

Chapter 1

The Public University Movement and California

Among the universities of America there is none which has sprung up by itself like Bologna or Paris or El Azhar or Oxford, none founded by an Emperor like Prague, or by a Pope like Glasgow. All have been the creatures of private munificence or denominational zeal or State action. Their history is short indeed compared with that of the universities of Europe. Yet it is full of interest, for it shows a steady growth, it records many experiments, it gives valuable data for comparing the educational results of diverse systems.

—Lord James Bryce, *The American Commonwealth*, 1891

Now comes the turn of this new “Empire State.” California, queen of the Pacific, is to speak from her golden throne, and decree the future of her University.

—Daniel Coit Gilman, inaugural address as the second president of the University of California, 1872

In 1872, three years after the completion of the transcontinental railroad, Daniel Coit Gilman boarded a train in New Haven, Connecticut. It was the start of a journey that lasted just over a week, a dramatic new chapter in the opening of the American West. Gilman, a geographer, historian, and well-known member of the nation’s emerging scientific community, was leaving Yale’s Sheffield Scientific School to become the second president of the University of California, a new land-grant university chartered in 1868. There were a number of reasons he exchanged the prestige of Yale for California. One was the relatively low status Yale faculty gave to the sciences and to practical training—a common feature of most private colleges and the smattering of private institutions that called themselves universities. Yale would eventually change in this regard, but it was slow in doing so, and Gilman was impatient. Another reason was more personal: His wife had recently died, leaving him to raise two young daughters, the younger of whom had become ill.

California offered a milder climate and a new setting, far from the memories of New Haven. But perhaps the most compelling reason for his journey to California was the opportunity to shape one of the nation’s new state universities. The University of California was to be a modern public university, serving the broad needs of society, embracing literature *and* the

sciences and professions, and as Gilman observed, it “would be open to all” and not simply to a privileged social class.

On November 8, 1872, Gilman arrived at ten in the morning at the Oakland train station. There was no time for a period of rest at a local hotel. There to greet him was a large crowd that included members of the university’s board of regents, faculty, prominent members of California society, and local politicians. A group of university cadets, nearly all the current male students of the California’s sole land-grant university, helped form a procession.¹ Gilman was to be formally inaugurated as the new university president that very day. With no suitable hall yet built on the new campus located in the Berkeley hills, the procession ended not at the university, but at Oakland’s Congregational Church. California’s state university was a devoutly nonsectarian institution but not a godless one.

Less than two hours after arriving in Oakland, Gilman approached the podium to give his inaugural speech. He had never been to California; indeed, he had never been west of the Mississippi. Gilman was forty-one and, as described in one local San Francisco newspaper, “an active, energetic apostle of the new and progressive school of education.”² Looking out on his audience, Gilman noted the important progress made by the nation’s major higher education institutions, including Yale, Harvard, and Princeton. In short, they were becoming universities that reflected both European and evolving American norms.

Yet the nascent public university movement in the United States was distinct, something quite different from the private institutions that dominated the Northeast and much of the American Midwest. It was a new and bold experiment that captured the interest of an emerging generation of academic leaders such as Gilman. These were not traditional colleges that embraced reluctantly the Enlightenment and its progeny, the physical sciences, engineering, and agricultural sciences. The founders and constituents of public universities were not the small and largely sectarian cohort who populated the governance boards, occupied the presidencies of the institutions, hired like-minded faculty, and welcomed largely a limited cadre of socially and religiously acceptable students—the typical behavior of most private colleges and the small group of institutions such as Yale.

The purpose of public universities was more grand and populist, and more complex: Their assignment was to meet the social and economic needs of the states that chartered them, to open their doors to a broad swath of society, and to build departments and programs that both taught a classical curriculum and promoted scientific inquiry intended to develop

and support local economies. Public universities were also an essential part of a larger cause; they were to help build a state system of public education, stretching from the local primary school to the university, and thereby fundamentally reshape social and economic opportunity. Honoring these ideals and considering the practical problems of making them a reality, Gilman told his receptive audience, "It is not the University of Berlin, or of New Haven" that was to be built, nor was it to be "the University of Oakland, or San Francisco, it is the University of the State which created it." And in that effort, he stated, "it must be adapted to its people, to their public and private schools, to their peculiar geographic position, to their undeveloped resources. It is not the foundation of an ecclesiastical body, or of private individuals. It is of the people and for the people—not in any low or unworthy sense, but in the highest and noblest relation to their intellectual and moral well-being."³

Gilman's vision was not a unique one. The state legislature and people of California expected as much. In the midst of forging their own public universities, lawmakers and presidents in other states had recently made similar statements of a broad social mandate, invoking egalitarian promises. In the early stages of the public university movement, the 1816 charter for Indiana's state university, for instance, called for a university open to all who graduated from "township schools" and "equally open to all." At the University of Michigan, President James Burrill Angell famously stated in his 1879 inaugural speech that Michigan's public university was established to provide "an uncommon education for the common man." Andrew White, the founding president of Cornell, exclaimed that in the development of state universities lay "the educational hope of the South and West." While reserving an important role for private institutions, Stanford's first president, David Starr Jordan, stated that the public university was the "coming glory of democracy," the "most wonderful thing in educational development since Alfred found Oxford and Charlemagne Paris."⁴ A few decades after Gilman's speech, the University of Wisconsin's president insisted that public universities formed part of the "soul of the state." The "state owns the university; and every citizen feels himself to be a stockholder in that ownership."⁵ It was incumbent on public universities to help build educational opportunity, to open its doors to the people, and essentially, to push the demand for a higher education and supply it.

As Gilman also noted in his inaugural speech, a university was not merely a high school, a college, an academy of science, or an industrial school. Some element of each might be part of a university, but a university must be more, much more. Gilman defined the university as a comprehensive

institution intended “for the promotion and diffusion of knowledge.” At the time of his inaugural speech, the University of California was a single campus with only two buildings nestled in Strawberry Canyon in the Berkeley hills. Some 182 students were enrolled, including thirty-nine women; the university had only thirteen faculty members.

Today, the University of California is a vast enterprise, serving a state with the largest population in the United States and with an economy that ranks among the top eight largest in the world. With ten campuses and more than 210,000 students, the University of California has become the largest research university system in the nation and arguably the most prestigious. California’s land-grant university is also one of the nation’s most selective institutions in its admissions standards and has often been at the center of heated national debates over who deserves access to a limited and highly sought educational good.

This book provides an historical study of the admission policies and practices of public universities in the United States, linking their evolving “social contract” with contemporary debates over affirmative action, standardized tests, changing definitions of merit, the influences of privatization and globalization, and the very purpose and future of these important institutions. At their founding, public universities devised a *social contract* that included the profoundly progressive idea that any citizen who met a prescribed set of largely academic conditions would gain entrance to their state university—a sharp contrast to most private institutions that, throughout most of their history, proactively used sectarian and racial, and sometimes social caste, criteria to exclude groups. Further, public universities sought to proactively mitigate barriers to access. How that social contract was formed, how it grew and has changed, its successes and failures, and the accompanying political battles, both past and present, over its meaning is the subject of the following chapters.

Throughout much of the narrative, a case study of the University of California provides an illuminating window for exploring the historical and contemporary role of sectarianism, geographic representation, economic background, social standing, gender, and race in the evolving admissions policies of America’s public *and* private universities. Within its 1868 state charter, California’s state university was charged with the responsibility of “setting the conditions for admission.” How the University of California went about the important business of determining access is a complex social and political history, marked by the ideal of achieving broad access with the difficulties of constructing actual admissions policies. In telling this story,

one objective is to bring the original purposes of a major public university more clearly into view. The intent is to give context for contemporary debates and perhaps to arm academic leaders, lawmakers, and the public with a stronger sense of the broad social purposes of America's groundbreaking grand tradition of public universities.

As chronicled in the following pages, the question of who should or should not have access to a widely perceived and increasingly sought public good is not new, but it has changed in its intensity, in the stakes for individuals, and in its role in creating a more equitable and prosperous society. In the postmodern and globalizing economy, access to higher education continues to grow mightily as a determinant of socioeconomic mobility and global competitiveness. Within a highly stratified network of public and private higher education institutions in the United States, demand for access to the most prestigious colleges and universities is now mind-bogglingly competitive; moreover, it will escalate to greater heights as the population grows and the value of a higher education for the individual and for regional and national economic competitiveness becomes even more essential.

At the same time, there are relatively new and troubling signs of a weakened resolve in the United States to support the historic purposes of public universities. These institutions are seeking other financial resources and, really for the first time, threatening to shift their allegiances. Under these circumstances, the social contract is undergoing a metamorphosis that may not be advantageous to socioeconomic mobility and the nation's long-term economic competitiveness in a globalizing economy. There are deliberate and substantial efforts by other competitor nations to surpass America's higher education access and degree completion rates. It is not clear that the United States, as a first mover in creating both mass higher education and a progressive and high-quality network of public universities, will retain its historic higher education advantage. Now is a good time to assess the success of the social contract and to ponder the future of America's public university movement and, in turn, the nation's democratic experiment.

Identifying the Social Contract

To a degree perhaps unmatched by any other single institution in our society or by any other nation in the world, America's public universities were conceived, funded, and developed as tools of socioeconomic engineering—an observation that is perhaps uncomfortable for those who view markets and the rugged individual as the hallmark of the nation's development. These institutions were to benefit the individual not as a goal unto

themselves but as a means to shape a more progressive and productive society. In that cause, they were to open their doors to the farmer and laborer, as well as the more well to do—to all that demonstrated academic and civic talent. They were to be devoid of sectarian and political influence in choosing students, to serve communities in all corners of a given state, and to offer a practical, as well as classical, curriculum, with special emphasis on the professions of agriculture, the mechanical arts, mining, military science, civil engineering, law, medicine, and commerce.

These principles were articulated in the early debates on education's role in America's evolving republic and in the charters of the first wave of public universities. If America was to be the most educated, the most democratic, the most inventive, and the most prosperous country in the world, it would need broadly accessible schools *and* a set of public universities. Indeed, the two institutions were deemed inseparable by many of America's earliest political leaders, part of an emerging comprehensive system of education that would make the United States an enlightened leader among the nations of the world. This grand vision, of course, met the hard realities of an American society torn by racial strife and economic hardship. Yet through the common school movement and the push by states, often with the help of the federal government, to create great public universities, the ideal remained. Broad and equitable access to a quality education, and the role of government to make that happen, is an integral part of the nation's political culture.

In building higher education systems, states made progress at different rates. Over time, however, their actions and those of academic leaders collectively grew to include five core and interrelated responsibilities that helped define and give meaning to the *social contract* of public universities. Each influenced the admissions practices of public universities, and each emerged in one form or another largely by the early twentieth century. Each has undergone marginal forms of redefinition as public universities and society have changed over time.

1. Public universities have been duty bound to primarily serve the constituents of the state that have chartered, funded, and regulated their establishment and development—a conceptual starting point that has frayed marginally with the increased influence of federal funding and now, more recently, the forces of globalization.

2. Public universities have a responsibility to operate as components and partners of a much larger public education system that includes public schools and, over time, an emerging network of complementary public ter-

tiary institutions; indeed, historically, public universities have had special responsibilities to help nurture these other institutions.

3. Public universities must encourage participation in higher education by setting clear admissions criteria (or conditions) that, if met, offer access to any citizen regardless, in theory, of socioeconomic background; as an ancillary, public universities should proactively mitigate barriers to access and seek a student body that reflects in some measure the broad spectrum of society, including lower income and disadvantaged groups.

4. Public universities must provide academic and professional programs relevant to individuals and society and to local, state, and increasingly in modern times, national and international economies.

5. Public universities, in concert with other public higher education institutions, must grow in some form in their enrollment capacity and academic programs as the population of a state grows and changes.

An equally important factor for understanding the distinct social contract of America's public universities is the political and economic environment that continually shapes it—a reality quite distinct from that of private universities. Admissions policy in public universities has many sources of influence and authority: the institution's faculty and administration, its lay governing board, state lawmakers and the legislative process, federal initiatives and the executive orders of presidents, increasingly the courts, special interest groups, and more generally, the influence of public opinion. The interplay of these forces is complex, changing over time and not always in a linear fashion, often influenced by economic troubles, social upheaval, competing demands, political divisions, and regional cultural peculiarities.

Still, the development of this social contract, replicated in one form or another in all states of the union, proved relatively uniform in its breadth and content and was a remarkable success. The establishment and development of public universities changed the course of the nation. Scholars are just beginning to assess fully the impact universities and educational attainment have had on society.⁶ What we do know is that without America's public universities, the nation's economic development would have been significantly different. The paths for socioeconomic mobility would have been much more limited. Public universities influenced profoundly the nation's agricultural productivity, championed the field of civil engineering, populated small and large businesses with their graduates, and proved a core source for much of America's eventual technological prowess. Indeed, although it is important to note the significant role of private colleges and universities, the arrival and evolution of America's public university

arguably proved an essential component in America's emergence as a democratic society and as an economic and technological behemoth.

Why states chose to create public universities and, in essence, to reject a model of private institutions as the primary source for fulfilling their higher education needs marks a profound shift in the course of the nation's history. The reasons are complex and vary by region of the United States. But the simple explanation is that the initial wave of private institutions, while valuable, could not meet the broad needs of individual states intent on expanding access. In mid-nineteenth century America, the loyalty and curriculum of most private institutions remained devoted to the needs of the sectarian communities that sustained them.

By the 1860s, most state governments established and supported one or more universities as alternatives to private institutions. In this venture, they sought to create supply before there was any clear understanding of the demand for higher education. Two years before the passage of the Agricultural College Land Act of 1862 by Congress, private colleges dominated higher education in the United States. Of an estimated 246 small colleges and so-called universities founded by that year, only seventeen were state institutions. The number of students who enrolled in some form of higher education was miniscule in relation to the total population.

One hundred years later, in 1960, nearly 70% of all postsecondary students in the United States were enrolled in a vast network of public universities and colleges, and 30% of all eighteen- to twenty-four-year-old Americans were in college. By 2000, some 75% of all students in higher education were in public institutions—a percentage that will likely grow in the coming decades—and participation rates among this traditional college-age cohort increased to nearly 38%, with the enrollment of high school graduates at around 58%. Today, public universities grant nearly 70% of all bachelor's degrees and some 70% of all degrees in science and technical fields. They produce most of the nation's engineers, doctors, teachers, and lawyers.⁷ Further, most students are enrolled in multicampus public institutions. In 1971, about 40% of all American higher education students were in such multicampus systems. In 2000, three out of four undergraduate students in the United States were enrolled in one of some fifty public multicampus systems dispersed among thirty-eight states.⁸

CALIFORNIA'S TALE

In its organization and mission, each public university reflects in some measure the larger political and cultural environment of its particular state. At first, California's land-grant university was much like other public universi-

ties; in its youth, it started out with grand designs but soon struggled with finances, political support, and the difficulties of cultivating student demand in an era when higher education was not a prescribed route to a prosperous livelihood. But over time, California did invest substantial taxpayer funds to support its state university, enrollment demand grew dramatically, and programs emerged that met local social and economic needs. California's state university, as Gilman had hoped, did indeed "become worthy of the state." In that path from a rather small to a rather huge educational venture, the University of California attained a number of unique features that distinguish it from the pantheon of public universities and colleges in the United States. Each had important implications for admissions policy.

For one, in 1879, California's land-grant university gained an unusual level of autonomy when it became a "public trust" under a major revision to the state's constitution. Because of a much larger and tumultuous political debate in California about the rights of citizens and the organization of government, the university's governing board gained the ability to manage the institution as nearly a fourth branch of government, subject legally only to fiduciary regulations of state government. Only five other public universities have a similar status in their state constitutions. For the University of California, this legal status did not isolate the institution from the power and influence of lawmakers and the state's political milieu, but it did create a substantial buffer—including the authority to set admission standards.

Another important and related peculiarity is the development of California's pioneering and highly differentiated public higher education system by the early part of the twentieth century—what I have called *the California idea* in an earlier book. California created the nation's first coherent public higher education system through two major innovations. First, and in part because of the advocacy of University of California officials, beginning in 1907, California was the first state to develop and fund a network of public junior colleges. Other institutions, including and most famously the University of Chicago, experimented with the notion of the junior college; California was the first state to create a legal framework and public funding mechanism to make it a key component in its emerging higher education system. California also pioneered the Associate of Arts degree, which by 1910 guaranteed a student could transfer to the University of California at the junior year.

The junior college did not obviate the need for the University of California to also grow. To avoid the rise of competitors, the University of California established new campuses, beginning with the establishment of what became UCLA in 1919, and in so doing, it became the first truly multi-

campus university system in the United States. Many rapidly growing states established new universities and colleges; yet up to that time, they were separate public institutions. The board of regents and academic leaders at the University of California sought a different path. They created and retained a “one-university” model. This development has continued to have important implications for admissions policy.

Today, although not all of the undergraduate campuses are equal in academic reputation or in the breadth of programs they offer, each shares a common mission as comprehensive research universities, with common academic personnel policies, common criteria for their respective claim on state funding, and as noted, common policies for determining eligibility at the undergraduate level. Under the one-university model, any student who met the university’s published admissions criteria was guaranteed a place in the university, and until the 1980s, students would be accommodated almost always at the campus of their choice. Most other state university systems were formed after World War II by combining different existing universities, often with different missions and different admissions criteria.

The University of California’s unusual level of autonomy, the advent of the community college and a set of regional institutions (what became the California State University) linked with the university through matriculation agreements, and the one-university model allowed the institution to retain a unique role in California. It remained the state’s primary research institution and, within the state’s evolving public higher education system, retained exclusive authority to grant professional and doctorate degrees (until very recently); it provided the rationale for the university to maintain relatively high admissions standards and indeed to raise them marginally at important junctures—a policy built on the shoulders of the other two public higher education segments. Today, California’s state university is among some 10% of the nation’s four-year higher education institutions, both public and private, that are highly selective—not as selective as Harvard or Stanford, but nearly so.⁹

These peculiarities noted, the University of California has confronted many of the same challenges faced by other major public universities in the United States. Public universities, in California and elsewhere, have long struggled with the match between their obligations to meet growing demand for access with resource questions. As demand has grown for access, public universities engaged in debates over merit and, more specifically, the proper criteria for selecting among well-qualified students. Perhaps most evident in recent decades, public universities are increasingly subject