignation. She wrote a letter to the governor that reinforced Ylvisaker’s argument.<sup>44</sup> As a matter of principle, Ylvisaker rejected the governor’s offer to place him back on the Board of Regents.

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### **Gubernatorial Intervention**

As much as any politician in the country, Dukakis, who had regained the governorship with an exciting comeback victory in 1982, understood the essence of the political game. His battle in 1983 to remove a “midnight” appointee of outgoing Governor King as director of the Massachusetts Port Authority was a perfect illustration. Some people saw a close parallel in the chancellor case. Initially, Dukakis took a cautious wait-and-see attitude. He was not particularly worried about Collins because he believed that Ylvisaker would come up with a host of first-rate candidates who would eclipse him. He saw Collins as a political candidate rather than a substantive one.

On another front, the governor never delivered on his promise to obtain legislation boosting the chancellor’s salary. Publicly, he favored the pay increase, but privately he complained to Beaubien that he did not earn the kind of money that they had in mind. Dukakis, who carried the liabilities as well as the assets of a long political career, was unable to deliver because of his rift with Keverian. This broken promise hurt him with his own Regent appointees.

But the political intrigue was more complicated. Gerard Indelicato, the governor’s special assistant on education, did not apprise his boss of what was happening. Nor did he inform the Regents of how Dukakis might react if Collins were elected. This failure of communication caused surprise on both sides. Since Indelicato aspired to become president of Bridgewater State College, he was apparently operating in his own self-interest. He told the Collins forces that the governor had no problem with their candidate. Therefore, Kathleen Harrington of Fall River, a Dukakis appointee, felt free to support Collins. By all accounts, Indelicato took advantage of the political bargaining that was going on and parlayed it to get the Bridgewater presidency. His actions wreaked havoc and caused major misunderstandings among all parties at interest. According to Lashman, Indelicato did a double disservice to the governor not only by withholding information from him but also by not protecting his relationship with Speaker Keverian.<sup>45</sup>



When Harrington talked with the governor's aides on June 30, she learned that Dukakis still did not have his own candidate. Furthermore, she was told that if the choice boiled down to Olver and Jenifer, he would go with Olver.<sup>46</sup> Actually, the governor would have accepted Olver, but the state senator was not his first choice. He leaned more toward Fretwell. Dukakis had talked with former governor James Martin of North Carolina, who spoke highly of Fretwell.<sup>47</sup> No one can know for sure what might have resulted had Dukakis gone with Olver. In hindsight, however, almost everyone in his administration believed his final acceptance of Jenifer to have been wiser and more fruitful.

The political significance of that acceptance transcended the immediate issue. Like most politicians who move into the front ranks, the governor realized that the political system within which he had to operate was not only shaping his decisions but also formulating his options. Standing for reelection in the fall, he could ill afford to do nothing, especially with the persistent embarrassment caused by the Westfield State sex scandal. Some thought that this episode was the catalyst that spurred him to action. Facing criticism for his indecision, Dukakis decided that the political imperative of defeating Collins outweighed the moral one of cleaning up the mess at Westfield. As his top aide, John Sasso, put it, "This is about winning."

Echoing similar sentiments was David Nyhan of the *Boston Globe*, who declared, "Governors running for reelection, and maybe for president, cannot afford to get their tail so publicly kicked on something as visible as Collins and his legislative backers made this."<sup>48</sup> The *Globe*, which had begun as a neutral observer, now found itself as an active participant attempting to influence the outcome with its blistering editorials and its investigative journalism. Except for television station WGBH, the weekly newspaper *Boston Phoenix*, and the communications media in western Massachusetts, which sided with Collins, press coverage tended to be biased in favor of Dukakis. This was especially true of the *Globe*, whose editorial writers and political cartoonists had a field day in attacking the Collins forces. The major metropolitan daily, which was the newspaper of record, did not want to detract from the presidential aspirations of Dukakis.

The key to leadership is seizing the initiative. With this in mind, the governor intervened in the dispute on July 2. Angered by the unfolding events, he chastised the Board of Regents for what it had done, replaced its chairman, David Beaubien, with Edward Lashman, and announced his intention to have its election of Collins overturned. Part of his anger was due to the violation of process and part of it stemmed from his being taken by surprise. He wanted to challenge the election of Collins in court, but Lashman talked him out of doing so, because Lashman felt that it was clear from reading the statute that Collins had been elected legally. Whenever Dukakis spoke, he emphasized his personal commitment to restoring public confidence in a badly shaken system. Wrapped up in those claims were implicit values of competence, integrity, and good government.<sup>49</sup>

It was vintage Dukakis. In his second term he had received a great deal more from the legislature than he did during his first term. Few governors had done better. But he had to pay a heavy price for his intervention. It put him on a collision course with the legislature in general and with the Speaker in particular. After all, Keverian had helped him produce many striking public policy changes in his second term. Their relationship was now seriously ruptured, if not irreparably harmed. The Speaker had been deeply hurt by being tarred in the media as a "shabby" Massachusetts politician. The improper fundraising charges that were leveled against Duff, followed by an investigation ordered by the governor, were the precipitating events that now made it difficult for Dukakis and Keverian to work out an accommodation. John Sasso was furious at Indelicato for not protecting the

relationship between the governor and the Speaker. Furthermore, Keverian was sensitive to the unfavorable comments about presumed “patronage.”

Stung by the rejection of one of their own, legislators in both political parties rallied behind Collins. They bitterly resented his being labeled as a “hack politician.” Many of them, including the new House education chairman Nicholas Paleologos, took the insult personally. They felt it demeaned the entire legislature. To show their support, the Democrat-controlled House unanimously passed a resolution endorsing Collins as chancellor. There were no dissenting voices. Even the Republicans joined in the heavenly chorus.

What surprised most political pundits is that Collins had been a longtime supporter of Dukakis. He had remained loyal to him even after Dukakis had lost his primary battle against Edward King in 1978, when most mainstream Irish Democratic politicians threw their support behind King. The same was true in the much-publicized rematch of 1982. Two years later, Dukakis had a serious falling out with Collins over their disagreement about education reform efforts in 1984 and 1985. In 1984, Collins insisted on pushing a costly bill mandating large increases in teacher salaries, despite the governor’s concern that the bill would necessitate a tax increase. This put the governor in the awkward position of failing to support a House leadership bill that had the strong backing of the Massachusetts Teachers Association.

Convinced that his party leader was “hoodwinking” the public, Collins broke with the governor over this issue. His criticism of the Dukakis administration was shrill and persistent. Such strident rhetoric planted the seeds of discord. From then on, the governor no longer considered Collins to be a “team player.”<sup>50</sup> Reporter Scot Lehigh, writing for the *Boston Phoenix*, correctly attributed this break in relations to their current difficulties: “Clearly, from the viewpoint of a governor with no real higher-education goals, agenda, or philosophy — outside of a desire not to be embarrassed — Collins’s tendency to be blunt, uncompromising, and outspoken made him an uncomfortable choice for chancellor.”<sup>51</sup>

On July 3, Dukakis telephoned Collins to see if they could resolve their differences. The chief executive advised Collins not to resign his House seat and to stop holding press conferences. He also warned Collins not to go down the path on which he was headed because he was the only person who would get hurt. Spurning this advice, Collins promptly resigned from the legislature and decided to stay the course. Forewarned, he figured, was forearmed. But the crisis had not been resolved — only postponed.

Three days later, on July 6, reporter Bruce Mohl of the *Boston Globe* broke the story that identified Collins as the person who had asked former chancellor Duff to peddle the tickets for Keverian’s fundraiser. Collins frankly acknowledged the truth of the story but claimed that the tickets were intended for Duff’s personal use. Contacted by the same reporter, Duff, who had taken a job as commissioner of the Chicago Public Library, denied such intent.<sup>52</sup>

On July 10, Collins went public with his fight by making a brief appearance on television. Citing relevant statistics, he deplored the fact that one out of four public school students in Massachusetts dropped out of education. He pointed out that only 18 percent of the graduates of Chelsea High School advanced to college while over 85 percent of those in Amherst did. By skillfully publicizing the issue, Collins hoped to overcome his perceived liabilities and to win grass-roots support as Horace Mann had done in the late 1830s. Wrapping himself in the mantle of the legendary Mann, who had faced a similar crisis, the ex-Amherst legislator made his case. In so doing, he continued to stress elementary and secondary education, thereby lending credence to those who attacked him



for not having a grasp of the issues facing higher education. But the television broadcast, which was paid for by the UMass Alumni Association, did not generate the groundswell of favorable public opinion that he had anticipated.<sup>53</sup> Even worse, it infuriated the governor, who felt that Collins had gone too far. The conflict was now reduced to strictly political hardball.

As the governor's hand-picked troubleshooter, Edward Lashman played his role to perfection. The new Board of Regents chairman was superb at delay. In a flurry of hastily arranged meetings held at the Harvard Club in downtown Boston, he negotiated with Collins and offered him a short-term contract, no longer than ninety days. This offer was promptly rejected. Collins insisted on a one-year performance contract, but he did not get it. His requests to continue negotiations were refused. At this point, Michael West, an attorney for Collins, threatened to file an unfair labor practice suit against Lashman, who he contended was not bargaining in good faith. Pressure was also put on him to the effect that if he did not cooperate, the presidential plans of Dukakis would be sabotaged. Undaunted, Lashman remained steadfast. He indicated that he was going to Maine on vacation for the last two weeks of July. By leaving the state, Lashman bought the governor the time he needed to reshape the Board of Regents with his new appointees.

Frustrated by Lashman's delay tactics, the Collins group on July 18 attempted to call a special meeting of the Board of Regents to award their man a long-term contract. Lashman denied their request. An embittered Edward Sullivan broke with his cohorts on this issue. He wanted to hold the meeting without Lashman and let Lashman take them to court. But cooler heads prevailed. The Collins people did not go the litigation route themselves, because it was doubtful if they could have obtained injunctive relief. To do so they would have had to prevail on the merits and to prove instant damage. So they dropped the idea of a legal challenge. To save face, they sent Harrington as an emissary to John Sasso to find out if they could reach a compromise. She never heard back from him. It would be hardball to the end.<sup>54</sup>

Frantic to stave off the removal of Collins, on July 24 seven of his supporters asked Attorney General Francis X. Bellotti to rule on the legality of the matter. Responding the very next day, Bellotti gave them both good news and bad news. The good news was that Collins had been legally elected chancellor on July 1. The bad news was that the chancellor serves at the pleasure of the Board of Regents and is "subject to removal by the board with no legal entitlement to serve out any contractually specified term."<sup>55</sup> On this prophetic note, the fate of Collins was sealed for all practical purposes. Although his days were numbered, the outcome was by no means a foregone conclusion.

Almost simultaneously, television station WBZ in Boston announced the results of a public opinion poll that it had commissioned. When asked if Collins should receive a contract, 27 percent of those polled responded affirmatively; when asked if the search should be reopened, 39 percent agreed; and 33 percent said they didn't know. When asked whether Dukakis's actions were politically motivated or whether he was acting to preserve the legitimacy of the search process, 33 percent responded affirmatively to the first question; 27 percent agreed with the second; and 39 percent fell into the "don't know" category.<sup>56</sup>

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### **Collins Removed and Jenifer Appointed**

Through July and August the pressure did not subside. Collins, who had dug in his heels, visited the Westfield State campus in an effort to stabilize the unrest there. He also asked the state Ethics Commission if it would be proper for him to hire his former legislative



aide, who was a nephew of Regent John Fox. To top it off, Collins announced plans for the establishment of a public-private partnership for the purpose of helping disadvantaged youth go on to college. These moves were more symbolic than substantive. Most knowledgeable observers interpreted his actions as a concerted public relations effort to rescue an embattled chancellorship.

On July 31, Dukakis appointed three new Regents. He chose Ellen Guiney, director of Boston's citywide educational coalition; Paul Doherty, a Springfield attorney; and Joe Henson, president of Prime Computer. These appointments made political sense, but the academic community was not impressed. While the governor did not exact a pledge from his appointees to vote against Collins, he did ask them for a commitment to vote on procedural matters and to reopen the search. Speaker Keverian accused the governor of "packing the board" to ensure that Collins would be removed. With the three new members aboard, Lashman now granted the Collins faction its request for a special meeting. It was held on August 5. By identical votes of 9 to 7, the Board of Regents reinstituted the search and denied Collins the one-year performance contract that he was seeking.<sup>57</sup> The balance of power had clearly shifted in the governor's favor.

Because they already had a list of credible candidates, the Board of Regents agreed informally not to expand the reopened search. Instead of starting from scratch, they merely picked up where they had left off in late June. This time, however, only the Regents participated, thus restoring their lost autonomy. Lashman had a difficult task in persuading the former finalists to return to the race. He did not try to convince Barbara Newell, who dropped out of contention on August 18 because she felt that the environment had become too politicized. To avoid the potential embarrassment of a candidate's refusing to accept the position because of the low salary, Lashman insisted that all the candidates give him a commitment in writing that they would accept the job if offered it. Since Collins was still legally the chancellor, he presented a special problem. Nevertheless, Lashman insisted that he declare his intentions in writing if he wished to be considered. Collins grudgingly complied with the request.

At about the same time, the press announced that Donald Stewart had been hired as president of the College Board in New York City. This prompted the *Boston Globe* to criticize the Dukakis administration for allowing Stewart to slip through its net.<sup>58</sup> Ironically, Gregory Anrig, who had nominated Collins, was the head of the parent organization that hired Stewart. Anrig was effusive in his praise of Stewart. The ultimate irony, of course, was that Franklyn Jenifer happened to be a prominent Catholic layman. But neither the Catholic community nor the black community rallied to his support.<sup>59</sup>

During the month of August, the Regents interviewed the four candidates once again. It was clear to them that if either Collins or Olver were chosen, the system would become captive of the legislature. If Fretwell were picked, they would be getting a custodial chancellor who was approaching the end of his career. Fretwell's performance in this interview was disappointing. By contrast, Jenifer was most impressive. He offered something different both in style and in substance. The former high school dropout and Rutgers biology professor made it clear that his loyalty would be primarily to the people of the commonwealth rather than to the General Court. He came across as a mover, shaker, and policymaker who intended to stir things up and to plan on a systemwide basis.

But the fight was not over yet. A campaign appears to have been undertaken to discredit Jenifer and to scare him off. A number of New Jersey Democrats, including members of the state legislature, advised Jenifer to drop out of the race. He was also informed that he would never get a pay raise if he accepted the Massachusetts post. Even worse, rumors

were spread that Jenifer had been involved in a sexual harassment case in New Jersey. On learning of this gossip, Lashman launched an immediate investigation by the Massachusetts state police. Playing it safe, he also had Jenifer checked out independently by a private detective agency. The results of both investigations cleared Jenifer completely of the attempted character assassination.<sup>60</sup>

In the meantime, the governor met with both Fretwell and Jenifer at Lashman's home. After talking with them, Dukakis still entertained a preference for Fretwell. In the governor's mind, Fretwell was the safer candidate because he was better known and he fit all the parameters. Dukakis remained unconvinced about Jenifer's suitability. Quite apart from the smear campaign that was rearing its ugly head, the governor had some reservations about him. As September approached, support for Jenifer coalesced. Henson flew to New Jersey to check him out, while Nicholas Boraski spoke with his contacts there at General Electric. In the end, Jenifer was Lashman's candidate.

The stage was set for yet another showdown. Appointment and removal were the two items on the agenda at the Regents' September 9 meeting. Knowing that the Collins cause was futile, Sullivan did not even bother to show up for this meeting. Without much fanfare, the Board of Regents elected Franklyn Jenifer as its new chancellor. He obtained 9 votes to Collins's 6. Strange as it may seem, Collins insisted on being fired. He wanted to force the Regents to dismiss him face to face. Complying with his wishes, the Regents terminated him as chancellor effective September 12. This ended the protracted and hard-fought battle that left its weary combatants either traumatized or elated.<sup>61</sup>

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## Lessons Learned

Looking back over these events and analyzing their implications, one has to ask why this case history is important. In more ways than one, the search for a Massachusetts chancellor illuminates the course not to take. There can be little doubt that the initial outcome had been the result of faulty decisions or decision-making processes. Putting aside the clash of personalities, which cannot be minimized, the major difficulties were systemic as well as procedural. More to the point, the political domain has an ownership stake in the Board of Regents, and that in itself flaws the process. Appointments to the Board of Regents are made primarily from the private sector. This is a structural problem that has since been rectified to some extent with the clarification in the state ethics law. Private college officials should not be in the business of regulating their public sector counterparts. In addition to the glaring conflict of interest involved, it also contravenes the Board of Regents' oversight function with regard to private institutions.

By allowing five outsiders to participate in their search, the Regents unwittingly gave up a certain degree of autonomy at the outset. Ostensibly, this action was taken to make the process more democratic, but it resulted in making the Board of Regents susceptible to political manipulation that it could not withstand in its bureaucratic infancy. Autonomy is especially fragile during this nurturing stage. To compound the difficulty, the Ylvisaker resolution gave away more of this perishable commodity. In the future, the Regents will have to proceed more cautiously before dispensing with any of their autonomy.

This issue naturally leads to the question of predetermination. To what extent was the candidacy of James Collins doomed at the beginning, given the widespread perception that the "fix was in"? Answers to this question remain uncertain and partisan. Nonetheless, considering the climate that existed in Massachusetts in 1986, the Collins candidacy seemed almost destined to fail. Public opinion polls reflected the strains of the dispute.



Collins probably suffered more from being stereotyped a “hack politician” than he did from not having the right academic credentials. Embedded in that shopworn stereotype lay a virulent antilegislativ bias. At the time, the General Court was not held in high esteem by the citizenry. But this bias provides only a partial explanation. The Hampshire County Democrat personified at once the Irish establishment, the publics versus the privates, the rebirth of UMass/Amherst, and the cultural values of rural, small-town western Massachusetts, where he was perceived as a popular folk hero who was standing up to the pressure of the powerful elites in Boston. The urban-rural rivalries, in their subtle variations, worked to Collins’s detriment.<sup>62</sup>

It is also revealing to note that the triumvirate of Ylvisaker, Lashman, and Dukakis all came from Harvard, an institution steeped in tradition and seen as the bastion of elitism. In terms of the new politics, they were a throwback to the old Yankees, who had fought and excluded the Irish in an earlier era. Both Doherty and Keverian were graduates of Harvard, but they had come from working-class origins. To be sure, their close bonds of friendship were cemented in the unfair class distinctions that they had experienced during their undergraduate days, when they had gotten to know each other at Dudley House, the center at Harvard for commuting students. The student “brown baggers” who rode the MBTA trolley cars to Cambridge were not accepted socially on the same terms as those privileged to live in Harvard Yard. These ethnic and class relationships, as well as those of gender and race, were manifested throughout the chancellor struggle.

Beneath the veneer, the role of the Irish as depicted in the media was overblown and overplayed. It should be noted that neither Keverian nor Fox is Irish. Ethnic loyalty was not as much a binding factor as legislative loyalty. In the words of Maurice Donahue, “The only time the Irish stand together is during the reading of the Gospel at church services.”<sup>63</sup> Personally, Collins felt that he had been the victim of elitism and academic snobbery. Like Dukakis, who had been jolted by his humiliating defeat in the gubernatorial race in 1978, Collins had learned the lessons of adversity and humility. But the taxi driver’s son suffered from more than hurt pride and a bruised ego. He also suffered to some degree from an anti-Irish bias. The blinders of ethnicity and negative stereotypes were definitely at play. As Martin Nolan of the *Boston Globe* told Collins afterward, “You didn’t have the right stickers on your back.”<sup>64</sup> To the Collins camp, Ylvisaker epitomized Harvard elitism with his insistence on a terminal doctoral degree. The fact that Harvard’s president lacked such a degree merely added fuel to the fire. Much of the internal acrimony and resentment on the Board of Regents was caused by Ylvisaker’s pushing his own friends in academia for the job. Cronyism as an issue cut both ways.

Obviously, the Collins faction misread the signs and overestimated their political strength. Their numerical superiority may have lulled them into a false sense of security. Essentially, they played a political insider’s game, but they met with a governor who refused to back down. Much to his credit, Collins declined to accept a “golden handshake” that came in the form of a job offer at his alma mater.

A case can be made that if there was a conspiracy to foist Collins into the chancellorship, there was likewise a counterconspiracy to deny it to him. The anti-Collins forces contended that the opposition used tactics that were pejoratively political. Although they differed on objectives, Ylvisaker and Minor resorted to much the same kind of devious tactics in their efforts to control the process. Ingenious people, working hard, can always think up ways of circumventing constraints on authority. This was likewise true of the governor, who in the view of several members of the search committee had conveyed the impression that he wanted anybody but Collins. That the chief executive aroused heated



opposition is not surprising, for he took on the established order and offended mainstream Irish Democrats. If the Collins phalanx wired the process for their man, the governor certainly rewired it for his choice. He allowed the change precisely because he now accepted what he had earlier rejected. Ambition for higher office often induces leading politicians to support options that will enhance their electoral appeal and strengthen their political alliances.

By his opting for Jenifer, or at least by his concurring with the Board of Regents' decision, Dukakis made a critical choice and adjusted his gubernatorial campaign strategy to conform with Massachusetts's changing electorate. His nimble skills as a consensus politician were severely tested. But smart politics is not the same as wise politics. The real bone of contention between the Dukakis reformers and the Irish regulars was political control.

Seen in this light, the Irish regulars took a bad rap because the governor and his followers played the identical political game. They too were not above reproach in their discrediting Collins and bashing Keverian. The latter amounted to sheer political folly. Moreover, no one on the governor's side was managing the crisis at the Board of Regents until Lashman took over the reins. The supporting evidence indicates that Indelicato's deceit was compounded by lackluster performances from a weak chairman and a stand-in chancellor. Even so, the buck stops with the chief executive. After all, John Sasso and Frank Keefe, along with John Duff, had warned Dukakis about Indelicato. Beyond that, his latest appointments to the Board of Regents also lacked luster.

This brings us, finally, to the question of whether the struggle was worth the price. On the positive side, it forced the governor to address the problems of public higher education; it dramatized the problem of the chancellor's salary; and it prevented the General Court from capturing the Board of Regents. On the negative side, the relationship of the Board of Regents to the other institutions within the system was damaged; and its struggle for autonomy lost. The agency's credibility was not only weakened, but the legitimacy of its governance was also undermined. Given the fragile bonds that hold the public academic enterprise together, the viability of the Board of Regents itself was called into question.<sup>65</sup> At a moment of truth, Beaubien, as a political innocent, capitulated in casting the decisive vote for Collins. With his capitulation at such a critical point, autonomy went down the drain. But even Ylvisaker lost in the end. Both he and Beaubien were defeated on the autonomy issue.

On balance, one can reasonably argue that a politicized search is far too high a price to pay for the good of the commonwealth. The world of public higher education is simply too fragile and too skittish to accept this sort of rift. The whole is bound to suffer from the unintended consequences. This case provides ample evidence to support such an argument. As John Millett concludes, "To avoid open political warfare, higher education boards have to find some way in which to engage in political dialogue with state government officials."<sup>66</sup> Otherwise the warring factions are certain to inflict damage. The answer lies in properly managing the dichotomy of tensions between legitimate political objectives and legitimate academic objectives. To ask for prudence is perhaps asking too much, but to expect that we can "keep politics out of education" is to perpetuate a myth that invites disappointment.

In the aftermath of the controversy, the Regents were finally given the power to set the salary of the chancellor. Surprisingly, it was Speaker Keverian who sponsored the corrective legislation in 1987. He did so not only to extend a peace offering to Franklyn Jenifer but, perhaps more important, to restore his own image and to prove his critics wrong.

This was no small accomplishment. It added to the positive consequences and made Keverian an unlikely hero. The struggle, in all its rich and poignant detail, had swung full cycle.

All of this seems clear in retrospect. Because of the incendiary political smoke screens, it may not have been so clear during the heat of battle. Yet the search for a new chancellor was exceedingly difficult and divisive in 1981, as it had been in the search for the chancellor of the former Board of Higher Education in 1967. From these events, along with the details already noted, it should not have been hard to infer that trouble loomed on the horizon in 1986. Every search has been harmed by a welter of recurring tensions. But these tensions, as we have seen, have their historical roots. They will not go away. Whether or not the actors can free themselves from their affinities for the remembered past and permit a fair and open search remains to be seen. One thing is certain. Massachusetts will still have to grapple with the problem of providing democratic accountability that does not threaten academic independence. Achieving this goal will enable the public institutions of higher learning to operate in a complex political system in which they can meet difficult challenges without bowing to inappropriate pressures. In the last analysis, the future of the public university ultimately depends on the confidence of its citizens. 🐼

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## NOTES

1. Clifton R. Wharton, Jr., "Autonomy in Academia: The State's Responsibility to Higher Education," Askwith Lecture, Harvard University, April 14, 1986.
2. For a perceptive analysis of such clashes see John D. Millett, *Conflict in Higher Education* (San Francisco: Jossey-Bass, 1984), p. 216.
3. Judith Block McLaughlin and David Riesman, "The Shady Side of Sunshine," *87 Teachers College Record* 471 (1986).
4. Judith Block McLaughlin, "Plugging Search Committee Leaks," *ACB Reports*, May/June 1985, pp. 24–30.
5. The author interviewed the eleven members of the chancellor search committee whose names appear in the text. He also interviewed Regents David Beaubien, Gerard Doherty, George Ellison, Kathleen Harrington, and Edward Lashman, along with former chancellor James Collins, former state Secretary of Educational Affairs Joseph M. Cronin, and the current chancellor, Franklyn Jenifer. Except where otherwise noted, most of the substantive material for this case study is derived from these interviews. For the record, it should be pointed out that Regent John Fox declined to be interviewed.
6. Robert Wood, "The Public-Private Forum," *3 New England Journal of Public Policy* 8 (1987).
7. Interview with Joseph Cronin, October 22, 1987. See also Joseph M. Cronin, "Higher Education Policy-Making in Massachusetts," a paper prepared for the Alden Seminars (April 1987), p. 6. For a detailed analysis of the weaknesses of the Board of Higher Education, see John A. Stevens, "A Process for Determining the Appropriate Role for the Massachusetts State College System" (unpublished qualifying paper, Harvard University, April 1980).
8. Millett, p. 104.
9. Cronin, p. 7.
10. Board of Regents, "The Massachusetts System of Public Higher Education" (mimeographed, 1985), pp. 1–13. See in particular Appendix B.
11. Interview with George Ellison, March 17, 1987.
12. Interviews with Kermit Morrissey, September 8, 1987, and Franklin Patterson, February 25, 1988.

13. Interview with David Beaubien, November 18, 1986.
14. Interview with Paul Ylvisaker, November 11, 1986.
15. Interview with Edward Sullivan, December 9, 1986.
16. Interviews with David Beaubien, November 18, 1986; Gerard Doherty, March 6, 1987; George Ellison, March 17, 1987; Kathleen Harrington, March 10, 1987; James Howell, February 2, 1987; David Knapp, November 26, 1986; Robert Lee, January 16, 1987; and Edward Sullivan, December 9, 1986.
17. Interviews with Mary Lou Anderson, November 25, 1986; Laura Clausen, December 11, 1986; Joyce King, January 27, 1987; Hassan Minor, November 20, 1986; Eileen Parise, December 4, 1986; and Paul Ylvisaker, November 11, 1986.
18. Interview with Hassan Minor, November 20, 1986.
19. Interview with Edward Lashman, May 12, 1988. A native of New Orleans, Lashman attended the University of North Carolina at Chapel Hill and Tulane University, but he never received a degree.
20. Interview with James Howell, February 2, 1987.
21. *Boston Globe*, January 9, 1986.
22. Legislative history of H-5474 and H-5639 is taken from the computer printouts regarding these bills. Speaker George Keeverian explained his views on the chancellor search controversy at a public policy seminar, which he conducted in the legislative chamber on November 12, 1986 (videocassette). This seminar was sponsored by the John W. McCormack Institute of Public Affairs at UMass/Boston.
23. Letter from Paul Ylvisaker to David Beaubien, June 30, 1986.
24. Minutes of the Board of Regents meeting of February 11, 1986.
25. Interview with Gerard Doherty, March 6, 1987. See also Gerard Doherty, "The Case for Collins," *Boston Globe*, September 9, 1986.
26. Job description of the Massachusetts chancellorship as it appeared in the *Chronicle of Higher Education*, January 29 and February 5, 1986.
27. Board of Regents, "Preliminary Review of Candidates" (mimeographed, April 17, 1986).
28. Memorandum from Board of Regents affirmative action officer Bruce Rose to chancellor search committee, April 17, 1986.
29. Interview with Robert Lee, January 15, 1987.
30. Interview with Paul Ylvisaker, November 11, 1986. See also minutes of the Board of Regents meeting of June 9, 1986.
31. Interview with Janet Eisner, December 5, 1986. See also letter from Janet Eisner to search committee, June 12, 1986.
32. Letters to Paul Ylvisaker from Kenneth Lemanski, March 11, 1986, and from Raymond Jordan, March 12, 1986. It should be noted that the letter from the Massachusetts Black Legislative Caucus was submitted three days prior to the March 15 application deadline and well before the candidacy of Franklyn Jenifer became known publicly.
33. Interview with James Howell, February 2, 1987.
34. *Boston Globe*, October 1, 1987.
35. Interview with David Knapp, November 26, 1986.
36. Interview with Franklyn Jenifer, September 3, 1987.
37. Board of Regents, "Candidates' Experience" (mimeographed).



38. Board of Regents, "Actions Taken at Final Meeting of the Regents Chancellor Search Committee," June 19, 1986.
39. Interviews with Mary Lou Anderson, November 25, 1986, and Eileen Parise, December 4, 1986.
40. Interview with Joyce King, January 27, 1987.
41. Robert Kuttner, "The Backfires of the Massachusetts Miracle," *Boston Globe*, May 30, 1988.
42. Minutes of the Board of Regents meeting of July 1, 1986.
43. Letter from Paul Ylvisaker to Governor Michael Dukakis, July 1, 1986.
44. Letter from Janet Eisner to Governor Michael Dukakis, July 7, 1986.
45. Interview with Edward Lashman, May 12, 1988. See also Scot Lehigh, "Indelicate Matters: Dukakis's Untrusted Adviser Moves Up," *Boston Phoenix*, July 15, 1986; and A. A. Michelson, "Politics and Education," *Boston Globe*, July 12, 1986.
46. Interview with Kathleen Harrington, March 10, 1987.
47. Interview with Edward Lashman, May 12, 1988.
48. David Nyhan, "Dukakis Takes Aim at Collins," *Boston Globe*, July 13, 1986.
49. See Richard Gaines and Michael Segal, *Dukakis and the Reform Impulse* (Boston: Quinlan Press, 1987), pp. 209–218. Curiously, the authors of this adulatory political biography make no mention whatsoever of the Regents chancellor search controversy in 1986. This is a serious omission in light of their emphasis on the traditional politics of the Irish regulars versus the new politics of the Dukakis reformers. The episode is likewise omitted in the biography by Charles Kenney and Robert L. Turner, *Dukakis: An American Odyssey* (Boston: Houghton Mifflin, 1988).
50. Interview with James Collins, February 11, 1987.
51. Scot Lehigh, "Politics," *Boston Phoenix*, August 12, 1986.
52. *Boston Globe*, July 6, 1986, July 29, 1986.
53. Television transcript, "Education in Massachusetts: Opportunity for All" (mimeographed, July 10, 1986).
54. Interview with Kathleen Harrington, March 10, 1987.
55. Letter from Attorney General Francis X. Bellotti to Gerard F. Doherty, July 25, 1986.
56. *Boston Globe*, July 25, 1986.
57. Minutes of the Board of Regents special meeting of August 5, 1986.
58. *Boston Globe*, August 14, 1986.
59. Interview with Franklyn Jenifer, September 3, 1987.
60. Interview with Edward Lashman, May 12, 1988.
61. Minutes of the Board of Regents meeting of September 9, 1986.
62. For a defense of the Collins position see Gerard Doherty, "The Case for Collins," *Boston Globe*, September 9, 1986, and Jerome M. Mileur, "Dukakis: Skilled at Political Wiring," *Daily Hampshire Gazette*, July 6, 1986.
63. Interview with former Senate president Maurice A. Donahue, September 6, 1988.
64. Interview with James Collins, February 11, 1987.
65. See Robert Wood, "Three Steps to Improve Board of Regents," *Boston Globe*, September 4, 1986.
66. Millett, p. 256.