

CITY OF NEW YORK
SPECIAL COMMISSIONER OF INVESTIGATION
FOR THE NEW YORK CITY SCHOOL DISTRICT

ED STANCIK
SPECIAL COMMISSIONER

**AN INVESTIGATION INTO ALLEGED
MISCONDUCT COMPRISING THE INTEGRITY
OF THE SELECTION OF A SUPERINTENDENT
FOR COMMUNITY SCHOOL DISTRICT 27**

FEBRUARY 1992

GROUNDS FOR INVESTIGATION

On December 19, 1991, a confidential source informed our Office that Muriel Russell, a trustee of the Community School District 27 Board of Trustees, had approached James Sanders, the president of the Board of Trustees, and offered him a deal in which she would cast her vote for Dr. Beverly Hall for superintendent of District 27 in exchange for Mr. Sanders' resignation as president of the District 27 Board of Trustees.

FINDINGS

1. Our investigation revealed that Muriel Russell on December 18, 1991 did convey to James Sanders that she would vote for Dr. Beverly Hall as District 27's new superintendent only if Mr. Sanders resigned as president of the District 27 Board of Trustees (hereinafter "trustees"). Mr. Sanders contemplated the offer, however he never responded to it.¹ By her actions, Ms. Russell compromised the integrity of the superintendent selection process.
2. In seeking Mr. Sanders' resignation, Ms. Russell was primarily motivated by her desire to get elected to the school board in the next election. The form her proposed deal took, moreover, was clearly shaped by racial concerns. Ms. Russell feared that if she voted for Dr. Hall, who is African-American, she would lose white votes in the May 1992 school board elections. To mitigate the political damage caused by voting for Dr. Hall, she sought Mr. Sanders' resignation. Mr. Sanders, who like Dr. Hall is African-American, would presumably be replaced by a white trustee as president.
3. We were not able to substantiate that other trustees played a role in conceiving or encouraging Ms. Russell's proposed deal.
4. The five finalists for superintendent had no involvement in or awareness of Ms. Russell's offer to Mr. Sanders.
5. Our investigation uncovered no evidence that the integrity of the selection process for superintendent was compromised prior to Ms. Russell's offer to Mr. Sanders.²

¹ After receiving allegations involving the superintendent selection process, and being notified of our investigation, on December 19, the Chancellor instructed the District 27 trustees not to proceed with the appointment of a superintendent. On December 20, Sanders met with representatives of this office and testified about Russell's proposed deal.

² This Office conducted interviews, under oath, of all District 27 Board of Trustee members, the five final candidates for superintendent, and other individuals. This Office also

HISTORY OF COMMUNITY SCHOOL BOARD 27

In January 1989 the Joint Commission on Integrity in the Public Schools (Gill Commission)³ began an investigation of corruption in District 27. On October 23 and 24, 1989, at the conclusion of the investigation, Colman Genn, then superintendent of District 27, took the stand at a public hearing conducted by the Gill Commission. Genn, as the Commission report described it, "laid bare an unparalleled insider's view of the rampant corruption" in District 27. As a result of their extensive investigation, the Commission reported that "[r]ace, ethnicity, religion, and politics counted more than merit in personnel decisions" made in District 27.⁴ As a further result of the Commission's investigation, two District 27 community school board members were indicted on several federal and state criminal charges based on their corrupt activities as board members.

In response to the evidence of misconduct disclosed at the Commission's public hearings, Chancellor Bernard Mecklowitz immediately suspended Community School Board 27 and installed three trustees to run the affairs of District 27. These interim trustees served until Chancellor Joseph Fernandez chose the nine presently sitting trustees in May 1991.⁵

employed other investigative techniques in our investigation of the facts surrounding the superintendent selection process.

³ In December 1988, then Mayor Edward I. Koch and the Central Board of Education established the Joint Commission on Integrity in the Public Schools. Its mandate was to search out the extent of the corruption and impropriety in the New York City school system and to make recommendations for reducing them in the future. Findings and Recommendations of the Joint Commission on Integrity in the Public Schools, pg. V., April 1990. The Commission conducted public hearings to obtain testimonial evidence of corruption in the school system.

⁴ Ibid, pg. 1.

⁵ A committee of thirty-five District 27 parent association representatives submitted twelve names to the Chancellor. The Chancellor selected nine trustees from that list. James P. Mayer was an original trustee selection, however, following his resignation from the board he was replaced by Steven Greenberg.

DISCUSSION OF FACTS

The Selection Process For District 27 Superintendent.

In July 1991, the trustees began the process of selecting a superintendent to replace the acting superintendent.⁶ The trustees advertised the position in The New York Times, The Amsterdam News and El Diario. Individuals interested in applying for the superintendent's position sent their resumes to the District 27 offices. The district received approximately sixty-three resumes. Before the interview process began, a selection committee was formed which consisted of the nine trustees, parents, and union representatives from the United Federation of Teachers and the Council of Supervisors and Administrators.

The selection process consisted of three levels of interviews. After each level, the committee selected candidates who were then interviewed at the next level. At each of the first two interview levels, all selection committee members except the union representatives cast their votes to determine which candidates moved to the next level. At the third level, only the nine trustees interviewed the five finalists. Level three interviews were held in the evening of December 16, 1991.

After the level three interviews were completed, the trustees immediately retired into executive session.⁷ At that time they discussed the qualifications of, and voiced their individual support for, the five finalists. The trustees then held two preliminary votes to select a new superintendent. The final vote was to be held at the December 19 public meeting.

During the first vote, trustees James Adams, Steven Greenberg, James Egan, and Martha Dana voted for Vincent Grippo. James Young, Cecil Dudley and Maria Camacho-McCormick voted for Celestine Miller, and James Sanders and Muriel Russell voted for Dr. Beverly Hall. Frank Landro and Dr. Albert Benjamin received no votes.

Since no candidate had the necessary majority of at least five votes, another vote was taken. During the second vote, again, four of the five white trustees, Mr. Adams, Mr. Egan, Mr. Greenberg, and Ms. Dana voted for Mr. Grippo. Ms. Russell, and the four minority trustees, Mr. Young, Mr. Dudley, Ms. McCormick, and Mr. Sanders voted for Dr. Hall. The meeting

⁶ The rules governing the superintendent selection process are contained in the Chancellor's Special Circular No. 37 Regarding the Selection of Community Superintendents.

⁷ under the New York State Public Officers Law, Article 7, Section 102, an executive session is defined as a portion of a meeting not open to the general public.

was then adjourned. Ms. Russell and Ms. Dana remained at the district office to complete a written Special Circular No. 37 evaluation of Dr. Hall. The Special Circular No. 37 documents were later sent to the Chancellor's office for his review.⁸

Mr. Egan Discusses The Political Ramifications Of Voting For An African-American Superintendent with Ms. Russell.

On Tuesday, December 17, 1991, at approximately 9:20 AM, Mr. Egan spoke with Ms. Russell on the telephone and provided information and a warning that later would form the basis for Ms. Russell offering to exchange her vote for Dr. Hall as superintendent for Mr. Sanders' resignation as president. Ms. Russell testified that Mr. Egan told her he had heard a rumor that Dr. Hall and Mr. Sanders attended the same church, sang on the church choir together, and lived in the same building. These rumors had been circulated throughout District 27, suggesting that Mr. Sanders and Dr. Hall had a personal relationship which influenced Mr. Sanders' vote for Dr. Hall as the new superintendent.⁹ Ms. Russell testified that Mr. Egan also admonished her for having voted for Dr. Hall, an African-American, as the new superintendent in the December 16 executive session, stating that if Ms. Russell were going to run for school board election, she should "think about whether this [voting for Dr. Hall] is the politic thing to do." Ms. Russell also testified that Mr. Egan expressed surprise that she had voted for "Dr. Hall as a black" and stated that Ms. Russell "of all people" knew "what voting for a black would do [to her] if it [her vote] got out." Ms. Russell continued to testify that Mr. Egan warned her that she would lose white votes in the upcoming school board election if she voted for a black candidate for superintendent.¹⁰ Although Mr. Egan could not recall with

⁸ Special Circular No. 37 requires a community school board to submit a written evaluation of final superintendent candidates to the Chancellor.

⁹ Our investigation revealed that Dr. Beverly Hall and James Sanders do not attend, nor have they ever attended, the same church. Sanders attends First Church of God located at 1425 Beach Channel Drive, Far Rockaway, New York. Hall attends Trinity St. John's Church located at 1142 Broadway, Hewlett, New York. Also, contrary to the circulated rumors, neither Sanders or Hall sing on their respective church choirs. Further, Hall and Sanders do not live in the same building. Dr. Hall resides in a private residence with her husband and children, Sanders resides in an apartment building.

¹⁰ According to Board of Election, Queens County, records obtained by this Office, on January 14, 1992 James Egan obtained the package of forms, including blank petitions, which every prospective candidate for a Community School Board 27 seat is required to complete before running in the next community school board election.

specificity his conversation with Ms. Russell on the morning of December 17, Mr. Egan testified that he did recall asking Ms. Russell "didn't she think she was taking a [political] risk" by voting for a black superintendent.

Ms. Russell's Proposed "Deal."

On Wednesday, December 18, 1991, one day before the public meeting at which the trustee board was to vote for the new superintendent, Ms. Russell spoke with Mr. Sanders on the phone and conveyed her proposed deal. Ms. Russell testified that the purpose of the telephone conversation was to "persuade him [Sanders] to step down as school board president." While Ms. Russell never explicitly told Mr. Sanders that she would vote for Dr. Hall as superintendent only if Mr. Sanders resigned as president, Ms. Russell admitted that her purpose was to leave Mr. Sanders with that impression. She told Mr. Sanders that he should resign as president to put to rest the rumors of his having a personal relationship with Dr. Hall. She also told Mr. Sanders that she "could pay a cost" and "could get killed at the polls" as a result of voting for a black superintendent and that she was making a political sacrifice by doing so because she could lose the May 1992 election for a seat on the District 27 Community School Board. Mr. Sanders would also have to make a sacrifice since she was making a sacrifice. That sacrifice was that Mr. Sanders would resign as president.

Mr. Sanders' testimony about the content of his December 18 conversation with Ms. Russell is substantively consistent with Ms. Russell's account. Mr. Sanders testified that after speaking with Ms. Russell he had the clear impression that Ms. Russell would vote for Dr. Hall only if he resigned as president. Mr. Sanders told Ms. Russell that he would consider her proposal. On that same day Mr. Sanders contacted several people, including trustees James Young, Cecil Dudley and Maria Camacho-McCormick, told them of Ms. Russell's offer and asked each of them if he should accept it. Young, Camacho-McCormick and Dudley advised him not to resign.

Ms. Russell's Dissatisfaction With Mr. Sanders' Performance As President.

Ms. Russell had criticized Mr. Sanders' performance as president of the trustee board prior to her December 18 offer to Mr. Sanders to resign in exchange for her vote in the superintendent election. Ms. Russell on several occasions, in the presence of her fellow trustees, voiced her dissatisfaction with the way Mr. Sanders was performing as president. In testimony taken under oath, at this Office, each District 27 trustee stated that Ms. Russell, on several occasions, along with trustees Martha Dana and James Egan, openly criticized Mr. Sanders' performance as president at executive sessions. Martha Dana testified that Ms. Russell suggested to Mr. Sanders at an executive session that if he could not handle the

responsibilities of being the president, he should resign. Ms. Russell in fact testified that if Mr. Sanders were to resign, "having him step down would not be a great harm to the board" and that his "loss would not be a factor."

Mr. Sanders' Replacement As President With A White Trustee Would Lessen The Ramifications Of Ms. Russell Voting For An African-American Superintendent.

With the information supplied by Mr. Egan on December 17, Ms. Russell felt she had the means to persuade Mr. Sanders to resign as president and a powerful reason to do so - political self-preservation. Ms. Russell testified that Mr. Sanders' resignation and replacement with a white board president would lessen the political backlash she would suffer from white voters as a result of having voted for a black superintendent. Before presenting her proposed deal to Mr. Sanders, Ms. Russell spoke with Mr. Egan and Ms. Dana about it. When Ms. Russell told Mr. Egan of her plans on December 18, Ms. Russell testified that Mr. Egan told her "he [Sanders] will never go for it." Ms. Russell telephoned Ms. Dana next, also prior to speaking with Mr. Sanders. As they discussed Ms. Russell's plans, Ms. Russell asked Ms. Dana if she would be interested in the presidency if Mr. Sanders resigned. Ms. Dana said yes.

Mr. Russell testified that she knew that Mr. Sanders' incentive to accept her offer was his strong desire to have a well-qualified black superintendent. She admitted that "in terms of [her] trying to convince Mr. Sanders" to resign, she knew that "having a black superintendent was extremely important to him." She was aware of the strength of Sanders' support for Dr. Hall because after the Monday, December 16, 1992 executive session, he expressed his happiness with Dr. Hall's selection and thanked Ms. Russell for voting for Dr. Hall.

Though Ms. Russell admitted that fear of political backlash played a role in her decision to propose the deal to Mr. Sanders, she testified that her overriding reason for doing so was her concern that the rumors about Mr. Sanders having Dr. Hall "in his pocket" would hamper Dr. Hall's success as superintendent. Ms. Russell's explanation is not convincing. Ms. Russell was not asking Mr. Sanders to resign his trustee seat, she was proposing that he resign his position as president. Following Ms. Russell's reasoning, if Mr. Sanders had resigned as president but stayed on as a trustee, Dr. Hall would still have been plagued by the rumors that she was "in Mr. Sanders' pocket."

Ms. Russell had voted for Dr. Hall to be the new superintendent at the executive session, prior to hearing the rumors. Ms. Russell testified that both Mr. Grippo and Dr. Hall were highly qualified candidates and that she voted for Dr. Hall because "it was time for District 27 to have a black superintendent." After hearing the rumors, she told Mr. Sanders that she didn't know if she could vote for Dr. Hall because the rumors circulating about Dr. Hall's relationship with him would

effect Dr. Hall's performance. If Ms. Russell thought that the existence of rumors about Dr. Hall's personal relationship with Mr. Sanders would hamper Dr. Hall's effectiveness as superintendent, thereby eliminating Dr. Hall as her choice, she could have switched her allegiance from Dr. Hall to Mr. Grippo.¹¹ It would have been easier to vote for another candidate. Clearly that would have been more appropriate than asking a sitting trustee president to resign based on unsubstantiated rumors. Given Ms. Russell's options, her course of action evidences that her offer to Mr. Sanders was clearly not motivated by her concern that Dr. Hall would not succeed as superintendent under a cloud of rumors about her involvement with Mr. Sanders.

CONCLUSIONS AND RECOMMENDATIONS

The events surrounding the deal Muriel Russell proposed to James Sanders must be viewed in the context in which they occurred. Community School Board 27 was suspended in 1989 after the Gill Commission found widespread corruption in its operations. In particular, the Commission deplored the primacy of race and politics over merit in personnel decisions. Muriel Russell and her eight colleagues on the board were appointed as trustees to run the district's affairs until the next election; they were not elected by the community. As trustees, they hold a special responsibility to bring integrity to the board's operations and restore the community's confidence that the board is acting in the best interest of the district's children.

In no area of its operations was it more imperative that the board act with sound judgment and integrity than in the selection of a superintendent. The superintendent occupies one of the most critical positions in the school system. He or she is the district's educational and managerial leader, and without a capable superintendent, it is extremely difficult for any district to achieve meaningful educational progress. The Special Circular 37 process for selecting a superintendent is designed to insure not only that the best person is chosen to lead the district, but also that the community have confidence that the choice was made on merit and not on political influence or other inappropriate factors. Accordingly, the process calls for the involvement of parents, teachers, supervisors, the school board and the Chancellor. When a person acts to undermine the

¹¹ After the December 16th executive session, the trustees submitted a written evaluation only of Dr. Hall to the Chancellor. Under the Chancellor's Special Circular 37, a community school board may submit evaluations for at least one final candidate for approval, and no more than three. Another executive session could have been convened and, in addition to Dr. Hall's, an evaluation of Grippo submitted to the Chancellor. If both Mr. Grippo and Dr. Hall had been approved by the Chancellor, Ms. Russell could have then voted for Mr. Grippo at a public meeting.

integrity of the selection process, strong action needs to be taken. This need is all the more compelling where, as in District 27, trustees have been appointed to restore faith in a troubled district.

In evaluating Muriel Russell's approach to James Sanders in the last stages of the superintendent selection process, it is clear that Ms. Russell's eyes were squarely set on the next school board elections. The deal was motivated primarily by her desire to get elected to the board, not by concern for the children of District 27. While nothing prohibits a trustee from ultimately seeking an elected board position, the district and the Chancellor can and should expect that appointed trustees focus on the district's problems and needs and not their future political aspirations. Ms. Russell contended that her principal purpose in proposing the deal was Mr. Sanders' deficiencies as a trustee president. While she genuinely viewed Mr. Sanders as ineffective, the evidence as a whole is clear that political self-preservation was the driving force behind the proposed deal.

The political deal Ms. Russell proposed is unsavory and betrays a cynical indifference to the importance of her vote for superintendent. Ms. Russell made clear her belief that Dr. Hall would be the best superintendent for District 27 by twice voting for her at the executive session on December 16. The deal she later proposed to Mr. Sanders demonstrates her willingness to vote against her conscience, i.e., for someone who in her view was not the best choice, if the duly elected board president was unwilling to resign his position. Her best judgment in choosing a superintendent is simply too important to the children of District 27, however, to be conditioned on a board member's resignation.

Furthermore, the racial influence in Ms. Russell's proposed deal is to be condemned. Looking ahead to the board elections and fearing she would be seen by white voters as casting the deciding vote in favor of a black superintendent, Ms. Russell sought to mitigate her political damage by arranging for Mr. Sanders to be replaced by a white president. If her effort succeeded, her actions in the selection process could be seen as canceling each other out. The superintendent would be black, but the board president would be white. While we do not underestimate the complexity of racial politics, there is no escaping that the deal Ms. Russell proposed would require a person occupying a highly responsible and respected position to resign that position in the middle of his term because of the color of his skin. Such a result would be offensive to fundamental concepts of fairness.

It is our conclusion that Muriel Russell, disregarding her special responsibilities as an appointed trustee to a board recovering from scandal, compromised the integrity of the selection process for the superintendent of District 27. As a result, it is our recommendation that she be removed from her

Position as trustee of District 27.¹²

We turn now to the other trustees of District 27. The roles of James Egan and Martha Dana are troubling. The timing and content of Mr. Egan's call to Muriel Russell suggest that he was seeking to inject race and politics into her deliberation in a last ditch effort to derail Dr. Beverly Hall's appointment. Ms. Dana, for her part, appeared willing to profit from the deal by succeeding Mr. Sanders as president. Still, there is no hard evidence that they actually helped conceive the proposed deal or encouraged Ms. Russell to pursue it. James Sanders did not in any way solicit Muriel Russell's offer, nor did he accept it. While it certainly would have been preferable had he immediately reported it to our Office, he cannot be charged with wrongdoing. Other trustees became aware of the proposal, or at least some aspects of it, in the few days immediately prior to a confidential source reporting it to our Office and causing us to commence our investigation. The information they possessed was too sketchy to charge them with full knowledge of Ms. Russell's intentions. Therefore, we do not recommend any disciplinary action against these trustees.

There is no evidence that the selection process was tainted until after the executive session where the trustees voted to name Dr. Beverly Hall superintendent. Further, none of the finalists had any awareness of the deal offered by Ms. Russell. Thus, there seems no reason to repeat the entirety of the process. The district needs and is entitled to a superintendent as soon as is practicable. If the Chancellor approves Dr. Hall's qualifications, the process should resume with a public meeting when the trustees would vote on that nomination.

¹² We do not find that Ms. Russell acted out of racial bias herself. This seems clear from her support of Dr. Hall at the executive session. Her motivation was political self-preservation, not prejudice.