TRIBUTE

Professor Ira Michael Heyman

Albert H. Bowker†

Ira Michael Heyman, the sixth Chancellor of the Berkeley campus, served for ten years, longer than any previous incumbent. Before that, for six years, he served as Vice Chancellor. During the sixteen-year period of his service in these two posts, he left major and lasting imprints on the University. In this Tribute, only a select few of these effects will be cited.

Whatever Berkeley means to students, alumni, or the general public, the academic world will judge it by continuing excellence in graduate education and research, and Heyman worked hard to maintain high quality. In his efforts to preserve Berkeley's reputation for excellence in graduate education and research, he actively solicited much-needed private support for the campus. He also strove to promote campus diversity. Moreover, he diligently fostered good relations with government agencies at the federal, state, and local levels. In addition, he was instrumental in constructing new facilities.

I

ACADEMIC EXCELLENCE

The Berkeley campus sits uneasily on a peak of academic excellence. Uneasily, because competition with other universities for the best faculty scholars and researchers is constant and fierce. The great academic builder of Stanford University, F.E. Terman, used to say that academic competition is like "football, but without conference rules." Two decades ago, the slipperiest slope on the Berkeley campus was the biolog-

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ical sciences—at a time when molecular biology and genetic engineering were leading a scientific explosion that most thought would make biology the dominant science discipline. Berkeley's chief problem in the biological sciences was its grossly inadequate and archaic facilities. Departmental reorganization and realignment were also needed. Eleven biology-related departments had been formed through the years; some were based on land grant traditions emphasizing agricultural interests, some were created when the first two years of medical school were at Berkeley rather than at San Francisco, and some were based on the historical developments in biology itself. Departmental boundaries were inhibiting students and making collaborative research difficult. A blue ribbon external committee was formed to review the department. After study, it issued a critical report asserting that without better facilities, Berkeley would miss out on the whole revolution in biology.

A capital program of $159 million was proposed. The State Government agreed to the amount but required that the school raise $47 million. As a result of the successful fund-raising drive, three new buildings, Life Science Addition, Genetics and Plant Biology Building, and North West Animal Facilities were built while the old Life Science Building was gutted and modernized. Eleven departments were reorganized into three, affecting 200 faculty members, 700 graduate students, and 10,000 undergraduates. All of this was due to the steady hand and pressure of Chancellor Heyman and his administrative colleagues.

To list these accomplishments gives no idea of how difficult it was to pull off. The capital program had to be "sold" to the State Government; the private money was not in hand and the promise to provide it was a riverboat gamble. Both during the state appropriation process and later during construction, animal rights activists tried to derail the whole project. For many days, construction was delayed while protestors perched at the top of a huge crane. Donors do not flock to a turbulent campus. Strong and worthwhile traditions of faculty self-governance make academic reorganization rare; one of this magnitude is almost unheard of. Berkeley is now poised to be a leader in the anticipated earth-shaking scientific discoveries of the '90s. The most serious threat (except perhaps the current budget stringency) to its academic excellence has thus been overcome.

Most accepted indicators of academic quality refer to faculty honors such as election to the National Academy of Sciences, Guggenheim Fellowships, etc. During the Heyman years, Berkeley maintained its high rank. Most steps to create and maintain academic quality are less dramatic than the moves in biology but they are similar—combining firm academic leadership with public and private resources.
II
PRIVATE GIVING

A critical aspect of the health of Berkeley today is the organized private fund raising which started in the ’70s. It became big league in the ’80s. In the ’60s, the campus turmoil turned away potential donors. I can attest to that, although during the gubernatorial terms of both Reagan and Brown (Jerry), most people believed we needed money. Even with the more generous Deukmejian budgets the explosive needs of the campus required strong philanthropic support.

Under Heyman’s leadership the first major private fund-raising campaign titled “Keeping the Promise” was launched in the mid-’80s. Highlights were four separate gifts of $15 million: two from the Wayne and Gladys Valley Foundation and from Ann and Gordon Getty for the bioscience program, one from the Haas family for the Business School, and one from the Y&H Soda Foundation for the computer science building. Doreen Townsend gave $5 million for a Humanities Center. One hundred new faculty endowed chairs were added. The campaign raised $455 million, exceeding the goal of $400 million (revised upward from the initial goal of $320 million). This is a massive achievement, and I believe a new record for a public university without a medical school.

Most of the credit for the explosion of private support should go to Chancellor Heyman. He mobilized campus officials to help in fund raising. His persuasive smile and teddy bear charm persuaded many volunteers to dig deep in their pockets and to ask others to do so. Generally, donors give to universities they respect, but most big gifts are solicited one-on-one and are given to people who inspire not only respect but affection. Mike Heyman was a real winner in this regard.

III
ADMISSIONS POLICY

During the Heyman years there was a dramatic change in the ethnic composition of the undergraduate population; Caucasians who comprised 70% of the students in 1980 were less than 50% by the end of the decade. Some of this was an inevitable consequence of the demographic changes in the State and of Regental and State policies which say, rather vaguely, that the student body should be representative of the population. The change at Berkeley was primarily a result of Chancellor Heyman’s personal commitment and leadership. In his inaugural speech, he stressed the responsibility of Cal “to assist members of all groups, especially minorities under-represented at the University, to share the benefits of its programs and thus to become self-sufficient in the pursuit of vocations and independent in the self-fulfilling sense of that word.”
Admission for all of the University of California system is limited to the upper eighth of the high school graduating class. Until the mid-'70s, all those eligible who wanted to come to Berkeley could be accommodated. That changed dramatically in the '80s, and today the campus must turn away two qualified applicants for every one it accepts. Many individuals, including influential faculty, urge that students be admitted solely on the basis of prior grades and test scores. On this matter there is considerable disagreement. State and Regental policy require that the student body represent the population of the State, implying diversity. Alumni think their children are especially deserving of admission; some public officials and donors have similar views. Talent in music and art, to say nothing of athletic prowess, are not always associated with high grades and scores. There has always been a concern about the fairness of favoring admission of students from well-funded suburban districts as opposed to those from inadequately funded rural and inner city schools.

In a day when racial and religious tensions threaten the peace of the state, nation, and the world, many think educational effectiveness requires day-to-day interactions among students, bringing with them different customs, aspirations, and values.

The accomplishments of Berkeley graduates through the years, including the '70s, indicates that taking students from the upper eighth is a satisfactory way. But if that is not possible, what then? Mike Heyman charted a course, ultimately supported by the Faculty Senate, to accept a portion of the class (now 50%) on academic scores alone. This regimen admits approximately everyone in the top 4% of the class. The balance, among those otherwise eligible, are chosen on other criteria—including athletic prowess, other special talents, ethnicity, disabled status, and rural location. The black box in which these latter decisions are made is more open and explicit. The academic quality of the student body, as measured by scores and grades, has risen steadily.

Ethnic composition of the graduate student body and of the faculty continues to change but at a slower pace. Still, Berkeley is a leader among institutions of higher education in achieving diversity.

IV

Government Relations

Many of the problems confronting the Chancellor of the Berkeley campus derive from policies and regulations of federal, state, and city governments. Mike Heyman handled problems at all levels of government steadfastly and amicably. As a result, he maintained good relations with government agencies even in the most difficult times. One of the most difficult problems derives from the working of rules governing affirmative action in faculty hiring. For a long time, Berkeley had a relatively good record in this. But we have had our stumbles. The first inci-
dent I would like to cite occurred when I was Chancellor and Heyman was Deputy.

One of our departments in the creative arts was ruled by federal authorities to have discriminated against a woman candidate in filling a vacancy. The department’s explanation was that in filling a vacancy two years previously, a thorough search had resulted in two male candidates who were described as being superior to all the others. The department appointed one and put the other on a temporary position, promising him the next vacancy. Anyway, in this case, a slapdash search had occurred, and the federal government’s rather draconian penalty for discrimination was to cancel all government contracts. The next contract up for renewal was for a biological laboratory in Oakland which at one time had been used for chemical warfare but now was used for research in deadly diseases by our School of Public Health. For safety it was still guarded by military personnel. It contained among other holdings the largest supply of bubonic plague virus in the United States and also quite a collection of encephalitis-infected mosquitoes. Suddenly we were notified of the cancellation of the contract; Mike and I flew to Washington to state our case. To close the laboratory in a scientifically safe way would have cost a fortune far beyond campus resources and would have disrupted valuable research. To close it irresponsibly might have also killed many innocent people in the Bay Area. We were turned down at the Cabinet level. I was really at my wit’s end. Mike’s legal and political skills saved the day. He found a loophole in the regulations; with White House intervention, an exception was made. The viruses and mosquitoes were contained.

Town-gown relations in Berkeley have been strained for years with People’s Park being a constant irritant. My own inclination as Chancellor was to do nothing. The University had reasonable relations with the State and the County but real cooperation with the City Government eluded me. Heyman believes that most such problems are solvable and worked out an astonishingly comprehensive agreement with the Mayor of Berkeley. The agreement not only established reasonable ground rules for People’s Park but also provided for the homeless, police and fire services, traffic and parking, sewers, and housing. Ratification of this agreement by the reluctant Regents and by the City Council was a major political coup. While everything is not perfect, the agreement was a quantum leap forward in relations with local government.

State relations on budget and general support of the campus were good but there was one potentially unpleasant student-related problem. Perhaps the toughest period in the Heyman regime was the violence associated with the University’s investments in South Africa, particularly the shantytown incidents. Although many students supported the divestment policy, some had more interest in sheer protesting than in the issue
per se. Since the Berkeley Chancellor had no power at all over investments which were controlled by Regental policy, campus officers could not conduct meaningful discussions of the issues. Moreover, the issue itself was not a simple one. One had to balance the fiduciary responsibility for the investment of endowment funds and the University of California pension funds against the desire to undermine the economy of the pro-apartheid regime of South Africa. University trustees across the country differed on this, and the Regents showed little interest in divestment. Meantime, the situation on campus became uglier and uglier. Legitimate protests turned into campouts; police were injured; campus property was destroyed; nonstudents were heavily involved; and the ability of campus security resources to maintain order was pushed to the limit. Campus authorities dreaded a possible return of the '60s. In a dramatic turn of events, the policy of the State of California changed; Governor Deukmejian called for divestment. The Regents acted accordingly, and the confrontation was ended.

V
NEW FACILITIES

In highlighting Chancellor Heyman's record I have up to now omitted a reference to a massive building program in addition to the Biological Science complex. Student housing has grown substantially with the transformation of the former School for the Blind and Deaf to a residential center and Foothill Housing project, near Hearst and LaLoma. Work is underway for enlargement of book space at Doe Library and for seismic corrections in both Doe and Moffitt. New buildings for the Business School, Computer Science and Chemical Engineering are under way. The first Long Range Development Plan projecting physical development to the year 2005 has been published. The physical arrangement of the campus is set for years to come.

VI
REPORT CARD

I seem to have included in this account several incidents of conflict resolution, which suggests that Heyman's legal training was crucial to his success as Chancellor. Whether it was because of his legal training, his experience as a Marine, or some other fortunate influence, he was a great Chancellor for the '80s. On my report card, he had a perfect grade point average.
Ira Michael Heyman in 1960, when I joined the Boalt faculty and learned that I had been preceded the previous year by the "Four Hs"—Ed Halbach, Dan Henke, John Hetland, and Mike Heyman (Geoff Hazard had come the year before). All four were men, but in 1960 that was not unusual. What seems odd in retrospect was that I, a female educated at Chicago, should have become a faculty member at Boalt. Although neither I nor anyone else was aware of it at the time, my own research has since disclosed that among full-time, tenure-track faculty at law schools approved by the ABA and members of the AALS, I was the country's 14th female law professor. What's more, I was only the third such woman to begin my teaching career at a school different from the one where I had graduated.

Innocent as I was of these circumstances, and enthusiastic at the prospect of teaching and writing about law, I was unaware of any hidden pitfalls that might await a woman law professor entering a world long dominated by men. Luckily for me, women professors were nothing new at Boalt. Barbara Nachtrieb Armstrong, the country's first woman law professor according to the definition given above, had begun teaching at Boalt in 1919. She became my mentor. Also luckily for me, one of the four H's, Mike Heyman, introduced me to the world of academic politics at Cal. While all of the male faculty at Boalt were friendly and supportive toward their new female colleague (I'd like to think that Barbara had threatened them with dire consequences if they weren't), Mike was especially helpful. He recommended me for appointment to Academic Senate Committees and helped me sort out the intricate relationships between the Law School, the Berkeley campus, and the system-wide University administration. His firm commitment to the goal of racial equality and to the achievement of diversity in student admissions and faculty hiring also made him sensitive to the context in which women in the early 1960s taught and learned the law.

With Mike's encouragement, I became the first woman to serve as Chair of the Berkeley Division of the Academic Senate, in 1972-73. I worked with Mike during his years as Chancellor of the Berkeley Campus when I served as a member and then as Chair of the Academic Senate Budget Committee. There I learned first hand the depth of his commitment to faculty diversity. I learned also that Mike's advocacy was not based on anything so ephemeral as political correctness, but rather stemmed from a firm belief in equality of opportunity. Both as Vice-Chancellor and as Chancellor, Mike brought to Cal his enthusiasm

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and dynamic leadership. He taught me many valuable lessons about academic administrations.

In 1990, when Mike left the Chancellorship, I was privileged to serve on the Search Committee that recommended Chang-Lin Tien as his successor. I thought it was a perfect arrangement: the campus acquired an outstanding new Chancellor (whose love for Cal has helped preserve its excellence and diversity through tight fiscal times), and Mike Heyman returned to Boalt. When I became Dean in 1992, Mike once again gave me his encouragement and support. He introduced me to members of the Board of Regents and other university leaders as “my Dean,” evidently relishing my new status. Now, as before, he is leaving Boalt to take on important responsibilities in another arena. Once more, I hope that his absence will prove only temporary and that he will return in due course to Boalt.

Preble Stolz†

Mr. I.M. Heyman
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Dear Mike,

You know my aversion to the premature obituaries that appear in Law Reviews when a professor retires.¹ I yielded to the Review's request that I write a Tribute for you only after they agreed that I did not have to follow the usual overstuffed format and could instead just write you a letter giving my impressions as to how well the things you cared most about are coming along.

You came to Berkeley as a law professor in 1959 and you retired in 1993 as a law professor, but almost half of the 34 years in between you

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¹. Our attempt to kill the practice by having me write my own (see Ira Michael Heyman, Tribute: Professor Preble Stolz, 80 CALIF. L. REV. 801 (1992)) obviously did not work.

Editor's note: When Professor Stolz retired two years ago, the Review asked Chancellor Emeritus Heyman to write a tribute. During Heyman's years as Chancellor, Heyman often asked Professor Stolz to write speeches and public letters for him. So, when asked to write a tribute, Heyman once again turned to Professor Stolz, this time to write a few “bare biographical facts” about himself. Id. at 801. This task Professor Stolz happily, yet modestly, accepted. In the spirit of equanimity, perhaps the Review ought to have approached Chancellor Emeritus Heyman to write his own tribute. We suspect, however, that he would have politely declined.
spent as an academic administrator, first as the Vice Chancellor (1974-80) and then as Chancellor (1980-90). Your very successful “Keeping the Promise” fund raising campaign has moved into the construction phase. The project most visible in Boalt’s corner of the campus is the new Haas Business School building on the site of the former Cowell Hospital. Too many of us were unable to resist the temptation to spend hours watching the old Cowell disappear under the wrecker’s ball. I don’t suppose scholarship was much advanced by that activity, but there is something richly satisfying about watching bricks and mortar turn to dust. Major construction projects are going on all over campus; for example, the addition to Doe Library, a new interior for the Life Science Building and a huge new building, Soda Hall. Standing next to Etcheverry Hall, Soda Hall is faced, somewhat startlingly, in what seems to be green marble and appears to be intended to evoke the feeling of a restroom in a pretentious new hotel in Las Vegas.

This fever of construction contrasts sharply with the acute shortage of money for operating expenses caused by the severe depression in California’s economy. To meet the shortfall in state funds for operating expenses, student fees have been sent soaring upwards, and staff and faculty are being let go through early retirement and voluntarily reduced hour programs. The contrast between lush spending on capital projects mostly from private gifts garnered during your time and tattered poverty in operating funds is understandable but nonetheless somewhat unsettling.

The thing you cared most about has not been affected and is plainly visible to anyone walking about the campus. When you came here in 1959 the student body and the faculty were overwhelmingly white and, as far as the law school went, male. We are told that this year’s entering class at Boalt is slightly over 50% female. What is self-evident on the campus generally is the substantial representation of blacks and Chicanos. (In your time Asians were in good supply on campus, but not in the law school. The last is no longer true; the law school student body for the last 5 years has had over 10% Asians in the entering class.) The racial and ethnic composition of the faculty is also changing but not as fast. Mike Heyman did not do that all by himself, but over the years you did a lot of pushing and shoving to help the process along. Changing the demographics of the student body and the faculty at Berkeley was an amazing feat that could not have been accomplished without your dedicated leadership.

Within the law school things are recognizably the same, but with differences. We seem to have great difficulty filling your shoes in the land use planning area and until you took it up, no regular faculty member seemed much interested in State and Local Government. But your interest in the environment and in legal devices to protect or promote it are
doing very well indeed. You developed a sort of subspecialty of your own in regional government and environmental protection. That started, I suppose, with your work with the San Francisco Bay Conservation and Development Commission (1968-70), continued with the Tahoe Regional Planning Agency (1970-75), and was most recently visible in your service as Chairman of the Bay Vision 2020 Commission (1989-93). No one has picked up that ball. Maybe that is just as well since we expect you to come back and when you do you will no doubt want to teach a course or two on how to use federal power to solve regional problems.

What is a little troublesome at least to me is the lack of involvement of this generation of faculty in affairs of state and local government. That is what you were doing before you went off into academic administration and as I look back on it, most of our generation of law faculty put in some time in law reform work at the state and local level. I don't see the same interest in this generation of faculty. Maybe it will come. Some things remain the same; for example, John Dwyer, at the request of the California Supreme Court, has taken on the representation of a death penalty client much the way you represented Mr. Anders at the request of the U.S. Supreme Court.²

You remember the party we had about twelve years ago, a sort of joint birthday party for the nine faculty members who became fifty within the space of about two years? Of those nine, only two (Bobbie Barton and Dick Buxbaum) will remain full faculty members next year. All the rest will have taken advantage of either the first or second early retirement programs or the third that is coming. In short, in a very brief space of time the law school has lost most of its senior faculty. No one can be perfectly certain, but I expect Boalt will eventually get back most if not all of the slots lost to early retirement. In a sense the law school is in much the same condition it was when people like you, Herma Kay, and Ed Halbach came on board in the late '50s. At that point you knew Boalt had to add two, three, or even four people a year to the faculty for some time. There are differences between then and now, of course. Then the state was prospering and there seemed no ceiling to the University's potential. We no longer think that California's economy is destined always to be booming. Flush times like those may never come again, but there is every reason to hope for prosperity, albeit relatively modest, in the long haul.

But there are also ways in which the law school is better off today than it was in the early '60s. The library is much, much better. Deplorable as the building is, it is still much better than when you came and there is every likelihood of further improvement because of Choper's (and your) fund raising efforts. The linkage through the Jurisprudence

and Social Policy program to the social sciences generally is now firmly rooted. In short, the school is starting from a much higher base and it should do pretty well. Certainly the younger faculty presently on board are very promising. In short, Mike, it’s O.K.; we leave the place better off than when we came to it. The school and the campus have some real problems, but in our time we did too. Somehow we survived 1964 and the decade of troubles that followed. Remember the agony of being Chairman of the Senate Policy Committee in 1965-67?

Well, that was all a long time ago. Now you are worrying about preserving Endangered Species, the government of Guam and planning for the Presido in San Francisco, all from the elevated vantage point of the Secretary of the Interior. I hope you are having fun; we miss you badly.

Sincerely,

Preble Stolz
Professor of Law, Emeritus