

# Academy Meetings



Students pass through Sather Gate, the south entrance to the UC Berkeley campus. Photo courtesy of the University of California, Berkeley.

## Challenges to Public Universities

Robert J. Birgeneau, Mark G. Yudof, and Christopher F. Edley, Jr.

This presentation was given at the 1935th Stated Meeting, held at the University of California, Berkeley, on December 2, 2008.

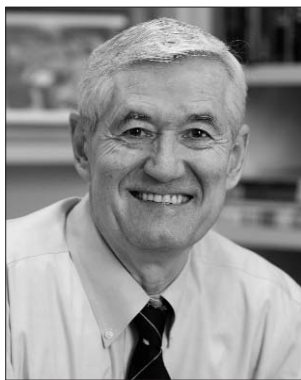


Photo: John Blaustein

### Robert J. Birgeneau

Robert J. Birgeneau is Chancellor of the University of California, Berkeley. He has been a Fellow of the American Academy of Arts and Sciences since 1987.

America's higher education system of private and public universities is the envy of the world. Within this dual system, America's public universities were created to serve the public good by providing excellent educational opportunities to the entire population. Today we clearly recognize that public universities are pivotal in realizing society's potential for opportunity, social justice, and prosperity. For public universities to continue to meet these goals, two key questions must be addressed. First, who are the students we are educating, and what financial challenges do they face? Second, in the competition with private universities for funding and faculty, what challenges do public universities confront?

Public teaching and research universities educate 75 percent of the nation's college-going population. In fact, the ten leading public research and teaching universities in the country now educate more than 350,000 students, a figure that has grown by 50,000 over the past thirty years.<sup>1</sup> By contrast, the Ivy League educates about 1 percent of the student body in the country. Public universities are important, first and foremost, be-

<sup>1</sup> This talk, which was given at the American Academy of Arts & Sciences meeting at UC Berkeley on December 2, 2008, is based upon a comparison of ten leading public universities that include Berkeley, Colorado, Florida, Illinois, Michigan, North Carolina, Rutgers, Texas, Virginia, and Wisconsin from 1978 to 2008.

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cause they provide an outstanding education to large numbers of people who go on to play leadership roles in all sectors of society in this country (see Figure 1).

Compared to private universities, the student bodies of public universities tend to be dominated by undergraduate rather than graduate students. For example, MIT has about 4,200 undergraduate students and they comprise 40 percent of the student body. In contrast, the University of California, Berkeley, has about 25,000 undergraduates and they comprise 70 percent of the student body. Thus, although public universities share with their private counterparts a dedication to both undergraduate and graduate education, the primary mission of public institutions is to educate large numbers of undergraduate students.

Some public universities – among them Berkeley, Rutgers, Texas, and the University of Illinois at Urbana-Champaign – choose to focus their mission on educating in-state students. At Berkeley, approximately 90 percent of our undergraduates are Californians. Another group of public universities – including Colorado, Michigan, and Virginia – enroll large numbers of out-of-state students, and so their student body profiles tend to look more like those at private universities (see Figure 2). The factors driving public universities to enroll large out-of-state undergraduate populations are diverse. Unfortunately, a significant factor appears to be state disinvestment in public educational institutions. This is especially troubling because the presence of large numbers of out-of-state students may have unfortunate social consequences for the makeup of a university's student body, as I will discuss below.

Public universities that focus on in-state students generally aspire to have student bodies that reflect their states' demographics. Thus, as demographics change, student populations should change too. In 1978–1979 California was more than two-thirds Caucasian, as was the student body at Berkeley. In 2007–2008, 44 percent of Californians were Caucasian, and 37 percent were Hispanic. At Berkeley in that academic year,

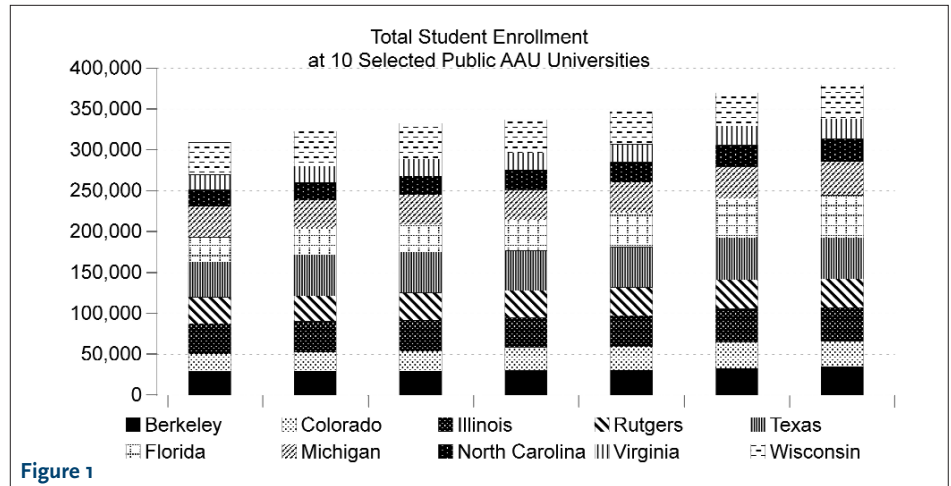


Figure 1

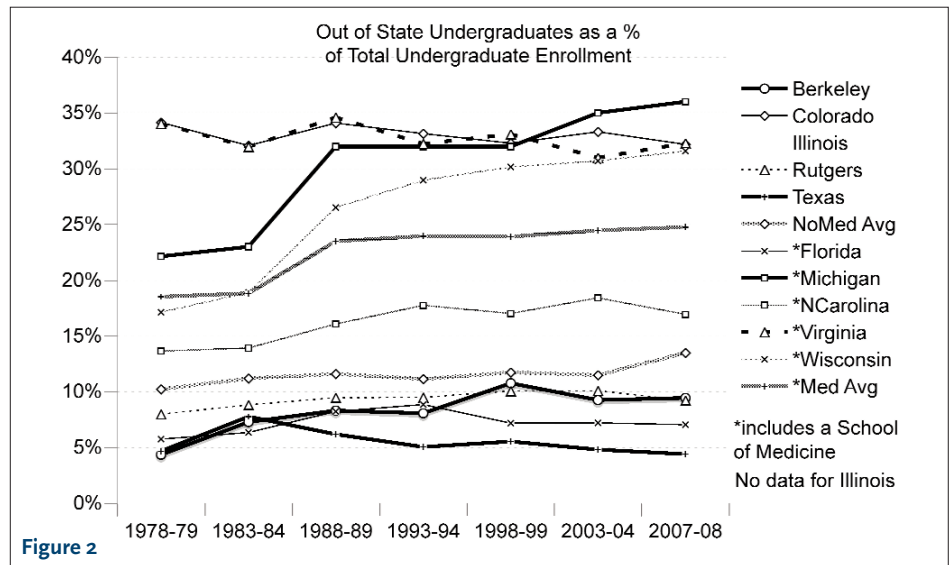


Figure 2

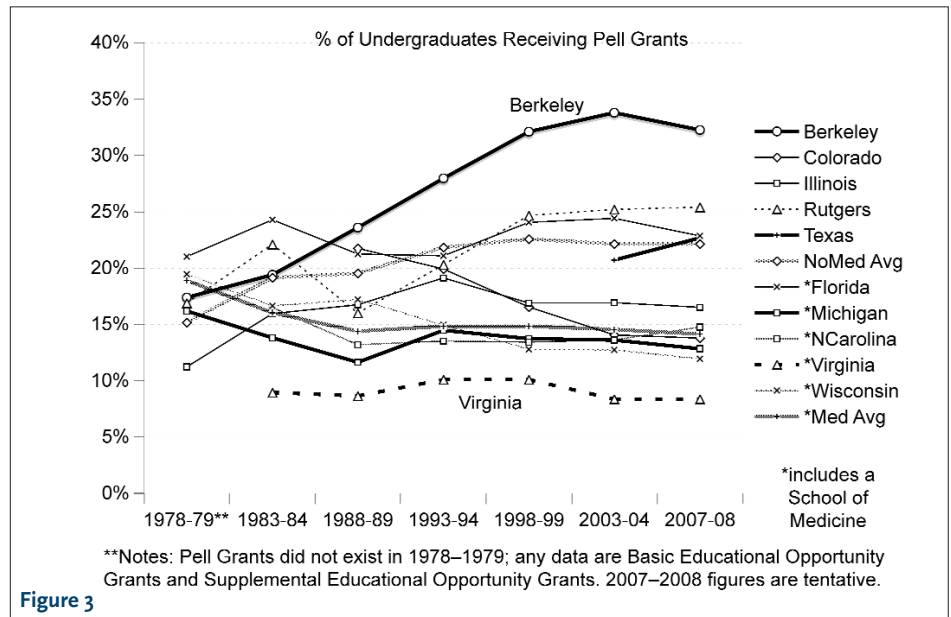


Figure 3

however, only 31 percent of the undergraduate body was Caucasian. Hispanic students, 3 percent of the undergraduate body in 1978, had increased to 12 percent. African American students remained at 3 percent. This rather dramatically illustrates the challenges of achieving ethnically and racially representative undergraduate student bodies.

Achieving economically representative student bodies has been somewhat easier, at least within the University of California system. One measure of this success is the number of University of California undergraduates who receive Federal Pell Grants, which are reserved for students whose family income is under \$45,000 per year. Berkeley – indeed, the entire University of California system – takes great pride in the remarkably high percentage of its undergraduate students who receive Federal Pell Grants. Even more remarkable, one-sixth of Berkeley’s undergraduate body, 4,000 students, comes from families whose income is \$20,000 per year or less (see Figure 3).

Public universities with a high percentage of in-state students tend to have a higher percentage of Pell Grant recipients than do public universities with large numbers of out-of-state students. A key challenge for public universities as they attempt to fulfill their missions is the trade-off between admitting financially disadvantaged in-state undergraduate students and well-to-do out-of-state students.

A fundamental responsibility for the University of California and for public universities generally is to guarantee accessibility. If you are qualified to attend the University of California, Berkeley, then we must make it possible for you to attend Berkeley. The University of California system has a financial aid policy that ensures that this is not an empty promise. This, in turn, explains the large number of extraordinarily talented students from very poor backgrounds within the University of California system. All University of California students are expected to contribute to their educational costs from both work and borrowing. Their parents are also expected to contribute, and the parental contribution is calculated using a formula provided by the federal government. Unfortunately, the federal formula, which is based on a national average, does not work well in

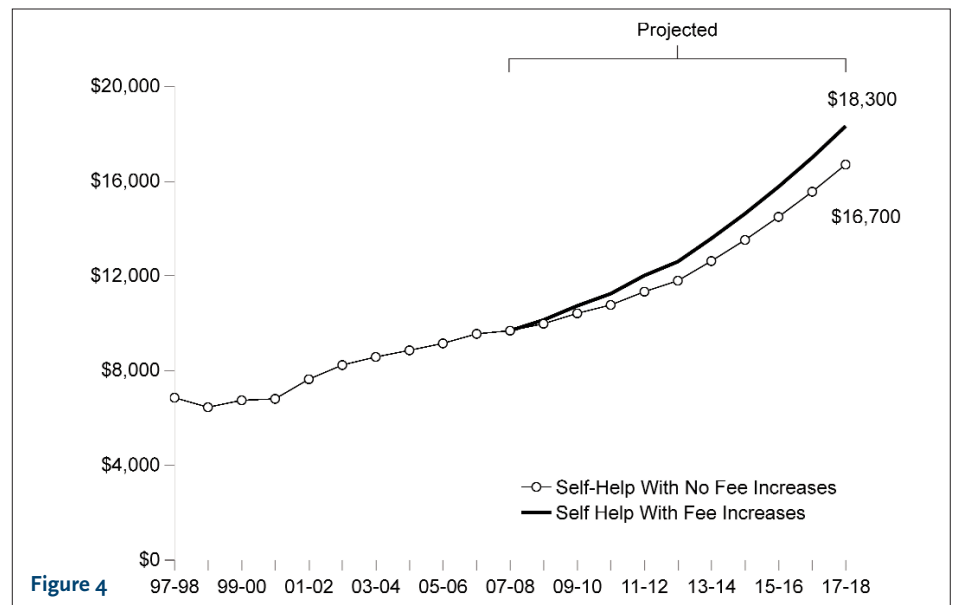


Figure 4

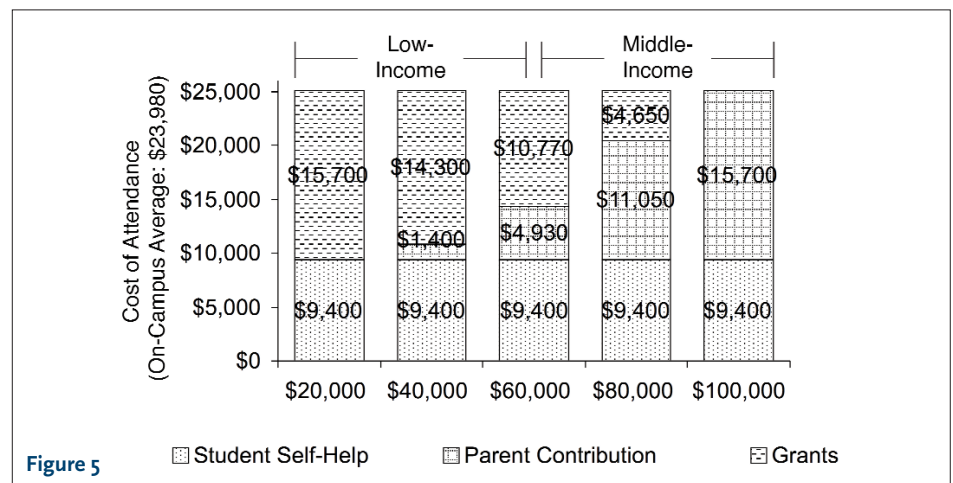


Figure 5

parts of California, such as the Bay area, because of the very high cost of living in those areas.

Suppose your family income is \$20,000 a year; in California, especially, this means that your discretionary resources are extraordinarily limited. To attend Berkeley, the total cost of which is about \$26,200, you will have to provide \$8,200 on your own. This is referred to as the “self-help level.” The university will provide you with a grant – not a loan, but a cash grant – for the \$18,000 balance. Your self-help contribution likely will come from a combination of work-study and loans. You will graduate with relatively low debt: about \$14,000, the average for Berkeley students from low- and middle-income families. The average debt for all Berkeley

students when they graduate is \$7,000. At present this financial aid system works well, at least for students from genuinely poor families. How will affairs look in ten years? Assuming consistency among the state’s financial aid policy, the federal government’s financial aid formula, and the University of California’s fee policy, the \$8,200 contribution required in 2008 projects to \$16,700 in 2018 (see Figure 4). It is difficult for me to imagine writing a letter to a student from a family whose income is \$20,000, saying, “Congratulations, you have been admitted to UC Berkeley! We are going to do whatever we can to enable you to attend Berkeley, but over the next four years, you will be responsible for contributing \$66,800 on your own.”

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How can we avoid such a scenario? Should we freeze fees? In fact, this is exactly the wrong thing to do. As illustrated in Figure 4, if fees are frozen, the student self-help contribution actually increases to \$18,300. Instead of having to provide \$66,800 over four years, the hypothetical student from a family earning \$20,000 per year will have to provide \$73,200, a higher proportion of which will be debt. This counter-intuitive result occurs because of the way in which the University of California redistributes fee income. Currently, one-third of the undergraduate fee income is redistributed as financial aid to students from financially disadvantaged families. As fees rise, more money becomes available for financial aid. Freezing or reducing fees only reduces the resources available to help financially disadvantaged students.

Although facing greater financial challenges in the future, financially disadvantaged Californians currently are relatively well covered through the University of California financial aid system. The present-day challenge is for the middle class. To understand that challenge, we might look at Harvard, which last year announced that it would begin providing financial aid to all students from families with annual incomes at or below \$180,000. Harvard students with family incomes up to \$180,000 are expected to contribute no more than 10 percent of their family income toward their Harvard education. At Berkeley, because financial aid – driven by the federal guidelines – cuts off at about \$90,000, a student with family income of \$100,000 would receive a grant of zero dollars. Thus it is less expensive for a family whose income is \$180,000 to send a son or daughter to Harvard than for a family whose income is \$100,000 to send their child to Berkeley or any other University of California campus. This is a fundamental challenge that we must address for the middle class going forward (see Figure 5).

So, the news for students is mixed; it is good for students from low-income families now but looks threatening in the future; it is workable for middle-class students wanting to attend Harvard and many other well-endowed private universities but considerably more difficult for those in the University of California system. The news is also mixed for public university financing. Across the country, state appropriations per total student headcount at leading public universities vary by

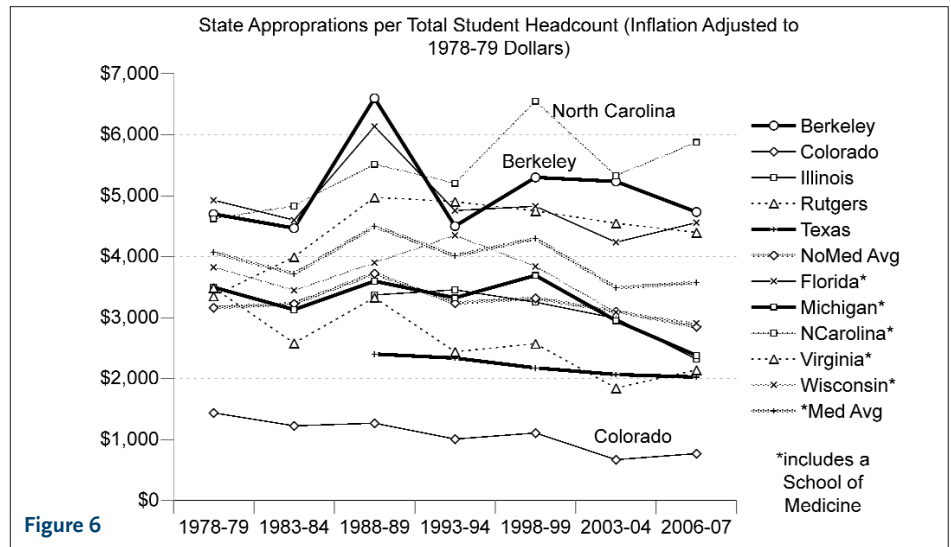


Figure 6

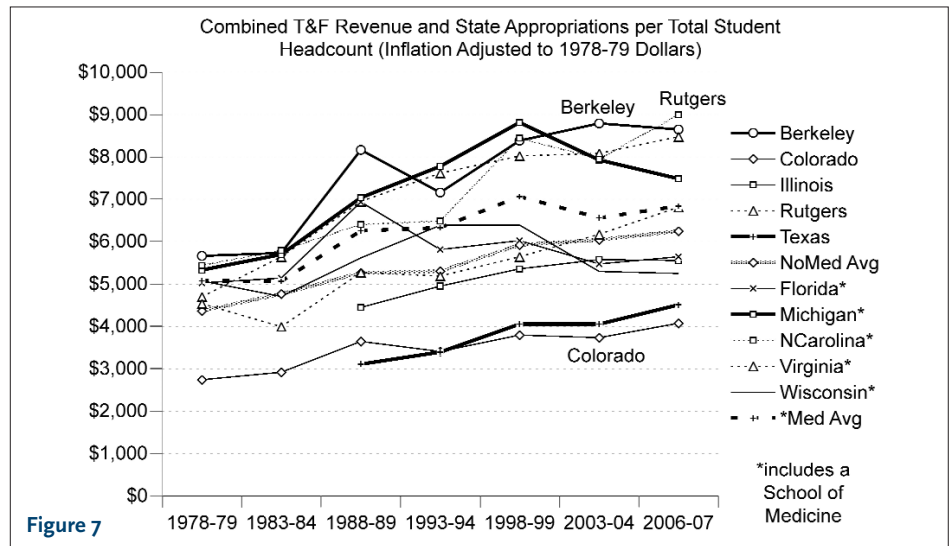


Figure 7

a wide margin. Among our group of ten public universities, at the top is North Carolina, followed by California, Florida, and Illinois. At the bottom is Colorado, where state funding per student is less than \$1,000 (see Figure 6). Thus, at least until 2008 the University of California system was well-funded compared to most state university systems. Some systems have been able to offset partially the progressive disinvestment by their state governments by continuously increasing fees. For example, while student fees at Berkeley are \$7,600, at the University of Michigan fees for in-state students are around \$12,000, the highest among top public universities. Of course, Michigan's in-state fees are still low compared to those of private universities, where fees are typically \$35,000 – \$40,000. Combining student

fee income with state appropriations reveals that, in constant dollars, public university funding per student has increased by about 35 percent over the past 30 years (see Figure 7). Although we feel like we are becoming poorer and poorer, that is actually not the case. So why *do* public universities feel that we are becoming impoverished despite rising total incomes?

We feel poorer because compared with private universities we, in fact, are less well resourced – most especially in our endowments. This is the bad news about public university funding. Our endowments, or relative lack thereof, place us at a significant competitive disadvantage with respect to private universities. Overall, public universities have low endowments, in good part

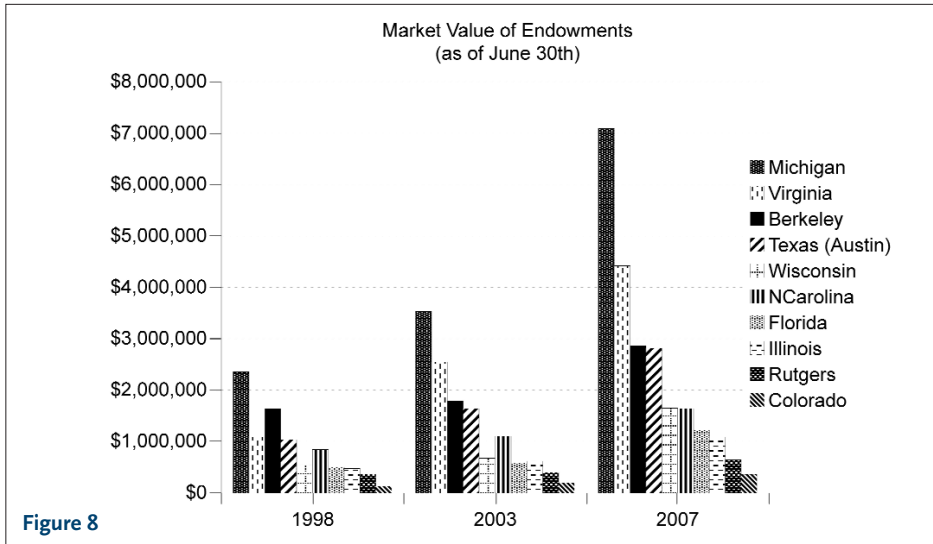


Figure 8

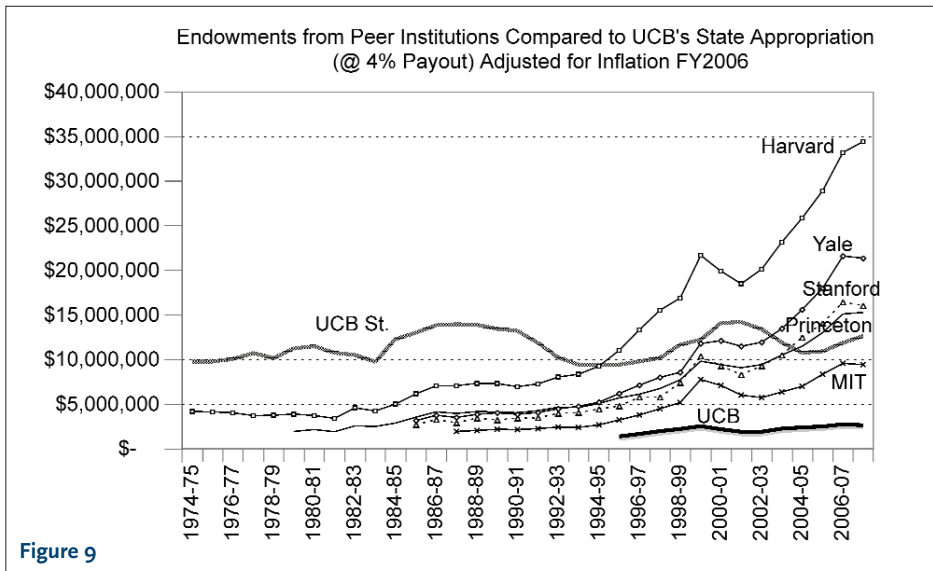


Figure 9

because we simply realized too late the prospective importance of endowments. Private universities have long understood the importance of raising large amounts of money for endowment, as opposed to raising funds for immediate expenditures, and investing those funds well. Public institutions, in the main, missed this, thinking that the state would always take care of them. Today the largest public university endowments are at Michigan, Virginia, Berkeley, and Texas (see Figure 8). Berkeley's endowment, large in comparison to that of most other public universities, is nonetheless dwarfed by the endowments of many leading private universities, especially Harvard, Princeton, Yale, and Stanford. The resources that these top private universities derive

from their endowments are extraordinary, comprising a significant fraction of their operating budgets. This allows these institutions to pay high faculty salaries, provide new faculty generous start-up packages, and make available copious graduate fellowships. An interesting way to think about the financing of public universities is to translate the state funding into an equivalent endowment and to compare the income from this "endowment" with the income private universities derive from their endowments (see Figure 9). In 1995, the payout from Harvard's endowment alone exceeded Berkeley's state funding. This is in absolute dollars, not normalized per student. Harvard has far fewer undergraduates than does Berkeley. Thus, the funding per Harvard student from en-

dowment income alone grew rapidly past the funding per Berkeley student in the mid-1990s. This disparity between Harvard and Berkeley is representative of the disparity that generally exists between private and public universities, a differentiation that has changed the competitive situation in a fundamental and, in my opinion, permanent way. This is true even in today's greatly depreciated investment markets. As another, rather dramatic example, last year the income from Stanford's endowment, assuming a 5 percent payout, exceeded our state appropriation at Berkeley by nearly \$300 million.

Many people would still like to believe that in due course the State of California will provide funding to the University of California commensurate with the endowment-derived income of the great private universities. My opinion is that this is not going to happen, at least not in the foreseeable future. Therefore, we must devote considerable energy to devising new financial strategies that are multidimensional, that will enable us to continue to offer the kind of facilities and faculty salaries necessary for us to be able to compete effectively and provide our public university students the education that they deserve.

Public universities are the conduits into mainstream society for an extraordinarily large number of highly talented people from financially disadvantaged backgrounds and the key to the American dream of an increasingly better life for the middle class. In order to fulfill our commitment to the public good, we have an obligation to offer through public higher education the opportunity for the same quality of education that is available at the very well-financed and fine private universities. Maintaining access and excellence in offering great public higher education is the foremost challenge that universities like Berkeley face.



### Mark G. Yudof

Mark G. Yudof is President of the University of California system. He has been a Fellow of the American Academy of Arts and Sciences since 2001.

Investment in human capital drives prosperity and economic growth, not only in America but around the world. The business community often says we need a friendly business climate, we need low taxes. But the truth is that the investment in human capital, the preparation of the workforce, the ability to have great scientists and engineers and others discovering things in their laboratories is critical. Relatively high-tax states with relatively high investment in human capital can do very, very well, as states like Massachusetts and California historically have demonstrated. A low-tax state with low investment in human capital might get a new Toyota manufacturing plant, but the really high-end enterprises that have multiplier effects and engage people's intellects will still be difficult to land.

California understood this when the Master Plan for Higher Education was developed under the leadership of Pat Brown and Clark Kerr. The plan provides for universal access, the extremely high quality that you find at the University of California, a tiering effect, and substantial investment in the infrastructure and operating cost of the university. And that commitment is up in the air today. California is in great danger of becoming a relatively high-tax, relatively low-human capital investment state, a formula that will not protect the great investment that has been made in the University of California. To some extent, we are living off the investments that started in the 1960s and the 1970s

and off the vision of that generation of leaders. Today, with talk of consumption goods and the privatization of higher education and an unwillingness to address the capital and operating needs of the University of California, I have the sense that the university is viewed less and less as a public good.

Earlier this year I spoke at a conference; my theme was that "Knowledge is the oil of the twenty-first century." The conference took place at King Abdullah University, Saudi Arabia's new \$10 billion research institution. The Saudis believe the key to their future is emulating the American example, which is mostly the California example, of investing in world-class research universities. Will their experiment work? I don't

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know. Ten billion dollars is a lot of money, but the Saudis still have to recruit the necessary researchers, technicians, and other staff. When I met with the Saudi oil minister, he told me, "Mark, I agree with you that knowledge is the oil of the twenty-first century, but, all things considered, it's better to have oil and knowledge." (I thought, well, I can't really argue with that. Wealth does have a way of helping you over the bumps you encounter while waiting for your knowledge to kick in!)

The Saudis – and others in South and East Asia – are trying to emulate a type of investment in public research universities that is more characteristic of the California of the 1960s and 1970s than of California, or anywhere else in the United States, in the twen-

ty-first century. This is the great irony of countries – from Saudi Arabia to South Korea to Singapore to, increasingly, China – attempting to emulate the American example of investing in world-class public higher education: The example to which they are looking is eroding in the very place it originated.

This erosion is indisputably evident in California. If you compare the amount of money Bob Birgeneau and the other University of California chancellors had in 1990 to spend on each of their students with the amount they have today – taking into account inflation and the increases in enrollment that have occurred over that nearly twenty-year period – you find that Bob and the other chancellors have 40 percent less money. When you have 40 percent less money, how do you pay staff higher wages? For that matter, how do you compete for the best professors? Build expensive laboratories? Deal with retirement plan issues? How do you deal with earthquake damage? In 2007, the state cut its funding of the University of California by \$113 million, to \$3 billion. State money is crucial because it provides the funding for such core areas as the humanities and social sciences, areas that generally do not have supplementary income streams – the physician practice plans, national laboratories, and substantial research grants that help fund the hard sciences portion of the budget. In addition to the state's \$113 million cut, the University of California had to absorb another \$100 million in costs for things that are going up in price, either because of inflation, higher enrollment, increased maintenance on buildings, or any of a number of other difficult to control expenses.

In my view, the model for support of public universities in America is broken. While exceptions can be found – North Carolina has had an extraordinary history – they generally only underscore what is wrong with the system: for example, Virginia and Michigan, which look to nonresident students paying very high tuition and fees as a source of revenue. The future in California – with its budget deficit running to the tens of billions of dollars and its political system seemingly having great traumas over generating the compromise needed to deal with such a huge shortfall – does not appear to offer any relief for public higher education. Nor do I

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anticipate a quick turnaround in the economy and thus a quick resolution of the University of California's funding woes. Even if some things do go our way, the University of California would still likely be looking at multiple years before budget cuts were reversed.

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The question then becomes "What do you do if the model is broken?" One of things we try to do is educate Californians – and, frankly, I'm more interested in Californians in general than in individual legislators – as to why the University of California is important even if they do not have a child at this institution or a family member who works there. The University of California is important to all Californians because of the quality of medical care it delivers; because of the research it conducts in such key areas as alternative energy, climate change, and new materials; because of its support for and involvement in the cultural life of the state; because it is a public good. And so we should try to do a better job, reverse the diminution of the bright star of public universities.

Second, we may need to rethink the federal role in higher education. Historically the federal role has comprised two tracks. The first is indirect funding of universities through direct grants to students; for example, Pell Grants and, before that, GI Grants. The idea behind the grants – which really amount to a voucher system – is that the money goes with the student rather than directly to the university. The student is admitted to eligible universities, chooses one, and plunks down a piece of paper that is the equivalent of a check from Uncle Sam. The second track is federally funded research. After World War II the United States witnessed a revolution in the financing of research as universities became the nation's primary research labs for all sorts of purposes.

I invite the federal government to consider taking on a new role in the funding of higher education: investment in the physical infrastructure of public universities. If America is going to build bridges – which are undoubtedly important – or levees – also important – or highways or other things, then why not also build classroom buildings? Why not build scientific laboratories, engineering buildings, and so forth? Doing so would provide an immediate economic stimulus, employing electricians and bricklayers and plumbers, as well as architects and engineers, glaziers and so on. Such an investment would also have intermediate and long-term payoffs. The University of California faces the predicament of not having the operating funds today to service the debt that it needs to service in order to take care of the facilities it has and the facilities it needs. Not only

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do public universities seem like a logical place for federal investment, but that investment can occur without getting the federal government so deeply involved in university business that it is telling universities whom to admit, what courses to offer, whom to hire, and the like.

The third thing we can do is to achieve business efficiencies. So far at the University of California we have cut over 500 positions in the office of the president, saving about \$60 million, and we are looking for more ways to cut. We now have accountability systems so we can answer the questions "What sort of year did you have? Are your students doing well? Do your faculty win awards? How is the research enterprise going?" More can be done in this area too. At bottom, however, universities are labor-intensive enterprises, and labor in this country does not come

cheap. I remember my daughter took me to Old Navy one year. She felt I wasn't cool; I thought I was. She said I needed new clothes. So I ended up buying some shirts at \$6 and \$7 apiece. Shortly thereafter, on my way to see a member of Congress, I had my annual shoeshine and was shocked to realize it cost more than the shirts I had bought. The reason, of course, was that the job of making my shirt had gone overseas. The job of shining my shoes is less easily exportable – as are most jobs in medical care and education, two of our most pressing economic issues in terms of cost. As such, we will never achieve the educational equivalent of the \$6, foreign-made shirt. And, given the successes we have achieved with public higher education in this country, we should not want to.

One of the great challenges for higher education is going to be reexamining the model that has produced so much success. I believe only the faculty can do this. Ten, twenty, thirty years from now, what will the model be? Will it involve more technology? What other innovations can we use? How can we preserve quality while responding to a very difficult financial climate? Higher education is not, after all, like the paper factory in Minnesota that once employed 1,000 people and now, because of technology, has eight employees running the entire factory. Technology in higher education has not provided that sort of substitutionary leverage. By and large, our learning takes place in classes with really fine teachers interacting with students, reading papers, and all the rest of it. The question is how can we preserve the best of that model while still moving forward?



### Christopher F. Edley, Jr.

*Christopher F. Edley, Jr. is The Honorable William H. Orrick Jr. Distinguished Chair and Dean of UC Berkeley School of Law. He has been a Fellow of the American Academy of Arts and Sciences since 2007.*

Whether I am wearing my hat as an academic bureaucrat or my hat as a policy wonk, the basic challenge facing public higher education – specifically the public research university – seems to be getting the public to believe that this enterprise matters. In meeting that challenge we will need to tackle four obstacles that stand in the way: aspiration, legitimacy, affordability, and elitism.

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#### Aspiration

Clark Kerr, the twelfth president of the University of California, once quipped that the central role of a university administrator was “providing parking for faculty, sex for students, and athletics for alumni,” which neatly, if facetiously, captures the misplaced aspirations of so many with a stake in higher public education. Kerr, of course, presided over the original California Master Plan for Higher Education, which in its elegant and

compelling way once expressed our grand, collective aspirations for the place of public higher education in the life of this state.

What has happened to those aspirations? Consider that during the last thirty years only one campus has been added to the University of California system – at Merced – and only one campus has been added to California State University – at Monterey. During the same period, however, California added twenty-two new prisons. Over the last thirty years, the total enrollment in California higher education has grown by 22 percent, but in just the last fifteen years California’s prison population has grown by 73 percent.

The notion of a universal entitlement to education has roots reaching back to Plato, who, in the *Republic*, talked about broad education but for the narrow purpose of training philosopher kings and elites. The Talmud teaches that in the middle of the first century C.E., Joshua ben Gamla, the high priest of Judea, established compulsory religious education for children in every village. The idea stuck – although poor Joshua kept his job for only a year or so. Today we take for granted that compulsory education will be provided to pre-K children through students age 16 – 18, depending upon the state.

The question for our future is, what is the appropriate aspiration? Given the changes in our economy, is it not time to think about universality and entitlement not just for thirteen years (pre-K through grade 12) but for at least fifteen years? Shouldn’t the aspiration toward which we try to move the broader public be the grander one of ensuring that everyone have a postsecondary education or training that leads to a degree or certificate with value in the marketplace? And that high school should prepare you for that post-secondary experience? That early childhood learning and elementary and secondary education should support children in achieving their full potential? That equity is critical? That there should be no gerrymandering or color-coding of opportunity? Our aspiration should not just be, “Please save our university’s budget,” but should also encompass the broader enterprise of explaining that we have reached the stage in our advanced society, our advanced economy, in which this broader aspiration of universality and attainment must be defined and pursued.

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An analogy can be drawn to what we are now experiencing in healthcare. Medicare and Medicaid were established in 1965 so that the elderly and the very poor were entitled to basic healthcare. Although we have witnessed endless battles over the scope of coverage, the cost, and the complex regulatory environment for Medicare and Medicaid, we have arrived at the cusp of a moment when universal access to healthcare may be established at last in the United States. How we got from 1965 to this moment may be instructive as we define the aspiration for higher education in the generation ahead.

#### Legitimacy

The challenge of legitimacy is one of inclusion – or the lack thereof: the under-representation of poor and minority students at our top institutions of higher education. Only 3 percent of the students at the top 150 American colleges and universities come from the bottom quartile of the income distribution. Three percent! And only 10 percent come from the bottom *half* of the income distribution. If you were to walk the campus of one of these 150 institutions, you would be twenty-five times more likely to meet someone from the top income quartile than someone from the bottom income quartile. Higher education cannot have legitimacy as an engine of opportunity if it is exclusionary, or even perceived as being exclusionary.

Nationwide, 15 percent of community college students are Latino, and 13 percent are black. In California, however, Latinos account for 28 percent of community college students, and blacks for 8 percent. Something in the operation of the higher education system, including the pipeline to it, is sorting minority students out of the better postsecondary opportunities. Furthermore, the community college system – the postsecondary opportunity in which most blacks and Latinos who pursue postsecondary education find themselves – is generally acknowledged to be broken. Broken in the sense that the vast majority of students leave community college without having achieved even a certificate, much less an associate's degree or transfer to a four-year institution. If majorities of the black and Latino students nationwide in postsecondary education are in community colleges and community colleges are not working, what does that say about who will be in the middle class fifteen years from now? The very legitimacy of higher education depends upon whether it is inclusive.

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### Affordability

The question of legitimacy cannot be disentangled from the question of affordability. My boss, Berkeley Chancellor Robert Birgeneau, addresses quite well how this issue looks to the student. But what about affordability from the standpoint of government? Think about it this way: You're the government. You're going to purchase this service – higher education – for the people. How much should you be willing to pay? What should the cost be? The higher education market is far from perfect; it bears little relationship to the neoclassical microeconomic paradigm (no matter what the antitrust division at the Department of Justice might like to believe). The system of subsidies, tax expenditures, and so forth is like a badly dis-

torted image of a traditional market – as it should be, in my view. But the investing public, acting collectively through government, is still left with the question, Should we purchase a Chevy or a Cadillac? A Mazda or a Maserati? A hybrid or a Hummer? The knee-jerk response among higher education leaders is, “Well, the diversity of our institutions is one of the great strengths of the American system.” They are correct, but that response implies the need for a diversity of financing strategies for that product. Otherwise, the affordability problem will persist.

### Elitism

The Berkeleys of higher education have a special problem. When the Supreme Court heard oral arguments in the University of Michigan affirmative action cases in 2003, Justices Scalia and Thomas said, more or less, “You claim that diversity is a compelling interest for your university, but you also tell us that by being selective, by being elite, it makes it difficult for you to get the diversity that you think is so important. Well, why do you have to be so selective? Why do you have to be so elite? Just make a choice. You know, if diversity is so important, just focus on being diverse; don't focus on being so elite. Leave the elite business to the private sector.”

For many folks in elite higher education, this surely seemed like a preposterous proposition, but the issues it raises deserve consideration. The fact is, few public institutions compete with the elite private colleges and universities. Few states have made the decision to invest in a Berkeley, a UCLA, a UC San Francisco. That a polity should choose as a matter of public investment to try to compete with Harvard, MIT, and Stanford is not obvious. After all, most states have chosen not to do so. Thus, those of us who wish to proclaim and advance the proposition that elite public higher education has a role to play in the broader system of public higher education face a special challenge. This case can be made, but it is not an obvious case, and we must attend to it with great care, paying special attention to the related challenges of affordability, legitimacy, and aspiration.

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I never wanted to be an academic administrator – it's a ridiculous job. When your alternative is being a professor and doing whatever you want . . . So when Berkeley first came after me, I said “No” several times. But then I finally had lunch with the search committee. Their second question – after “Why do you want to be dean?” to which I replied, “I don't think I do.” – was, “What do you think is distinctive about the mission of an elite public law school?” That was a great question, one I had never thought about. While a Harvard professor I never wanted to be a dean – why would I want to spend my time polishing the flatware? But the question asked of me by the Berkeley search committee made me start thinking about whether there should be something distinctive. Otherwise, why bother? What would be the point of an elite public university whose only distinctive feature is its “eliteness?” The future of our institutions cannot be secure without a compelling answer to that simple question. ■

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