

The Winds of Freedom

Addressing Challenges
to the University

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Preface

From 1992 to 2000, I served as president of Stanford University. In those eight years, I gave, on average, about one speech every three days, not excluding weekends, holidays, or vacations. By “speech,” I mean anything ranging from a formal lecture to “Pop-Up-Gerhard” remarks. (“President Casper, I am sure you would like to say a few words.”) I mostly took these “speech acts” very seriously. Much of what a university president can do is accomplished with words. University governance, to a large extent, is self-governance by faculties as constituted in departments, schools, and institutes. While the president of a university has real powers and can make decisions that deeply influence the direction of the institution, much of the time he or she has to rely primarily on persuasion. Speech acts clarify what matters to the speaker and thus set a tone that is both personal and institutional.

In a 1946 letter, the University of Chicago president Robert Hutchins complained that when a university gets big and complicated, “the burden of institutional detail is so great that nobody can think of what the institution is for.” My speeches—virtually all of my speeches—were an attempt to address what I think the research-intensive university is for.

They covered a wide array of topics. I wrote them mostly myself (though, of course, I benefited from some very able help), and I worried about them all the time, since, in many instances, any given occasion would be the only occasion where that particular audience was exposed to my voice as the voice of the university.

One theme that I first explored in my inaugural address may be called “freedoms of and freedoms in the university.” Some of the speeches dealing with that theme are reproduced here in their unedited form. Each of the “Texts” will be followed by an afterword that I call “Context.” In “Context,” I discuss the circumstances amid which the speech was given. The explanations are not meant to be exhaustive but primarily aim at making the text and motivation for it more intelligible. Obviously, I represent my point of view, but I have done much archival research to get the facts as straight as possible, always remembering that any social fact will undergo “distortions” as “it passes through value-charged fields” (Felix S. Cohen). Occasionally, I shall add observations about my “Subtext,” if any, or a “Postscript” about subsequent or related matters.

My reference is not freedom in the singular, but freedoms of the students and of the faculty and also, equally important, freedoms of the university as an institution—freedoms that may be in conflict with one another. The 1990s were not marked, as were the 1960s and 1970s, by many student uprisings. Former Stanford president Richard Lyman’s book about the Stanford unrest from 1966 until 1972 is called *Stanford in Turmoil*. “Turmoil” we did not experience in the 1990s, but we did encounter a range of academic freedom issues that raised core questions relevant not only to Stanford but to research-intensive universities more generally.

This is not a book about the law of academic freedom. Inescapably, law will be touched upon, but my perspective is best described as embedded in the humanities: reflections about freedoms and responsibilities at the university in a historical, philosophical, and experiential context. The book is an extended “essay in chapters.” Its aim, as Felix Frankfurter once said about the essay as a literary form, is “tentative, reflective, suggestive, contradictory, and incomplete. It mirrors the perversities and complexities of life.” The complexities are especially those faced by a university president. There is intentional repetitiveness, as a few of my formulations play the role of leitmotifs.

This is an idiosyncratic book. The subject seems comprehensive, but the treatment is not—far from it. The book’s subject matter has many facets that I do not touch upon. Its themes were chosen only because they are general themes germane to good public and private universities, especially those of the United States, with their unique blend of undergraduate and graduate education, of teaching and research. Since in university governance both God and the devil are in the details, I engage in a fair amount of micro-analysis. Therefore, the book is also a book about how I approached the responsibilities of a university president.

Some friends who read the manuscript thought that it needed biographical information beyond what is publicly available or what is mentioned in the main body of the text. Following their advice, I have reflected on several crucial experiences that helped to shape my perception of the world and present them here as a prologue.

Born in 1937, I was too young to have known the World War II period as political history. I have no personal recollections of the Nazi regime other than superficial ones. World War II, in a big city, such as my hometown Hamburg, was encountered, to some extent, as if it were an ongoing “natural” disaster with which adults and children coped as well as they could in order to survive. For the civilian targets, the experience resembled hurricanes. Indeed, the so-called Hamburg firestorm of 1943, which in four nights destroyed half the city and killed about fifty thousand people, created literally a hurricane-like effect.

In his book of essays *On the Natural History of Destruction*, W. G. Sebald gave the following description of what happened in Hamburg in 1943. On July 27

at one-twenty A.M., a firestorm of an intensity that no one would ever before have thought possible arose. The fire, now rising two thousand meters into the sky, snatched oxygen to itself so violently that the air currents reached hurricane force, resonating like mighty organs

with all their stops pulled out at once. The fire burned like this for three hours. At its height, the storm . . . drove human beings before it like living torches. . . . Those who had fled from their air-raid shelters sank, with grotesque contortions in the thick bubbles thrown up by the melting asphalt. No one knows for certain how many lost their lives that night, or how many went mad before they died. When day broke, the summer dawn could not penetrate the leaden gloom above the city. The smoke had risen to a height of eight thousand meters where it spread like a vast anvil-shaped . . . cloud.

My parents, my brother, and I watched that cloud from a distance. My father's survival techniques had included listening (illegally, of course) to German-language broadcasts from London. Because of British warnings of what Air Marshall Harris had dubbed "Operation Gomorrah," our parents took my brother and me to a village thirty miles east of Hamburg before the operation began. From there, we saw the intense orange glow of "Gomorrah" burning on the horizon.

All I can remember from the war years are the air raids and a deep sense of fear and insecurity. We felt safe only when we knew that Hamburg was not a target. I shall not forget a starry summer night when we were all standing in the street while bombers were flying overhead: We were "safe" because their flight pattern and height indicated that they were headed for Lübeck, the neighboring major city to the east.

It was, of course, only years after the war that I learned about Guernica, the Basque city that the German Luftwaffe had destroyed in 1937, the year of my birth. It was only after the war that I learned about the Battle of Britain, about the Blitz, about Coventry, about the sieges of Leningrad and Stalingrad. Indeed, my *political* memories begin only in 1945, or, more precisely, on May 2, 1945, the day before the surrender of Hamburg and its occupation by the British

2nd Army on May 3. Hitler had committed suicide in Berlin on April 30; a successor government under Admiral Dönitz had been established in Flensburg.

The governor of Hamburg, Karl Kaufmann, an extreme Nazi from the first days of the party, in order to prevent “senseless, complete annihilation,” surrendered the city. He announced the decision over the radio on May 2. Because of the intense emotions of relief on the part of the adults, I remember the occasion. I also remember it because in the weeks, months, years to come, the Nazi Kaufmann was given credit for not having tried what was impossible anyway—to defend Hamburg militarily, as he had been ordered to do by the Flensburg government. The British-appointed first post-war mayor, Rudolf Petersen, who came from an old Hamburg family, made use of his inaugural address on May 17, 1945, to mention that “the former holder of governmental power” had saved lives for both sides. Petersen’s comments about his Nazi predecessor were published in the newspaper of the British military government.

When the Nuremberg war crimes trials were broadcast in late 1945 and 1946, I was still too young to understand their significance. At the time of the Nuremberg trials, there was, of course, no television, and thus the evidence, especially the evidence from the concentration camps, was less inescapable than television images became subsequently. Many adults thought of the trials as “victors’ justice,” and in this context, some mentioned the air raids that had devastated many German cities.

I was seven when the war ended. We children played among the ruins and were fed in part by American food aid, both public and private. President Truman had placed Herbert Hoover in charge of famine relief in Europe. I heard the name of the Stanford alumnus for the first time as the label attached to American food supplies that reached our schools. They were known as “Hoover foods.”

Certainly neither I nor anybody else could have imagined in 1945 that one day I would become the president of Hoover’s alma mater. Nor could anyone have imagined that my wife, Regina, and I

would one day live in the Lou Henry Hoover House, the Hoovers' family home on the Stanford campus, which Herbert Hoover had given to the university in 1945, the year that World War II ended, to serve as the residence of the Stanford presidents.

I was educated in the postwar world. It was not an easy time to be a German: the generation of our parents contained few role models. The atrocities of the Nazis forced us to search for the reasons why and how the Germans had failed in the presence of evil. Many people thought, and many people think now, that certain aspects of the German character—that is, the character of Germans, “of ordinary men and women”—accounted for Hitler and the evil deeds of the Third Reich. In the winter of 1954, I went for the first time to the United States as the Federal Republic's delegate to an international youth forum. I had just turned sixteen. Reviewing press clippings from those days, I find myself quoted in the *New York Herald Tribune* as saying that there were times when I intensely disliked being the German representative.

Was there “collective guilt”? How was one to determine measures of individual guilt, measures of individual responsibility? The Allies' “denazification program,” undertaken immediately after 1945, became a bureaucratic enterprise that many former Nazis used effectively for the purpose of having themselves classified as mere “Mitläufer,” nominal hangers-on. The testimonials these followers of the Nazis solicited were known popularly, after a famous soap, as “Persilscheine,” whitewash papers.

Criminal prosecutions were sporadic and not very effective in sorting out responsibility. After a slow pace at the beginning, prosecutions continued over many years, punctuated in the early decades by intermittent and laborious legislative debates about extending the regular statute of limitations for murder, whose ordinary duration would have cut off prosecutions as early as 1965.

Ordinary men and women who had been Nazis, soldiers, active participants lived among us. Some among those who had helped the Nazi onslaught on the universities were once again in their faculty

positions. In the first ten years after the war, how much confrontation among citizens was bearable for a fragile population that lived among ruins faced with gigantic reconstruction tasks and, in West Germany, the additional challenge of having to absorb about eight million refugees who had been expelled from East Prussia, Pomerania, Czechoslovakia, and elsewhere? “Truth and reconciliation” commissions had not yet been invented.

I think it actually took about two decades for the enormity of the evils perpetrated during the Third Reich to sink in. It also took the tenacious work of historians who would not blink in describing the Nazi system and the atrocities committed by and in the name of Germans. Because of the initial tendency to use the label “war crimes” for description and analysis of all Nazi criminality, genocide and ethnic cleansing were not sufficiently differentiated from the war as such. It was concealing rather than clarifying, to say the least, to classify the killing of six million Jews as one item in a long list of German war deeds.

As I said, role models were few. I found some. Among them was my high school principal and history teacher, whom the Nazis had arrested in 1943 because, beginning about 1936, she had arranged to meet regularly at her home with former students for whom she provided continuing, “politically incorrect” education (among her students from that period was Helmut Schmidt, the later German chancellor). Erna Stahl—her name—was an immensely gifted pedagogue with a deep commitment to cultural history.

After her arrest by the Gestapo, Stahl was imprisoned (first in Hamburg, last in Bayreuth), suffered greatly (at one point she lost the capacity to speak), and was charged to stand trial for treason before the infamous People’s Court (Volksgerichtshof). She survived because the Americans liberated her prison on April 14, 1945.

It was difficult to get Erna Stahl to talk about her personal experiences. Indeed, it was difficult to get her to talk about the Third Reich. She thought it was vastly more important to instill positive values, among them reverence for life as understood by

Albert Schweitzer. After I had graduated, my school was even re-named for Schweitzer, who visited there in 1959 and, in response to the naming of the school, captured some of what Stahl was about (I was present at the occasion): “It is encouraging to know that there are human beings who live and unswervingly fight for making the deep reverence for everything living determinant and who follow ideals that lead us beyond our own time into a new age.”

Back in 1954, my eleventh-grade homeroom had had a confrontation with Stahl. It is a story about ordinary people and the Nazi past.

There was a theater in postwar Hamburg that was headed by a great actress, Ida Ehre, who was Jewish. Like Victor Klemperer, she had survived the Third Reich as the spouse of an “Aryan.” My friends and I frequented her theater and greatly admired her. I can see her before my eyes now as “Mother Courage” in Brecht’s famous play about the Thirty Years’ War. Stahl had invited her to spend an evening at our school talking about what it meant to direct a theater.

A fellow student in my homeroom was the son of a composer who, in postwar Hamburg, was well known as the conductor of a choir. During the Third Reich, the composer had set Nazi “poetry” to music. As it turned out, his son had some neo-Nazi tendencies. The evening of Ida Ehre’s visit, he donned a brownish shirt (in allusion to the Nazi storm troopers) and carried a copy of Hitler’s *Mein Kampf* in his coat pocket as a form of protest. Most of us had no idea that this was happening.

When Stahl learned about the incident a couple of days later, she was beside herself and took us to task for not having squelched the matter and not having told her about it. Putting to one side the issue of informing, we countered by complaining that, by eleventh grade, we had studied ancient, medieval, and seventeenth-century political and cultural history but had yet to be taught about the Third Reich. That very morning, she canceled other classes and told us about some of her personal experiences during the Nazi period. One of them is the reason why I am recounting the story.

In 1941, Erna Stahl came down a street near where she lived when she saw that the Gestapo was loading Jews onto trucks. The victims had been told that they would be allocated a new settlement territory in the east and would be taken there by train. In reality, of course, they were shipped east to be massacred. Erna Stahl walked up to one of the guards and asked: “Where are you taking these people [diese Menschen]?” He answered: “If you want to know, get on the truck!” She then turned around and walked away.

The silence in the homeroom was complete.

In 1961, persons then thirty years or older were asked when they had first learned about the killing of the Jews: 32 percent said before the end of the war, while 58 percent said after the war. While the Nazis had engaged in concealment, reversing these percentages would seem a more plausible distribution.

Nineteen sixty-one was the year of the Eichmann trial in Jerusalem. It was a watershed event that was followed widely and that caused intense discussions for years to come, especially after the publication of Hannah Arendt’s report about the trial. The pace of so-called *Vergangenheitsbewältigung* (“coming to terms with the past”) picked up and eventually reached broad and changing audiences, especially through television.

I graduated from high school in 1957. That year, a German sociologist, Helmut Schelsky, published a book about German young people that he entitled *The Skeptical Generation* and in which he argued that my generation was distrustful of all political ideologies, ideas, and institutions, past and present. A profound sense of insecurity and disillusionment had led us, Schelsky said, to focus on our own lives and on our families rather than public life. “Ohne mich”—“without me”—was the slogan that supposedly characterized the skeptical generation.

A highly developed skepticism was not just a German phenomenon. In England in the 1950s, an antiestablishment group of writers emerged: the “angry young men,” of whom John Osborne was the best known. When I was a student at the University of

Freiburg, a Swiss fellow student, who to me represented a background of traditions, stability, and normalcy that I had never known, made fun of me, implying that I should have been a charter member of the “angry young men.”

My speech as high school valedictorian in 1957 dealt doubtfully with the topic of role models but, Schelsky to the contrary, suggested nowhere that my graduating class felt disengaged. I quoted a poem by Wolfgang Borchert, a Hamburg poet who was much beloved by my classmates and me: “I should like to be a lighthouse, in the night and in the wind, for cod and for smelt, for every boat, but, alas, I myself am no more than a ship in distress.” I went on to say that in our search for role models we would be looking not for “lighthouses” but for “beach fires” that—while exposed to the elements, just as we were—continued to burn nevertheless. The metaphor was heartfelt, though, upon rereading it, I am not sure I understand it completely. It gave me some anonymous fame, however, since a prominent theologian at the University of Hamburg, Helmut Thielicke, whom I had come to know, quoted the valedictory at some length in one of his books as an example of the “de-Platonization” of ideals.

Following the European pattern, upon graduating from high school, I enrolled at the university, specializing immediately. I had chosen law because I thought I might enter the foreign service as a career, and legal studies were considered useful for that purpose. In the German fashion—you could then change universities at will—I started out at the University of Hamburg but moved on to the University of Freiburg in my second year, later returned to Hamburg, and ultimately went again to Freiburg for my doctorate, with the legal philosopher Erik Wolf as my adviser.

During my first stay at Freiburg, as a third-semester student, I went to Konrad Hesse, a well-known professor of constitutional law, and asked to be admitted to his advanced seminar. He thought that could not be done, but eventually yielded and assigned me a paper on the subject of judicial review. Hesse’s seminar had a pro-

found impact on my future. It taught me the value of small-group interactions (normal law courses in German universities had hundreds of registrants). It taught me that even a beginner could benefit and could contribute. It kindled my interest in constitutional law. And, finally, it made me desire an academic career.

The *sine qua non* for becoming an academic in the United States, rather than in Germany, was the year I spent as a graduate student at the Yale Law School. I had applied to attend Yale, upon the completion of my law studies in Hamburg, because of an interest in the work of Harold Lasswell, one of the leading behavioral political scientists of the twentieth century, who was on the faculty of the law school and there, jointly with law colleague Myres McDougal, taught a course called “Law, Science, and Policy.” The “policy” part of the course put forward a systematic “value-oriented jurisprudence” that claimed to be empirically based. While Lasswell was actually away from Yale during the 1961–62 academic year, I took “Law, Science, and Policy” from “Mac” (as he was known to the students) and, throughout the year, displayed considerable skepticism about the Lasswell-McDougal approach. At the end of the course, McDougal, a prodigious and extraordinarily courtly Mississippian, called me to his office and said something to the effect that he understood that I disagreed with him a lot but that he thought well of me and if I wanted a teaching position in the United States he would help me to find one. I cannot say that McDougal had singled me out from all the other graduate students; rather, he viewed placement as an obligation and an opportunity.

The year I spent at Yale was extraordinary. It not only strengthened my interest in constitutional law under the influence of faculty that included Charles Black, Alexander Bickel, and Fred Rodell but also exposed me to ways of thinking I had not previously encountered, in seminars with F. S. C. Northrop, Joseph Goldstein, and Jay Katz. “Stimulating” is the appropriate adjective to characterize the environment for research, discourse, and intellectual openness at the law school. Furthermore, it would then have been hard to

conceive of many places in Europe where a professor with whom you had had mostly disputes would take the initiative to recommend you for a faculty position.

Due to McDougal's efforts on my behalf I was, in 1964, recruited as an assistant professor of political science to the University of California at Berkeley. The subjects I was to cover were comparative law and legal theory. Beginning in 1965, I also taught at the law school. The Political Science Department at the time was deeply split into a normative theory faction and a behaviorist one. This split had political consequences since the normative group, in the context of the university's then intense politics, tended to be "liberal," while many of the behaviorists were more oriented toward support of the university establishment. (This had little to do with epistemological and methodological differences, as I learned when I went to Chicago, where the Political Science Department was similarly split but the political implications were the opposite from those at Berkeley.)

At the end of 1964, I married Regina Koschel. Regina and I had met in 1963 at the University of Freiburg, where she was doing research for her doctoral thesis in the school of medicine and I was writing my dissertation on American legal realism. Following our wedding in New York City (at the Upper West Side apartment of Charlotte Beradt, a refugee from Nazi Germany whom I had met through Erna Stahl), we united in California. Our two years in Berkeley were years of forming friendships with Berkeley colleagues and of acculturation to an American campus of the greatest quality in deep crisis—an experience that made me reflect for the first time about some of the issues that I address in this book. However, when, in 1966, I was made an offer by the law school of the University of Chicago, both of us decided, for professional reasons, to leave California. The politicization of the campus did not help to keep us there.

We spent the next twenty-six years happily in Chicago, Regina at Michael Reese Hospital, as a professor of psychiatry at the Uni-

versity of Illinois and then at the University of Chicago; I as a professor of law (with a joint appointment in political science for half the time), as dean of the law school (for nine years), and, appointed by Hanna Gray in 1989, as provost of the university (for three years). Of all major American universities, the University of Chicago was probably the one most emphatically committed to “the life of the mind.” Pieties, fads, and fashions were persistently questioned. I learned much from colleagues and students, and scholarly discussions were many, intense, and, for the most part, “uninhibited, robust, and wide-open” (to use one of my favorite mantras from a 1964 opinion of Supreme Court Justice William Brennan).

There were too many influences and friends to acknowledge even a discrete number of them. I shall, however, mention Phil Neal, who was the dean who recruited me and became a role model for my own service as dean; my constitutional law colleague and the wise counselor and friend of all my Chicago years, Philip Kurland; and, finally the person Phil Neal assigned me to teach a seminar with during my first quarter at the law school: Edward Levi, former law school dean, provost when I first met him, and subsequently president of the university. (In 1975 President Ford appointed him attorney general.) I was deeply influenced by him, as I will readily acknowledge throughout this book, and, of course, followed in his steps when I became dean of the law school, then provost at Chicago, and finally president, but that at Stanford.

The book’s focus is on only a very few selected aspects of what I tried to accomplish as the Stanford president. While it is highly Stanford-centric, I hope the reader understands that what I say is meant to have implications for all research-intensive universities that still take themselves seriously as universities.

Since this book has a theme, it will not address a large number of subjects that I focused on as president. There is no chapter on the reforms in undergraduate education that we undertook, there is no chapter on the resolution of the preexisting dispute with the federal government about alleged overcharges for overhead, there is no

chapter on reorganizations, no chapter on our first experiments with online education, there is no chapter on the medical center, no chapter on architecture, no chapter on development and fundraising. Some of these matters were dealt with in a report I wrote that is entitled *Cares of the University*. It was published in 1997 by the Office of the President and is readily available on the web.

However, I should devote a few lines to educational reforms because of their relevance to many aspects of this book. At the end of my first year at Stanford, I appointed a Commission on Undergraduate Education. It was chaired by the historian James Sheehan. The commission made its report in 1994, and the faculty senate acted quickly and decisively to accept most of its recommendations.

The report said about the aims of education: “The university should encourage many qualities of mind and spirit—a potential for leadership, a devotion to public service, an appreciation of beauty—but its special mission, and its distinctive contribution to the well-being of society, is to demonstrate the value of free inquiry and tolerant debate by engaging its students in the search for knowledge.”

Among the outcomes of our reforms, accomplished by 1997, were Introductory Seminars for Freshmen and Sophomores (limited to twelve to sixteen students, about two hundred such seminars are now taught every year by regular Stanford faculty), Sophomore College (admitted students take a single class limited to fourteen students for three weeks, five days a week, before the beginning of their second year), a substantial increase in undergraduate research opportunities, and an Honors College in the summer before the senior year. In 2012, the university conducted a detailed review of the effectiveness of these programs and found them to have clearly achieved their goal of providing students with serious academic opportunities in a research-intensive university.

In my 1996 remarks to the faculty senate, in which I called for the Introductory Seminars, I also said we would raise an endowment for graduate fellowships in those areas where we relied heavily on federal research grants for graduate student support. I was greatly

concerned about the fragility of federal research programs and wanted to enable the university and its faculty to compete for the best graduate students. The Stanford Graduate Fellowships Program also was begun in 1997. In strengthening the opportunities for both undergraduate and graduate students, my overriding purpose was to “secure the unique synthesis of teachers and students that marks the true university.”

After I stepped down as president on August 31, 2000, I applied myself to the “synthesis of teachers and students” by teaching freshmen in their first quarter as part of an Introduction to the Humanities requirement the university then maintained. I also taught in Sophomore College and at the law school. I headed the executive committee of Stanford’s Arts Initiative, a transformative effort to strengthen the role of the arts at the university. Now formally an emeritus professor, I still maintain an active involvement in the university as a Senior Fellow at Stanford’s Freeman Spogli Institute for International Studies, where I served as interim director during the academic year 2012–13.

1.

Roles of a University President

The appointment as president of a major research-intensive university does not come with a clear and concise job description. Therefore, let me provide background and introduction by talking about how I viewed and experienced what can be characterized as at least nine jobs.

1. *College president.* When I was recruited as president of Stanford, I did not realize that the most visible job I was taking on was a job that almost everybody in the country referred to as “college” president. The designation “college” president suggests a nineteenth-century image of somebody who walks around a small campus in a tweed jacket with leather patches on his elbows to chat with faculty and students and admire the fall colors. And, indeed, there were quite a few people who thought the only thing I did in the summer was to get ready for the first football game of the fall. When I read in the newspapers that I was a “college” president, I was reminded of the image conjured up by Daniel Webster in the oral argument of the Dartmouth College case: “Yes, sir, a small college and yet there are those who love it.”

It is true that, as far as public attention is concerned, the focus is mostly on the undergraduate side of universities. The “college” aspect of a university president’s job makes itself especially felt with

respect to most “hot button” issues involving undergraduate education, such as admissions, curriculum, tuition costs, and athletics.

The undergraduate experience in the United States, and in the United States only, significantly includes college athletics, especially football and basketball. For the president this may involve such high-visibility issues as who will be the football coach, and on what terms, or worrying about the so-called friendly rivalry between competing athletic teams that so easily can turn distinctly hostile.

When I first arrived at Stanford, I was somewhat infamous for—perish the thought—not caring about football. After all, I came to Stanford from the University of Chicago, which is known as a *former* member of the Big Ten. I was quickly taught a lesson about the significance of football. When the time came to pick the one person who had the greatest impact on Stanford in the first year of its second century, the student newspaper chose Bill Walsh, who, at about the same time I had been chosen as president, had returned to Stanford as the football coach. “Bill Walsh has had more of an invigorating effect on campus than the university president,” June Cohen, the *Stanford Daily* editor, told the *New York Times*. “Casper hasn’t come out with anything that’s gotten people real riled up or real excited,” she continued.

Time demands of the athletic enterprise can be quite significant and include attendance at games, but also issues involving compliance with one of the most elaborate, micromanaging regulatory entities ever designed: the National Collegiate Athletic Association (NCAA). The pinnacle of my career in public life probably was a position I held (on account of seniority) for the last two years of my presidency: the chairmanship of the then-Pacific-10 athletic conference. My first meeting as chair dealt with the question of whether the Pac-10 should employ baseball bats made of wood or of aluminum.

To most people, outside and *inside* the university, the president is an abstraction: the responsibilities of the office are ill-understood, the person occupying the office seems distant to most. Frequently, one becomes a figment of the imagination of journalists (both the

professional and student variety). If the president is a recruit from outside the university, as I was, there will be a fair amount of distrust of his or her grasp of the “true” nature of the particular institution that has become his charge. Does he really understand “what Stanford is all about”?

In the case of Stanford, major regional newspapers still maintained a regular Stanford beat (and national and foreign media paid a lot of attention). Under these circumstances, one could not help but be concerned about how motives and purposes get attributed in and by the press and how statements come to be overinterpreted (and silences misconstrued). Harold Shapiro, president first of Michigan and then of Princeton, discontinued reading campus and local papers upon becoming president because he did not, he said, want others to set his agenda. While this abstinence served President Shapiro well (he was a great president), I decided I better read the papers in order to find out what I had supposedly done the day before so that I could set my own agenda all the more clearly.

In a *Wall Street Journal* editorial many years ago, Albert R. Hunt had this to say about “college presidents”: “Few callings face such demanding and compelling claims from constituencies with so little in common—students, faculty, alumni, contributors, athletic boosters, local communities.” Hunt barely scratched the surface. First of all, his list of “constituencies” can be extended to state and federal governments, businesses and unions, religious organizations, even foreign countries. When the Stanford Band, known—in its own words—for “loud music and burning political satire,” overreached at a football game against Notre Dame (did the members of the band have free speech rights?), I heard from the Trustees of Notre Dame (they demanded that I apologize, which I did), the San Jose diocese, the Ancient Order of Hibernia, the United Irish Organizations of Nebraska, and newspapers in the Republic of Ireland.

More to the point, the categories Hunt mentions are themselves divided and subdivided into myriad interest groups. I sometimes said at alumni meetings that I would drown in contradictions

if I attempted to reconcile all the advice I received from alumni about curriculum, student and faculty rights and obligations, campus architecture, university investments, or what the university's priorities should be. Hunt said the claims of these (often self-appointed) constituencies are demanding and compelling. They are certainly, much of the time, demanding.

Land use provides a prime example. Leland and Jane Stanford's eight thousand-acre stock farm near Palo Alto became the university's campus (therefore Stanford's nickname, "The Farm"). The university has developed about one-third of its lands. Much of the "green foothills" of the Santa Cruz Mountains constitute the so-called academic reserve. Some would like to bar the university from ever building there. Let me quote from a missive concerning the foothills. It came from a group calling itself, among other things, "a network of students, faculty, staff and alumni": "As alumni, we have special standing and special power to influence Stanford's decisions. . . . To a great degree, we are the University, and the University is ours." Who, you might ask, empowered these particular individuals to speak for the university or, for that matter, for present and future Stanford students, for Stanford alumni in the Bay Area, Chicago, Los Angeles, or New York City, not to forget those in Hong Kong and London, and not to mention the Board of Trustees and its special fiduciary duties under Leland and Jane Stanford's founding grant?

2. *University president.* Even more than a "college president," I was a university president with responsibility for teaching and research, academic clinical care, and a dizzying number of "product lines." The university president serves as the chief executive officer of a major corporation with a budget that, in the case of Stanford, exceeds the budgets of many countries in the world. In my years as president, faculty numbered almost seventeen hundred, students in excess of fourteen thousand, and staff, in the university proper, nine thousand. All of these categories have grown in size since then.

More than half of Stanford's students are enrolled in graduate

and professional programs. In addition to the Ph.D. programs in the School of Humanities and Sciences, doctorates can be earned in all six other schools. Graduate education also leads to professional degrees in law, business, education, medicine, and engineering. Research funded by outside sources, mostly the federal government, constitutes about 30 percent of the university budget. There are research centers and institutes, including the SLAC National Accelerator Laboratory, a federal facility on Stanford land that is operated by the university under contract with the Department of Energy. The university owns two hospitals.

A university president is a CEO under very special conditions. Under normal circumstances, a business CEO has both fairly far-reaching policy-making and executive powers, a university president not much of either. In the contemporary university (as distinguished from earlier times), the president is an authority with limited direct power who, nevertheless, is accountable or held to be accountable for virtually all activities of and *in* the institution.

A faculty member once sent me (for “the humility section” of my quotations file) the following item: “When [then] Harvard professor of government James Q. Wilson was informed that his name was on a list of those being considered for a university presidency, Wilson wrote to Harvard colleague Harvey Mansfield that he was not interested in being president of anything. Mansfield is said to have written back: ‘You’re probably wise not to be interested in a presidency. The job is more difficult than important.’”

Students, if they bother to consider the subject at all (which the majority wisely don’t), think of the president as a fairly obscure celebrity of some kind, or as a service provider known as “the administration.” Some suspect that the president is part of, or at least in bed with, the hegemonic establishment. Some, whose parents pay full tuition (a minority) and who have an exaggerated notion of what proportion of expenditures per student are paid for by tuition, believe the president is, as an undergraduate solemnly advised me, their “employee.” With a lot of effort, the president may succeed in becoming

a human presence on campus to whom the students relate as a person. In my case, that took at least two to three years.

Sometimes there is not even a hope of success. A friend of mine on the Harvard faculty once mentioned the name of Drew Faust (the current Harvard president) to his granddaughter, a student at Harvard and the offspring of two Harvard alumni: “She asked who Drew Faust was and I answered, ‘the president’; whereupon she said to me: ‘I didn’t know Harvard had a president.’”

Given the considerable ambiguities and uncertainties concerning the president’s role, I was taken aback when I read the prospectus for the first Stanford bond offering during my presidency. It said: “The Founding Grant provides that the Board shall appoint the President of the University. The President prescribes the duties of professors and teachers, sets the course of study and the mode and manner of teaching, and exercises all other necessary powers relating to the educational, financial and business affairs of the University. The President appoints, subject to confirmation by the Board, the senior officers of the University, except that the President of Stanford Management Company is appointed by the Board of Directors with the concurrence of the President.”

As to the first point, all I can say is “Dream on!” Concerning the areas of greatest importance at a university—faculty appointments, admissions, and curriculum—all the real power necessarily is from bottom up.

If the last sentence of the quotation suggests that my responsibilities as to the investment policies of the Stanford Management Company were somewhat attenuated, a rude awakening came in the first few months of my tenure, when the university’s outside auditors advised me that I was responsible for the performance of Stanford Management Company since, legally, it was nothing other than an administrative unit of the university, not a separate corporation.

Given that, to a large extent, faculty and students are and act as independent agents, the notion of independence is popular with some university staff as well. When the provost, Condoleezza Rice,

and I appointed a new director of an administrative department early in my tenure, a decision that had important policy implications, the comment in a staff meeting was: “Well, I hope she [the new director] understands that she is not working for the president and provost.”

Under conditions that occasionally look like structured anarchy, as the CEO of a major corporation, the university president is nevertheless responsible for compliance with laws, regulations, and rules that apply generally to individuals and business corporations and then with those that specifically address higher education. Not a year goes by when the federal government (which has no substantive jurisdiction over higher education to begin with) does not pass several laws or regulations to attend to some perceived or real shortcoming of colleges and universities. I estimate, conservatively I should stress, that at least fifteen cents of every tuition dollar goes to unreimbursed regulatory compliance costs.

Stating the situation abstractly does not give the full flavor. Let me list the *major* legal issues that I had to deal with over eight years:

- federal government indirect cost rules (that is, the charges for overhead at the university and medical center);
- state environmental protection regulations intended for refineries and other industrial producers but applied equally to student chemistry experiments;
- Medicare and Medicaid reimbursement regulations;
- coding of health care procedures for purposes of reimbursement (with large financial and reputational costs attached to possible errors);
- federal civil rights statutes (including such matters as the prohibition of gender discrimination in athletics programs);
- federal affirmative action regulations;
- state civil rights legislation;

- contract disputes with the Department of Energy about the Linear Accelerator Center;
- local government and land use laws running the gamut from campus traffic and density of development to size of buildings and use of trails in Stanford's foothills;
- employment litigation, with 150 or so cases pending at any given time, almost all involving disputes between staff employees and their supervisors, including alleged wrongful termination, sexual harassment, OSHA investigations, and similar matters;
- faculty grievances and faculty discipline.

There are general laws, such as those prohibiting drinking by those under age twenty-one, that pose particular enforcement challenges in a university environment: Attempting to deal with them conscientiously without creating a police state atmosphere presents extraordinary difficulties in a population of young people who have just come of age and who, for the first time away from home, are out "to find themselves."

3. *Trustee.* The third job of a university president is being a trustee of a trust established in perpetuity. A university president is in fact the leading fiduciary for his or her institution; he or she must maintain what is excellent and, simultaneously, be a change agent. One has fiduciary duties not only for the present but also for the future in a setting in which some incumbent faculty and students find it hard to understand why the university does not devote its resources primarily to the present generation, given that generation's many excellences, legitimate claims, and clearly articulated preferences.

The fiduciary duties are manifold. Important among them are maintenance of the endowment and of the physical plant. These two can be in conflict with each other, and trade-offs can be badly miscalculated if, for instance, holding down endowment payout leads to substantial deferred maintenance bills for a rapidly deteriorating building stock.

Fiduciary duties include—at least to my mind—campus architecture, given its lasting impact. The world often forgets that the visual art we are most exposed to on a daily basis is architecture: architecture pure and simple and architecture in its sculptural potential. It has the wonderful, but also frequently distressing, quality of being inescapable. This is why, to me, competitive architectural design is so important in the exercise of good stewardship at our universities—maintaining the physical endowment that has been handed down to us and, then, renewing it as needed to meet the changing nature of teaching, learning, and research, but also aesthetics.

Among the fiduciary duties is concern for the reputation of the institution. I mention it because the task is quite demanding in light of myriad voices on campus, each of which believes that its cause trumps all institutional causes and that it must speak and be heard even if, in consequence, the institution might suffer severe damage. When a university president raises a cautionary note about the “free-for-alls,” he or she will frequently be accused of being an autocrat or worse.

Occupying an important place among fiduciary obligations is fund-raising and alumni relations. The thought and effort that go into these activities justify their characterization as a separate, fourth job category.

4. *Fiduciary for alumni relations and for fund-raising.* The time that is spent on alumni relations, development, and fund-raising is a substantial, though uncertain, portion of a president’s work. I say “uncertain” because so much of everything else one does has some bearing on development. When, following Stanford’s centennial campaign (which had just ended upon my arrival at Stanford as the first \$1 billion campaign of any American university), the very able vice president for development, John Ford, was worried about the future of fund-raising at Stanford and wanted significant time allocations from me for direct fund-raising, I pointed out that first we had to attend to the academic priorities of the university so that

we would have clearly defined goals. Subsequently, I engaged in what I thought of as “project-oriented,” albeit highly visible and campaignlike, fundraising.

It is fascinating how many faculty and students seem to assume (wrongly) that fund-raising is what the president does 90 percent of his time. Some, occasionally, turn their assumption into accusations about the president’s motives in relation to all other responsibilities. (“He is raising money from alumni,” as one student said about me in the *Stanford Daily*.)

Alumni relations are by no means exclusively devoted to fund-raising, nor should they be. When I became president, the Stanford alumni association was an independent organization. I spent much time in a successful effort to integrate the association into the university. Without that integration, I found it difficult to fulfill the president’s fiduciary duties in relation to alumni.

5. *Educator*. A fifth role of the university president is to be an educator. One must attempt to educate students, faculty, staff, alumni, parents, and “the public” about what needs to be the focus (that is, teaching, learning, and research rather than being all things to all people), what needs to change, what needs to be preserved, and, perhaps most important, what must *not* be done.

One of the great university presidents of the past fifty years, Edward Levi, led by educating. His speeches were part of an educational effort to counter the confusion, carelessness, and folly, which, he wearily saw, too often ambushed the educational enterprise.

Levi led by never misleading about the bedrock principles of the university to which he was utterly committed. Against those who seek to use universities for political and social purposes, he dared to say that “the object of the University is intellectual, not moral.” Of course, for Edward Levi, adherence to reason partook of the highest morality. “Education, when it is at its best,” he said, “is both a disruptive and fulfilling process. The question-asking is never ended. We pretend, at least, to welcome these questions.” The irony is classic Levi.

The university president's educational task alone is extraordinarily demanding. As I indicated in the preface, in my eight years, I gave roughly one thousand speeches. I once found myself delivering twelve speeches on twelve subject matters over a forty-eight-hour period: one speech every four hours, and I was not running for political office. In reality, of course, a university president is "running for office" on a daily basis, because one cannot do one's job without having adequate support for trying to accomplish what needs to be done.

Since there is so little time for reflection, reading, or discussion, one has to start out with considerable intellectual capital that one can subsequently draw upon. I use this metaphor advisedly because there were times when I felt I did not have a single penny left in the bank.

6. *Scholar in university service.* Sixth, the president of a major research-intensive university also needs to be what the Stanford historian David Kennedy has called "a scholar in university service."

I strongly believe that the fashionable inclination to stress managerial business skills in lieu of a university president's academic background is, most of the time, ill advised. The former are clearly needed, but the latter is also indispensable. Since so much depends on the academic direction of the university, a president needs to be accepted as one of the faculty. At Stanford Faculty Senate meetings, president and provost sit among the faculty in their alphabetically determined seats, not at some podium in the front. They speak when called upon. They are "of" the faculty. One also needs to continue to have a hand in teaching and, ideally, in research. I was able to underscore my views about the changes Stanford should make (and did indeed make) in undergraduate education by teaching undergraduate seminars. I even published a book about the constitutional separation of powers (two books, if one counts *Cares of the University*).

7. *Public figure.* Job no. 7 is being a public figure: on campus, in a region, in a state. In the case of some universities, such as Stanford, the president is also a national figure, and indeed a figure

worldwide. When I spoke at the centenary of Peking University, media in the People's Republic of China, Hong Kong, and Taiwan all seemed equally interested in my presence and in the substance of my remarks.

At times, the public figure ends up being a celebrity, with all the emptiness that that status conveys. Once, along with other university presidents, I attended a meeting at the White House with the president and the vice president of the United States. As I emerged from the gathering at the Pennsylvania Avenue exit, a group of eleven- and twelve-year-old school children insisted on shaking my hand. I said to them: "But you don't know who I am!" To which I received the prompt response: "Oh, that doesn't matter."

A 1998 survey of Stanford alumni showed that, after six years, 77 percent could name me as the president of the university. It also showed that personal appearances have a measurable impact on the alumni's views of the president. In eight years, I was exposed to hundreds of thousands of people: at Stanford, around the country, and around the world. In addition to events that involved speaking to and with groups large and small, these encounters ranged from meetings with impoverished parents from the Central Valley of California to helping in the recruitment of an Italian Virgil scholar to hosting a luncheon for the emperor and empress of Japan. Most of the time, the first impression is the only impression people will have of the incumbent president of a university and thus much rides on it for the institution. Given that a university president is a fiduciary, the manner in which one relates to various publics is of real consequence.

The public figure status leads to demands on university presidents to take positions on public issues. Many of my fellow university presidents and I deferred from speaking out on any and every societal issue that might come before us, with the result that some outsiders labeled us as a "cowardly" generation of "college presidents," especially as compared to an age when giants, such as Rob-

ert Maynard Hutchins, strode the earth. Hutchins, the famous president of the University of Chicago who, among other things, opposed American entry into World War II, and other presidents, before and since, in my judgment, have caused a fair amount of harm by encouraging the expectation that this is what university presidents should do.

I was infamous for being especially austere when it came to politics. Other than on issues directly pertaining to the university or higher education, I do not believe I had a brief to commit the university politically—and, let us face it, my views or support were solicited primarily because of the university whose president I was and not because of my personal reputation. Put differently, I did not believe that *my* free speech right gave me a license publicly to address any and all issues that caught my fancy, and to do so by nature of my position as the representative head of Stanford.

Beginning with my inaugural address, I quoted, over and over again, the Report on the University's Role in Political and Social Action that a committee, chaired by a former law school colleague of mine, Harry Kalven, issued at the University of Chicago in 1967. It focused on the fact that a university cannot reach a collective position on the issues of the day without inhibiting that full freedom of dissent on which it thrives.

Fiduciary duties aside, I also found myself in the position of John Steinbeck, who, in a 1939 letter to his uncle, wrote about the many requests he received to be an espouser, to be a voice: "I don't *know* enough to pontificate."

8. *Social worker.* The university president is also a social worker. Many people entertain the view that the president should solve their problems by intervening in individual cases, whether it be a matter of unpaid student fees, a legacy admission, a salary perceived as too low, a family tragedy, or parking. The demands can be many on the service provider that the modern university has become. Clark Kerr, the distinguished former president of the University of California,

once said that a university president's job was to provide parking for the faculty, sex for the students, and football for the alumni. Given the need to figure out what to do about faculty members' "significant others," and as the president of a university that had to ban freshmen from bringing cars to campus, I think Clark Kerr's formulation may have to be changed, so that the job of a modern-day university president is to supply sex for the faculty and parking for the students. For the alumni, football still figures high.

9. *Entertainer*. Finally, job no. 9 is "entertainer." Saul Bellow opens his novel *Ravelstein* with the declaration: "Anyone who wants to govern the country has to entertain it." That insight also is applicable to university presidents. One year, just before Christmas, the following appearances were on my schedule over a three-week period. Week 1: At a charity dinner for the benefit of our hospital that was occasioned by the opening of a Bloomingdale's at the Stanford Shopping Center, I warmed up the audience for Liza Minnelli. Week 2: I amused a full house of students three nights in a row (add one night for rehearsal) by playing myself and also performing the Macarena at the so-called Big Game Gaieties—an annual student variety show calling for annual presidential participation. Week 3: I read a Christmas story at a dorm while the faculty resident fellow served potato latkes with applesauce in honor of Chanukah.

The life of a modern university president is very unlike the contemplative life of an abbot, or, for that matter, the mode of existence of past university presidents. The Yale alumni magazine, some years ago, carried an article contrasting the calendar of Whit Griswold, president of Yale from 1951 to 1963, to that of Benno Schmidt, president from 1986 to 1992. President Griswold had "one appointment in the morning and one in the afternoon" while Schmidt's calendar typically contained appointments from 7 A.M. to 11 P.M. The presidency, I quote, "which once allowed time for scholarship, teaching, and writing and socializing with faculty and students, has not only grown more time-consuming, it has become vastly more complex."

Cartoonist Scott Willis of the *San Jose Mercury News* nicely captured this complexity in March 1992. His cartoon purported to be page 1 of 100 of the application form for president of San Jose State University. The box for “ethnicity” had such hyphenated categories as “Euro-American,” “Native-American,” “African-American,” “Japanese-American,” and the like, and instructed the applicant to “check as many as possible.” The religion box mentioned “Atheist,” “Buddhist,” “Catholic,” “Protestant,” “Jewish,” “Hindu,” “Satanic,” “Other,” and “Football.” You were to “check all applicable.” As to football specifically, it gave three choices: “I love it,” “I love it,” and “I love it.” The questionnaire contained six categories for “sexual orientation” as well as asking the applicant: “Are you politically: correct, incorrect, confused?”

The point of the cartoon is obviously that a president is supposed to be all things to all people. That is also the view of many letters, editorials, and other communications that inform the university president that the author is “appalled,” “totally shocked,” “dismayed,” “scandalized,” “deeply saddened,” “nauseated,” “sick to his stomach,” or “disgusted” by something the president, or somebody else at the university, is perceived to have done or failed to do. In developing skin thick enough to shrug it all off, one risks becoming callous. At times, though, the hyperbole can be quite entertaining. My favorite example had to do with long-range plans of the university to move the first hole of the Stanford Golf Course to make room for faculty housing (an urgent need). A lawyer from southern California informed me (it was not tongue-in-cheek): “To do so would be an outrageous abomination akin to disturbing sacred burial grounds.”

The person who takes on a university presidency must be modest enough to realize that, in the end, he or she will have presided over just another transition period in the institution’s history. When I announced that I would step down after eight years, John Ross, a Stanford chemist and winner of the National Medal of Science, wrote me, quoting Goethe: “In reality this kind of work is

never finished. One has to declare it finished when, in accord with time and circumstances, one has done the utmost.”

While there may be few jobs in American public life that are more challenging, there also are few that are more mind-stretching and satisfying—and: *one can make a difference*. At least that is what I tried to do.