

COLLEGE GUIDE

College Guide

Feature

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Pie in the Sky

What happened when a billionaire pizza mogul tried to build an elite Catholic law school.

by **Mariah Blake**

Deliverance:

Domino's Pizza founder Tom Monaghan at Ave Maria University.

In the fall of 1998, Steve Safranek, a devout Catholic professor, found himself at a crossroads. For nearly a decade, he had been teaching at the



University of Detroit Mercy School of Law, a small Catholic enclave in the heart of the rust belt, and, like many institutions in the region, it was undergoing wrenching change. Enrollment had taken such a tumble that administrators were considering cutting a third of the faculty, and there was growing anxiety among conservative professors, who felt the school was drifting from its traditional Catholic roots. The turmoil only deepened that September when a pro-choice Michigan Supreme Court justice was invited to give the oath at the annual Red Mass, a centuries-old ceremony where Catholic lawyers, judges, and politicians ask God's blessing and guidance in their daily work. Some faculty and staff turned out with picket signs; others, like Safranek, simply chose not to attend. This touched off a bitter dispute with the administration.

Around this time, Safranek decided he would pray every day for fifty-four days straight to St. Thomas More, the Renaissance lawyer and statesman who coined the word "utopia." As he recited his Hail Marys, an idea began to percolate: Why not start a new Catholic law school? A few weeks later, Safranek caught word that Tom Monaghan, the eccentric billionaire who founded Domino's Pizza, had sold his business and was planning to devote his fortune to conservative Catholic causes. So he hashed out a proposal and got four other University of Detroit Mercy professors and an administrator to sign on. To show they were serious, each of them offered to chip in \$20,000 and work for free for a year.

Monaghan was intrigued. In early December, he invited Safranek and the others to Domino's Farm, a half-mile-long office complex with numerous quirky amenities— among them a herd of buffalo and a petting zoo—which he had built in Ann Arbor Township. The group met in a small, sparsely furnished room, where they discussed their ideas for the new venture. "There was some talk about Catholic law schools, generally; most American ones were started as technical professional entities to keep graduates of Catholic colleges around for three more years," Safranek recalls. "We wanted to build something different—a school where traditional Catholic values and thought were built into every part of the curriculum." At the same time, Safranek and company wanted to avoid the trap that many new schools fall into; because they're strapped for cash, they end up with scantily stocked libraries, second-rate faculty, and middling students. Their aim was to build a world-class institution, one that would churn out lawyers capable of leaving their stamp on the larger culture.

Once the professors were done speaking, Monaghan went around the table and asked them one by one if he could count on their commitment. They all said he could. Monaghan then promised to throw his financial might behind the project—while he didn't settle on a specific dollar figure, the numbers he batted around were in the tens of millions. Finally, the group retreated to Monaghan's office, a two-story suite with raw-silk ceilings and leather floors, for drinks and hors d'oeuvres. Through the window, they could see buffalo grazing and a light snow falling on the brown hills.

After the meeting, Monaghan approached Bernard Dobranski, the dean of the law school at the Catholic University of America in Washington, D.C., and asked him to head up the new venture, known as Ave Maria School of Law. It was a risky proposition for a seasoned academic— giving up tenure, a generous salary, and the promise of long sabbaticals to take part in a startup venture. But the idea piqued Dobranski's interest. The following day, he asked his friend, Supreme Court Justice Antonin Scalia, to lunch and sought his advice. Scalia pressed him to take the job. The

conservative justice was later flown out on Monaghan's private jet to consult on the curriculum. Scalia was so enthusiastic about the project that he also persuaded his friend Robert Bork, the erstwhile conservative Supreme Court nominee, to join the faculty. Before long other prominent conservatives were lining up behind the project. They were so enamored with the idea, and the money Monaghan was willing to put behind it, that no one seemed to give much thought to the implications of a fast-food mogul wading into the world of higher ed.

Tom Monaghan was born in 1937 on the outskirts of Ann Arbor, Michigan. His father, a truck driver, died when he was just four years old, and his mother was unable to support him and his younger brother on the \$27.50 a week she earned as a maid. The boys spent a couple years bouncing between foster homes before landing at St. Joseph's Home for Boys, a Catholic orphanage in Jackson, Michigan. It was a harsh existence. When they weren't saying their rosaries, the boys spent hours on end ironing and scrubbing floors. Punishment was doled out with a strap, often wielded by the feared Sister Ladislaus.

To escape, Monaghan turned to fantasy. He mused about becoming a priest or a shortstop for the Detroit Tigers, and imagined trading in his threadbare clothes for elegant belongings. "I would dream of having things—not the *good* or the *better*, but the *best*," Monaghan writes in his memoir, *Pizza Tiger*. "And I could visualize them so perfectly, it was like actually possessing them. I would picture my house or cabin and sometimes I would even build it in my imagination." These mental building projects later gave way to a fascination with architecture. Monaghan spent his teenage years plowing through books on Frank Lloyd Wright. He hoped to one day follow in the great architect's footsteps, but this dream turned out to be beyond his reach. Monaghan graduated at the bottom of his high school class and enrolled in a seminary, but he was kicked out because he "lacked vocation." A few years later, he moved to Ann Arbor with the hopes of studying architecture at the University of Michigan, but his finances were shaky and his math skills lacking. Though he enrolled three times, he never completed a single semester.

Then, in the winter of 1960, Monaghan and his brother heard that a man in Ypsilanti had a pizzeria he was looking to sell on the cheap. The pair managed to scrape together \$75 for the down payment, and before long they were slinging pizzas. A few months later, Monaghan traded a Volkswagen Beetle for his brother's share of the business. If he couldn't be an architect, he decided, he would throw himself into building a pizza empire.

For all his struggles in the classroom, Monaghan turned out to be a brilliant businessman. Early on, he dropped sub sandwiches from his menu and began focusing on delivery to college campuses, which was far more lucrative than sit-down service. He also invented a new insulated pizza box. Unlike its chipboard predecessors, it could be stacked without squishing the pizzas inside. This allowed him to deliver more pies per trip, and assured they were warm when they arrived. Monaghan eventually began spreading his model to other college towns, and by the mid-1980s, nearly three new Domino's franchises were opening every day.

The key to Domino's growth was a tightly controlled franchise system. When a new store opened, headquarters would send a truck stocked with everything from pizza ovens to forks and aprons. Store managers worked from a thick operations manual, known as "the Bible," which dictated every aspect of operations, down to the smallest detail. Monaghan also kept a tight rein

on his employees: store workers were barred from sitting down during their shifts, and executives were expected to uproot their lives and move across the country on Monaghan's whim. At headquarters, female staffers had to wear skirts or dresses that fell below the knees—pants were strictly forbidden.

As Monaghan's business grew, so did his appetite for spending. He bought a Gulfstream jet, a Sikorsky S-76 helicopter, and a fleet of cars—among them the Packard that had ferried Franklin Roosevelt to his 1933 inauguration, and a handmade Bugatti Royale. (The latter cost him \$8 million, the most ever paid for a classic car.) He also began buying up Frank Lloyd Wright homes, and assembled the world's largest collection of Wright furniture. But his most famous purchase was the Detroit Tigers, which he bought in 1983. When the team won the World Series the following year, Monaghan had his private helicopter ferry hundreds of Domino's pizzas to Tiger Stadium.

Even during his prodigal years, Monaghan never lost sight of his Catholic roots. And beginning in the mid-1980s, he started delving more deeply into his faith, and embracing conservative Catholic causes. Then, in 1989, at the suggestion of a Catholic scholar friend, he read a passage from the C. S. Lewis classic *Mere Christianity* that railed against pride as “the essential vice, the utmost evil.” It dawned on Monaghan that his hunger for success and flashy belongings was pride in its purest form. He immediately swore what he called a “millionaire's vow of poverty” and began shedding his possessions. Finally, in 1998, he sold Domino's for an estimated \$1 billion and announced that he was retiring from the pizza business so he could devote his time and money to Catholic education. “I want to die broke,” he declared.

It was later that year that Safranek and the other professors approached Monaghan with their idea for the Catholic law school. Their timing couldn't have been better; Monaghan was already busy piecing together his educational empire. His first act had been to found Ave Maria College, a Catholic school in Ypsilanti. But he had trouble getting accreditation for the stand-alone venture, so he struck a deal to take over St. Mary's College, a 120-year-old Catholic school in nearby Orchard Lake Village. In exchange for its accreditation charter, he would give the struggling institution the cash it needed to thrive—among other things, Monaghan planned to beef up the faculty and build a division-one football team. (Or, as St. Mary's then President Thaddeus Radzilowski recalls, “He wanted a school that produced three-hundred-pound tackles who were also theology majors.”)

Shortly after their seminal meeting with Monaghan, Safranek and the others negotiated buyouts from the University of Detroit Mercy, packed up their belongings, and moved to Ann Arbor. For most, this move came with some sacrifices. Safranek gave up tenure and a seat on the city council, and sold the home he had just bought for his wife and seven children, a brick abode with a vegetable garden near Lake Sinclair. But they were too wrapped up in their new venture to have regrets.

The professors set up shop in a bank of cubicles at Domino's Farms, which housed, among other things, the headquarters of Domino's Pizza. From there, they began putting together the curriculum and recruiting professors. Dobranski eventually drew up a list of thirty-six luminaries of Catholic legal education (he called them his “dream team”) and began contacting them with a

personal invitation to join the faculty. Before long, inquiries from prospective students were pouring in. In the fall of 2000, when Ave Maria School of Law opened the doors to its new campus—an 85,000-square-foot Frank Lloyd Wright–style building in northeast Ann Arbor—it had seventy-five students, almost double the initial projections. Their bona fides, namely LSAT scores, were on par with students at many top-tier law schools. Suddenly, Monaghan—a college dropout who had made his fortune delivering pizzas to dorm rooms—was in the inner circle of what was shaping up to be an elite academic club.

From the beginning, Monaghan insisted he wouldn't meddle in the law school's daily operations. As he put it in an interview with the *Chronicle of Higher Education*, "When I owned the Detroit Tigers, I didn't climb into the dugout and tell Sparky how to set his lineup." But behind the scenes, he was quietly amassing control. Monaghan appointed himself chairman of the board. According to deposition testimony that Monaghan and his deputies later gave, Dean Dobranski was also given an employment contract with Monaghan's private foundation rather than with Ave Maria law school. This meant the dean answered directly to Monaghan and not the board of governors, which was supposed to be in charge. Dobranski was also obligated to send the former pizza mogul daily writeups of his activities, to which Monaghan would reply with detailed instructions. What's more, money for both the law school and the colleges was doled out in dribs and drabs, which allowed Monaghan to keep a tight rein on their operations. (St. Mary's administrators, for instance, recall pleading with Monaghan's foundation for \$75 to pay the referees at a baseball game.) None of this really mattered as long as he and the faculty were driving toward the same vision. It was only when Monaghan hit on his next grand scheme that things began to unravel.

By early 2002, Monaghan had three promising schools—Ave Maria College, St. Mary's, and Ave Maria School of Law—but they were scattered across Michigan. In the hopes of bringing them together on a single campus, he submitted plans to build a new Ave Maria University at Domino's Farms. The proposal might have sailed through unnoticed if it weren't for one detail: a 250-foot crucifix. That's taller than the old General Motors building and almost as tall as the Statue of Liberty. The idea touched off a firestorm in Ann Arbor Township, a wealthy rural community with roughly 5,000 residents near the city of Ann Arbor. Many locals still nursed resentments over Monaghan's previous architectural ventures; years earlier he had tried to build the "Leaning Tower of Pizza," a thirty-five-story copper-and-bronze-clad tower with a slight eastward slant. A few also grumbled that the onetime pizza baron—who had already opened two convents, a pair of Catholic radio stations, and a Catholic newspaper in the area—was trying to turn the township into a theocracy.

In the end, the local planning commission denied his petition to build the university, and Monaghan was forced to look further afield. He eventually settled on a scraggly stretch of tomato fields bordering southwest Florida's Corkscrew Swamp. The site was twenty miles inland of Naples, which has a high concentration of Catholics and conservatives, and Monaghan believed they would be friendlier to his vision. And, as luck would have it, Barron Collier Companies, a powerful local landowner, offered to donate some 750 acres on which to build the university. In return, Monaghan agreed to work with Barron Collier to build a planned community around the school, with the profit split down the middle.

What they envisioned was an old-fashioned company town with a theocratic twist. Monaghan and Barron Collier would own everything from the local utility company to the building supply that provided concrete for wells and foundations. But the most startling part of the whole arrangement was the plan for governing the community. In Florida, developers can petition to act as the local government for a number of years while a development is under construction. Monaghan and Barron Collier began pushing the Florida state legislature to pass a law that would allow them to control the local government in perpetuity—and, according to an investigation by the *Naples Daily News*, they eventually succeeded. While their powers were technically limited when it came to regulating behavior, they clearly intended to keep a tight grip on community life. The original letter of intent between Barron Collier and Monaghan said the town would “allow no public activities which are offensive to traditional Christian values or which might represent a scandal to Catholic and Christian sensibilities. Thus, no topless bars, abortion clinics, ‘adult’ bookstores or the like shall be permitted.”

Perhaps more importantly, the Florida project would allow Monaghan to indulge his passion for architecture. At the heart of town would sit an Italian-style piazza, flanked on one side by Monaghan’s giant crucifix and a 60,000-square-foot church inspired by Frank Lloyd Wright. (Monaghan boasted at one point that he had sketched the original design for the church on a napkin.) The building was supposed to have the largest seating capacity of any Catholic church in America, though plans were later scaled back.

Monaghan went public with his plans in late 2002, saying in a press conference that he would donate \$220 million for a new university in Florida, which he said would eventually have 5,000 students and a world-class golf course that would host the “Catholic Augusta National.” The following fall, the university opened an interim campus in an existing development near Naples.

As work got under way in Florida, financing for Monaghan’s Michigan projects began to evaporate. With only a few months’ notice, he severed ties with St. Mary’s and pulled most of the funding. The school would have been forced to shut down if another Catholic university hadn’t agreed to take it over at the last moment. Even so, it had to cut roughly half its faculty, and many students were forced to drop out because financial aid dried up. Despite promises from Monaghan to keep Ave Maria College open until 2007 so students could finish their degrees, administrators started moving to close it down, too. Professors say they were given a stark choice: move to Florida, or risk losing their jobs. Bewildered parents found themselves fighting back plans to pack up all the library books and ship them south. “It was like, ‘Whoa, wait a minute, you can’t just take all the books!’” recalls Therese Bower, whose son attended the school. Within two years, the student body had dwindled from 230 to around thirty, and Monaghan began offering the remaining students buyouts.

Even as the other campuses descended into turmoil, however, Ave Maria School of Law continued to flourish. The first class, which graduated in 2003, had a 93 percent bar passage rate, the highest of any school in the state. (This prompted the *National Review* to quip that the University of Michigan—known for churning out powerhouse litigators and Supreme Court justices—had the “second-best law school in Ann Arbor.”) The following year, a staggering 100 percent of Ave Maria law school grads passed the Michigan bar on the first go-round. Many were also going on to high-powered jobs and prestigious clerkships. “We were hitting success

after success,” says Joe Falvey, who was then associate dean. “Everything was clicking on all cylinders.”

Why was the law school spared? The answer appears to hang on a technicality. Monaghan initially wanted to uproot it and move it to Florida, along with Ave Maria College. But in mid-2003, the board commissioned a feasibility study, which found the move could put the school’s pending ABA accreditation at risk. Shortly after that, the board announced that it had tabled the idea of relocating. But behind closed doors, planning for the move continued. According to Falvey, who regularly attended board meetings, plans were drawn up for a \$30 million law school building on the Florida campus—it would sit just across from “Mansion Row,” a grassy promenade lined with stately homes belonging to university officials.

At one point early on, Monaghan invited the law school board to Naples for a stay at LaPlaya Beach & Golf Resort, a four-star hotel with a tiki bar overlooking the Gulf of Mexico. While there, the group met with Barron Collier executives, who laid out their plans, including those for the new law school building. By this time Charlie Rice, a founding board member and professor emeritus at Notre Dame, was beginning to have grave doubts about the project. “I thought, This is going to be a train wreck,” he recalls. “We’re going to uproot this thriving law school and move it to the campus of some nonexistent university before we even know if the whole thing is viable?” According to attendees, and a string of memos, Rice suggested that the board agree to consult faculty and students before committing to a move, and give them at least four years’ notice. He also pressed for a secure endowment, so the school wouldn’t be dependent on one person. Monaghan came unglued. (He later sent Rice a letter saying, “I am writing to express my embarrassment over my inability to control my emotions.”) After that, the struggle between the two men only grew more bitter. According to Falvey and Rice, Monaghan eventually began threatening to pull funding for the school if the board refused to move it to Florida. Rice, meanwhile, grew increasingly shrill in his resistance. At one point he wrote Monaghan saying, “If you succeed in your effort to compel the Board to vote to relocate, you will find that you have relocated merely a name and an empty shell.” (Monaghan did not respond to requests for an interview.)

Gradually, details of the conflict and the looming move leaked out, and it had a toxic effect on the school. By 2005, the quality of applicants was dropping, and the most promising students were transferring out by the dozen. To keep the student body from collapsing, administrators had to give out ever-larger scholarships. This had the perverse effect of making the school, which was supposed to be financially independent by 2010, even more dependent on Monaghan. Despite the turmoil, in August 2005 the ABA granted Ave Maria law school final accreditation, meaning it could begin openly pursuing the move to Florida. The following month, the board voted to impose term limits, a move many students and faculty saw as a ploy to push Rice out.

Rice’s ouster, combined with a poor showing in the *U.S. News & World Report* rankings several months later, heightened the sense among faculty and students that Monaghan and the administration would stop at nothing to push through the move to Florida, even if it meant destroying the school. What started as rumbling discontent burgeoned into full-scale revolt. In mid-2006, the faculty held a vote of no confidence in the dean, and roughly two-thirds voted in favor. Alumni and students followed suit, with their own no-confidence vote and, later, a call for

Monaghan's removal as chairman of the board. But the uproar made little difference. The following February, the board voted overwhelmingly to move the law school to Florida.

Meanwhile, the administration began cracking down on agitators. "Monaghan wanted no dissent, so the screws began to get turned," says Safranek. No one was targeted more aggressively than the former University of Detroit Mercy professor. Safranek, who was among the most outspoken in his criticism of the school's management, was repeatedly disciplined, often for seemingly trumped-up offenses. At one point, he received a letter saying he had been found guilty of "uninvited" touching of "the person of one of the Law School staff employees," an accusation that smacked of sexual impropriety. What actually happened only became clear much later, when the contents of Safranek's employee file—including a written statement from the alleged victim—were released as the result of a lawsuit: Safranek had walked by the dean's secretary while she was shuffling through the trunk of her car in the law school parking lot, tapped her on the arm, and said, "Good morning, Sarah."

Based on these and other allegations, Safranek had his tenure revoked in July 2007. Since that time, he's been hunting, without success, for another faculty position. By now he's lost hope of ever working in academia again. "I try not to have regrets," he says. "But for twenty years, teaching was my life. Sometimes I have the feeling that everything I've done has been for naught." (Administrators declined to comment on the circumstances surrounding Safranek's departure because he has a suit pending against the school. "Our policy is not to comment on matters before the court," Dean Eugene Milhizer wrote in an e-mail.)

Since Safranek's ouster, the law school has been in a freefall. Most of the original faculty have fled or been pushed out, and the quality of the students has tumbled. One current professor told me, "Our student body now is one of the four or five worst in America." The instability has also wreaked havoc on the school's reputation: in the 2009 *U.S. News & World Report* law school rankings, Ave Maria tied for last place in the peer-assessment category, the most important measure in determining a school's standing. (The school was not officially ranked because *U.S. News* doesn't rank schools that land in the bottom tier.) Meanwhile, there are signs that Monaghan's foundation, which funds the law school and the university, is on the verge of running out of money, in part because Monaghan bet his fortune—and the future of his nonprofits—on the now-crumbling Florida real estate market. Earlier this year, Ave Maria University's second-longest-standing professor resigned, but not before sending a letter to administrators expressing his alarm at the school's financial straits. "I fear that all of us (to different degrees) are participating in something that we may later deeply regret," he wrote, "namely selling to young people and their families [an] educational product that we do not have sufficient reason to believe can be delivered."

Meanwhile, in June, the U.S. Department of Education reported that Ave Maria School of Law had failed its financial responsibility test, the only law school in the nation to do so. Even more troubling, the school ranked sixth to last among all American institutions of higher learning on the department's financial responsibility index, thanks partly to its multimillion-dollar deficit. With its finances in disarray, the school has shelved plans for the \$30 million building across from Mansion Row. When Ave Maria School of Law finally opened for business in Florida this August, it was in a former retirement home on the outskirts of Naples.

Many who have lived through the turmoil at the law school and Monaghan's other educational institutions believe that the root problem is his inability to grasp the difference between running a fast-food business and an institution of higher learning. "He views these schools as franchises that he can open and close at will like a pizza shop," says Thomas Woods, a former dean of St. Mary's. "He has this Cartesian view of the world—that you can dream up an idea in your head and impose it on the plastic substance of reality, like a cookie cutter on dough. But academic life is messier than that. Things have to be done by negotiation and persuasion. They have to be worked out over time." Unfortunately for the professors and students who wagered their futures on his educational ventures, that kind of give and take simply isn't Monaghan's style.

Tim Murphy contributed reporting to this story.

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http://www.washingtonmonthly.com/college_guide/feature/pie_in_the_sky.php?page=all&print=true