

Behind the Scenes at Fort Ord

How the Women Made it Happen (With support from our favorite male Congressman)

Creating the law and commenting on the guiding interim regulations was just the beginning. Next came the protracted and intense negotiations with the department of Army (with DOD interests also at the table). This was a precedent setting transfer.

The Key Players:

Congressman Farr, represented by Chief of Staff, Rochelle Dornatt
UCSC, represented by Lora Lee Martin
CSU, represented by Beth Buehlmann
With support from paid technical consultant, Rod Grimm

Negotiation Landscape:

“At the table”:

About 12, coming and going, Army and/or DOD attorneys and land oversight staff, all men with the exception of one woman

And

Lora, Beth, Rod Grimm supporting...and Rochelle on Speed Dial

Army/DOD Attitude

Direct attempt to undermine women at the table.

Martin was taken out to coffee by Monterey based army staff and told “they don’t like you. You wear dresses and high heels and carry your briefcase in the pentagon. You really shouldn’t be the one doing this negotiation. You need to be represented by a man.”

Army Negotiating Strategies- Classic¹

Outnumbered:

The military had, what seemed, a limitless number of different personnel that came refreshed to each negotiating session. They’d go home, shower, exercise, eat...and come back with a clear head. While the team of 3 for UC/CSU worked round the clock.

¹ Remember, the Army did NOT want to let the Universities have the no cost Economic Development Conveyance; a precedent setting national mechanism.

Intimidation

Military Team – all intimidating men and one woman

Opposite the UC/CSU team (two women and one man) were most often a table of men who did not provide a friendly face. The men maintained a serious demeanor and avoided much of the lighthearted banter that the UC/CSU team attempted...At least not until after the women walked away with what they needed.

And,

Lead DOD attorney raised his voice at Martin near the end of the negotiations exclaiming, “you are in over your head”. At this Martin realized this was all a game of intimidation. She stood up, slammed her stack of files on the table, told him that “when he was ready to negotiate professionally come find me” and she walked out the door. Shortly after he followed, apologized and the negotiations continued.

Personal Intimidation

Another strategy Army used was to walk into a room with a big stack of file folders. The top labeled not with the University name but with the individual name of UC’s Representative, Martin. It appeared as though they had assembled a dossier on Martin. It was never explained but it was always put so that it was clear it was a thick file on her individually or at least to give that impression. In response, given this precedent setting conveyance was impacting the potential finances of the Department of Defense, Martin convinced UC to hire DC based attorneys to help the University ensure that there were no legal lines crossed with regard to lobbying etc. This was a game the pentagon wanted to win. And the University/UC didn’t want any casualties.

Sleep Deprivation:

There was urgency to get the transfers negotiated under the interim regs and so the negotiations were scheduled nearly around the clock. Early morning start running late into the evening. The UC/CSU team worked for several weeks at a pace that provided little time for rest.

Temperature Fluctuations

The rooms that the UC/CSU team had to work were often extremely cold, or unbearably hot. Requests to change rooms or to modify temperature were met with apologies and comments that ‘there were no other rooms available’ or that ‘the temperature controls were out of their control’. Interestingly, the Army team of men were always dressed appropriate for that day’s or hour’s temperature.

No Food/No drink

As the detailed negotiations were nearly around the clock eating became an issue. There were little breaks and, living out of a hotel, little chance to carry food in. When the negotiations ran late into the evening, and the UC/CSU team were pretty

much starving they asked where to get food. They were told “all the food options in the Pentagon were closed” (Not true, it turns out we were one or two hallways away from a location that had food available 24/7.). When we asked to have pizza delivered the response was: “We can’t let you do that. If the press sees pizza deliveries late at night at the Pentagon, they will assume there is a military crisis somewhere”.

No Redlining/Computer Crashes

Each day there would be detailed negotiations over each line of the conveyance agreements (one for UC and one for CSU). Detail that was looked at in comparison to the Pryor Amendment, the guiding Interim Regulations, and the needs of each of the University systems (similar by not 100% the same.) And, each night the army would walk away with marked up documents to integrate the changes. The next day a new version of the two different documents would appear without any indication of where the edits had been made (or even if they had been made). The Army’s excuse was either, the computer’s crashed and all had to be retyped, or that they system they used did not have the ability to ‘red-line’ changes. When we offered to do the edits on our laptops using Word, they told us that wasn’t allowed. So...each morning we would go back through each line of the getting longer agreements and search for the agreed upon changes. And, many times we found that changes the Army didn’t want somehow got overlooked or written in a way more favorable to them.

Success - How the Women Walked Away with What They Wanted

Broad Political Support

The UC/CSU team had broad support across DC; from the Senate (Pryor Amendment) and the House of Representatives (Farr and others from the Defense Committee) and the White House (Panetta at OMB). Even from some inside the Pentagon (see below). The legislative mechanisms created to enable these negotiations had opened up the door on the Hill and in the White House to many who were interested in the outcome. When things got tough or needed an external nudge the UC/CSU team didn’t hesitate to ask for a meeting, phone call, or email, to help nudge the process forward in support of their needs and to realign with the intent of the guiding legislation.

National Model Designation (DOD Secretary Perry)

Before the negotiations started, working with Congressman Farr’s staff, the California Governor’s office staff, and the DOD Secretary of Defense, William Perry. Dr. Perry came from an academic background and appreciated the interest of UC

and CSU in being the anchor reuse efforts at Fort Ord. The idea for designating Fort Ord as a model based on the educational partnership of the two higher ed institutions was welcomed; it became the first (only?) model base reuse effort in the country. That designation was more about the potential than the actual; but it opened doors and allowed there be a higher-level commitment to some level of success that the Army needed to consider.

Didn't give up/Read the detail

The UC/CSU team didn't give up. Each line of text was read each day, several times, compared to the implementing regulations, to the needs of the universities, and to the intent of the Pryor Amendment and the need to have enough flexibility to be successful in creating jobs. The small team worked around the clock. Constant interaction with Congressman Farr's office with daily, often multiple times daily, assists from Rochelle in helping to clarify the Congress's interest in the specifics of the deals.

Transfer Ceremony as negotiating strategy

Once it was clear the Pryor Amendment was law and that the two Universities were eligible to receive the land, the Congressman's office and the two universities planned a land transfer event to be held at Fort Ord. It was scheduled to accommodate the Chancellor of CSU, the President of UC, the Congressman, the Secretary of Defense, and other prominent dignitaries. The event was scheduled, invitations made, and details were firmed up. All the while the details of the conveyance agreements were not yet firm. As the weeks of negotiations continued this event became a 'dead stop' wall to which the University negotiating teams pushed. The day or so before the scheduled event Acting Secretary of the Army, Mike Walker, told his Army negotiating team that he was putting the Secretary of Defense on the plane. "Do we have a deal?" "No Sir" was the response. UC was holding out for an important clause that would define what portion of net profit would be required to be shared with Army. With the deadline upon the team, the Army conceded and gave UC language that recognized, and enabled, further negotiations to define in great detail how "net profit" would be defined for this EDC conveyance.

Democratic Line up - Dems held both houses and white house

Washington was a democratic town in 1994; House of Representatives, Senate and White House and the appointed Secretary of Defense and Secretary of Army. The politics were easier to maneuver as the perspective and relationships were in place. However, that doesn't mean that everything from changing legislation (updating the 1949 conveyance laws) or "stealing" "prime" Fort Ord lands from the Department of Defense was easy. It just means that the doors were easier to walk through. The need for robust rationale, relentless footwork and exacting attention to detail was still required.

Direct access to the Acting Secretary of the Army M. Walker

Before the passage of the Pryor amendment and the start of conveyance negotiations. Martin was seeking counsel from a close friend and mentor in Washington, DC, Terry O'Connell. He advised her to talk to "Mike", a Senate Staff on the hill. Shortly thereafter that staff member was appointed as Acting Secretary of the Army. He took his role with the Army very seriously. And, because he was someone that Martin met through O'Connell prior to the negotiations; she had access to reach Walker directly. Several times during the negotiations he'd drop by the negotiating room over the many weeks of discussion and ask, "How are things going?". In response his men would always reply "fine sir". And Martin would likely interject, "actually we have an issue of interest to the universities that seems to be a sticking point". This little bit of leverage seemed to help the universities when things got stuck.

As the Negotiations came near to the end.

Near the end of the negotiations both CSU and UC sent out their lawyers and property staff from system offices to participate in the finalizing the terms of the agreement. When this occurred, new people were introduced to the Army's tactic of retyping, no red-lining, drafts and other army negotiating strategies. One UC staff commented after that "this is not how professionals negotiate". The Army took advantage of that "professional etiquette" perspective vs the "negotiating to win" strategy they had been employing.

Divide and Conquer – When Gender overrode Military Goals

When the UC/CSU attorneys and real estate staff arrived, the Army deployed a new strategy. They divided the teams and had different conversations going on in separate rooms. UC staff were distributed in different rooms. At one point during an intense day, the one female Army staff followed UC's Martin into the women's bathroom. There she said, "You need to get your UCSC staff person (name withheld here) out of the negotiations. He's in the other room undoing much of what you fought to have included." Wow. Immediately Martin called the UCSC Vice Chancellor overseeing her work and asked for the UCSC professional to be sent home. No questions asked. They told him to leave the negotiations and get on the next flight home.

Playing the Negotiating Bluff game one step better

When the negotiations started the Farr/University team were determined but not necessarily experienced in such an intense negotiation. But, by the end, they were all pros. The last night of the negotiations in the Pentagon (the next day the Secretary of Defense was to fly to California) the Army was nearly successful in undoing some of the hard-won concessions needed by the UC. (The CSUMB deal was done). In a late-night meeting in the pentagon with the newly arrived UC

lawyers and land professionals at the table the army walked in and said “We need your help. We’ve made an awful mistake and included something in this agreement that the Army attorneys indicate we can’t include. We are so sorry, but we just noticed this. It must have been accidentally reinserted”. (or something to that effect). Martin knew this was a ruse and tried to tell the UC team the army was trying to undo a hard-fought concession. The UC lawyers/real estate professionals believed the Army and they out ranked Martin. However, Martin went to a phone just outside the room so they could hear her. The phone had a written notice that calls would be recorded; but she gambled that this late at night any recording would come too late to matter. She then made a series of calls.

- 1) To Congressman Farr. His answering machine answered. She left a message saying the Army was undoing the deal and she needed his help.
- 2) To Chief of Staff Dornatt. Her answering machine answered. She left a message saying the Army was undoing the deal and she needed her help.
- 3) To her husband in California. He answered. And she began a one-sided conversation feigning she was talking to the Congressman; loud enough for Army to hear; and confusing to her husband. She told “the Congressman” that Army was trying to change the deal. “yes, Ok...No Sam I don’t think you need to come over”. “I’ll tell them you said that”, “OK...I’ll let them you will stop the conveyance ceremony if they try to change that language”. “I’ll call you back if you need to come over or talk to them on the phone”. On the other end of the conversation her husband kept trying to tell her it was him not the Congressman.

TaDa!!!

Then the phone rang, and it was Chief of Staff Dornatt, she’d just gotten home and was ready to come over, guns blazing, to set the Army straight. She got on the phone with the Army rep and clarified the statement that there would be no ceremony if they insisted on changing the terms in the 11th hour. The look on the Army rep was priceless.

Lessons Learned

- Build Political support
- Have a strong team
- Pursue multiple strategies/multiple fronts
- Don’t Give up
- It’s a game – play it better
- Don’t be intimidated
- Be fair but firm
- Women totally Rock