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EDITORIAL

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**Whose University?  
Our University!**

“On the same July day that the UC Board of Regents cut \$813 million from UC budgets – setting in motion pay cuts, layoffs and campus cutbacks – the board quietly approved pay raises, stipends and other benefits for more than two dozen executives.”<sup>1</sup>

On July 10, 2009, Regents President Mark G. Yudof of the University of California announced that the nation’s leading public university system faced \$813 million in budget cuts. In a state that averages \$47,000 a year per prisoner and only \$14,000 per undergraduate student, a three percent cut to the UC system budget was administered by the state government to offset a decrease in funding for public education.<sup>2</sup> To counter this deficit, the university administration implemented a number of "emergency" measures, which have effectively undermined the public mission of the UC system and paved the way for privatization. These measures include: a tuition hike of \$2,500 after a 250 percent increase in the last decade was imposed for the 2009-2010 academic year; the dramatic reduction of faculty hires from 100 to 10; the compromise of staff services through "furloughs"; the lay-off of almost 2,000 employees in the past year;<sup>3</sup> and the cutting of academic programs and classes required for graduation by almost 10 percent. Yudof’s response to the state budget crisis articulates an approach to the university that fails to preserve its character as a provider of public service, but rather prioritizes the business imperatives of efficiency and utility:

"Maybe we can be more efficient in delivering our education services... Maybe we could deliver more courses by Internet; maybe we could have

more three-year degrees; maybe we could find other budget cuts that we haven't found. Could be that there would be substantial additional layoffs, which would be very unfortunate. We face a lot of hard choices."<sup>4</sup>

Over the course of the fall semester of 2009, UC campuses responded to the budget crisis and the UC administration's complete disregard for the concerns of faculty, staff, and students with protests that ranged from rallies, marches, teach-ins, sit-outs, to occupation of campus buildings. UC Berkeley, along with the support of local California State Universities (CSUs) and community colleges demanded: 1) no furloughs or pay cuts on salaries below \$40,000, 2) reversal of the decisions set forth at the July 29<sup>th</sup> meeting that implemented the fee increases and furloughs, and 3) full disclosure of the budget.<sup>5</sup>

On September 24<sup>th</sup>, in what would become a watershed moment for the campus that birthed the Free Speech Movement of 1964, more than 5,000 Berkeley students, staff, and faculty rallied on Sproul Plaza against the proposed measures and, more fundamentally, the challenge posed to public education in California.<sup>6</sup> Public education in California continues to rank among the best in the country, so when it stands endangered, what are the implications for the rest of the country's public institutions and those students who cannot afford a private education? Not a promising future, we argue.

Despite these mobilization efforts and public outcry, the UC Regents voted on November 18, 2009 to increase student fees by 32 percent over the course of the following academic year. This decision went frontally against the principles of the California Master Plan for Higher Education approved in 1959, so described by Clark Kerr, the first chancellor of UC Berkeley:

"...It was the first time in the history of any state in the United States, or any nation in the world, where such a commitment was made – that a state or a nation would promise there would be a place ready for every high school graduate or person otherwise qualified".<sup>7</sup>

Angered by the Regents' move to privatize the UC System, destabilize California's Master Plan, and compromise the quality of public education in California, a peaceful three-day strike at UCB culminated<sup>8</sup> on a rainy November 20<sup>th</sup> morning with the occupation of Wheeler Hall to demand the reinstatement of 38 UCB custodians. With over 2,000 supporters surrounding the police barricades around Wheeler Hall, YouTube videos<sup>9</sup> of police brutality and administrative negligence of the 11-hour occupation instantly drew international and statewide attention. In a small gesture, Governor Arnold Schwarzenegger proposed to give

the UC system \$371 million in January 2010 – less than half of what the university is requesting for its 2010-2011 budget.<sup>10</sup>

However frustrated, the campus continues to fight for public education for all. The September 24<sup>th</sup> walkout, the successful sit-in that resulted in the reopening of the anthropology library,<sup>11</sup> and the March 4<sup>th</sup> Strike and Day of Action to Defend Public Education have spurred a massive national movement spanning over 32 states. The spirit of the march – in particular, the march that led thousands from the UCB campus to Oakland City Hall – highlighted the persistent struggle for public education from pre-K to Ph.D, as well as other current issues close to education’s heart that were voiced that day: countering university racism, overturning Prop 13, and supporting majority vote for revenue and budget.

While the move to de-prioritize education in favor of privatization does not belong solely to Yudof’s tenure – the current events surrounding the university crisis have their roots in the past – Yudof’s outright disregard for public education has sparked widespread outrage and protest. This special issue of the Kroeber Anthropological Society Journal brings together faculty and undergraduate student voices from spoken protest to print. Our hope is that the intelligent, thoughtful, and inspiring pieces will demonstrate why those of us who believe in good public education are raising our voices in this moment not to “interrupt” education but to *save* it. It is our hope that the student essays on controlling processes as well as the thought pieces by prominent professors involved in the university struggle will serve to spark outrage, questions and dialogue amongst and across various disciplines, perspectives and ideologies.

### **The Kroeber Anthropological Society Journal, Editorial Board**

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## NOTES

<sup>1</sup> <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/08/07/MNSG194N2P.DTL#ixzz0jFecxZIo>

<sup>2</sup> <http://www.nytimes.com/2010/03/24/us/24calprisons.html>

<sup>3</sup> [http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/09/11/MNAB19L7Q9.DTL - ixzz0QuFXseKd](http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/09/11/MNAB19L7Q9.DTL-ixzz0QuFXseKd)

<sup>4</sup> [http://abclocal.go.com/kabc/story?section=news/local/los\\_angeles&id=7125735](http://abclocal.go.com/kabc/story?section=news/local/los_angeles&id=7125735)

<sup>5</sup> <http://ucfacultywalkout.com/>; <http://www.gradstudentstoppage.com/>

<sup>6</sup> [http://articles.sfgate.com/2009-09-25/bay-area/17205252\\_1\\_cuts-protest-students](http://articles.sfgate.com/2009-09-25/bay-area/17205252_1_cuts-protest-students)

<sup>7</sup> [http://ucfuture.universityofcalifornia.edu/documents/ca\\_masterplan\\_summary.pdf](http://ucfuture.universityofcalifornia.edu/documents/ca_masterplan_summary.pdf)

<sup>8</sup> [http://articles.sfgate.com/2009-11-21/news/17181267\\_1\\_occupation-regents-tuition](http://articles.sfgate.com/2009-11-21/news/17181267_1_occupation-regents-tuition)

<sup>9</sup> <http://www.youtube.com/watch?v=RWGCnVjWRd0>

<sup>10</sup> [http://articles.sfgate.com/2010-03-02/bay-area/18372026\\_1\\_students-uc-berkeley-higher-education](http://articles.sfgate.com/2010-03-02/bay-area/18372026_1_students-uc-berkeley-higher-education)

<sup>11</sup> <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/10/11/BAPR1A40PE.DTL&feed=rss.education>

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ARTICLES

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**Revolution at Berkeley: September 1964 - December 1964**  
***An Excerpt from “We Still Have a Dream”***

Bethany Slentz

**And so the Free Speech Movement was Born**

It is no secret that the sixties was potentially the most tumultuous and exciting decade of the last century: it saw the peak of the Civil Rights Movement, the Vietnam War, Cold War scares, the JFK assassination, the death of Martin Luther King, Jr., and conscription, picketing, protesting, free love, and the fight for freedom of speech. Ignited when TV became for the first time a staple in nearly every American home, no one could escape the conflicts of the sixties as it invaded their homes through the light of their new TV screens. The fire of the sixties was everywhere.

Inspired by the times, students of all levels in the University of California at Berkeley (UCB or Cal) began to form organizations for any and all causes with missions guided by a circular model of discussion, education, and action (often in the form of protest). Even today, in this new millennium, Berkeley residents often reminisce that these students fought with their hearts and souls for a “better society” guided by a “wish to remake the world” (Howe 1965: xxii). However, this statement, although true, does not paint the full picture of who these student activists of the sixties were. Just as today, many of these Berkeley students were justifiably as concerned with their upcoming midterms as fighting for civil rights and free speech, and fought to find a balance between the two.

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BETHANY SLENTZ graduated from UC Berkeley in 2008 with a degree in Anthropology. During her time at Cal, Slentz focused her anthropological studies on medicine, business, and politics in the university. Currently, Slentz is working in professional brand management for Advantage Sales and Marketing in Southern California.

What could have possibly been important enough to lead thousands of Berkeley students to poke their heads out of Doe Library and wage revolution on their campus governance? While no starting point is clear, many say that it began with the formation of an on-campus political action committee that ran candidates with a common platform for the Associated Students of the University of California (ASUC).<sup>1</sup> This group was called – somewhat mysteriously – SLATE, and they were abhorred by University of California (UC) administration for their opinions on what was considered proper forms of public action (Freeman 2004:19).

Born at a time when, if only for a short while, Greek fraternity and sorority members were not in control of student government<sup>2</sup> and the children of 1930s political activists<sup>3</sup> were entering the university, SLATE<sup>4</sup> represented the campus tutelage that despised the conformity of the “silent generation,” a term used to condescend fellow university students who did not choose to invest their free time in fighting in the major social movements of the time (15). After running candidates in the 1957 election with great success as their members were voted into ASUC seats, SLATE chose to form a permanent student political party, a concept that broke many campus bylaws that forbade political action-based student organizations. As a political party, SLATE began distributing *The Cal Reporter*, a four-page weekly that addressed political issues on and off campus (16). By 1958, SLATE had grown to a few hundred student members, and their radical opinions on political action in the university began to make the campus administration nervous. The administration claimed that SLATE could not be an active political party but only a “recognized student organization” that followed the rules of this title. Thus, the writings in their weekly could only be distributed off-campus.

As an alternative to these rules, SLATE requested in 1959 to hold a rally on-campus to address student participation in political activities, but this too was forbidden by the administration. Typifying youth rebels, SLATE held the rally in spite of this ordinance and passed out leaflets “demanding FREE SPEECH AT CAL” (18). For the UC administration, something immediately became clear: “SLATE meant trouble,” because they were believed by administrators to oppose “any kind of cooperation” and publish “misleading facts” (17). In response to these accusations, SLATE chose to give meaning to their mysterious acronym: they would now be “Student League Accused of Trying to Exist.”

Over the next few years leading up to the convocation of the Free Speech Movement (FSM)<sup>5</sup> in 1964, SLATE gained momentum. Their membership

crossed political and religious beliefs, and their cohesion came from a passion for civil rights and distaste for the “sandbox government” of the ASUC (18). SLATE members believed that the ASUC was simply mimicking the “big kids” and was not allowed to actually address real world issues. In many ways, they were right and for SLATE, as well as most students at Cal, this was appalling. For this new generation, the university was not simply a place where one “practices” being a real world citizen *in loco parentis*<sup>6</sup>, but a place where the real world production of knowledge and action could occur (Miller and Gilmore 1965: xix). Members of SLATE tried to complete this task by participating in civil rights marches, sponsoring conferences on how to be a student political party, marching against nuclear testing, and publishing a pamphlet titled *The Slate Supplement to the General Catalogue* that functioned as a revolutionary “ratemyprofessor.com” of a pre-internet age. However, they did so with an air of teenage rebellion, and thus lost all respect from the administration, characterized as having “a complete lack of responsibility to anyone” (Freeman 2004:19). If SLATE wished to function as a student organization under the rules that govern the student body, they would seem doomed to fail. Lucky for them, sheer rebellion eventually won out.

While the founding of SLATE was evidence of one “trimtab,”<sup>7</sup> a much larger one was being moved that would turn the whole ship of Berkeley right into the iceberg of the sixties. This trimtab comes with the directed effort of the university to control SLATE and their so-called slanderous publication. Realizing that they could remove a great deal of the lobbying power of SLATE by removing graduate students – their main constituency – from the ASUC, the UC Berkeley administration chartered a Graduate Student Association that forced graduate students into their own governing organization.<sup>8</sup>

Next, after a songbook was published by SLATE in October 1959 that used humor to attack campus administrators,<sup>9</sup> President Kerr “issued a series of regulations on student government, student organizations, and use of university facilities” known as the “Kerr Directives.” Essentially, these directives declared that student organizations were a part of the larger campus administration and thus could not take any position on “off campus” issues without consent. Furthermore, UC Berkeley-recognized organizations could not be party to any religious or political entity. Ignoring these new regulations, SLATE and later the *Daily Californian*, Cal’s on-campus daily newspaper, continued to act as a political party might by pushing ideals of “change through public action” despite the new regulations (18-20).

The final administrative move that led to the events of 1964 was its redrawing of central campus from Sather Gate to the last block before Bancroft and Telegraph. With Sather Gate falling in the middle of a high traffic area with campus buildings on either side, the original ordinance meant that students could set up their tables and hand-out pamphlets in “off-campus” zones that still had high student traffic between classes. By moving the campus borders out to the roads, this was no longer possible. This move meant that areas considered off-campus and thus imperatively free of UC regulations were made smaller and then marginalized from the heart of the Berkeley campus.

Although largely unknown to people today, this move was a potentially worrisome end to a long-standing practice at Cal lovingly called the “Sather Gate Tradition.” Since the 1930s, Berkeley students navigated around the “prohibition against politics on campus” by standing on soapboxes or car roofs with bullhorns outside of Sather Gate – what was then the campus border – to debate national issues. As the final papers to give the deed of land from the city to the UC were being signed, “everyone from SLATE to Clark Kerr” asked campus administration what they were going to do about the new conflict arising between this traditional form of activism and the new campus property. Vice-Chancellor Alex C. Sherriffs announced that actions that may be deemed in conflict with the university’s regulations shall be moved to the “northeast corner of Bancroft and Telegraph” to respect this “valued tradition” (27).

Activist students at UC Berkeley were furious. Not at all unlike today, Bancroft and Telegraph 50 years ago were noisy, had limited sidewalk space, and were full of heavy foot and car traffic. Thus, it would be nearly impossible for organizers to effectively communicate their ideas on a large scale that would be necessary for affecting change. To the students of SLATE and many of the ASUC, this meant that free speech was not protected because it was not supported by the campus infrastructure. As a result, these students challenged the administration by threatening to form a free speech committee (27-28). At this moment, the initial spark for the Free Speech Movement was present, although the movement was not yet ignited. While history would eventually write this event as the commencement of free speech ideology in Berkeley, it actually had its roots in the 1930s at the time of the Sather Gate Tradition and the Great Depression when free speech began as an on-campus issue. As social analyst Irving Howe writes, “Academic freedom, never a permanent conquest, must frequently be regained” (Miller and Gilmore 1965: xi). Now it was time for the students of Berkeley to stand once more for free speech like the students of thirty years prior.

By the spring of 1960, students were told that they could no longer place their information tables in front of Sather Gate. Prior to this, President Kerr, in support of the students, suggested that a small deed of land be given back to the city on Bancroft and Telegraph so that students had more space to gather. Although a verbal promise for this request was made, it was never fulfilled. Students moved to this space without knowing that actually it had not been given back to the city. They did not realize that a mere 26 feet away was a plaque declaring this area to be the property of the UC Regents and thus not a free space for them to be politically active (Freeman 2004:28).

In the fall of 1964, after four years of inhabiting without dispute this thought-to-be “off-campus” location, the *SLATE Supplement* had now reached 64 pages, and students of its representative organization and 17 other organizations were regularly fundraising and distributing activist information at their now standard table positions. However, something was different about the *Supplement* that year. For the previous spring edition, former Cal student Brad Cleaveland had written a controversial “Letter to the Undergraduates” in the *Supplement* with these foreshadowing words:

On May 13<sup>th</sup>, 1963, SLATE published the “Cal Reporter,” a newspaper which charged this University with a total failure to educate undergraduates... The University does not deserve a response of loyalty and allegiance from you. There is only one proper response to Berkeley from undergraduates: that you ORGANIZE AND SPLIT THIS CAMPUS WIDE OPEN!... Go to the top. Make your demands to the Regents. If they refuse to give you an audience: start a program of agitation, petitioning, rallies, etc., in which the final result is CIVIL DISOBEDIENCE (*California Monthly* 1965:1).

Although distributed in the spring, this piece did not make ripples until it was, after a low distribution, placed again in the fall *Supplement* as an insert in order to prevent wasting paper. It has been written by Jo Freeman, a Free Speech Movement activist and past SLATE member, that contrary to popular belief most students did not pay attention to Cleaveland’s words. In fact, his words are said to have had only a minor effect on the choices of the students involved with the formation of FSM, even if they did foreshadow the events that were to ensue (Freeman 2004:141). Cleaveland’s words were merely a reflection of the extremist version of a commonly held viewpoint of sixties’ youth that civil disobedience was an obvious path toward affecting change. Protest was the activist style of the time, and Cleaveland was demanding it of Cal students at a

moment when this demand was unnecessary as they were already seeing the need to protest.

However, this is not how this piece has been read in history. As will be shown, it has been a standard reaction of the UC administration to believe that large movements are the effect of one event caused by an often singular charismatic agitator. Thus, Cleaveland's words were read as *the* "call to arms" (141), the rallying cry that would go down in Berkeley history as the trintab that started the Free Speech Movement (*California Monthly* 1965:1). On the contrary, perhaps the more pertinent rallying cry happened four months later, on September 14<sup>th</sup>, 1964, when Dean of Students Katherine Towle distributed a letter to student organizations that were registered as "off-campus." This letter stated: "effective in one week... tables would no longer be permitted in the 26-foot strip of University property at the Bancroft and Telegraph entrance" (*California Monthly*, 1965:2). According to Section III of the UC Regents' policy, university facilities could no longer be used for the "soliciting of party membership or supporting or opposing particular candidates or propositions in local, state, or national elections..." and, thus, off-campus political issues were from thence not to be permitted (*California Monthly* 1965:2).

For many students, this seemingly sudden and strict change came as a shock as they had grown accustomed to setting up and soliciting tables in this small area they had been told years back was owned not by the UC but by the city. They wondered why, now when the ability to express political viewpoints was needed most. This was the year of the U.S. Presidential elections and the time of the Civil Rights Movement, was it not? For UC administration, it was the asking of such hard questions on-campus that troubled them most. By enacting bylaws that were already in place, the university administration performed a pre-emptive strike that they saw as necessary after the reactions on-campus to the primary elections and the Republican Convention. They feared that the situation would worsen and grow out of control as the national social climate heated. The university had been accused of being a "corporate handmaiden" and reportedly run by conservative business interests, a great contrast to the liberal student body. The ordinance was the prevention of a potential embarrassment of the UC name (*California Monthly* 1965:3) (Freeman 2004:146). To quote Freeman, the leftists and the radicals were "being evicted" (145).

For SLATE and the other 17 student groups that regularly utilized this area, the offer of a few open but controlled areas on campus was not enough to recover from the damage that the eviction would cause. Students needed this

densely populated location for soliciting funds and advertising their cause through the use of pamphlets, flyers, and announcements of related events. Most importantly, this was a place where they could distribute information to educate “the masses” with efficiency. “No recruitment” meant that they would not be able to keep member counts high enough for what was judged as necessary to function. Therefore, this was not just an issue of how to continue supporting causes that they believed in with passion and urgency, but this was a matter of survival. These new rules meant no more fundraising for those marching in the South against segregation, no more educating students on how to be citizens and fight for a better society, no more Democrat and Republican party recruitment, and no more Campus Women for Peace. In response, Arthur Goldberg, chairman of SLATE, announced on September 16<sup>th</sup>, 1964:

As the students become more and more aware of America’s social problems, and come to take an active part in their solution, the University moves proportionally the other way to prevent all exposure of political action being taken... The most important thing is to make this campus a marketplace for ideas (*California Monthly*, 1954:2).

The following day, in order to try and ensure that their university was not a corporate entity but a marketplace of ideas, representatives from the 18 student organizations made an appointment with Dean Towle to ask for advocacy of any viewpoint to be allowed as before in the Bancroft-Telegraph area. These student groups made the promise that all actions would occur from the position of tables that had posters used to attract people *to them*, instead of needing to solicit passersby. Students further offered to conduct a traffic flow survey, to be self-monitoring of university bylaws, and to even forgo the collection of money (*California Monthly*, 1965:2). These 18 student organizations, though different in political and religious affiliations, called themselves the United Front and elected Jackie Goldberg, a sorority member and the head of Campus Women for Peace, as their spokesperson. The United Front wished to be seen as serious and respectable, and they believed that Jackie’s background and good relations with Dean Towle would portray this well (Freeman 2004:145-146).

However, Dean Towle did not budge. The university administration had been greatly criticized that spring when many Cal students were arrested in protests, and Towle would take every effort to prevent this from happening again (146). Thus, Towle simply responded to the September 17<sup>th</sup> requests with an adamant “no.” The UC Regents’ policy was clear and she was “under obligation to enforce that policy” (*California Monthly*, 1965:2). Furthermore, she went on to

attack the respectability of the students, claiming that she had asked for cooperation and that students were "both impudent and impertinent."

The following day, the United Front submitted a list of seven suggestions to the university administration for a system of self-regulation that would prevent any further embarrassment to the university on behalf of their students. These self-regulations included appropriate table placement, supervision, a managed soliciting of funds, and a promise not to use university property. A key element of the suggestions, meant to sway Towle, was the assertion that the only link between UC Berkeley and the students' organizations was the piece of land on which they wished to communicate their political ideology. To ensure this, the student organizations would actively advertise at their tables their detachment from the UC (3). As a part of their submission of these suggestions, the United Front also declared that they would hold an all-night vigil and conduct other acts of civil disobedience if the university administration stood firm (3).

Looking out the windows of Sproul Hall at a meeting regarding these requests with Dean Towle on September 21<sup>st</sup>, one could see that students of the United Front had still set up tables, performing "business as usual." For the students of the United Front, this silent protest, this act of civil disobedience, was the simplest response to the new rules. In their meeting with Towle that day, they learned that President Kerr had declared on September 18<sup>th</sup> minor changes to the initial rules: students could now be on Bancroft and Telegraph, but only if the information they distributed was informative and not advocating. Concurrently, there could be absolutely no fundraising. With this, Kerr made one more concession that the base of Sproul Hall steps could be (on an experimental basis) used as a "Hyde Park" location for spontaneous speaking, as long as no amplified sound was used and traffic was not congested due to the demonstration (Freeman, 2004:148).

This was not the response that the United Front had been hoping for and an all-night vigil on the steps of Sproul was undertaken as promised with more than two hundred students present. The vigil was repeated that Wednesday, where the number more than doubled. At first, it seemed shocking that so many different student activist groups had become involved, but then it became clear what they were fighting for: not simply against the "capricious" acts of the administration, but for the "political bazaar" that they felt was intrinsic to their education (Miller and Gilmore, 1965). These students were living in a new era when more and more adults were spending the majority of their first years as voting citizens on a university campus during a period defined nationally by the votes and actions of

individual men. Thus, these young adults believed that to be educated citizens and fight for a better society, all opportunities needed be made available to them for knowing the conditions defining their world. In a speech to their supporters, spokesperson Jackie Goldberg stated, “the University has not gone far enough in allowing us to promote the kind of society we’re interested in...We don’t want to be armchair intellectuals...We want to help build a better society” (*California Monthly*, 1965:6).

With Goldberg’s words marinating in the minds of Cal students and in backlash against the lack of support from the UC Regents, the United Front made the decision that not only would they fight for Bancroft-Telegraph to be liberated for social activism, but that they would battle “to liberate the entire campus for political advocacy” (Freeman, 2004:148-149). By the end of the week, support had grown across campus, and the *Daily Cal* and ASUC (with a vote of eleven to five) spoke out in unison. In response to the movement that was developing, Chancellor Edward Strong issued a statement that the “open forum policy of the campus” was being fully upheld and that the issue was simple: off-campus politics do not belong on campus, “just as the Chancellor would not come find you in your church to speak of your chemistry exam” (*California Monthly* 1965:7). Furthermore, the Chancellor declared once more that *informational* pamphlets could be distributed in nine locations on campus, including that of Telegraph and Bancroft. From these words, the values of the opposing forces were clear: one was taking the stance of the logical and pragmatic adult, while the other embodied the idealistic youth seeking a better world. Along this reasoning, Clark Kerr “condemned the students” on September 25<sup>th</sup> by stating that one does not need “action” to learn and that picketing is not a “high intellectual activity” (8).

On September 29<sup>th</sup>, 1964, as they had done the previous week, students once again set up their tables on Bancroft and Telegraph, against administration policy. This time, the police were watching, and announcements were made to student groups from the campus police and administration that their tables did not have the required permits, and that “every effort would be made toward their removal” (9). The following morning, after students repeated their illegal tabling, UC representatives approached the tables and took down the names of five students that were to appear before the Dean at 3:00 p.m. for “disciplinary action.” Instead of just the five students knocking on her door, the Dean was surprised with 500 (10).

Under the leadership of the soon-to-be famous students and United Front members Mario Savio, Sandor Fuchs, and Arthur Goldberg, a student protest and

occupation was developing as the gathering crowd filled the halls inside and outside of Sproul Hall. Members of the growing crowd called for and rallied the support of all those who walked past to protest the punishment of the five men. A "statement of complicity" was circulating the crowd demanding that if the five were punished, all supporters undersigned would be punished as well. This was, as Jo Freeman writes, the civil disobedience that they envisioned as most effective in those times. This was protest.

Furthermore, and not entirely caused by the students prior "suggestions," the undersigned statement demanded that "all charges be dropped" from the accused until the UC took a firm stance on its confusing and oppressive policies (Freeman 2004: 150). It is recorded that female students made sandwiches to feed the 500 supporters that stayed in Sproul Hall, and eight men were suspended indefinitely by the end of the night: Fuchs, Goldberg, and Savio were no longer allowed to attend classes. At 1:30 a.m. on September 30<sup>th</sup>, after eleven hours of occupation and a message from the Chancellor citing the words of Brad Cleaveland as evidence of the students' guilt, words that according to Freeman were not even present in the minds of students as many had not read his piece, the United Front met once again to strategize. They decided that they would set up "as usual" the next morning. However, this time the tables would be *much larger* and those manning them would solicit donations to help the eight that were facing expulsion (151). These united students composed of the United Front and its now many other UC Berkeley student followers had defined their purpose. From this point on, they would call themselves the Free Speech Movement (*California Monthly*, 1965:12).

### **The Invention of Mario Savio**

As the month turned to October, in those long hours of holding Sproul Hall hostage to free speech demands, Mario Savio stepped into his place in history by addressing the crowds and declaring in perfect youth rebel fashion, "I really don't know what to say [about the administration]... Take this as the official statement of the group, I think they're all a bunch of bastards. They're scared. We're staying" (11-12). Savio went on to make a comparison between UC Berkeley and Kerr's "multiversity" machine, what many students interpreted to be a factory of knowledge in which students came in, learned what they needed to function in society, and then were spit back out. Savio stated that the expulsion of the eight students was simply the university trying to rid itself of mechanical parts that "had broken down," an analogy that would guide the speeches of Savio until the Movement's end.

It is written by Freeman that it was phenomenal and charismatic speeches such as the prior, speeches so moving that the news cameras could not turn away, that warranted Savio's status as the leader of the FSM in the history books and in today's on-campus cafes. For FSM students, though Savio was practically uninvolved before in the organizations that were members of the United Front, his articulate public speaking abilities made him the obvious *de facto* (and in many ways accidental) public persona of the FSM. According to Freeman, Savio had an incredible ability to "combine the two dominant themes of our protest and make them seem one and the same." For the political groups, "the issue was civil rights," and for the previously uninvolved students that became willing to risk their academic careers, the issue was the simple grievances around the *in loco parentis* treatment of the UC towards its student population (Freeman, 2004:156-157). However, it is important to note that Savio's perceived status as the primary leader is somewhat inaccurate, as the FSM was a massive joining of different student groups with a great deal of leadership occurring behind the scenes. Nonetheless, just as with the crediting of Cleaveland as the fuel to the fire, history had been changed – or redefined – to designate this man as its changer (155).

To step back for a moment, it is important to clarify Kerr's "multiversity" in order to understand what it was that the students were critiquing with such fury. According to Kerr in his book The Uses of the University, published just one year before the FSM began, "Universities have changed profoundly – and commonly in the direction of the social evolution of which they are a part" (1963:3). Thus, with changing times come new university departments, research institutes, and research goals. With the emerging belief that the university is an organism functioning to serve the greater needs of society – safety, health, and so forth – the focus of spending and time shifts away from the individual student and toward a utilitarian framework. As the university grows in size and its departments become more specialized, it moves away from the small, liberal arts model to a campus of multiple departments and mini-colleges that function under the same ruling body, but are governed in many ways independently of one another (3). For the many students that critiqued Kerr, this seemed a way for the UC to stagger funding unevenly and decentralize campus policy. However, Kerr was not actually pushing the multiversity concept as an ideal, but merely claiming it to be a result of modern society. It is the university that is faced with the question of how it can serve the needs of all interested parties of a society and still maintain its autonomy. With words that many would apply to the universities of today, Kerr is later published as stating that the effect of the multiversity would be "restless undergraduates, dissensions within the faculties, the rise of more and more

restricted specialties, and the loss of an integrated intellectual community" (1993:268). This obvious critique and explanation of the multiversity came too late, as FSM students believed that Kerr was trying to turn Cal *into* a multiversity (Washburn 2005:2).

### **Cars, Rallies, and the Plight of the FSM**

At 10:00 a.m. the morning of October 1<sup>st</sup>, at the end of a sleepless night and the beginning of an earth-shaking day, two tables were set up for one of the eighteen students groups, Campus Congress of Racial Equality (CORE), at the bottom of Sproul Hall steps. They were without a permit, distributing pamphlets, and soliciting funds on illegal grounds. Manning the table was Jack Weinberg, a Cal alumnus at the time who had been active in the local civil rights community. For Berkeley campus police, this table was the last straw and Weinberg was approached for arrest. Taking his last moments of freedom to draw attention to the FSM's cause, Weinberg repeated many of Savio's words from just a few hours ago and gathered a supportive crowd. When the police returned with backup and asked for his name and student papers, Weinberg refused and let his body go limp to make it as difficult as possible for the police to carry him away. It was 11:45 a.m. and crowds were beginning to gather around Sproul for an impromptu noon rally on free speech. The police brought the "unidentified" man into their police car, not realizing that they were, according to the student activists, "taking the bait" (Freeman, 2004:153-155).

Within minutes, the police car was surrounded by thousands of students. There was a roar of, "Release him! Release him!" as the students took the police car hostage and trapped its cargo inside. They would stay here for 32 hours (153-155) (*California Monthly*, 1965:12-14). As they sat guarding Weinberg from a jail cell, nearly 10,000 students took part in the demonstration throughout the day and passed around a jar asking for funds to repair the now student-damaged vehicle. According to UC Berkeley historians, "These Cal students, in other words, wanted to prove above everything that they are good Americans, and fighting for these liberties only as part of their duty as citizens" (The Bancroft Library 2008).

Utilizing a song all too familiar to those that had spent their summers fighting against Jim Crow laws, Cal students gathered around the police car and began to sing these words:

We shall not, we shall not be moved,  
 We shall not, we shall not be moved,  
 Just like a tree that's standing by the water,

We shall not be moved (Freeman, 2004:155).

Savio took off his shoes and mounted the car. After the crowd was silenced, he coyly thanked the administration for fulfilling the as-yet unfulfilled requests and stated that the protestors “would not be moved” until the day that his gratitude came with an actual cause.

Joining Savio on top of the car and in Chancellor Strong’s office was ASUC President Charles Powell, a new convert to the FSM. After giving their demands to Strong in person and without a riled crowd, Powell and Savio were adamantly denied. UC Berkeley administration would not budge to childish woes. At 2:30 p.m., nearly three hours after Weinberg was first arrested, demonstrators began to disperse and flood Sproul Hall, while 500 waited at the car to protect Weinberg. After a few more hours, the 2,000 demonstrators that had left the scene outside to occupy Sproul Hall allowed the building to close. The demonstrators gathered outside while their leaders made a plan for the following day. “We shall overcome” was still resonating in their ears (*California Monthly*, 1965:12-15).

Taking his words directly from the work of Kerr’s recent book, when Savio spoke he was describing UCB as Kerr’s “knowledge factory” that smoothed out the raw material of young adults and turned them into parts of a capitalist machine. According to Savio, this machine, astute at finding outliers, throws students that do not “work right” out with the trash (Freeman, 2004:156). Although Kerr’s words were misconstrued, Freeman writes that he was “held up as the personification of what was wrong with Berkeley, and even with the world” (158). Later, in polls taken of the general public on their opinions of the UCB events that autumn, it would seem that this ambiguity made people unsure who they could support in this battle, who was actually fighting for the greater good.

Various leaders of UCB and the UC system issued statements to the students and general public that they had, and always would, put free speech first and that the students were fighting a pointless battle. Even the Governor of California Pat Brown came out stating, “I support fully the stand of [the administration]... This is not a matter of freedom of speech on the campuses... This is purely and simply an attempt on the part of the students to use the campuses of the University unlawfully” (*California Monthly*, 1965:12-15). Although earlier that day he was recorded as supporting the FSM, ASUC President issued a statement of compliance with the administration. He was pleading with the students to address these issues in a letter to the state

government, and to cease risking the lives of UCB students and property. At this same time, conservative groups issued a statement stating that they fully supported the students, but did not wish to break the law and would thus only stand as members of the United Front, not of the protest.

It seemed that the support for the FSM that was so strong only a few hours ago was slowly fading on that evening of October 1<sup>st</sup>. For those remaining involved, this was just the beginning. Although history would write that the students were confident in their fight, many seasoned activists involved in the FSM were actually shocked at the amount of support it gained.

As Freeman notes, "None of us anticipated this" (2004:158). Reflecting on the recent events of the current university crisis that began in 2009, the history of the FSM serves as an inspiration for today's students who feel that their words will be unable to affect large change: one never knows what may be possible or how many thousands of students will feel their passions ignited by something as simple and inherent as their freedom of expression.

Returning to 1964, the students planned to continue their control of the police car that was holding Weinberg until Family Day on October 3<sup>rd</sup>. Behind the scenes, Freeman and Goldberg were working tirelessly to call Democratic Party members and government officials that could have some pull on President Kerr to negotiate with the students. Although they seemed confident, the students feared the unknown effects of parents seeing their mob scene and wished for a hasty resolution (162). Outside the campus borders, the administration was gathering police forces from nearby cities for a "major police assault." On the home front, Kerr and Strong had agreed to meet with protest leaders at 5:00 p.m. before the assault began. By this time, the crowd had swelled to nearly 7,000 students, faculty, and Berkeley residents as police officers from nearby cities made their way to campus. The demonstrators began to pack themselves tightly, preparing for the police action that they expected to ensue after the meeting. They had one mantra in mind: stay close, and if you are captured, go limp – the resistance of a true "activist" (*California Monthly*, 1965:17-18). By 7:15 p.m., the meeting had ended and an agreement had been reached. Mounting the police car once more, Savio announced the following:

- 1) The student protestors shall desist from all forms of their illegal protest against university regulations.
- 2) A committee of administrators, students, and faculty will be set up to discuss politics on campus.

- 3) The arrested Weinberg will be booked and the UC will not press charges.
- 4) The duration of the eight students' suspension will be decided upon within the week.
- 5) Student organizations' activities may continue in accordance with regulations.
- 6) The UC President is willing to deed certain areas of campus to the city or the ASUC for advocacy.

To finish, Savio eloquently stated, "I ask you to rise silently, and go home" (18-19).

On October 5<sup>th</sup>, students held an "illegal" noon rally on Sproul Hall steps claiming victory in regards to Friday's meeting. However, in the words of Goldberg, it seemed that the fight was not over: "We'll continue to fight for this freedom, and we won't quit until we've won!" (22). By this day, the promised *ad hoc* committee had been established by Chancellor Strong to discuss free speech on campus. This committee would be called the Campus Committee on Political Activity (CCPA). Two FSM leaders were appointed as a part of the twelve-person group, as well as two members of ASUC. From an outside perspective, it seemed that all was going as discussed in the meeting with Kerr and Strong. However, for FSM students, there was not enough student representation on a committee that would be responsible for discussing campus bylaws and the suspension of eight of their leaders and friends. Thus, the FSM Steering Committee was formed to make the request that instead of Strong choosing the members of the CCPA, a special committee of the faculty-run Academic Senate (who was supportive overall of the FSM) would elect faculty representatives and student members of the FSM would choose the student representatives. ASUC senate passed a resolution in support of these demands to ensure that all of the previous Friday's agreement clauses were followed by the administration.

Two days later and unannounced to FSM leaders, the CCPA held their first meeting. Ten FSM members showed up and gave speeches in reaction to the meeting's illegality based upon the agreement made with Kerr and Strong. Knowing very well that the calling of a meeting without student representation was against the initial agreement, the CCPA conceded to the FSM members' speeches and by October 15<sup>th</sup>, agreements were made between the administration and FSM regarding the committee's composition. The Academic Senate would be in charge of judging the suspended students and four additional student members would be selected from and by the FSM Steering Committee to be members of the CCPA (27-30).

### **Keeping the FSM Strong**

By October 20<sup>th</sup>, tensions were once again brought to a boil as FSM was attacked for having communist sympathies as well as for making plans to have another massive demonstration. The administration made threats to student groups that considered joining the FSM. Bettina Aptheker, a CCPA FSM representative, UCB student, and later UC Santa Cruz professor and author, wrote how the weeks from this moment until November 7<sup>th</sup> affected FSM members who feared that the movement would lose its momentum:

Now we faced the colossal task of keeping the movement alive, with every day bringing midterms closer... It was during this period that the FSM suffered its first isolation from the general campus community. As the committee dragged on, we realized that it was a stalling committee and would never afford us the opportunity to secure our freedom (1965).

On November 7<sup>th</sup>, after many resolutions and a few small demonstrations, it became clear that no agreement on "acceptable" advocacy would or could be reached; it was a deadlock.

Behind the scenes, the FSM was passionately trying to figure out how to regain student support. Some said that it was time to let the FSM die, while others believed the fight had only just begun. After hours of debate, the remaining students of FSM made the decision to put grades and degrees second and begin once more setting up their "illegal tables." They hoped – and believed – support would come again.

On November 9<sup>th</sup>, 75 students were cited for "illegal tabling" (Aptheker 1965). On November 10<sup>th</sup>, 200 teaching assistants and graduate students set up their own tables, but the Dean refused to cite them; at the number one research institution in the nation, the graduate students were the pride, joy, and funding of this university. Knowing this, graduate students *demand*ed citation and by the end of the day another "Petition of Complicity" went around campus and over 800 students signed it. It seemed that hopes were fulfilled and the Free Speech Movement lived on.

From November 10<sup>th</sup> until the 19<sup>th</sup>, tables were set up every day near the corner of Bancroft and Telegraph. On the 20<sup>th</sup>, the day the FSM planned for a confrontation at the Board of Regents meeting, something beautiful grabbed the attention of every student within the area of Sproul Hall. The words of "We Shall Overcome" were once again being sung, but this time it was not from the voice of students. This time the voice was of the famous activist and songwriter Joan Baez, glowing under the sunlight upon the steps of Sproul Hall. Three thousand

students, faculty, and staff walked peacefully across campus that day and in front of them was a banner with the simple words “Free Speech” (*California Monthly*, 1965:55).

Five FSM delegates were allowed into the Regents’ meeting, but they were not allowed to speak. It was decided during this meeting that the Regents and campus administration would produce very specific campus bylaws to remove ambiguity as to what the rules were, provide the campus with more police and disciplinary sources, and reinstate six of the suspended students immediately. Goldberg and Savio were to remain on probation until the end of the semester (55-56). No regulations on campus political advocacy were passed. Aptheker notes that:

Five thousand students sat in stunned silence as the decision of the Regents was read. And then there was indignation and anger: "We have no voices. We were not heard. We were not seen." Joan spoke to cheer us: "Your voices have never been louder. You are being heard all across the country." Quietly we rose and sang. We shall overcome. . . we shall overcome. . . some day. . . (1965).

### **We Shall All Be Free Someday**

For the next few weeks, members of the FSM were split on the appropriate course of action. That was, until the Chancellor issued a statement charging four FSM leaders and many on-campus organizations with “leading, organizing, and abetting the illegal demonstrations on October 1<sup>st</sup> and 2<sup>nd</sup>” (Aptheker 1965). It appeared that Savio and Goldberg would be up for expulsion. Once again, the students were united in rage over charges for something they believed was long forgotten and long forgiven.

By November 30<sup>th</sup>, the FSM had extended to multiple UC campuses and the following day, with growing national support, the group issued an ultimatum:

- 1) Disciplinary action must be dropped for all FSM leaders.
- 2) Only the state and national courts should regulate free speech.
- 3) The administration should refrain from further disciplining students or organizations for political activity (*California Monthly*, 1965:63).

If these demands were not met, direct action would follow.

According to the *California Monthly*, 1,000 students packed the floors of Sproul Hall on December 2<sup>nd</sup>. In a speech representing the anguish and pain of FSM students, Savio stated these immortal words:

There is a time when the operation of the machine becomes so odious, makes you so sick at heart, that you can't take part; you can't even passively take part, and you've got to put your body upon the gears and upon the wheels, upon the levers, upon all the apparatus and you've to make it stop... Unless you're free, the machines will be prevented from working at all... (Freeman, 2004:209).

And then Joan Boaz sang.

As the crowds gathered it became clear that the anger of the students was representative not of student rebellion, but of something greater. It represented that the Civil Rights Movement had transgressed beyond discriminated African-American faces and onto the face of every American. It represented students now demanding that their university not be a practicing ground of what their life one day *would* become, but an important supplement to their lives as adults and voting citizens. It represented the demand that the university not be a handmaiden to big business, but a servant to the intellectual expansion of the students that it serves.

As Joan Baez sang, the halls of Sproul filled, and the surrounding areas began to fill with supporters by the thousands; the UC clearly needed to start considering negotiations with FSM. More than 800 students stayed overnight in the building and teaching assistants came to lead classes in mathematics, the Civil Rights Movement, and anthropology. A Chanukah service was held alongside dancing on the first floor of Sproul, and movies were shown on the second floor. Although students were prepared to stay for at least two more days, at 3:00 a.m. Chancellor Strong demanded that they leave peacefully (Miller and Gilmore, 1965: xxviii-xxix). Forty-five minutes later, Governor Brown dispatched 635 police and within 12 hours, 814 students were arrested. However, the arrests did not signal the end of FSM. As picketers raged outside, the students' bails were covered by UCB faculty with the support of 75 pro bono attorneys. The protests continued on (Aptheker 1965).

Over the weekend, the Council of Department Chairmen met to produce an agreement that would be presented at a campus-wide convocation to be held at the UCB Greek Theater on December 7<sup>th</sup>. On this day, all classes from 9:00 a.m. until 2:00 p.m. were cancelled as 15,000 students, faculty, and administrators filled the rows of the stadium for what Kerr had titled an "Extraordinary Convocation" (Miller and Gilmore, 1965: xxviii-xxix). Before the meeting, 200 faculty members had met to agree upon their own resolution (Miller and Gilmore, 1965: xxviii-xxix). This "Peace Plan" presented at the Convocation was analyzed by Aptheker as follows:

What the ‘Peace Plan’ offered...was no peace plan at all. Its only concession was that no disciplinary action would be taken against students for participation in demonstrations. There was nothing said concerning the substantive issues for which 800 people had gone to jail. (1965)

In a further injustice to the students and faculty in support of the FSM, Savio, who had received a standing ovation upon his entrance into the Greek Theater, was denied a position at the podium due to reasons of “impropriety” (Aptheker 1965). In spite of this, when the meeting adjourned, Savio rose from his chair and approached the stage; he believed that he should have the freedom to speak. Savio was immediately arrested and dragged by the throat off the stage. The 15,000 spectators joined in uproar, chanting, “LET HIM SPEAK!” (Aptheker, 1965) and the meeting at the Greek would go down in history as a tragedy.

The following day, 900 members of the faculty met at an Academic Senate meeting. In a vote of 824 to 115, a proposal was made addressing the FSM’s mission:

(1) There was to be no regulation of the content of speech; (2) regulations about time, place, and manner of political activity were to be only such as are necessary for the normal functioning of the university; and (3) in the area of political activity, student discipline was to be in the hands of the faculty who were to have final authority (Aptheker, 1965).

The FSM and ASUC fully supported the faculty proposal to “end the free speech controversy” (Miller and Gilmore, 1965: xxix). On that same day, seven out of seven members of SLATE were elected in the ASUC elections; holiday cheer was everywhere. The FSM sold more than 9,500 copies of a record entitled, “Joy to UC: Free Speech Christmas Carols,” and students were preparing to speak about the FSM to their hometowns over the holiday (Aptheker, 1965).

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## NOTES

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<sup>1</sup> The ASUC was an on-campus student leadership organization led by graduates and undergraduates with close ties to the campus administration.

<sup>2</sup> This was caused by stringent administrative punishment for "out-of-control" party raids the Greek boys organized, sneaking into sorority girls' houses and raiding their drawers.

<sup>3</sup> As discussed later in this essay, movements in the 1930s in Berkeley and elsewhere in American academia were situated in the tumultuous time after the crash of the market in 1929 and the poverty that resulted. Questions were raised about the affordability and accessibility of education and in Berkeley, the United Students' Cooperative Association was formed as a possible means of mediation.

<sup>4</sup> Before SLATE became its official name, the group that ran its candidates as "the SLATE" was titled Toward an Active Student Community (TASC) even though this group was in direct opposition to campus policies. After requesting a bylaw change that allowed TASC to hold special meetings on-campus as an *off-campus* student group, they opted for campus sponsorship and did most of their work under the name of SLATE (Freeman 2004:18).

<sup>5</sup> It is important to note that the term Free Speech Movement is used interchangeably as the name of the movement as well as the name of the group of students who spearheaded the movement.

<sup>6</sup> *In loco parentis* refers to the idea that the University acted as an extension of the home and guided students in the place of their parent.

<sup>7</sup> A "trimtab" is a small surface on the switchboard of a ship's rudder that allows the pilot to easily change the direction of the whole ship with one simple, tiny movement. Borrowing the term from architect R. Buckminster Fuller and business executive Harold Willens, anthropologist Laura Nader uses the term to explain how "the application of a small amount of leverage can produce a powerful effect," particularly in regards to changing the direction of governmental action in important social issues like the nuclear-weapons crisis (Nader 2004: 787).

<sup>8</sup> This separation still exists prominently today.

<sup>9</sup> This songbook and other SLATE publications are available at <http://slatearchives.org>.

## **Understanding the True Realities and Politics of Higher Education Funding in California\*<sup>1</sup>**

Stanton Glantz

**The primary focus of budget policymaking is the Governor, not the Legislature.**

The University of California Office of the President's (UCOP) strategy for setting the budget has been to cut the best deal that it could with the Governor (through the Department of Finance), then defend this deal in the Legislature. The primary motivation for this strategy is the fact that the Governor has a line item veto, which allows him to cut anything that the Legislature includes in the budget that he does not support. (There are always skirmishes in the Legislature over a few issues that are highly partisan, such as funding for labor research or outreach, but the bulk of the budget is negotiated with the Governor.)

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*\*Editorial Note:* This piece is an edited version of "Moving Forward from the 2009 Budget" from [keepcaliforniaspromise.org](http://keepcaliforniaspromise.org), a website of the Council of UC Faculty Associations. The Council is an organization composed of UC faculty that are independent from the University administration. Their mission is to protect California's higher public education system by restoring the state's Master Plan for Higher Education.

**At the same time, the UCOP blames the Legislature for budget problems.**

This behavior allows them to protect the Governor and the deals cut with the Governor. At the same time, defending the deal with the Governor in the Legislature makes it difficult to argue for increased support in the Legislature (which the UCOP thinks that the Governor would line-item veto anyway). This strategy also makes it more difficult to use Legislature mechanisms such as hearings as a way to raise the profile of higher education funding as a public policy issue.

**The current deal with the Governor, the 2004 “HIGHER EDUCATION COMPACT: Agreement Between Governor Schwarzenegger, the University of California, and the California State University 2005-06 through 2010-11,” represents a fundamental shift in the model for supporting higher education in California, away from viewing higher education as a public good towards viewing it as a private good.**

While the UCOP has a history of reaching multi-year funding plans with the Governor (generally called “compacts”), the agreement with Governor Schwarzenegger contained a commitment to fundamentally shift financing away from the state general fund onto private sources: student fees and other private sources. It states, “In order to help maintain quality and enhance academic and research programs, *UC will continue to seek additional private resources and maximize other fund sources available to the University to support basic programs.* CSU will do the same in order to enhance the quality of its academic programs.” (Compact,<sup>1</sup> page 2; emphasis added; UC = University of California, CSU = California State University) Until this point, the state was viewed as the primary source of support for “basic programs” with private sources being used for additional initiatives.

**The Compact commits UC and CSU to increasing reliance on (private) student fees for base support.**

The shift to using fees to finance UC (and CSU) is also explicit: the Compact states, “The student fee policy contained in this Compact assumes that UC and CSU will retain student fee revenue without a corresponding reduction in State funds which, together with State funds provided each year, will be used to help meet their budgetary needs as well as help the segments recover from the current fiscal crisis” (page 3). While, on its face, this statement sounds like an increase in funding for higher education, the Compact linked these fee increases to even larger reductions (about one-third) in state support for basic operations.<sup>2</sup>

In addition, the Compact committed UC and CSU to increase fees at least as fast as the rise in personal income, which is about twice the rate of inflation. Because incomes have increased most rapidly among the wealthy, this policy made higher education less affordable for most people.

**The fee increases, while very large, have not been large enough to compensate for the loss in state support.**

The fee increases in the Compact were supposed to be limited to 10 percent a year, probably because that was the most that was politically possible. This amount was not related to the size of the cuts that UC and CSU accepted, resulting in a large drop in the money available to finance core functions, which would not be restored over the life of the Compact. The net result has been a substantial drop in quality of the educational experience, which has accelerated over time.

**If the Compact was so bad, why did UC and CSU accept it?**

The first reason was that Governor Schwarzenegger was threatening even bigger cuts if UC and CSU did not accept the Compact. More important, cognizant UC (and, presumably CSU) budget officials knew that there would be a major budget crisis starting around 2008, and believed that the Compact would protect UC and CSU from large cuts at that time.

Of course, when the budget crisis came in 2008, Governor Schwarzenegger simply walked away from the deal. Other than one comment at the July 2009 Regents' meeting from Regent Blum, there has been no effort to exact from Governor Schwarzenegger a political price for failing to honor his commitment.

**Thus, the debate over higher education should not be framed as a debate over how to allocate scarce state resources during difficult times, but as what it actually is: an ideological debate over the nature of higher education.**

The central policy document guiding higher education policy in California has been the 1960 Master Plan for Higher Education,<sup>3</sup> which specified the coordinated roles of UC, CSU and the community colleges and established the system that guaranteed every California student an affordable (initially free) seat at an appropriate institution of higher education. The Master Plan clearly established higher education as a public good provided by the state for its citizens.

While fees have increased over time since then, the Compact represents the first time that UC accepted the *idea* that the costs of higher education should be shifted from public onto private sources.

The real question is: Should higher education be treated as a public good (as envisioned in the Master Plan for Higher Education) or should it be viewed as a private good to be paid for by its “customers” (students and their families) and voluntary private donors?

**Does the Governor’s 2010 budget (which does not cut further cut higher education) represent a fundamental changed in his plan to privatize higher education in California?**

No. While, thanks to the political pressure mounted by students, families, staff and faculty, Governor Schwarzenegger spared UC and CSU from the major cuts he proposed for most other public services, he only partially reversed the huge cuts to higher education he pushed through last year.

The \$370 million increases he proposed for UC and CSU only restore about 1/3 of his recent cuts and he leaves high fees (and plans for further 10percent per year increases) in place. They are only a tiny fraction of the \$4.6 billion that is needed to restore quality and access to California public higher education.<sup>4</sup>

The governor also proposes to eliminate new awards for the Cal Grant Competitive Program beginning in 2010. This program provides financial assistance to under-served students based upon their academic performance.

In short, this budget mostly consolidates the governor’s privatization plan, while appearing to be backtracking and trying to head off public protests.

**The Master Plan model has served California well.**

It led to a large, highly educated population and workforce that supported the development of the knowledge economy. In recent years, the rate of college attendance has dropped in California, making it 18<sup>th</sup> in the country, below Missouri.

**The only way to maintain quality and access is to restore state funding.**

As the Futures Report notes, the only alternative to public funding as a way to finance UC (and, presumably, CSU) is student fees. Private philanthropy and sponsored projects finance specific activities, not the core budget. To replace the (reduced) state support with fees in 2008 would have required raising fees to around \$23,000 a year.<sup>5</sup> To restore the quality (level of funding per student) to 2001 levels would have required fees of over \$27,000. Doing so will continue to price students out of the market.

**Increases in fees have reduced the quality of academic graduate programs, contributing to the overall decline in quality of UC.**

The top graduate academic programs compete nationally (and internationally) for the best graduate students. An important element of this competition is the support package (payment of fees plus a stipend) UC can offer potential students. As fees have increased, the ability of UC campuses, departments and programs, which have to pay these fees from departmental funds or individual faculty research grants, have not been able to offer competitive stipends, making it more difficult to recruit the highest quality graduate students to UC.<sup>6</sup>

**Grants and partnerships with business cannot replace core state funding and, in the current environment, actually aggravate the problems associated with declining core support.**

Extramural funds for research and other projects allow the university to expand specific activities, but these funds are rarely available for general support of core educational activities. More important, because such contracts and grants almost never cover the full (and real) indirect costs associated with the projects that they support, the more extramural funding the university (or a specific campus) receives, the more it has to divert discretionary funds (mostly fees and state general fund support) away from other activities to pay the un-reimbursed indirect costs.

While this use of discretionary funds to subsidize such specific projects makes sense when the University is in good financial health – because it allows expansion of research and other academic and service activities that create opportunities for students and faculty – extramural funds are not a way to replace declining general fund support when it is inadequate to support core University functions.

This situation is unlikely to change because almost all funding agencies expect some level of cost sharing from the University on the grounds that the extramural funding supports the University's mission. The subsidy through un-reimbursed indirect costs is generally much larger for private sources (both foundations and business) than the federal government because they provide no or very low indirect cost support.

In other words, seeking to replace lost core funding with extramural funding is like a business trying to make up for the fact that it loses money on every unit by increasing volume.

**Transforming UC based on the University of Michigan model will result in fragmentation of the system and a substantial decline in quality.**

The Futures report discusses this option in detail:

The 1980s “deindustrialization” of the Michigan economy forced major cuts in state funding on universities in that state. The University of Michigan (UM) at Ann Arbor responded by deciding it would have to increase non-state funding sources. UM deliberately turned itself into what one of its presidents called a “privately-supported public university.” In addition to major fundraising efforts, effective use of its very large and venerable alumni base and of its professional schools, UM was also able to take advantage of its perennial top-5 position in federal contracts and grants to develop that important revenue stream.

It pioneered the pursuit of non-resident tuition income: by 2005-06, UM charged non-residents about \$27,500 per year (exclusive of other fees, housing, etc.), or \$18,000 more than residents<sup>7</sup>; 40 percent of its 2006 entering freshmen class are nonresidents.

Student fees constitute 59 percent of UM’s “core” operating budget. Although the University of Michigan remains one of the world’s great universities, this shift to private funds has had its costs. The university’s quality has declined, at least judging by U.S. News & World Report rankings, where it fell from 8th to 25th between 1987 and 2003. Its dependence on tuition revenue has not helped its selectivity: over 50percent of all undergraduate applicants were admitted, which would put UM in the middle range of selectively among UC campuses. UM’s high proportion of out-of-state students is not the reason why Michigan remains well below the national average in the percentage of the state’s population that receives bachelors or advanced degrees, but it has not helped. While UM has done an effective job of protecting its one major campus at Ann Arbor, it has not done the same for the UM system, for Michigan higher education overall, or for the residents of the state.

Something similar can be said about the composition of UM’s student body. It lost African-American enrollments during the first wave of fiscal crises in the 1980s, and has only slowly gotten most of them back (African American enrollments in the freshman class of 2005 comprise 7.2 percent of the total). After strenuous efforts in the 1990s, the University of Michigan still has a Pell Grant rate half that of UC Santa Barbara’s; at the other end of the income spectrum, over half of Michigan’s 2003 freshman class came from families

with six-figure incomes in a state where only 13 percent of families earn that much.<sup>8</sup>

Those advocating this model have not addressed these realities.

**Restoring quality on the current privatized model would require very large additional fee increases.**

Absent restoration of taxpayer support for public higher education, student fees need to be increased above currently approved levels by \$7,398 (to a total of \$18,948), CSU fees by \$1,863 (to \$6,756) and CCC fees by \$72 (to \$852) to provide the same level of quality the systems offered in 2000-1.

**It would only cost the median taxpayer \$32 to restore the promise of high quality accessible higher education in California.**

It would just cost the median taxpayer (actually the median tax *return*, which is often *two* taxpayers) \$32 to raise the \$4.6 billion required to push the “reset” button for all of public higher education (UC, CSU and the community colleges), restoring access (positions for all eligible students) and quality (measured as per-student state support) while rolling back student fees to 2000-01 levels adjusted for inflation.<sup>9</sup>

**No one in UC’s leadership is effectively advocating for restoring the Master Plan and state funding.**

The unspoken policy at UCOP and the Regents has been that state funding will continue to fall. (This is not an unreasonable assumption if one passively accepts the current environment in which the UCOP budget planning focuses on keeping the Governor happy, a governor who sees higher education as a private good and opposes new taxes and where there is additionally a requirement for a 2/3 vote to pass tax increases.) The problem is that no one has even raised the issue in a consistent and powerful way, which is the necessary first step in changing the political environment.

Indeed, indications are that the policy focus of the Regents and other leaders is to accommodate UC to a privatized model, which, as experienced in Michigan, will probably mean continuing declines in quality and fragmentation of the system.

**What about the UCOP’s public relations activities about the value of UC to the people of California?**

The UCOP is accelerating public relations activities directed at informing the public about UC’s contribution to California. While the details are not known, it is

unlikely that this campaign will starkly highlight the policy choice made by the Governor to shift from the Master Plan to a privatized model for higher education.

It is also possible that this campaign could even be counterproductive, if the public comes away with a feeling that UC is continuing to make important contributions to California despite reductions in funding (which would mean that the reductions did not actually create serious problems).

**Another problem has been the fragmented response of people concerned about the future of public higher education in California.**

There has been little coordination between UC and CSU (much less the community colleges) in an integrated campaign to reinstate the Master Plan. UC faculty response has been largely through the Academic Senate, which has generally supported the Administration and not been an independent public voice. Students have been largely concerned with annual fee increases, without considering the long-term policy change embodied in the Compact. UC has not sought to make common cause with the unions representing its employees.

**The requirement for a 2/3 vote to pass the state budget and tax increases makes it more difficult to fund public programs, including higher education, but public higher education could be restored even with the 2/3 rule.**

There is no question that the requirement of a 2/3 vote for passing tax increases gives the anti-tax, anti-public sector Republicans in the Legislature tremendous power in budget decisions in California and has strengthened the Governor's ability to pursue his vision of privatized higher education. Indeed, the 2/3 rule makes California a blue state with red state budgeting policies and priorities being enforced by the Republican minority. Supporting repeal of the 2/3 rule should be a priority for anyone concerned about restoring quality and access to higher education (and the quality of California's state infrastructure generally).

As noted below, however, the amount of money it would take to restore higher education to 2001 levels of funding is small compared to the entire state budget and within what would be possible to accommodate if the political will was there. If the public demanded it, the governor could propose and push a budget that restored higher education if it was a priority for him or her even with the 2/3 rule.

**Governor Schwarzenegger's proposed constitutional amendment to "guarantee" funding for UC and CSU will not change anything.**

On January 6, 2010, Governor Arnold Schwarzenegger lamented the disastrous condition of public higher education in California and decried the fact that

California now spends more on prisons than higher education. He called for a constitutional amendment to reverse this situation and commit at least 10 percent of the state budget to higher education (UC and CSU) and limit prison funding to 7 percent.

This is just the kind of “ballot box budgeting” that the Governor used to condemn. Moreover, since the Governor makes the budget, Schwarzenegger could just have proposed these allocations in the budget he produced a few days later. He didn’t.

The fine print is even more cynical:

- The provisions would not take effect until 2014, long after he leaves office.
- The amendment could be suspended by the governor by declaring a “fiscal emergency.”
- The amendment could be waived by a 2/3 vote of the Legislature, the same vote it takes to pass the budget.

And there is more:

- The amendment is tied to privatizing prisons and allowing the prison employees to be exempt from civil service.
- The amendment prohibits early release programs to reduce prison costs.
- Finally, the amendment includes an unusual “non-severability clause,” which says that if any part of the amendment is found to be illegal, the whole amendment is killed.

The bottom line: This is a PR proposal to take pressure off Governor Schwarzenegger (and the UC and CSU leadership, who have endorsed the idea) without actually changing anything.

### **What are the key strategic steps to change the public debate?**

Because of the central role of the governor in setting higher education policy and the need for a high profile public debate on the future of the Master Plan and higher education in California, we need to find a way to inject the issue into the political campaign for governor.

UC and CSU leadership also need to be honest with the public and public policy makers about the true nature of the choice before California in terms of the future of higher education, rather than continuing to allow the system to slide into an

inadequately funded privatized model without any explicit decision being made to do so.

Doing so would require presenting a direct contrast of three possible outcomes:

1. ***The status quo:*** There are continuing declines in quality with continuing rapid fee increases that are not adequate to replace state funds that have been cut because of the view that higher education should be a private, not a public, good. This situation will probably result in a fracturing of the UC system into a few high quality (and probably more expensive) campuses with a strong research base with the others coming to represent CSU. Except for a few centers that attract substantial private funding, high quality faculty and students will abandon the system. This is probably the worst outcome.
2. ***Privatization while maintaining quality:*** Priority is given to providing a quality educational experience for substantially fewer students that UC (and CSU) can afford to educate while maintaining the system as a whole. Implementing this model would require substantial reductions in enrollment (probably around 30percent) tied with very large fee increases.
3. ***Reinstatement of California's historic commitment to the Master Plan:*** Such an option should be framed as restoring UC, CSU and the community colleges to levels of funding per student that were available in 2001 at the same real fees students and their families paid in 2001, the last year that the systems were in reasonable health financially and in terms of quality (see Futures Report). Doing so would only cost \$2.7 billion,<sup>10</sup> which is only a few percent of the state budget and only about half the forgone revenues due to cutting the Vehicle License Fee.<sup>11</sup> It is not impossible to obtain these funds (despite such assumptions by the Regents and UC leadership), but it would require a change in fiscal (and probably tax) policy by the state, which would represent a major shift away from the current ideological positions.

## NOTES

Recommended Reading: <http://keepcaliforniaspromise.org>

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<sup>1</sup> The full text of the Compact is at <http://budget.ucop.edu/2005-11compactagreement.pdf> . For how UC and CSU presented the Compact to the public, see <http://www.universityofcalifornia.edu/news/compact/factsheet.html> and <http://www.calstate.edu/PA/news/2004/compact.shtml>.

<sup>2</sup> The UC Academic Senate “Futures” report reads: “Budget cuts began mid-year in 2001-02, and continued through 2004-05. Overall the State appropriation to the University of California fell by 15 percent while enrollment grew by 19 percent. This means that state funding per UC student fell by approximately one-third in three years.” According the Senate’s later “Cuts” report, the state budgeted \$2.8 billion in 2003-04 and \$2.6 billion in 2004-05 (the budget being discussed at the time the Compact was signed), a 7 percent reduction. The Futures report is available at <http://www.universityofcalifornia.edu/senate/reports/AC.Futures.Report.0107.pdf> and the Cuts report is available at <http://www.universityofcalifornia.edu/senate/reports/cuts.report.04.08.pdf>.

<sup>3</sup> The Master Plan is available at <http://www.ucop.edu/acadinit/mastplan/MasterPlan1960.pdf>.

<sup>4</sup> <http://keepcaliforniaspromise.org/553/working-paper>.

<sup>5</sup> In 2008 UC received \$3,250,348,000 in state general support ([http://www.lao.ca.gov/laoapp/LAOMenus/lao\\_menu\\_economics.aspx](http://www.lao.ca.gov/laoapp/LAOMenus/lao_menu_economics.aspx)) divided by 2008 UC FTE enrollment of 220,034 (UCOP 2009-10 Budget Detail) = \$13,958 per student. Student fees in 2008 were \$8,014 (<http://www.ucop.edu/budget/fees/200809/0809genfees.html>). So, total undergraduate fees would rise to about \$22,000. To restore the inflation adjusted per student funding level of 2001-02 would cost an additional \$5,180, yielding a total of over \$27,000.

<sup>6</sup> Competitive Graduate Student Financial Support Advisory Committee, June 2006. <http://www.ucop.edu/sas/sfs/docs/gradcommittee2006.pdf>.

<sup>7</sup> Note that these figures – \$27,500 and \$18,000 – have been updated from incorrect figures in the *Futures* report. Corrected data comes from <http://www.regents.umich.edu/meetings/07-06/07-06-X-7.pdf>.

<sup>8</sup> <http://www.universityofcalifornia.edu/senate/reports/AC.Futures.Report.0107.pdf>, pages 31-32. Citations are deleted from quote.

<sup>9</sup> For details of the calculation, see <http://keepcaliforniaspromise.org/553>.

<sup>10</sup> To return real UC per student funding to 2001 levels would require an additional \$1.2 billion in state support; doing so and also returning fees to 2001 levels would cost \$1.8 billion. The comparable numbers for CSU are \$390 and \$940 million.

<sup>11</sup> There were \$5 billion in forgone revenues for the Vehicle License Fee in 2007; see <http://www.californiacityfinance.com/VLFfacts06.pdf>.

## **The University in Crisis: Public Good or Private Good?\***

Laura Nader

I begin by contrasting two American models of higher education – one based on the notion of education in a democracy as a public good and the other on the notion of education as a private good based on a profit model. These two models have been debated throughout U.S. history, at least since our founding father Thomas Jefferson articulated his position in favor of the first as he thought it linked to the very possibility of democratic governance, as did John Dewey who in the early twentieth century in another context argued for democratic liberal education. On the other side of this equation was an interpenetrating philosophy commonly associated with the industrialization of this country as well as the post-industrialized present. David Noble's book *America by Design* (1977) documents the industrial figures of the latter part of the nineteenth century, men who revolutionized the liberal arts university with managerial philosophies they thought were more appropriate to expanding industrialization. Professionalized labor suitable for the work force of corporate capitalism slowly began to cripple the notion of education as an essential public good for our democracy.

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\**Editorial Note:* A version of this piece was originally presented for a panel discussion on the "The University in Crisis – The Dismantling and Destruction of the University of California" at the UCB Anthropology Department Fall Colloquium on September 14th, 2009. A taping of the full panel discussion can be viewed at [http://www.youtube.com/view\\_play\\_list?p=3542FB2860F212C3](http://www.youtube.com/view_play_list?p=3542FB2860F212C3).

More recently, authors such as independent writer Jennifer Washburn published *University Inc: The Corporate Corruption of Higher Education* (2005), while Christopher Newfield, an English Professor at the University of California, Santa Barbara authored *Unmaking the Public University: The Forty-Year Assault on the Middle Class* (2008). These are only two recent examples among a plethora of authors discussing various aspects of what some call the university in crisis. The full story is multi-faceted, and in this brief sketch I will attempt only to whet the appetite of interested readers by focusing on the University of California, Berkeley since its inception.

The University of California was founded by a statute passed on March 21, 1868 known as the “Organic Act of the University of California.” This university was the first public institution of higher learning on land granted to California by the federal government, a place where citizens residing in the state of California could receive instruction in a variety of subject disciplines:

Any resident of California of the age of fourteen years or upwards of approved moral character shall have the right to enter himself in the University as a student at large and receive tuition in any branch or branches of instruction at the time when the same are given in their regular courses on such terms as the Board of Regents may prescribe. The said Board of Regents shall endeavor to arrange the several courses of instruction that the students of the different colleges and the student at large may be largely brought into social contact and intercourse with each other by attending the same lectures and branches of instruction [Organic Act: Sec. 3]

For the time being, an admission fee and rates of tuition such as the Board of Regents shall deem expedient may be required of each pupil; and as soon as the income of the University shall permit, admission and tuition shall be free to all residents of the state; and it shall be the duty of the Regents, according to population, to so apportion the representation of students, when necessary, that all portions of the State shall enjoy equal privilege therein. [Organic Act: Sec. 14]

Although the original impetus for founding the University of California was to make it possible for all residents of California to acquire a higher education degree, in order to have it be financially accessible, many of the funds for the support of the University in its early years were from private endowments and foundations. Thus, the promise of a higher education degree being tuition free to all residents of the state was problematic from the start. Indeed, the goal

was never achieved in spite of the fact that the terminology of fees has been used instead of tuition. Slowly, fees were raised and taxes instituted for residents of the state to help pay for the operation which was supposed to be within the financial means of every resident regardless of economic class and status. The promise slowly withered until the “crisis” years of 2009-2010 when the Regents mandated a whopping 32 percent increase in fees.

In spite of such beginnings and the acceleration of fee increases, it is useful to recall the third president of the University, President Gilman, who still articulated the original philosophy:

This is the University of California. It is not the University of Berlin, or of New Haven which we are to copy. It is not the University of Oakland, or of San Francisco which we are to create: but is the University of the State. It must be adapted to this people, to their public and private schools, to their peculiar geographical position; to the requirements of their new society and their underdeveloped resources. It is not the foundation of an ecclesiastical body or of the private individuals. It is ‘of the people and for the people,’ not in any low or unworthy sense, but in the highest and noblest relations to their intellectual and moral well-being...It opens the door to superior education to all without regard to price. (Kantor 1968)

Part of the reason why the goal of free tuition was never achieved most likely had to do with the governing body. The Regents of the University of California is a group that has been described as one of the most unregulated bodies of any public institution of higher learning. As it stands now, the appointment structure of UC Regents mirrors the classic political spoils system. Most have been negligent in their budgetary responsibilities, unaccountable on policy questions, deaf to students, staff, and faculty concerns, disdainful of the very people who make a university great, and disdainful as well of the taxpaying public who have been footing the bill. In addition, most Regents are not reflective of the composition of California citizens as mandated by law. In 1974 the California legislature passed an amendment: “Regents will be able persons broadly reflective of the economic, cultural, and social diversity of the state...” (Amendment to Art ix, Sec. 9). Although such an amendment is on the books, needless to say, implementation does not necessarily follow legislative efforts.

### **Higher Education in America – A Wider Perspective**

In his book *America by Design* David Noble (1977) devotes two chapters to higher education. The first, “Technology as People: The Industrial Process of Higher Education” begins with a quote from William E. Wickenden, an electrical engineer by training. Drawing on historical comparison Wickenden noted that the Latin word for university comes from the idea of a corporation and the guilds whereby master workmen trained their apprentices. But then he continued “the world of education drew further and further away from the world of industry... until tonight...where industry and education are one, where corporation and university again mean the same thing” (Ibid 167). For the corporate engineers of Wickenden’s time, education was “the critical process through which the human parts of the industrial apparatus could be fashioned to specifications”... thereby laying the groundwork “for the education-based occupational stratification of twentieth-century corporate America.” (Ibid 168) This did not bode well for ideas of liberal education as noted by some in the 1920’s; by then the transformation was apparent. Indeed, engineering-education programs were called corporation schools, designed to meet the needs of industry, which sometimes included training in the humanities as well as training in how to get along agreeably with fellow workers.

Tests were devised to classify “market characteristics which furnished a rational basis” for manpower selection (Ibid 187). Today we would describe such tests as part of “institutionalized racism.” Chinese were settled, Arabs roving, Sicilians impulsive, Hindus deliberate, Japanese manually accurate, and Persians refined in their sense of color. Small colleges were described as small factories. Such early efforts were accelerated by the First World War. Colleges were to be brought into a single working plant if the transformation of higher education in America was to be accomplished.

In the second and following chapter, Noble introduces the critics of such happenings. Thorstein Veblen’s 1918 publication, *The Higher Learning in America*, was subtitled, “A Memorandum on the Conduct of Universities by Business Men.” Not all academics thought corporate engineers were bringing a new dawn or a golden age. Rather the university was being integrated into the framework of controlled industry-education cooperation that would instill a new sense of purpose for American higher education quite different from that found in pre-Civil War higher education. Thorstein Veblen observed that:

Business principles take effect in academic affairs most simply, obviously and avowably in the way of a businesslike administration of the scholastic routine, where they lead immediately to a bureaucratic organization and a

system of scholastic accountancy... The underlying businesslike presumption accordingly appears to be that learning is a merchantable commodity, to be produced on a piece-rate plan, rated, bought, and sold by standard unites, measured, counted and reduced to staple equivalence by impersonal, mechanical tests... It appears, then, that the intrusion of business principles in universities goes to weaken and retard the pursuit of learning, and therefore to defeat the ends for which a university is maintained (ibid: 244).

When one follows the eruptions that hit higher education with the industrialization of America one develops a sense of the importance of continuing the debate over private or public good, and examining what happenings change educational purposes from social to individual good, from education as democratic purpose to education as the road to material ends in a corporate industrial system, from democratization to militarization, from university presidents as educators to presidents as CEOs.

Mary Furner documents a crisis on the professionalization of American social scientists (1865-1905) in her seminal work *Advocacy and Objectivity* (1975). Controversies in the disciplines of economics, sociology, and political science in the 1880s also revolved around burgeoning industrialization of the country, and whether resolutions created in the university should be reform-minded or scientific. She describes the move from advocacy to objectivity as between scholarship and reform, reform or knowledge – as if solutions sought were not part of social scientific creativity. The academic freedom cases she describes spell out the limits of permissible dissent in the academy – something that has persisted into the twenty-first century. Those most likely to get themselves and their colleagues into trouble were the popularizers, and thus the academy was separated from the public, an ivory tower.

As might be expected the public had its own popularizers in authors like Upton Sinclair. In 1922 Upton Sinclair published his book appropriate to his time – *The Goose-step: A Study of American Education*. Sinclair traveled from elite east coast schools like Harvard, Yale, Princeton, and Johns Hopkins to the mid-western universities of Wisconsin and Michigan before coming to the west coast with Berkeley, Stanford and other schools under his critical eye. His chapter on Berkeley was called “The University of the Black Hand” (‘one that does not stop short of crime’). He described the campus as “a medieval fortress from which the intellectual life of the state is dominated...an interlocking directorate in charge of railroads, telegraphs, telephones, electricity, water, land, tough on students who

have radical tendencies, with a spy system that black lists students and professors.” His first visit to Berkeley was in 1909 – 1910 – 100 years ago. He continues:

Under President Barrows administration the best land of the University has been taken for an artillery field, and Strawberry Canyon, the one beauty spot available for nature lovers has been taken for a million dollar “stadium” to be used for athletics tourneys. One professor resigned in protest against this vandalism, but President Barrows believed ardently in athletics because it trains those strong men who are to carry the flag from the North Pole to the South...in California the “classics” are the annual Stanford-California football game. (p. 141)

So President Barrows (and also President Wheeler’s) idea of a university are juxtaposed to President Gilman, Professor Veblen, and Upton Sinclair. The issues are familiar: the mission of universities and colleges as stated in 19<sup>th</sup> century charters where the pursuit is learning and the education of citizens, or the pursuit of profit or the development of commerce in the manner of a corporatized university administration and an increasingly corporatized curriculum.

### **UC Berkeley: The “crisis” of 2009-2010**

The word “crisis” is often used in American society as an explanation for premeditated change. The crisis mode is especially useful for governments and corporations: crises serve as justification for shifting gears and shafting people, or for victims as openings, apertures that permit a wide angle vision of what is in fact unfolding. In the current scene President Yudof of the University of California defines crisis in the context of “we have no money.” It provides him with a reason, a decisive moment for a fast turn. The problem with the “we have no money” argument is that the president can actually make a case for “no money” by pointing to the legislature’s budget allocations, but so can the legislature argue that the allocated money is not being well-spent. Where are the Regents in all this? Did they plan for such a “crisis”?

The firings of workers, the implementation of so-called furloughs or cuts in pay for those remaining indicate a misunderstanding of what makes a university a place of learning and research. President Yudof presents the options of the university in terms of a profit model of administration (not non-profit) when he openly differentiates those segments of the university that bring in money from those that do not. The Dean of the Law School, Dean Christopher Edley, follows suit by proposing a cheaper education by means of long distance learning. Raising student fees, reducing salaries of faculty and staff, as if they

were inevitable given the “crisis” were suggestions made and supported by the Regents and the Governor when they gave Yudof emergency powers.

Notice the shift here, from the original mandate when education was considered a public good, it is now a private good, something concretely recognized in the 2004 Higher Education Compact Agreement between Governor Schwarzenegger, President Dynes of the University of California, and the California State University system. All of this did not come out of nowhere as Professor Newfield notes in his book mentioned earlier; it has been 40 years in the making. Clark Kerr in 1994, when he published his *Troubled Times for American Higher Education*, takes it much further back while dedicating his book to educator Howard Bowen “who had the vision of a “nation of educated people.”

If we want to turn any of this around, this being what Professor Charles Schwartz calls the twin perils of mediocrity and privatization (read corporatization), we need to pursue many paths at one time. The faculty, students, workers, unions, citizens, and legislators all have a role. At Berkeley mass protests, student sit-ins and teach-ins have been critical to highlighting the need for budget transparency, for changes in the legislature voting patterns, for alerting the people of the state and beyond of the importance of a great university beyond bottom line thinking, beyond the profit motive, highlighting the need for administrators who are educators not CEOs. Historians and comparativists inform us that countries much poorer than the United States have higher education systems that are virtually free; student debt leads to the company store, and the chancellor’s decision to call in the police and their violent actions provide an excuse for more violence.

I will conclude with one example, an effort in which I participated, one that leads us back to the 1920’s debate over inter-collegiate athletics that I mentioned at the start of this short sketch. A small group of eight faculty, pursuing the notion of budget transparency, began to look into the funding of intercollegiate athletics at UC Berkeley. We found discrepancies in what was asserted about inter-collegiate athletics being self-sustaining. Indeed they were not self sustaining – student fees and monies from the chancellor’s discretionary funds were supplementing inter-collegiate. In Fall 2009 we put forward a resolution for the Faculty Senate to consider – Academics First. By a 91-68 vote, the Academic Senate advised the chancellor of the need for self-sufficiency especially in light of layoffs, unpaid furloughs, curtailed faculty hires and other cutbacks at Berkeley. Interestingly, the resolution Academics First was the only

resolution to have been put forth by the Academic Senate at Berkeley thus far during this crisis.

But like Malinowski who went to the Trobriand Islands and centered his study on the *kula* trading ring, it matters less where you start, for by the end of the ethnography the university begins to unfold in full. Set in the larger context of what is happening to higher education elsewhere in our country, patterns of inequality begin to emerge. As Elizabeth Warren, a Harvard Law School professor now serving in the Obama administration, said in another context, ‘If you want to see what America would look like without a middle class, just look around.’

The “crisis” is a matter of priorities – public good or private good? Undeclared wars that cost trillions, or judicious use of tax monies? Expensive CEOs in charge of our universities or educators making no more than at least twice the salaries of full professors? High pay for football coaches or teaching assistants for large classes? The current president of Harvard University, Drew Gilpin Faust, had it right in her recent piece in the September 2009 New York Times titled “The University’s Crisis of Purpose: Has the market model become the fundamental and defining identity of higher education?”

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## **Centralized Power in the University of California Board of Regents\***

Katherine Jamison-Alward

It is the argument of this paper that power within the University of California (UC) system has become centralized through numerous “controlling processes.”<sup>1</sup> I seek to show that the ideologies of business and stability, the sourcing of information and funding, isolation, camaraderie, and the label of “politicization” are processes that influence the structure and direction of the UC’s governing board, the UC Regents. I will trace some of their effects through the historical founding and maintenance of the legal institutional structure, and then identify these same processes within the contemporary world of the UC Regents.

By business ideology, I refer to the guiding principles of minimizing cost while maximizing profit, in which cost-efficiency overshadows other concerns. This is the ethos of contemporary corporate capitalism. Stability ideology is the prioritization of the status quo over any process that would bring about change. It is particularly dominant within a stratified society such as contemporary corporate culture, where power-holding elites are invested in maintaining the status quo as

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*\*Editorial Note:* This thought piece about the UC Regents uses fieldwork, interviews and history to provide us with insights on the formal and informal ways through which this administrative body discourages opposition and dissent. The author shows, among other things, not only that the Regents have never been reflective of the economic, cultural, and social diversity of the State (as mandated by the California Constitution), but how they are kept apart from the broader university community and the general public.

they have the most to lose should structural changes occur. This concept includes organizational survival (Nader 1989), or the investment of energy toward maintenance of an institution by those whose jobs, prestige, and/or identity might be compromised by change. Sourcing refers to the originating location (e.g. institution) of information upon which decisions are based (Chomsky & Herman 1988). Funding should be considered in light of the phrase, “he who pays the piper picks the tune.” Finally, isolation is the condition of physical and institutional distance from the general public, and camaraderie is the “warmth of human attachment, of friendship, [and] of personal loyalty” (Sherman 2003).

### **Institutional Structure and Demographics**

The Board of UC Regents consists of 26 individuals who are granted “full powers of organization and governance.”<sup>2</sup> They are in charge of controlling over six billion dollars in endowments, developing the UC budget, and approving policy. Voting members include 1) 18 appointees of the Governor of California, who serve 12-year terms; 2) seven “ex-officio” members;<sup>3</sup> and 3) one student who usually holds a graduate degree and is appointed to a one-year term by the other 25 Regents (Regents 2008a). The Office of the President is the system-wide headquarters of the UC, and is responsible for policy drafting, maintenance, and enforcement. The UC system also has a “tradition of shared-governance,” which means that “faculty should share in the responsibility for guiding the operation and management of the university, while preserving the authority of the university’s governing board, the Regents, to ultimately set policy” (Douglass 1997:1). The faculty representatives on the Academic Senate determine curriculum, hire new faculty, and grant degrees. The power of the Academic Senate has fluctuated over time; however, the ultimate authority has always rested on the Regents because they hold the final approval of all Academic Senate actions and determine the budget.

The current procedures and policies governing the Regents’ meetings set up a structure of partial transparency that allows discussion on decision making deemed potentially harmful—to the public, UC employees, or the economy—to be conducted in the isolation of closed sessions (Regents 2008b). These exceptions are part of the 1967 Bagley-Keane Open Meeting Act, the first regulation passed regarding public access to the Regent’s decision-making process. Open sessions can be attended by members of the public and a designated 20-minute period for “public comments”<sup>4</sup> is allowed before the commencement of open session meetings, which are held in 3-day series about 6 times per year.

Throughout the history of the UC, the Regents have been drawn from California's highest economic class. In 1991, "the median wealth of the appointed UC Regents [was] over 15 times that of the general population of America" (Schwartz 1991). Their high economic status relative to the average Californian corresponds with the majority of Regents in 2008 as well as in 1991. Many Regents have ties to and careers in the management of big business<sup>5</sup>—something which is not uncommon throughout U.S. institutions of higher education (Otten 1970:3). Schwartz (1991) has noted for the UC that, "on the average, each Regent is at the head of more than 4 companies." In a personal interview, the 2007-2008 Student Regent Ben Allen confirmed and commented on the distance between the Regents and the "average" student or Californian:

The board is made up of very talented, intelligent, well-intentioned people who come from a very particular perspective. Most of them are fabulously wealthy and I think they bring to their board experience a perspective of someone who has been very successful in business, who is used to a corporate board setting and are largely pretty far from the average student experience (Allen 2008).

The majority of the Regents come from a culture where business and stability ideologies are predominant. Through the perpetuation of numerous practices that skew the selection of the Regents, their economic background has remained homogenous throughout the history of the UC, despite a 1971 amendment to the California State Constitution stating that "Regents shall be able persons broadly reflective of the economic, cultural, and social diversity of the State [...]"<sup>6</sup>

### **Historical Development and Controlling Processes**

Verne Stadtman (1970) provides historical insight on the precedent for the current structure. The UC system was made possible through the collaboration of the trustees of the private but poorly funded College of California and government officials looking to build a federally delegated, state-funded Mining, Agriculture and Mechanical Arts College. In 1867, Governor Low, a "friend of the College of California" (Stadtman 1970:28), maneuvered around federal funding restrictions by obtaining the lands of the College of California via "donation" for the new state institution. The 1868 Organic Act established a preliminary Board of Regents, consisting of then-Governor Henry Haight, government officials, and the heads of the Mechanics Institute and State Agricultural Society. The Act also allowed Regential appointment of another eight Regents without consent of the State Senate.<sup>7</sup> The final constituency of the Board represented a conglomerate of California's most important post-Gold Rush industries: the Quicksilver Mining

Company, State Agricultural Society, Sacramento Irrigation and Navigation Canal Company, cable manufacturing (cable cars and suspension bridges), and major real estate speculation (Ibid 36). Of the men appointed, only one had held a position in education management, that of State Superintendent of Public Instruction. According to Stadtman, “they had been drawn as Regents have been drawn ever since, from the ranks of Californians who had reputations for astuteness in business or for contributions to the cultural development and general prosperity of the state” (1970: 37). Men involved financially and strategically, “comrades” in the initial merger, also gained positions. In the context of continuous state under-funding during the late 1800s (and today), those with significant economic connections and perceived skills in maximizing profit were preferred.

Proposed changes in the UC governance structure followed a scandal in 1874, involving a private construction contract being given to a fellow Regent (Ibid: 70), and charges by the agricultural and mechanics industries that “practical” education was being inadequately fulfilled.<sup>8</sup> These changes included transferring control of the University to an *elected* board of education, and dispersing the University into colleges throughout the state to provide practical and local agricultural and mechanical instruction (Ibid: 80). The Regents’ reaction was immediate, vehement and persuasive:

In the history of all institutions of higher education, it has been found that they owe their prosperity, and the valuable endowments they receive, to the commanding fact that they are organized upon a principle indestructibly uniform, though progressive, and that they are organically exempt from the disturbing effects of political intervention. In such a position it was the purpose of its founders to place the present University. If that purpose should fail, the State will have to charge itself with the entire maintenance of the institution, as no foundations, endowments, donations, or bequests, will ever be made in the future, after a change in its organization so absolute has been effected (1878 UC Regents Memorial apud Stadtman 1970:80).

The institution of an elected board of UC Regents was thus rejected at this time.<sup>9</sup> It can be inferred from the above quote that “political intervention,” or what I refer to as “politicization,” was assumed to be an inherent part of a democratic form of governance. Thus, business ideology, in which this “politicization” was assumed to cause financial instability, contributed to maintaining the centralized power of the Regents. A threat of increased cost overrode other concerns about adherence to law and the lack of accountability to elected officials.

### Controlling Processes at Present

The same processes at work during the development of the UC Board of Regents continue to shape Regental appointments in contemporary times. In 1991, a study by Professor Charles Schwartz found that almost all UC Regents had made significant campaign contributions to whichever governor had appointed them. The question of contributions by Governor Schwarzenegger's appointees deserves further investigation; however, in a personal interview, Professor Schwartz suggested that Schwarzenegger has indeed appointed close advisors and family friends. An interchange between Senator Mello and Chairman Roberti at a 1990 Senate Rules Committee hearing clarifies the persistence of camaraderie:

Mello: I know Jerry Brown appointed a lot of his friends, I guess, to the Board of Regents. I guess each Governor does the same thing... It's sort of a family of close friends of the Governor that gets the nod to serve on the University.

Roberti: I agree with what you're saying, Senator Mello, but I might interject that it's been thus on the Board of Regents....[T]he area from which people are selected, ever since, I think, any of us can remember politics in California, has been a narrow group of people that the Governor's selected (apud Schwartz 1991).

Roberti's appeal to the tradition of camaraderie as support lies within the ideology of "stability," that maintaining the status quo is an adequate goal in itself.

The State Constitution, however, mandates that the UC Board of Regents "shall be entirely independent of all political or sectarian influence, and kept free therefrom in the appointment of its Regents and in the administration of its affairs."<sup>10</sup> Applied to the actual practices of Regental appointment, "political" and "sectarian" influence must be believed by the governor and the State Assembly (when approving governor's appointees) to exclude influence due to personal friendship, campaign contributions, and ties to big business. As all three influences skew the membership and ideology of the UC Regents in one direction, the rhetoric of keeping the Board free from "politicization" is a euphemism that functions to maintain Board member homogeneity.

Moreover, according to Student Regent Allen, when ex-officio Regents are viewed by their appointed colleagues to have political motivations (which they might), their dissenting opinions are often written off as intended to gain press and muster votes in upcoming elections. Such has been the case with former Lieutenant Governor John Garamendi. Although his participation and commitment has far exceeded most other ex-officio UC Regents, his comments

are often taken lightly, as he was assumed to be soon running for Governor (Allen 2008). Thus the label of “politicization” allows some biases to be over-filtered while others are obscured.

Closed sessions are a practice that isolates the UC Regents from the general public. Isolation allows for a group of people’s shared ideologies to reinforce each other due to a lack of critique, differing perspectives, and new information. Thus, isolation is a practice that encourages groupthink<sup>11</sup> and maintenance of the status quo. As argued by Student Regent Allen (2008), closed meetings are necessary for protecting the privacy of employees, preventing destabilization of the stock market, and sheltering the University from non-constructive criticism; he explicitly stated that strategy-making should not occur. However, there is evidence from two lawsuits that the isolation of closed sessions has been utilized in the past to avoid public accountability. In one of them,<sup>12</sup> a successful Public Records Act lawsuit was filed against the UC Regents for release of tape recording and documents of closed session discussion on investment policy and strategy, during which the tape recording of closed sessions was inexplicably terminated (Schwartz 2005). Despite an apparent tendency toward increased isolation from the public, UC public rhetoric has been one of “ongoing commitment to transparency and public accountability” (UC Newsroom 2006). I argue that this trend is due to the fact that the values of business ideology do not include public transparency. The UC Regents, being drawn directly from the business world, would value the efficiency to be gained by isolation from the public over the inefficiency of having difficult decisions questioned, speculated upon, and possibly criticized.

Business ideology is replicated throughout the system of UC governance, partly due to the resonance of Regental comments within the Office of the President and staff (Allen 2008). Combined with sourcing of information that reinforces entrenched interests, these processes discourage diversion from previously held Regental policy. This is a phenomenon exemplified by an anecdote provided by Tim Galarneau, a Food Systems Education and Research Specialist at the Center for Agroecology and Sustainable Food Systems, during a personal interview (Galarneau 2008). Galarneau had been working with the UC Regents and Office of the President to adopt policies on purchasing more environmentally sustainable foods. He spoke of a “strategic sourcing” and statewide foods policy meeting where a former chair of the housing directors had consulted with a representative from Sysco Corporation about the feasibility of purchasing local foods.<sup>13</sup> Sysco provided a 50-page report on why it would be extremely fiscally detrimental to support policies of purchasing sustainable foods,

which put the chair into a state of panic. He sent out a mass email detailing his opposition just before the collaborative problem-solving meeting was to be held – thus negating its very purpose. His decisions enforced the status quo, were influenced directly by Sysco (an example of sourcing), and replicated the financial concerns of the UC Regents.

The business ideology within the UC Regents has also favored continuing trends towards privatization, seen through continual increases in student tuition, extremely high fees for business, law, and medical schools, aggressive private fund-raising strategies, and increasing contracts with major corporations to fund research (Krieger 2007).<sup>14</sup> This trend coincides with decreasing State funding for public universities, occurring throughout the U.S., and exemplified by Governor Schwarzenegger's 10 percent budget cuts announced at the March 2008 UC Regents meeting. These cuts to education reflect the priorities of state and federal governments, themselves guided by the business ideology that has become particularly persuasive under the financial stress of two ongoing wars and other mounting social costs. With the leaders of major corporations integrated into government authority, their predominant ideology is reproduced and transforms public institutions.<sup>15</sup>

When faced with the supposition that the UC has become a “privately supported public university,”<sup>16</sup> former UC President Dynes responded, "Until I stop breathing, I will fight that. The central heart and soul of the university is its support from the state of California. That has to remain" (Krieger 2007). The UC Board of Regents' actions throughout the last thirty years have moved in the opposite direction of this statement, for a business ideology seems to guide day-to-day Regental decisions. It is as the former president of Harvard University, Derek Bok, argued in a discussion of the incremental steps toward university privatization and commercialization: “As new opportunities for profit appear, the money to be made seems all too tangible, while the risks appear to be manageable and slight” (Bok 2003:81). “Profit-seeking” by the UC Board of Regents occurs in the context of severe cuts to State funding, and is facilitated by the culture of Regental business elite.

The transformation of UC nuclear research facilities into the Los Alamos and Lawrence Livermore National Security, LLC is a recent example of privatization. At an open session of a UC Regents meeting I attended on March 19<sup>th</sup> 2008, Regent Norman Pattiz attempted to terminate discussion of fairly straightforward questions concerning the Los Alamos and Lawrence Livermore laboratories contract posed by Lt. Governor Garamendi by stating that “I'd love to

have you have a private briefing with the lab directors, come out to the labs with the Office of the President, get all of your questions answered effectively.” Out of context, this appears to be a helpful suggestion. However, it was employed to avoid more questioning and discussion during the public session, as Garamendi responded defensively with, “Yes I understand that, I was just taking advantage of what you’d offered in your opening comment that we engage in this issue.” Pattiz’s subsequent answers were elusive, ambiguous, and long; he elicited the assistance of former President Dynes, and the two presenters, Admiral Folley and Bruce Darling, despite reiterating concerns about time constraints, “dirty looks,” and “other Regents waiting.” All responses strayed from Garamendi’s original questions, instead becoming unsolicited justifications for the original contract signing – which significantly included *increased profit* and “*fiscal realities*.” A comment by Dynes in final defense of the privatization of the labs was particularly illuminating of pervasive notions of the “inevitability” of privatization: “...it is important that for University to be inside that tent, rather than outside that tent.” Just before Garamendi expressed “deep concerns” about the UC’s privatization and continuing involvement with the production of nuclear weapons, Pattiz, in a moment of unusual cavalier joked, “I’m gonna give you 30 seconds, only because you’re the Lt. Governor.” Almost all other Regents noticeably blanched, as his comment blatantly violated the polite and formal Regental etiquette. In my analysis, the intentions of the tactless comment were to stifle Garamendi from voicing disapproval of Regental action during a public session, and to negate the importance of his comments due to suspicions of political interest. It is unknown to me whether the semantics were interpreted in the same way by the Regents as by myself, or whether Pattiz’s motivations were approved or disapproved of by his peers. However, it was clear that the blatant nature of his comment was not welcomed.

This particular discussion was politically rich, in that it was full of attempts to re-configure authority through the use of language and framing. It provided me with unusually clear examples of the larger ideologies – ideologies that were either shared, but more importantly, that were being assumed to be shared by not only fellow Regents, but by the witnessing public. These ideologies were used in an attempt to defend actions that were controversial for continuing the university’s involvement in production of nuclear weapons, and for transferring the public institution’s authority over its own facilities to private weapons developers. Thus, the contract being defended by Pattiz, Dynes, Folley, and Darling represents a continuation of the centralization of power over the UC into the hands of the business elite. Perhaps an additional cause for alarm among the Regents themselves, if real debate on this issue had indeed been ongoing and

multi-participant, is that the privatization of UC's laboratories and nuclear research/production represents power changing hands from the class of California business elite who have held it since the University's founding to an even smaller group of multi-national corporate leaders. Privatization might represent an opportunity to stay "inside the tent" for some UC Regents, while provoking apprehension and uncertainty about the future autonomy of the University for others—a "tent" in which one's occupancy is on very unequal footing. For many of the members of the general public,<sup>17</sup> for whom business and stability ideologies are not as pervasive, membership in this tent has never and will never be offered them, thus their incentive to support privatization is considerably lessened.

Throughout the history of UC governance, there have existed "counter-hegemonic" movements by the legislature, faculty, students, the public, and members of the Board itself. Some of the controlling processes addressed in this essay have been utilized to re-allocate, take back, or shift power away from its central holders, in order to meet goals ranging from a more equitable balance of power to policies of environmental sustainability. In this moment of crisis, I hope that this paper will inspire other members of the UC community to further analyze, critique, and challenge the highest power-holders of the University of California so that all of its stakeholders have a real part in determining the direction of this nation's pre-eminent public university.

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## NOTES

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<sup>1</sup> Controlling processes are defined by anthropologist Laura Nader as “the mechanisms by which ideas take hold and become institutional in relation to power” (1997: 711).

<sup>2</sup> California State Constitution, Article IX, Section 9. [http://www.leginfo.ca.gov/.const/.article\\_9](http://www.leginfo.ca.gov/.const/.article_9). Accessed February 3, 2010

<sup>3</sup> “Ex-officio” members include the Governor, Lieutenant Governor, Speaker of the Assembly, Superintendent of Public Instruction, president and vice-president of the Alumni Associations of the UC, and the UC president.

<sup>4</sup> I have participated in this procedure and it truly deserves its own study. Twenty minutes are divided by the number of speakers present; time can be cut from a maximum of 3 minutes to a minimum of 30 seconds. This practice results in individual speakers having only enough time to relay emotion with very little supporting factual data.

<sup>5</sup> The biographies of current Regents are available on the official Regents Website, <http://www.universityofcalifornia.edu/regents>. Only two out of the 18 governor-appointed Regents in 2008 were without past or current positions of corporation leadership: Odessa Johnson and William de la Pena, M.D.

<sup>6</sup> Article IX, Section 9, section (d).

<sup>7</sup> This was particularly helpful to governor Haight and his politically like-minded associates on the preliminary Board of Regents, for the senate majority were not of the same party as governor Haight.

<sup>8</sup> I have left out a more detailed discussion of the politics of this period, heavily influenced by the lobbying power of the agriculture and mechanics industries.

<sup>9</sup> A notion of original democratic “purity” in the UC governance system has historically been and still is the cause for severe misunderstandings between student activists and the administration. Michael Otten discussed this with regards to the 1960s Free Speech Movement at UC Berkeley: “But even as policies were liberalized, the modification fell far behind the ever increasing student demands, and the widening breach gave rise to the belief that student ‘rights’ were being whittled away, when in reality they had never existed” (1970:169).

<sup>10</sup> Article IX, Section 9.

<sup>11</sup> Groupthink is defined by Irving Janis as “a mode of thinking that people engage in when they are deeply involved in a cohesive in-group, when the members' strivings for unanimity override their motivation to realistically appraise alternative courses of action” (1972: 9).

<sup>12</sup> 2003-04 *Charles Schwartz, and Coalition of University Employees v. Regents*. The other is the 2006 *San Francisco Chronicle v. The Regents of the University of California*.

<sup>13</sup> Sysco Corporation is the largest foodservice distributor in North America, has enormous amounts of capital to invest in research and advertisement, and is the provider of the majority of the UC system’s cafeteria fare.

<sup>14</sup> The 2007 UC Berkeley/British Petroleum contract to fund biofuel research is a recent example.

<sup>15</sup> As evidenced, for instance, by David Noble’s history of the corporate restructuring of higher education, *America By Design* (1977).

<sup>16</sup> As University of Michigan President James J. Duderstadt described his own institution (Krieger, 2007).

<sup>17</sup> This term applied lightly, as I do not believe it likely that those people who attended the Regents meeting on March 19 were representative of the “general public” or even the student community. I talked to a few protestors that day who were unaware that the meetings could be attended at all.

## **Cuts to the UC and the Unraveling of the American Dream\***

Alan H. Schoenfeld

California's fiscal meltdown has been front-page news for some time, at least since Governor Arnold Schwarzenegger's January 10, 2008 official Proclamation of Fiscal Emergency.<sup>1</sup> One significant casualty of the State's fiscal turmoil has been the University of California (UC), which took "unprecedented state budget cuts of \$814 million in 2008-09 and \$637 million in 2009-10."<sup>2</sup> Short-term consequences of the budget cuts have included staff layoffs, faculty and staff pay cuts, larger class sizes and/or cancelled classes, and, on November 19, 2009, a decision by the Regents of the UC to raise undergraduate tuition by 32 percent. This decision, which results in the tripling of undergraduate tuition over a ten-year period, is seen by many as a move to "privatize" the UC system, undoing the promise of California's Master Plan for Higher Education of 1960. The promise was to provide the best education possible, at no cost, to California residents whose academic work merits admission. I will argue that much more is at stake over the long run: the potential privatization of the UC system represents a significant violation of the social compact referred to as "the American dream." My goals in this brief essay are to highlight some of what is at stake in the current crisis, to provide some of the historical context that explains how we got into the fix we are in, and to suggest the renewal that is necessary to rebuild the university, the state, and the nation.

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*\*Editorial Note:* This piece was adopted from a talk presented at the UC Berkeley School of Education, highlighting the history and a description of what's at risk with an emphasis on the UC's general contributions to the public good as well as a number of examples specific to the School of Education.

**The UC contributes in remarkable ways to the betterment of our democratic society.**

Does UC Berkeley (UCB) really deserve its reputation as a force for the betterment of American society? Clear affirmative evidence can be found in the *Washington Monthly College Guide*, which provides annual rankings of American universities' contributions to the public good.<sup>3</sup> The *Monthly's* ratings are based on three main factors: "*Social Mobility* (recruiting and graduating low-income students), *Research* (producing cutting-edge scholarship and Ph.Ds), and *Service* (encouraging students to give something back to their country)."

UCB tops the list for 2009, with a score of 100; its two closest competitors are UC San Diego and UC Los Angeles, with scores of 82 and 80, respectively. Stanford comes in fourth, scoring 79, and UC Davis comes in 10<sup>th</sup> – meaning that four of the UC campuses rank in the top 10 nationwide. (In addition, UC Riverside is number 16). Harvard comes in at 11<sup>th</sup> with a score of 69, Massachusetts Institute of Technology (MIT) 12<sup>th</sup> (scoring 67), and the University of Chicago 13<sup>th</sup> (scoring 66). Yes, UCB's pre-eminence as a research university makes a significant contribution to our Number 1 ranking on the list: in terms of research we are the highest ranked public university in the nation, if not the world. But it is UCB's, and more generally, the UC, contributions to social mobility and service that distinguish us (by a large margin!) from the other superb research universities in the *Monthly's* ratings.

The service ranking won't surprise people: Cal students have always been altruistic, and Cal ranks pretty high on the percentage of students who go on to serve in the Peace Corps.

Where we shine, however, is diversity. At the top three campuses nationally – all part of the UC – about one third of the students receive Pell grants, meaning that their families' earnings are low enough so that the students qualify for federal assistance. (Need I remind you of the correlations between socioeconomic status, race, and ethnicity?) In contrast, 9 percent of Harvard students, 15 percent of MIT students, and 13 percent of the University of Chicago's students receive Pell grants – less than half the rate at the UC campuses. This is no accident. It was built into the system by design, as my discussion (see below) of the California Master Plan for Higher Education indicates.

Let me personalize the discussion of equity in two ways – first by describing my own history, then indicating a contemporary version of something

similar. My parents were not poor, but they were definitely in the “low socioeconomic status” category. My mother was pulled out of high school to help her family survive the depression in the 1930s; my father also left high school, later earning a GED. Neither went to college. What they wanted for their son was a version of the American dream: I would go to college and have a much better life than they did. (Admittedly, the American Dream was overwhelmingly White male at the time; see the next example for an update.) At the time, the New York schools and the New York political system were designed to support that dream. My high school grades got me into Queens College of the City University of New York, where my tuition per semester was \$232. (I lived outside the New York City limits. Had I lived inside the city’s boundaries, my total tuition would have been \$32 per semester.) When I graduated, I was given a New York State graduate fellowship. The fellowship could be used toward my graduate tuition anywhere, with no strings attached. The hope, however, was that I would repay the state’s largesse by teaching in New York. As it happens, I went to Stanford; and as it happens, I returned to New York and taught there for seven years before coming to Berkeley as a faculty member. So I’d like to think that I did give back. And even though I’ve been at UCB for 25 years, I still think of what I do as giving back. I see my research and teaching as investments for future generations.

This was what the designers of New York’s public education system – and California’s, in the 1960s – had in mind. Access to high quality education can and should be a democratizing, equalizing force. There is a significant social benefit in allowing those who might not otherwise be able to afford a high quality education to have access to it. Given that socioeconomic status correlates with race and ethnicity, financial barriers to higher education are also racial and ethnic barriers to the societal advancement afforded by a good education. But there is much more. Cal graduates give back to the State in many ways – as part of the engine of California’s economic growth, in their public service, and more.

Here is a current example of the kind of enfranchisement provided by the UC system. A few months ago, when the magnitude of the cuts to the UC budget became clear, I wrote an op-ed piece for the Sacramento Bee describing what was at risk.<sup>4</sup> I received a fair number of emails in response. The one that I found most powerful was this, from a person with a classically Vietnamese surname:

Dear Professor Schoenfeld:

I read your op-ed piece in the Sacramento Bee. Kudos for educating the public on what a deal the vast majority of professors have been to the UC system. I have received the richest, most engaging social and academic training while at Berkeley. I have gone on to medical school where half of the class was either

from Stanford or the Ivies. I would not have been able to compete with those students coming out of high school but Berkeley more than leveled the playing field. For that, I will always be thankful. I hope that professors like yourself in the UC system understand the pride that we, as former students, have in Berkeley and the gratitude that we have in our former teachers and professors.

Sincerely, [Name], Berkeley 1997 Vascular Surgery Fellow

This kind of democratic access is part of what makes the UC system as great as it is. Raise tuition and you make it effectively impossible for a whole socioeconomic class of students to attend the UC – and by doing so, you shut down an engine for equity, perpetuating the stratification of our society along economic, ethnic, and racial grounds.

Above and beyond the idea of enfranchising as broad a segment of the California population as possible, UCB contributes in numerous ways to the public good through its research and its programs. I live in the Graduate School of Education (GSE), so I will provide some examples of contributions from my home unit. I can guarantee you that faculty in every unit of UCB can point in similar ways to their unit's contributions to the public good.

A very large proportion of the faculty in the GSE have had grants to conduct research in the public schools, typically aimed at improving the conditions of public education. You can go to the GSE's web site to find details; see also the Winter 2009 issue of *ConnectEd*, the GSE's outreach publication<sup>5</sup>. I will mention two projects here. First, UCB is a major partner in the National Research Council's SERP (Strategic Education Research Partnership) collaboration with San Francisco Unified School District, helping SFUSD grapple with major challenges of mathematics and science teaching in middle school. This is one of many partnerships (we have had others in and with the Berkeley and Oakland Unified School Districts, for example) aimed at harnessing the firepower of UCB faculty and graduate students to address critical issues faced by local school districts. Second, the Diversity in Mathematics Education (DiME) project is a "research training grant" whose goal was the preparation of 25 Ph.Ds who will devote their careers to working on issues of equity in mathematics instruction. (I call this the "gift that keeps on giving": the National Science Foundation supports the preparation of these Ph.Ds, who then spend 40-year academic careers focusing on issues that matter.) DiME is a three-university partnership, between UCB, UCLA, and the University of Wisconsin. I don't think

it's an accident that the three universities involved in this project are all public universities.

Finally, there are the GSE's teacher preparation programs. These were designed in accord with the State's Master Plan: the UC system was to have small, model programs that pioneered new directions in teacher preparation and intended to produce teacher-leaders. Two of these programs are two-year combined Masters-plus-teacher-credential programs and the other is a 15-month program. Each is distinctive and powerful. There are many ways that I might describe their impact, but I will stick to one. The data on "teacher longevity" are truly depressing: "After 3 years, 1/3 of new teachers leave the field; after 5 years, almost half of those new teachers have left. In inner city schools, 1/2 of the teachers quit within 3 years."<sup>6</sup> In contrast, internal records indicate that the vast majority of the graduates of the three programs mentioned above are still teaching. In addition, the graduates of our programs have evolved professionally in the ways we prepared them to – they have taken on positions as school leaders or administrators, district-wide coaches (mentors to other teachers), etc.

Programs such as these are expensive. They take more time than standard programs, and (unlike such programs, which are typically supervised by faculty but staffed by professionals from the field), they engage students with UCB faculty. But, they have large staffing costs: liaison with the schools, classroom observations, and other components of the program that cost more money than on-campus instruction. In an obvious sense, expenses are proportional to time: the longer a program is, the more it costs. Earlier this year the Dean of the GSE declared, with a heavy heart, that he had no choice: the cuts in the budget he had been allocated by central campus were so severe that he had to cancel admissions to our teacher preparation programs for this coming year; the GSE's faculty would need to take that year to construct shorter, cheaper (and to my mind, necessarily inferior) alternative programs. Since then, the faculty has made a number of sacrifices that allow the GSE to continue one of those programs, and admissions to that program have been opened for next year. However the two other programs are on hold and one of them, which has a highly distinguished history of more than 25 years, may well face extinction. Should it be eliminated, the State and the State's children are the losers. Well-prepared teachers who stay in the profession are another gift that keeps on giving, and we are at risk of losing some of the few sources of superb teacher-leaders that we have.

Before turning to a description of history and context, let me turn briefly to issues of dollars. Thus far I have talked mostly about human capital. A

financially accessible university of the quality of the UC system is an engine of enfranchisement and through its research and graduates, it contributes significantly to the public good. Our contributions to an educated populace, to the arts, humanities, mathematics and the sciences are spectacular. But we also contribute in purely economic terms. Think of the monetary value of Berkeley UNIX (a computer operating system invented at UCB that spurred the computer revolution) alone; think of our contributions to Silicon Valley; think of our contributions to biotechnology and the greening of California. In purely fiscal terms, every dollar invested in the UC brings back tens, hundreds of times as much to the California economy.

The UC system has been a smart investment, but it's in jeopardy. What follows is a summary of how public support for higher education in California was reaffirmed in 1960, and how it has eroded since then.

### **What was intended, and what has happened**

In a special legislative session in 1960, the California legislature passed the Donahoe Higher Education Act, enacting into law some of the major provisions of "A Master Plan for Higher Education in California, 1960-1975".<sup>7</sup> The basic idea was to provide a "tiered" but highly permeable system of post-secondary education at three levels: the community colleges, the state colleges (now the California State University, or CSU), and the UCs. Here is a somewhat oversimplified summary of the "Major Features of the California Master Plan for Higher Education."<sup>8</sup>

First, access: "The establishment of the principle of universal access and choice, and differentiation of admissions pools for the segments:

- UC was to select from among the top one-eighth (12.5 percent) of the high school graduating class.
- CSU was to select from among the top one-third (33.3 percent) of the high school graduating class.
- California Community Colleges were to admit any student capable of benefiting from instruction."

Second, permeability: those who did well in the community colleges could transfer to the CSU's, and those who did well at a CSU could transfer to the UCs.

Third, cost: "Reaffirmation of California's long-time commitment to the principle of tuition-free education to residents of the state."

In sum, the Master Plan was intended to provide high quality post-secondary education for all of California's citizens – for free. Of course, you had to earn your way academically; you only got into an UC if you met the admission standards. But there were multiple avenues into the UC system, and multiple ways to get into the higher education system in general. This was, simply put, because of the (entirely correct) perception that higher education is a public good, and a good investment as well.

So what happened?

In the 1960s and 1970s, the Golden State's economy boomed: there was huge population growth and significant growth in housing values. To give a concrete example, friends of mine who bought a two-family house for \$39,000 in 1969 found themselves with a house valued at more than \$500,000 a decade later. That sounds great; what could be wrong with that?

In a word, taxes. Real estate taxes were, in essence, a fixed percentage of assessed value. If your house was now “worth” ten times what you paid for it just a few years ago, your taxes were ten times what they were before! This ongoing increase in real estate taxes was a burden on all taxpayers, but it hit retirees and others on fixed incomes particularly hard: their tax burden (or rent, since landlords passed on tax increases to their tenants) was increasing by leaps and bounds, while their incomes remained stagnant. The result was a “taxpayers’ revolt,” capping real estate taxes. In 1978, California voters passed Proposition 13, formally known as the “People's Initiative to Limit Property Taxation.” The taxation component was this: if homeowners stayed in their homes, taxes were allowed to increase by at most two percent per year but if the house was sold, taxes would revert to its current assessed value. The legislative component was this: any new taxes would require a two-thirds vote of the California legislature.

When Prop 13 was enacted, the State's economy was strong and California had a substantial financial surplus. The upside of Prop 13 was felt immediately: homeowners saw the stabilization of their tax bills. (Of course, newcomers paid the price, but they too saw their tax bills stabilize while *newer* newcomers paid significantly more in taxes for identical houses.) Because of the robustness of California's economy and the presence of a substantial budget surplus when Prop 13 was enacted, it took a while for the downside to be felt. Simply put, the tax base eroded in comparison to the cost of running the state. While the cost of state services went up in proportion to inflation and the increasing population, sometimes in double digits, Prop 13 capped real estate tax revenues. As a result,

the State's budget surplus soon evaporated and the budget for public schools and for higher education got pinched.

Would that Prop 13 were the only problem. Two other factors exacerbated an already bad situation. The first was the passage of Prop 184 in 1994 – the “three strikes and you're out” initiative<sup>9</sup>. In simplest terms, a person's third felony conviction automatically triggers a sentence of life imprisonment, with a minimum sentence of 25 years in prison before eligibility for parole.

It was clear to anyone who was mathematically sophisticated at the time that Prop 184 made everything related to prison (prison populations, prison construction, prison employment, etc.) a growth industry. In a 2005 review, the California Legislative Analyst's Office, a nonpartisan office charged with providing fiscal and policy information and advice to the California Legislature, summarized the impact of Prop 184 as follows:

“As long as the Three Strikes law is applied generally as it has been since its enactment in 1994, state and local criminal justice systems will continue to be affected in important ways. In particular, the prison inmate population will continue to grow as more second and third strikers are sent to prison. The number of third strikers will increase until at least 2019 when the first third strikers will be eligible for parole hearings. The continued growth, as well as aging, of the striker population is likely to have significant implications for the prison system for the foreseeable future, including increased operating and capital outlay costs.”<sup>10</sup>

Despite the phenomenal growth in prison construction, prison populations have grown a great deal faster than the prisons. Indeed, on August 4, 2009, a panel of federal judges declared California prisons to be unconstitutionally overcrowded and ordered the California prison system to reduce its inmate population.<sup>11,12</sup>

Prison costs have a direct effect on California's education system. California's total expenditures are more or less stable (in fact, decreasing in times of recession), so if prison costs go up, something else goes down. That something else is education. Here is a summary written by Jeff Bleich, chairman of the California State University Board of Trustees:

“California's public universities and community colleges have half as much to spend today as they did in 1990 in real dollars. In the 1980s, 17 percent of the state budget went to higher education and 3 percent went to prisons. Today, only 9 percent goes to universities and 10 percent goes to prisons.

The promise of low-cost education that brought so many here, and kept so many here, has been abandoned. Our K-12 system has fallen from the top ranks 30 years ago to 47th in the nation in per-pupil spending.”<sup>13</sup>

To make the fiscal comparison more clear: According to the California legislative analyst’s office, the annual cost of incarcerating a prisoner in 2008-2009 was \$47,102.<sup>14</sup> In contrast, California’s current per capita cost of educating students in the public schools is \$7,571. According to *Education Week’s Quality Counts 2009 Report*, “California continues to lose ground in per-pupil spending, now ranking 47<sup>th</sup> in the nation, and trailing the national average by nearly \$2,400 per student.”<sup>15</sup> In simple numerical terms, the cost of maintaining one person in prison for a year now exceeds the cost of educating six students for that year. This trade in favor of prisons represents a severe downward spiral: with school conditions worsening, more students are likely to drop out, more of them will be unemployed, winding up in prison...

### **Is there likely to be help from the Governor or from the UC leadership?**

In a word, no. First, Governor Arnold Schwarzenegger is anti-tax; it’s what got him into office. During the dot-com expansion, California Governor Gray Davis had cut back severely on California license plate fees – an obviously popular move with California voters. Then, the dot-com bubble burst, and California ran a significant deficit; with his back against the budgetary wall, Davis announced the reinstatement of the license plate tax. This caused such a public uproar that there was a recall election in 2003. During the campaign, Schwarzenegger pledged to repeal the license plate tax and to impose no new taxes.

Moreover, the governor appears to believe that higher education is a *private* good. From this perspective, people who go to college make a lot more money than people who do not. Hence, college is a personal investment in one’s future. Why should the State pay for what is in essence a private gain? If you want to go to college, you should take out a loan. You will make money; you can pay back the loan and still come out way ahead. In short, the Governor does not appear sympathetic to the UC budgetary plight. And one doesn’t have to judge by appearances: actions speak louder than words.

When Governor Schwarzenegger was elected, the State’s finances were in a (one hoped, temporarily) perilous condition. The State’s higher education leadership met with the Governor in 2004 to hammer out a deal that would guarantee a stable funding base for post-secondary education. The idea was short-

term sacrifice from higher education, which would be rewarded with long-term stability. Here is an excerpt from a May 11, 2004 press release from the Governor's office:<sup>16</sup>

“Governor Arnold Schwarzenegger, along with Robert Dynes, president of the University of California System (UC), and Charles Reed, chancellor of the California State University System (CSU), announced today a multi-year commitment to California's public higher education institutions that will bring financial stability and enhanced academic quality to the UC and CSU systems. ‘Everyone knows our budget crisis demands tough choices,’ said Governor Schwarzenegger. ‘But, I have said from day one that we must do everything we can to protect education from the worst of the cuts. This is why I have worked closely with higher education leaders to arrive at an agreement for the next few years that is an investment in our schools and California's public university students.’

Highlights of the multi-year compact announced today include: Base funding increases for the UC and CSU are guaranteed beginning next year and continuing through 2010-2011.”

So what happened? The federal and state economies tanked, and the governor reneged. As everybody knows, the UC operating budget has been cut to the bone. Large numbers of staff have been laid off, and “furloughs” (in reality, pay cuts) have taken a substantial bite out of the salaries of those who remain. Classes have been cancelled, and class sizes have increased; many undergraduates find themselves unable to register for classes that they need in order to graduate on time. Some valuable programs (cf., the discussion of teacher education programs above) have been killed on purely budgetary grounds. Massive tuition increases have been announced. And the UC system has essentially stopped hiring faculty. In any given year, for example, UCB loses about 100 faculty due to death or faculty moving elsewhere. Typically, those faculty members are replaced. But it won't happen this year (there will be perhaps five faculty positions filled) – and probably not next year or the year after.

### **What's at risk, and what can be done?**

The short-term damages to the UC system as a result of budget cuts from the State were highlighted in the previous paragraph. Life is harder for almost everyone associated with the UC. But life is tough all around – why should the people at the UCs suffer any less than everyone else?

The answer lies in the first part of this essay. Simply put, the UC system is a *public* good – along multiple dimensions. And all of those dimensions are currently being threatened. First, the UC excellence is in danger. Cal’s faculty number among the world’s best, and the best don’t have to stay where they are. Many of us are here in large part because we believe in Cal’s mission but if the mission erodes along with our salaries, many could leave. Consider, for example, an op-ed piece by Isaac Barchas in a Texas newspaper.<sup>17</sup> The author notes the ways in which California has slashed the UC budget – and the fact that, in the face of a similar financial crisis, Texas has *increased* its funding for the University of Texas system. Barchas suggests that Texas can buy talent from the UCs and vault itself into the #1 position thereby. That may or may not come to pass, but the pressures Barchas mentions are real. One giant bite may not be in the offing, but hundreds of little nibbles can have the same effect. And, the less attractive the environment at the UCs become, the less capable the UCs are of attracting the top-notch young talent that will keep us the best public university system in the nation.

With an exodus of talent and/or an inability to replace it, the power of the UC system as an engine of economic progress is weakened. Rhetorically speaking, how many Silicon Valleys are there? How many can there be? Great universities fuel their states’ economies. Not-so-great universities do not have the same impact. If every dollar invested in the UC system brings in large multiples of itself, every dollar not invested bears a comparable long-term cost. Disinvesting in the UC system is the start of a downward spiral.

I have already indicated how programs that serve the public good have been damaged, put on hold, possibly killed. But perhaps most importantly, the threat of massive tuition increases represents a threat to the democratic mission of the UC system. UCB’s enrollments, and those of many UC campuses, won’t be threatened; we’re good enough to lure people who can pay. But the character of those who can afford that education will change. The 1960 Master Plan had a democratic vision: *everyone* has access to higher education, for free, and those who do very well can go to an UC. When access was free, or relatively inexpensive – the average undergraduate tuition at the UCs for the 1990-91 academic years was \$1624, for example<sup>18</sup> – that vision was a realizable dream. If and when the UCs have been effectively privatized by means of massive tuition increases, the very dream of UC access will be beyond many people’s imagining. The student body will change, and not for the better.

Unfortunately, the leadership of the UC system seems set on a course of privatization. UC President Mark Yudof's history is one of capital building campaigns and tuition increases. President Yudof's comments in a September 24, 2009 *New York Times Magazine* interview speak for themselves: "And education? The shine is off it."<sup>19</sup> (Also: "Being president of the University of California is like being manager of a cemetery: there are many people under you, but no one is listening. I listen to them." So much for highlighting the value of the UC to the State and the Nation.) Many faculty suspect that the UCs' moneys could be spent more effectively, and tuition kept lower; but getting the actual numbers on UC expenditures turns out to be extraordinarily difficult.

In addition, the University of California Office of the President (UCOP) has taken steps to unravel the fundamentally important tradition of "shared governance" between the UC administration and its faculty. Roughly speaking, the "bottom line" has been that administration has always had the authority to make fiscal decisions as they saw fit, after having consulted with the faculty; but the UC campuses have always made their own decisions about academic matters, including course offerings and schedules. This was upended when the UC Regents granted the UCOP emergency powers due to the budget crisis: not only did the UCOP impose furloughs on staff and faculty, but the UCOP declared – overriding the unanimous objections of the campuses' academic senates – that furlough days could not be taken on instructional days. This raises interesting questions of how the UC President defines the word "listen," since he says he listens to those under him.

But the problem is larger than the leadership of the UC system, no matter how misdirected it may be. It is larger than the current UC budget crisis, which has both internal and external components. It is true that the University has been the victim of broken promises (e.g., Governor Schwarzenegger's reneging on his promises for stable funding, discussed above) and consistently diminishing legislative allocations, but it is also true that the UC's internal budgetary allocation practices are shrouded in mystery. A clearer accounting, and a democratic discussion of university priorities and expenditures, would be healthy for the university and would help to restore public trust in it. The problem is larger than the California legislature, which has grappled unsuccessfully with budget crises for more than a decade. It is, in my opinion, a significant disease of the body politic. I believe we are witnessing the potential unraveling of the American dream.

For generations, the gist of that dream was simple: Americans contribute to the public good so that their children will have greater opportunity than they did. Live in a slum? Work so that your children will have a decent apartment. Live in an apartment? Work so that your children will be able to afford a home. Perhaps you barely managed to graduate from high school? No matter, your children will get a college education. And what if you don't have children? Well, you still pay school taxes, because it's in everybody's best interest to have an educated populace. For many years, each American generation has given of itself so that the next generation could have it better.

That, in a nutshell, was what the Master Plan was about. By establishing free access to higher education as a right, the Master Plan paid homage to the public good. The individual students who gained access to the UC benefited. But so did the State, in terms of diversity, in terms of economic contributions, in terms of all the benefits of a well-educated population.

Proposition 13 and the politics of selfishness began the unraveling process. The underlying appeal to greed was simple: "I've got mine, and I want to protect it; let the newcomers and the next generation fend for themselves." It was clear at the outset that Prop 13 would ultimately starve the State; and it has. For the first time in American history, children in California and across the nation (the tax revolts pioneered in California spread across the nation) have it worse than their parents because of the deliberately selfish and shortsighted acts of those very parents. To my mind, that is morally abhorrent and a clear violation of the social compact that made this nation what it is.

That, to my mind, is what has to be undone. This is an issue of vision, it is an issue of morality. There are precedents: as Gary Brechlin notes, Franklin Delano Roosevelt increased America's investment in education during the throes of the Great Depression.<sup>20</sup> That investment paid off and we need something similar now: we need to undo the politics of selfishness and greed and focus on the benefits for all, of an investment in high-quality education for all. We need wisdom and leadership, and a strong call for a return to real American values. That means investing in America's youth through education at all levels, from preschool to university. Deep down, Americans have known for generations that such investments in the future are a major part of what has made America the great nation that it is. We need to work to rekindle that understanding and rebuild a belief in the American dream of making things better for all. Altruism helps here, but the irony is that the altruism is in everybody's fiscal long-term interest.

## NOTES

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<sup>3</sup> Rankings, 2009 National Universities. *Washington Monthly*, College Guide section, [http://www.washingtonmonthly.com/college\\_guide/rankings/national\\_university\\_rank.php](http://www.washingtonmonthly.com/college_guide/rankings/national_university_rank.php) (accessed November 6, 2009).

<sup>4</sup> Alan Schoenfeld, “UC Chief tweets while system’s in a spiral,” *The Sacramento Bee*, August 12, 2009, Opinion section, <http://www.sacbee.com/opinion/story/2101592.html> (accessed August 12, 2009).

<sup>5</sup> *ConnectEd*, Winter 2009, University of California, Berkeley, Graduate School of Education. Also available at <http://issuu.com/gsepublications/docs/connected09> (accessed December 10, 2009).

<sup>6</sup> Carolyn Bacon Dickson, “Improving the Quality of Teachers in the Classroom” (paper presented at the “No Child Left Behind Summit: The Path to 2014” for the U.S. Department of Education, Philadelphia, Pennsylvania, April 27, 2006), <http://www.ed.gov/admins/tchrqual/learn/nclbsummit/dickson/index.html> (accessed November 27, 2009).

<sup>7</sup> UC Educational Relations Department, “Master Plan for Higher Education in California,” UC Office of the President, <http://www.ucop.edu/acadinit/mastplan/mp.htm>, (accessed November 6, 2009).

<sup>8</sup> UC Educational Relations Department, “Major Features of the California Master Plan for Higher Education,” UC Office of the President, <http://www.ucop.edu/acadinit/mastplan/mpsummary.htm>, (accessed November 6, 2009).

<sup>9</sup>The text of Prop 184 and a brief discussion of the law may be found at <http://www.siliconvalley.com/3strikes.html>.

<sup>10</sup> Brian Brown and Greg Jolivet, “A Primer: Three Strikes – The Impact After More Than a Decade,” *Legislative Analyst’s Office*, October 20, 2005, Criminal Justice section, [http://www.lao.ca.gov/2005/3\\_strikes/3\\_strikes\\_102005.htm#legal%20evolution](http://www.lao.ca.gov/2005/3_strikes/3_strikes_102005.htm#legal%20evolution) (accessed November 26, 2009).

<sup>11</sup> Solomon Moore, “California Prisons Must Cut Inmate Population,” *The New York Times*, August 4, 2009, U.S. section, [http://www.nytimes.com/2009/08/05/us/05calif.html?\\_r=2&ref=us](http://www.nytimes.com/2009/08/05/us/05calif.html?_r=2&ref=us) (accessed November 6, 2009).

<sup>12</sup> Joel Zand, “Judges Order California to Reduce State Prisoner Population,” *FindLaw*, August 4, 2009, <http://blogs.findlaw.com/courtside/2009/08/judges-order-california-to-reduce-state-prisoner-population.html> (accessed November 6, 2009).

<sup>13</sup> Jeff Bleich, “California’s higher-education debacle,” *Los Angeles Times*, November 4, 2009, Opinion section, <http://www.latimes.com/news/opinion/commentary/la-oe-bleich4-2009nov04,0,1193621.story> (accessed November 6, 2009).

<sup>14</sup> “How much does it cost to incarcerate an inmate?,” *Legislative Analyst’s Office*, Criminal Justice and Judiciary section, Frequently Asked Questions [http://www.lao.ca.gov/laoapp/laomenus/sections/crim\\_justice/6\\_cj\\_inmatecost.aspx?catid=3](http://www.lao.ca.gov/laoapp/laomenus/sections/crim_justice/6_cj_inmatecost.aspx?catid=3) (accessed November 6, 2009).

<sup>15</sup> California Teachers Association, "Education Week, Quality Counts 2009, Per-Pupil Funding Ranking Chart 1-7-09", January 8, 2009, <http://www.cta.org/NR/rdonlyres/19D36D3A-A799-47C9-9923-C78C49808E12/0/CAPerPupilFunding47thRankingChartQC20091809.pdf> (accessed November 6, 2009).

<sup>16</sup> Office of the Governor, "Governor Schwarzenegger Announces Higher Education Budget Compromise," May 11, 2004, Newsroom section, Press Releases, <http://gov.ca.gov/press-release/3056> (accessed November 6, 2009).

<sup>17</sup> Isaac Barchas, "Texas universities should capitalize on California's budget shortfall," *The Statesman*, August 12, 2009, Opinion section, [http://www.statesman.com/opinion/content/editorial/stories/2009/08/12/0812barachas\\_edit.html](http://www.statesman.com/opinion/content/editorial/stories/2009/08/12/0812barachas_edit.html) (accessed November 2, 2009).

<sup>18</sup> Tanya Schevitz & Jim Doyle, "UC, CSU reach again for students' wallets / Tuition increases approved for both state university systems – 5th boost in 6 years," *San Francisco Chronicle*, March 15, 2007, <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/03/15/MNGSDOLLAB1.DTL> (accessed January 9, 2010).

<sup>19</sup> Deborah Solomon, "Questions for Mark Yudof: Big Man on Campus," *The New York Times Magazine*, September 24, 2009, [http://www.nytimes.com/2009/09/27/magazine/27fob-q4-t.html?\\_r=1](http://www.nytimes.com/2009/09/27/magazine/27fob-q4-t.html?_r=1) (accessed November 6, 2009)

<sup>20</sup> Gary Brechlin, "Sowing vs. Eating Our Seed Corn: The Expansion of Public Education During the Great Depression Compared to the Schwarzenegger/Yudof Trajectory Today" (paper presented at the Department of Geography Colloquium, University of California, Berkeley, September 16, 2009).

6

## **A Better Plan for the University of California's Future\***

Charles Schwartz

For some years the level of state support for the University of California – as with much of public higher education throughout the country – has been lagging at best and often decreasing. This past year has been particularly bad. For some time one has heard grumblings at the Board of Regents about what this trend portends for the future of the world's greatest public research university. The new mantra at the top is “the old funding model is broken.” And now the Regents have formed a new UC Commission on the Future, which is supposed to come up with a new financial model over the next six months.

In the Fall of 2009, I conducted a research seminar on “Financial Futures for UC”<sup>1</sup> as an alternative effort. This paper reports our steps in this effort, as well as its main results: “A Better Plan for the UC,” and “UC Watch.”

### **Financing the Research University**

The University of California is facing a crisis. It is a financial crisis; it is also a moral and political crisis. It seems that the future must lead in only one of two alternative directions: either to the collapse of UC's great reputation as a premier research institution; or to the abandonment of UC's public mission, being open to all eligible students regardless of their financial status.

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*\*Editorial Note:* This piece presents a synthesis of some of the author's major findings and proposals, the result of a collective effort pursued in a seminar about the UC's financial futures led by the author himself.

UC officials repeatedly voice their three top goals for the University as: Quality, Access and Affordability. However, if one listens closely, there are hints, or outright statements, that if not all three can be maintained, Quality is #1. The word “privatization” is heard more and more commonly: and right there is the crux of what that word means. Private universities select their undergraduate students as an exercise in exclusivity; we public universities do it based on inclusivity. Right there is the moral and political issue of institutional purpose. The question is often put as a choice: Do you want to preserve Quality (which means research excellence) or do you want to preserve Access (which means openness to all qualified students)? Are those two goals in competition? Can’t we achieve both?

It really is about money. But it also requires that everyone who cares about this story (this history in the making) learn in some detail about the financial aspects of this choice. This is not a simple subject; and the people usually in charge of the financial management of the University should not be trusted.

This section starts to study the accounting system of UC (and all other research universities). This is a subject full of mysteries and surprises. Let’s start with the annual accounting report called “Campus Financial Schedules”.<sup>2</sup> Schedule 12-C<sup>3</sup> shows Expenditures of Current Funds (for 2007-08) by Fund Source and by Campus. A common idea is to ask how much of the total funding comes from the State of California. So we divide the “General Funds” number by the “Total” number. For Berkeley, that ratio is  $491/1652 = 30$  percent. For UCLA it is  $625/3734 = 17$  percent.

How do you understand the considerable difference in those two numbers? It has something to do with the Medical School, which UCLA has and UC Berkeley does not have. The denominator (the “Total funding”) at UCLA is over twice what it is at UC Berkeley. This may be seen by noting the entry for “Sales and Services of Medical Centers” and also the entry for “Sales and Services for Educational Activities,” which happens to be an accounting euphemism for the clinical (outpatient) medical practice activity associated with every Medical School. Many of the Medical School faculty are practicing doctors; they see patients, collect money for that service, and that is a business conducted by the University. As such, we should be careful about asking the simple question: What fraction of our money comes from the state?

Schedule 12-B<sup>4</sup> shows the expenditure data by function. Here we see, for each campus, the expenditure broken down according to the Uniform Classification Category: Instruction, Research, Public Service, etc. Here, again, you see the big entry for Medical Centers at UCLA but not at UC Berkeley. But looking at the other categories, research is noticeably larger at UCLA: that probably is due to the Medical Schools and their large amounts of research funding from the National Institutes of Health. But Instruction and Academic Support are about twice as big at UCLA as they are at UC Berkeley. Why is that? It turns out that that is how the money from the clinical practice is reported. There are office and clerical expenses, which happen to be accounted for as “Academic Support,” and then there is the huge amount of money paid out to the Medical School faculty, under the Clinical Compensation Plans, which happens to be recorded as an expenditure for “Instruction.”

As we have found, the university bookkeeping system is full of booby-traps for the unwary. *The numbers are perfect; what the numbers mean must always be open to questioning.* These examples are not abstract quibbles; some of the most respected data resources and some of the most respected researchers in the field of financing for higher education have been misled by thinking that something called “expenditure for instruction” really meant what it seemed to mean.

When we look at the budget documents coming from the UC administration, there is a separation of the Health Sciences from the General Campuses, so the particular problem I described above is not our main concern here. Something more mysterious is now ready for our attention: it goes by the name of Departmental Research.

The UC Accounting Manual, Section u-751-17,<sup>5</sup> gives us the formal definition of what is to be counted as Expenditures for Instruction. There you see that the accounting category “Instruction” includes “departmental research and public service that are not separately budgeted.” What is that? And why is it counted as a cost of Instruction rather than a cost of Research?

To get a bit more input on this question, let me quote something from UC's official budget, chapter headed “General Campus Instruction”:

The general campus Instruction and Research (I&R) budget includes direct instructional resources associated with schools and colleges located on the nine UC general campuses.

Major budget elements and their proportions of the general campus I&R base budget are: faculty and teaching assistant salaries and benefits, 58 percent; instructional support, 37 percent, which includes salaries and benefits of instructional support staff such as laboratory assistants, supervisory, clerical, and technical personnel, some academic administrators, and some costs of instructional department supplies; and funds for instructional equipment replacement and technology, 5 percent.

Thus faculty salaries – *the whole of faculty academic salaries* – are part of “Instruction”, in both the budget and in the accounting, even though we know that the faculty at a research university are hired for and perform at both teaching and research. The picture on the following page depicts this arrangement. Most of this is perfectly familiar to all faculty members at any research university (See *Figure 1* on the following page).

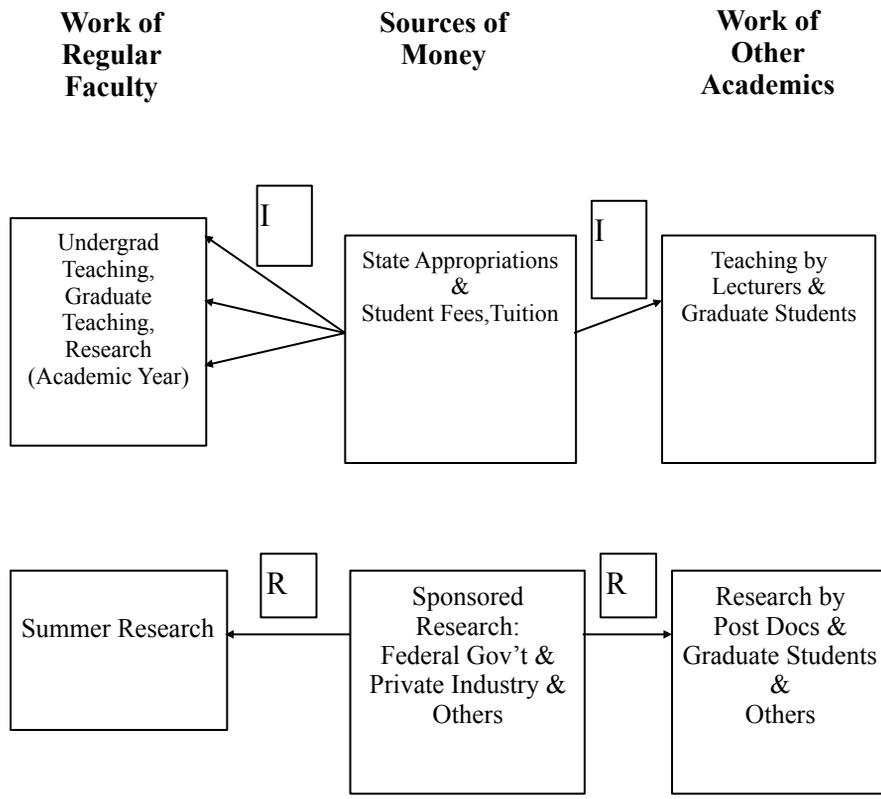
The box in the upper left corner plus the one in the upper right represent the I&R budget: it covers all of undergraduate education and graduate education and faculty research throughout the academic year. But it is recorded simply as “Instruction.” This is the universal and long-established bookkeeping habit maintained by NACUBO, the National Association of College and University Business Officers. It has serious consequences. In 2002, NACUBO issued a report telling Colleges and Universities how to calculate and inform the public about their Cost of Delivering Undergraduate Education.<sup>6</sup> They acknowledged that “several alternative proposals were considered, but NACUBO concluded that all departmental research costs should remain within instruction and student services” (27). They did some surveys with their methodology and reported that “NACUBO found that at almost every participating institution, the cost of providing the programs and services that were part of undergraduate education exceeded the price charged to students and their families in the form of tuition and related fees” (33).

Average Expenditure for Education is \$17,390 per student (2007-08); Student Fees, net of financial aid, cover 30 percent of this.

- *University of California*

The money the university collects from tuition (\$34,800 in 2007-08) covers only about 60 percent of the costs of educating an undergraduate.

- *Stanford University*



Accounting Categories:

I = "Instruction,"  
R = "Research"

Other Costs: Libraries, Facilities, Administration, Student Services

*Figure 1. Basic Financial Picture of the Research University*

Tuition and fees will increase to \$36,390 (in 2008-09); however, this figure represents less than half of what it costs MIT to educate an undergraduate.

- *Massachusetts Institute of Technology*

These statements are all based on using that NACUBO methodology for calculating the Cost of Education. It is all very misleading. Some might even call it a fraud.

Now we know what “Departmental Research” means. Somebody has to pay for the everyday research work that the faculty do. This work is the very heart of what a research university is all about but there is no separate provision for this work in the standard way we construct our budgets. So, that cost is just buried under the heading of “Instruction” and is passed on to whoever is paying the tuition. Certainly, faculty research does make some contribution to undergraduate education; but to put *all* of that cost on the bills of undergraduate students is just wrong.

Can one do a more honest job? Can one sensibly disaggregate the cost of Undergraduate Education from that big bundle? That will be the subject of the next section.

### **The Cost of Undergraduate Education**

This section will deal with the question: Is it possible to separate the actual cost (cost to the University) for providing undergraduate education, as that mission may be separated from other missions?

It has been customary for “experts” in higher education finance to say that such a separation is impossible, or arbitrary and meaningless. Economists refer to it as the “joint production problem.” The industrial analog is this: If you have a business that makes two or more different products, all coming out from the same factory, how would you figure out how much it costs you to produce each one? You know how much you spend, overall, for materials and for labor and for rent and utilities, and for management, etc. Any suggestions about how one might do that disaggregation of costs in a rational and objective manner? This subject is called Cost Accounting.

The standard answer goes by the name Activity-Based Costing (ABC) and the simplest version is to measure the time that your employees spend working on each product, and thus you can allocate the proportional share of salaries and wages to each product. Overhead costs can then be allocated using the same proportions. This is not perfect, but it is sensible.

Now, it turns out that the University of California did conduct a Faculty Time-Use Study Report some time ago<sup>7</sup>, and we shall now look at the resulting data:

Regular faculty members (100 percent I&R FTEs) spent an average of 61.3 hours a week on University-related activities of all kinds. This total includes:

- 26.0 hours on instructional activities;
- 23.2 hours on research/creative activities;
- 6.6 hours on university service;
- 5.5 hours on professional activities/public service. (p. 3)

There are further details showing the component activities. For example, within Instructional activities we learn that Regularly Scheduled Courses took an average of 5.1 hours per week, Supervising Independent Study averaged 2.5 hours per week, and Course Preparation time averaged 10.1 hours per week (3).

Furthermore, we learn that the survey also asked faculty members to say if some portion of the non-instructional activities they reported also contributed to Instruction (Table 5, p.41 in the “University of California Faculty Time-Use Study” Report):

- 5.8 hours of the research/creative activities also contributed to instruction
- hours of the university service also contributed to instruction
- 0.9 hours of the professional activities/public service also contributed to instruction

The data above raise several important issues. First, that second item above looks awfully small, since a fair portion of committee work (university service) would be related to courses and teaching. However, it turns out that the list of activities specified in the survey as components of Instructional activities already includes “informal or committee discussions regarding teaching, curriculum, etc.”

Second, there is a common argument that the faculty’s research activity contributes in valuable (or maybe invaluable) ways to the quality of their undergraduate teaching. What we are trying to get at here is how much money the university spends on this mission, not how much it might be valued by the recipients of that education. We know that private universities charge exorbitant tuition and people are willing to pay that because they believe that the elite status implied by a diploma from that famous school is worth it. For the public university there may be some similar snob appeal (I graduated from Berkeley, not Merced); but our objective here is to get an honest accounting of where the money gets spent inside UC. The data used here are the best one could imagine: averaging the opinions of the faculty members themselves about what their hour-by-hour work as Professors is directed towards.

Third, I can even make an argument that the “also contributed to instruction” items should be ignored in calculating the cost of undergraduate education. It goes back to discussions of public good and private good. Faculty’s research work is entirely a public good. Faculty’s teaching work may be argued as part public good and part private good. Now we ask: How could that public good, which is the professor’s research work, be converted into a private good just because that same professor teaches an undergraduate class? If you insist that the undergraduate student gets a special educational benefit by being taught by a research professor (and this is a debatable issue), I would answer that the university’s admission process – which is a matter of public policy – selects those students who are most able to make good use of that advanced educational input. So that contribution is a public good and should not be part of our calculation of what the maximum private good (the cost to UC for providing the undergraduate education) amounts to. I shall not press this argument, however, and stay with the calculation as described above.

Another set of data tells us how their classroom teaching time is distributed among the different levels of instruction, including primary classes (lecture or seminar) and independent study. The result is that it splits 50 percent for undergraduate courses and 50 percent for graduate courses.<sup>8</sup> Putting these numbers together I come out with the result: *23 percent of faculty work time, on average, is devoted to undergraduate instruction.*<sup>9</sup> There is room for some disagreement on the details of my arithmetic, which I won’t go into here. The crudest summary can be stated as: on average, faculty at a first rate comprehensive research university spend one-half of their work time at teaching, and one-half of that is directed to undergraduate students.

How do we use this information to proceed with a calculation of all the components of university expenditure that go into the total Cost of Undergraduate Education? The last calculation I did was in December 2007.<sup>10</sup> The result I got, for the academic year 2007-08, was that mandatory fees for resident undergraduate students at UC amounted to between 95 percent and 105 percent of the actual per-student average expenditure by UC to deliver undergraduate education. This result says that the state subsidy for undergraduate education has vanished; undergraduate Education at the University of California is now completely privatized; this must have a number of serious implications for public policy, and not just in CA.

When you tell the public and their lawmakers that students are now paying only 30 percent of the cost of their education, that tells them that there is plenty of

room to keep cutting state funds for UC – because they can just raise the fees some more!

### **Excess Administrative Bureaucracy at UC**

This section is a summary of recent investigations based upon statistical employment data from UC's own offices that finds and asks questions about excessive growth in administration for the whole University and its individual campuses. It is also a sad story about top UC officials' failure to treat this problem seriously.

The University of California provides a regular tally of its employees, going back over many years.<sup>11</sup> Here one can see twice-yearly statistics of FTE (Full Time Equivalent) counts in three major categories, with two-dozen subcategories:

- Management (Senior Management Group, Management & Senior Professionals)
- Academic Staff (Faculty, Researchers, Librarians, Student Assistants, etc.)
- Professional and Support Staff (Clerical, Fiscal, Health Care, Technical, Craft, etc.)

I have written up several studies starting with this data.<sup>12</sup> In “Part 6” of that series, I noted that over the period October 1996 to Oct 2002, Total Academic Staff had grown by 22 percent, Total Professional and Support Staff (PSS) had grown by 21 percent, and Management had grown by 69 percent. I also noted that one particular subdivision of PSS – Fiscal, Management and Staff Services – also showed abnormal growth at 68 percent. I recommended that “UC should bring in some independent business efficiency experts to look critically at administration spending and identify possible savings.” That paper, widely distributed to UC leadership, received no response.

A year later, when UC Berkeley's new Chancellor Robert Birgeneau made his first appearance before the local Academic Senate, I presented him with a similar page of employment data for this campus and asked him to look into this apparent burgeoning of our bureaucracy. He said that he would look into this but, in fact, I never heard from him about that.

Early in 2006, I wrote this up again and mailed it to UC President Bob Dynes, with a specific request that he look into this and see if there was any reasonable explanation for why UC's management staff continued to grow at such an inordinate pace. He never replied. However, I also sent copies of that letter to

a couple of faculty Senate leaders and one of them did respond in a responsible manner. Professor Stanley Glantz (of UCSF), as Chair of the system-wide Committee on Planning and Budget (UCPB), looked into this data with his staff, wrote up his own findings and forwarded that to the head of the Academic Senate with the following conclusions:

The growth in management relative to faculty and students is disturbing, however, because it is difficult to reconcile with the notion that research and teaching are the University's top priorities.

UCPB would like this analysis to be forwarded to President Dynes with a request for an explanation of the noted trends and disparities. We would also appreciate knowing whether UC's future growth plans will continue in the same direction or be modified and, if so, based on what factors.

On June 14, 2006, President Dynes, speaking to the Assembly of the Academic Senate, said that he had appointed a special task force (some Vice Presidents and Senate leaders) to look into this matter; and he added his opinion that the outsized growth in management positions was probably attributable to the University's medical centers. That prompted me to write him another letter, pointing out that his hypothesis was very doubtful, since the two campuses that showed the highest rate of management growth, namely Berkeley and Santa Cruz, had no medical schools. I also offered to meet with his special task force and provide some background from my earlier studies of UC's administrative bureaucracy. I never heard from the President, nor have I heard of any further activity by that special task force he appointed to look into this matter.

On May 2, 2007, I issued "Part 12" of that same series of papers, updating this study of UC employment data. Looking at the 10-year interval, October 1996 to Oct 2006, it showed:

- Academic Staff grew by 34 percent
- Professional and Support Staff grew by 27 percent
- Management grew by 118 percent to 7,381 FTE, and that subdivision Fiscal, Management, etc. grew by 98 percent to 17,345 FTE

With the total UC employment having grown by 31 percent, I calculated the apparent excess of positions in those two management categories and estimated that this cost the University about \$600 million per year in salaries. I wrote that this looks like a lot of wasteful administrative bloat and asked, Who cares? Again, no response.

The next step involved getting more detailed employment data. Working under the California Public Records Act, and with assistance from the relevant staff at the UC Office of the President (UCOP), I was able to obtain (at a moderate cost) Excel files listing over 1500 Job descriptions, with the FTE counts for each, as of those same dates in 1996 and 2006. This allowed me to identify the main sub-sub-categories involved in that rapid growth and consider how to regard each of them. The Executive Program held nearly constant in size, at around 300. The Management Service Officer (MSO) positions (the chief staff administrator in each academic department) also showed very little change. So I put those groups aside. I also noticed that there was rapid growth in the jobs related to computer technical work; but that seemed like an area of rapid growth for an obvious real need. So I put those aside also.

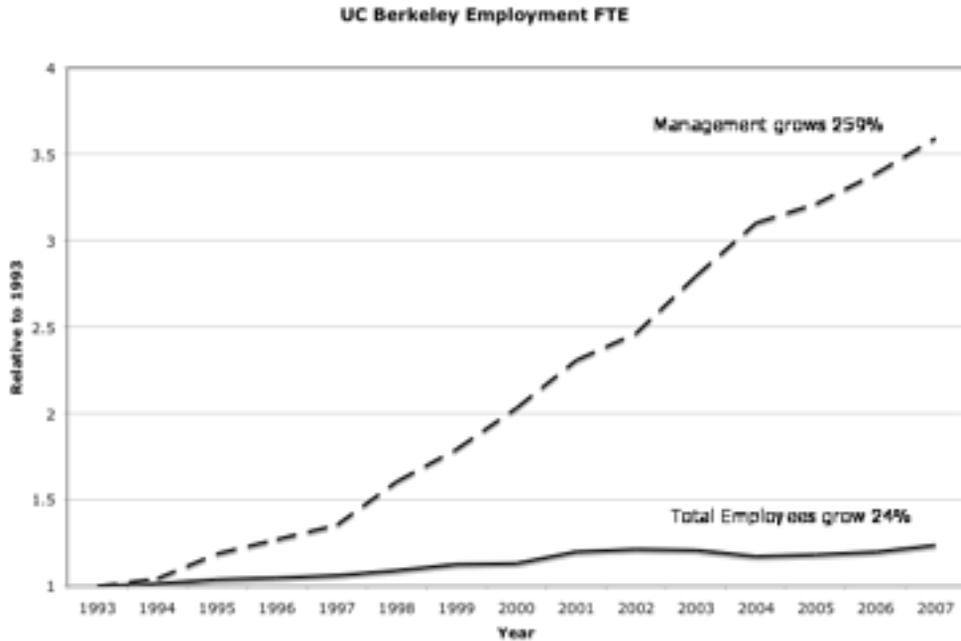
Additional information about job descriptions left the strong impression that the major positions in “Fiscal, Management and Staff Services” were fairly sophisticated (e.g., requiring a college degree) and served as immediate support for the higher level of managers in the Management and Senior Professionals (MSP) class. This was a picture of what one would call a bureaucracy.

What was thus isolated<sup>13</sup> was a reduced set of administrative positions, showing even more rapid growth rates, yielding the same overall estimate of \$600 million per year in apparent wastage. That paper closed with, “I do not claim it is proven that all of that \$600 million is wasted but, given the data presented here, I do challenge UC officials to demonstrate that it is not.”

Finally, “Part 14”<sup>14</sup> reported on newer data that let me separate the Health Sciences (showing a total wastage of \$263 million) and the remaining General Campuses (at \$342 million). Additionally, the latter was separated campus-by-campus, with the worst examples of this apparent bureaucratic bloat in terms of dollars wasted per year being Berkeley, \$91 million, and UCLA, \$54 million. That paper closed with the suggestion that people on each campus should confront their top officials with this data and ask for explanations. The Faculty Association at UCLA did contact me and then undertook their own study of this data, confirming and extending my findings.<sup>15</sup>

In November of 2008 I went to a meeting arranged by the local Academic Senate and handed out copies of the following graph (See *Figure 2* on the following page), which summarized this subject of bureaucratic growth for the Berkeley campus:

Figure 2.



At that meeting Chancellor Birgeneau came over to talk to me and so I handed him a copy of this graph. (He is a physicist, like me, and so I am sure he was immediately able to appreciate what the data said.) I asked him to look into this problem. He said something about maybe it had to do with increases in research; and then he handed the paper back to me and walked away.

Well, I did try to see if increased research activity over the decade might have produced a need for more management positions on our campus. Without going into details, I'll just say that I did not find evidence for that.

In the spring of 2009, amidst the growing tensions over the UC budget crisis, I did write a letter to UC President Mark Yudof, complaining about “Budget Lies” coming out of his office.<sup>16</sup> One issue I raised was this: “In previous papers, ‘Financing the University – Parts 12-14’, I have demonstrated that there is a much larger constellation of management bureaucracy throughout UC, which has grown enormously over the past decade and is now estimated to waste some \$600 million per year. The Senior Management Group, which you talk about here, is just the tip of that iceberg.”

A month later I received a detailed letter of response from Vice President Patrick Lenz, who said that he was writing on behalf of President Yudof.<sup>17</sup> Addressing my studies of excessive growth in management his first comments were:

Regarding the growth in management and senior professional employment, the University is an increasingly complex and growing organization which necessitates an increase in staffing levels to provide management/administrative infrastructure and professional analytical support. Some of the forces driving these changes include student enrollment growth, [...] and a very significant increase in the number of contracts and grants awarded.

Alright, the University grows; but my analysis looked at the *difference* between management growth rates and total employee (or total enrollment) growth rates. That is what I called “excess” growth; and he has not explained any of that.

Then he went on to talk about the rapid growth in the use of “information systems and technology” and “the internet and computer technology” throughout the University; and he noted that this “has also created new needs for professional analysts to meet the needs of a modern organization.” I agree entirely with this observation; and that is why in my papers, I specifically removed the computer-related sub-categories from the list showing apparent excess in management positions.

In sum, then, Lenz found no shortcoming in my study of apparent excessive management; he could offer no justification for this bloat; and he had no quibble with my estimate that this is a wastage of \$600 million per year.

Just recently the Chancellor at Berkeley has announced Operation Excellence, bringing in outside management experts to help us do our jobs better. I have been invited to participate. I have some skepticism about what happens when top management hires an expert consulting firm to address a problem that top management was told about and should have taken care of long ago; but we shall see what transpires.<sup>18</sup>

## **A Better Plan**

### *Preamble*

Most ongoing discussions about the financial future of the University of California fall into one of two camps:

PLAN A: We must get the State of California to return to its old ways of full funding for the public missions of UC; or

PLAN B: We must recognize that state funding will not return to what it was and therefore increased privatization is necessary to preserve the excellence of UC.

The present PLAN finds a different footing; it is compatible with Plan A, though less ambitious for now, and it is an alternative to Plan B.

### *Overall Concept*

The overall concept is to seek a partial renewal of state funding for the University of California *together with* substantial changes in the way that UC handles the money it receives. This approach (“walking on two legs”) should be the best way to bring the University and California together again and thus avoid the perils of UC either decaying from its preeminent academic standing or abandoning its invaluable public character.

The goals of Quality, Access and Affordability are held central to the three missions of teaching, research and public service. A singular new feature of this PLAN is that, while we continue to recognize the interrelation between teaching and research, we also recognize that *substantial distinctions need to be made between funding for undergraduate teaching and funding for research and related graduate programs.*

Once that basic financial lesson is learned and put into place, several other longstanding problems at UC – such as bureaucratic bloat and the excesses of executive compensation – can be addressed through a renewal of the basic philosophy that *the university is a place for learning in the service of the public good*, rather than just another place where a smart person can make a buck. The inadequacy of The Regents is also noted.

### *Background*

In the past, the state provided all of the core funding – that means: state appropriations provided for all the academic year salaries of the faculty plus their departmental support, institutional infrastructure and overhead – and there was no need to distinguish between money for research and money for teaching.<sup>19</sup> That whole bundle is called the I&R Budget (for Instruction and Research). With the rapid rise in student fees at UC, by far most of which are paid by undergraduate students (and their families), that old financial arrangement must be revised.

When UC continues to announce that student fees now cover 30 percent of the Cost of Education, that is a very misleading representation of the present situation. That calculation looks at student fee revenues compared to UC expenditures for that entire I&R Budget and then presents the result as if it referred only to the Instructional component. That habit of (mis)accounting is not unique to UC, but is endemic to all of higher education, infecting private research universities even more severely than the public ones. That bad old habit has serious consequences; it misleads the public and their representatives in Sacramento, it distorts internal funding priorities and it paves the way for this great public university to move more and more in the direction of privatization.

*Summary of the PLAN*

The overall PLAN consists of twelve actions, which are summarized below.

- 1) UC must acknowledge that its calculation of “The Cost of Education” is really the Cost of the Core Bundle – undergraduate education and graduate education and faculty research throughout the academic year – and UC shall commit itself to disaggregate that bundle to the extent of providing an accurate average Cost of Undergraduate Education.
- 2) That calculation of the Cost of Undergraduate Education shall be carried out by a rational and objective method, using the best available input data. The best model now known for this disaggregation is the work of Professor Emeritus Charles Schwartz of UC Berkeley. (Schwartz’ latest work<sup>20</sup> concludes that undergraduate fees at UC amount to 100 percent, not 30 percent, of the actual per-student Cost of Undergraduate Education. He acknowledges that this result may be refined by better data and further analysis.) The process adopted by UC for defining this calculation shall involve full participation by the most relevant parties, including student representatives and state representatives along with faculty and administrative staff.
- 3) The Regents shall declare as a matter of firm policy that mandatory fees (tuition) for resident undergraduate students at UC shall never exceed the average per-student Cost of Undergraduate Education, as determined above. This has implications for some other aspects of UC finances; it also sets a nationwide precedent.
- 4) The State of California shall commit itself to providing UC with reliable funding for the remaining portion of that total Cost of the Core Bundle, that is, for

the maintenance of the core research funding (faculty salaries and graduate students and support staff and institutional overhead) that is necessary to maintain the breadth and the quality of UC as a top ranking research university. The details of this commitment remain to be negotiated between UC leaders and state officials (and perhaps, also, leaders from the private sector); and it must be realized that failure to reach some agreement will likely lead to the collapse of UC's excellence as the top research faculty flee for greener pastures.

5) The state shall also strive to reduce the financial burden on undergraduate students below that maximum amount specified above. Adequate funding for other components of public higher education (California State University, California Community Colleges) is a related issue that UC should support.

6) The state shall also commit to providing adequate funding for need-based financial aid for students throughout all of California's higher education.

7) The UC administration must justify or eliminate \$600 million a year of excess bureaucratic growth, which has been documented.<sup>21</sup>

8) UC shall cap executive compensation, following a 1992 recommendation by the Berkeley faculty, at no more than twice the average compensation of Full Professors.<sup>22</sup>

9) Acknowledge the need for more real transparency at UC. Budget discussions should be more open, so should policy discussions; use of discretionary funds reported; truth about intercollegiate athletics; more open management of the pension fund.

10) Reject the corrupting language in the University: the market rules; the entrepreneurial professor; competition. Alternative: a learning community; a calling for teachers and researchers; a public service.

11) Acknowledge misdirection coming from the regents – corporate values rather than academic. How to change that?

12) Call for leadership on the national scene of higher education to control irrational inflation – these shortcomings are not unique to UC.

The PLAN should have an objective and consistent logic: Reform UC's financial mismanagement while preserving its academic excellence. The goal (an

intermediate if not ultimate goal) is to regain public support without demanding a return to the old ways of full state financing.

Another way of expressing this is: Undergraduate students are now paying their full share of the educational costs, so the state must carry its burden of providing for UC's top quality research mission, which benefits everyone.

Politically, this PLAN should earn strong support from University faculty and students and also from the general public of California. It does step on the toes of the existing UC leadership – The Board of Regents and their hired executives.

### **UC Watch**

#### *What?*

A new organization of and for undergraduate students at the University of California, whose purpose is to *oversee* the use of student fee revenues collected by the UC administration.

#### *Why?*

Student fees have been rising rapidly and there are serious concerns about how that money is being used. UC is a multi-mission university – a public trust, according to the California Constitution – yet the public has little trust about UC's financial affairs. Total student fee revenues are now as large as state appropriations. The largest contribution comes from undergraduate students paying the Educational Fee. (For 2009-10, the official estimate is that this income will amount to about \$1.5 billion.) The first priority for the use of this fee revenue should be to provide the educational program that those students are paying for. But it seems that as students pay more to UC, they are getting less from UC.

#### *How?*

The first objective of UC WATCH is to make sure that the UC administration is accountable and transparent in its spending of student fee money. A second objective will be to offer its advice as to the priorities that should guide UC in the allocation of those funds.

#### *Where?*

There should be an active chapter of UC WATCH on each campus, in close contact with the Chancellor; and there should be a statewide coordinating group in contact with the UC President.

*Who?*

The details for establishing this organization, defining its total membership and selecting its active representatives remain to be worked out. Fee-paying parents should be involved along with the students. This effort can certainly start with the existing student government apparatus; but it may need to define itself as more independent from the existing UC authority.

*Precedent?*

The Registration Fee (different from the Educational Fee) has been long established as a means of funding student services that lie outside of the core instructional program of the University. Each campus has a Registration Fee Advisory Committee, through which students give their suggestions to the Chancellor regarding those funds. A recent study (initiated by former Student Regent Dartagnan Scorza), found some faults that needed correction in that advisory system. The present proposal enlarges upon those ideas, in recognition of the much larger size of the Educational Fee (more than 7 times the size of the Registration Fee) and its more critical importance to students.

*Graduate Students?*

The financial picture for graduate students is much more varied and complex than it is for undergraduates. Perhaps a separate, but coordinated, structure should be established for the oversight of graduate student fees.

NOTES

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<sup>1</sup> Research Seminar “Financial Futures for UC” at the University of California, Berkeley, September 15 – October 20, 2009. More details available at <http://socrates.berkeley.edu/~schwartz/Seminar/Seminar.html>.

<sup>2</sup> Available at <http://www.universityofcalifornia.edu/finreports/>.

<sup>3</sup> <http://socrates.berkeley.edu/~schwartz/Seminar/08sch12c.pdf>.

<sup>4</sup> <http://socrates.berkeley.edu/~schwartz/Seminar/08sch12b.pdf>.

<sup>5</sup> <http://socrates.berkeley.edu/~schwartz/Seminar/u-751-17.pdf>

<sup>6</sup> <http://socrates.berkeley.edu/~schwartz/Seminar/NACUBO2002.pdf>

<sup>7</sup> The whole report for the 1983-84 academic year is available at <http://socrates.berkeley.edu/~schwartz/Seminar/FacultyTimeUse.pdf>

<sup>8</sup> See Appendix Tables A-3 and A-4 in the report.

<sup>9</sup> The details of how I combine these numbers are given in the December 2007 paper, "The Cost of Undergraduate Education at the University of California – Improved Calculation," posted at <http://socrates.berkeley.edu/~schwartz/recost.html>.

<sup>10</sup> <http://socrates.berkeley.edu/~schwartz/recost.html>.

<sup>11</sup> Available at <http://www.ucop.edu/ucophome/uwnews/stat/>.

<sup>12</sup> They are posted at <http://socrates.berkeley.edu/~schwartz> under the series heading, "Financing the University."

<sup>13</sup> This is shown in my paper "Part 13" of 9/30/07.

<sup>14</sup> Published 2/13/08.

<sup>15</sup> See [http://www.uclafaculty.org/FASite/Admin\\_Growth.html](http://www.uclafaculty.org/FASite/Admin_Growth.html)

<sup>16</sup> See the April 11th letter to Yudof posted at <http://UniversityProbe.org> .

<sup>17</sup> His full letter and my analysis of it are available at "Part 18".

<sup>18</sup> For more details see <http://socrates.berkeley.edu/~schwartz/Seminar/UCemploy4-09.pdf>

<sup>19</sup> There is also a lot of external money for research projects, but that is outside of the core funding.

<sup>20</sup> <http://socrates.berkeley.edu/~schwartz/> "Cost Accounting at a Research University"

<sup>21</sup> See [http://socrates.berkeley.edu/~schwartz/Seminar/Seminar10\\_13\\_09.pdf](http://socrates.berkeley.edu/~schwartz/Seminar/Seminar10_13_09.pdf) .

<sup>22</sup> <http://academic-senate.berkeley.edu/archives/documents/ExecCompResolution19921.pdf>

## The Habit of Courage\*

Nancy Scheper-Hughes

### The Current Crisis

We are hosting this extraordinary event in place of what is usually a purely academic departmental faculty colloquium series because we are worried sick about public education in California. We want to reach out to the public and to put the current crisis into its larger context and to clarify what it is that we, the faculty of one of the world's greatest public universities, are demanding of our students, of our colleagues, of the public, and of our UC administrators, and perhaps most of all what we are demanding of ourselves in order to preserve a grand institution that took one hundred years to build to its present preeminence and that could take just a few years to destroy.

We want to emphasize that this crisis is not about pay cuts. It is about the privatization and dismantling of a public treasure. It is about public secrets and public lies. Many of us will participate in a general one day walk out on September 24<sup>th</sup> during which time most of us will be involved in more teaching rather than less – through organized teach-ins and public outreach. We intend to be actively present at coming UC Regents Meetings, at Berkeley City Council

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*\*Author's Note:* This paper is a revision of two public talks given in the fall of 2009 in response to the university crisis: one on September 14<sup>th</sup> as the introduction to a special 290 [UCB Anthropology Department Fall Colloquium] Panel: The University in Crisis: *The Dismantling and Destruction of the University of California* given on September 24<sup>th</sup> at a panel on Direct Action, and as a talk entitled: "The Utopia of Reality" (with Dr. Roberto Mezzina, Trieste, Italy).

Meetings, at Public Libraries, and on public radio stations. Most of us will do several of these things while continuing to educate our students.

The crisis in public education in the United States is general, “like the snow in Dublin,” as James Joyce wrote in his masterpiece, “The Dead.”<sup>1</sup> We are a post 9/11 Nation in crisis – mired in a Great Recession. We are residents of a renegade state, more like a principality, comprised of citizens who have waged tax rebellions and refused to support public institutions that don’t immediately concern their private lives. Consequently, the University of California has been gradually and steadily de-funded. This is not only the result of an economic crises, it is also a political crisis. And, as such, it can be undone. The state of California and the UC System has suffered through many financial booms and busts and we have managed to survive them. We can survive this one.

Against the back-drop of a failing war in Afghanistan, another stalled attempt to overhaul American health care, the dismantling of our workforce following the shortsighted out-sourcing of industrial jobs that will never come back, why should a battered and beleaguered California public give a damn about the crisis in Public Higher Education? The tax rebellion that resulted in the passage of Proposition 13 in 1978 was fueled by the resentment of California homeowners and contributed to a cultural politics of public irresponsibility. Why should retirees pay for the education of other peoples’ children? The tax rebellion has become an entrenched part of California’s political landscape. Proposition 209 – the anti-affirmative action proposition of 1996 – was a second major blow to Public Education in this State.

The prospects are grim but UC Berkeley faculty are struggling to keep our promise to the people of California even while the public in this state have not kept their promise to us. Nothing good happens without struggle, without solidarity, without a readiness and a willingness to court controversy, to take risks, and to expect and to sustain retaliation, as the history of our university illustrates. The battle for shared governance at UC was not easy. It took a faculty rebellion in 1919-1920 to force the California legislature and the UC Regents to recognize the Academic Senate and its role in the shared governance of the university. The independence of the Academic Senate was officially recognized, including its right to chose its own committees and to oversee all tenure and promotion cases by an independent faculty run Budget Committee that was charged with maintaining excellence and stamping out the kind of private sweet deals that were standard at many if not most private institutions. These faculty rights were not freely given or awarded to UC faculty; the faculty took it upon themselves to

make it happen.

The same was true of the faculty battles against the loyalty oath in the 1950s, the struggles for Free Speech in the 1960s, against military recruitment on campus during the Vietnam War, the Third World Strike, the struggles against nuclear weapons research at Lawrence Livermore labs, the anti-apartheid divestment strikes, and the struggle for affirmative action. Even the struggle for University-supported child daycare for students, faculty and staff came through concerted direct action – through sit-ins, walk-outs, and the occupation of buildings, including California Hall. I know, because I was one of the organizers of the struggle for university day care in 1970-1971 when Girton Hall, founded and run as a parent-student cooperative, proved too small to accommodate the needs of low income and single parent student families. A small vanguard of daycare teachers and parents occupied the basement of a student dorm on Durant Avenue where we set up shop, eventually forcing the university administration to either resort to forcibly removing the thirty-some babies and toddlers, teachers and student-parents or to recognize child daycare as a necessary component of public higher education. The University acquiesced and in 1973 developed more appropriate sites at the Ana Head School and the Congregational Church.

Of course not all struggles were as successful as the battle for university-supported child daycare, but most were worthy and the call to direct action was not limited to ‘safely’ tenured faculty – but included undergraduate and graduate students, and untenured faculty, drawn into sometimes uncomfortable confrontations with the administration by their sense of integrity and drawing strength from what I am calling “the habit of courage.” While there are many models to follow, surely Henry David Thoreau’s statement of personal and political commitment resonates and rallies the most strongly: “to live deliberately, and to front only the essential facts of life...and not when I come to die, to discover that I had not lived... I wish to live deep and suck out all of the marrow of life.<sup>2</sup> For Thoreau – as for all those who followed in his footsteps – from Martin Luther King to Mahatma Gandhi to Nelson Mandela to William Sloane Coffin to Berkeley’s Father Bill O’Donnell, civil disobedience was the defining moment of political transformation and self-discipline.

The first act of civil disobedience doesn’t come easily to most people of good conscience. We are raised, with good reason, to be obedient; it requires a great deal of discernment to decide what matters enough to justify going against our more sociable inclinations to conform, to not make waves, as my dear Dad always put it. The phone or the doorbell rings, and we answer it. The star

spangled banner strikes up at a baseball game and we rise to salute the flag and strain to reach the impossible notes of a ghastly anthem with its “bombs bursting in air,” its references to fire, destruction, blood and the “pollution” of our enemies, the “terror of flight and the gloom of the grave.” But sing it we do, on cue. Then, suddenly, there is a tipping point that brings one to his or her senses.

During the height of the Vietnam War, in 1968, the ‘Charley Company,’ led by a boyish 24-year-old Lieutenant named William Calley led a slaughter of some 300 to 500 unarmed civilians, most of them old men, women, and young children, women with babies strapped to their backs were suspect of hiding hand grenades in their baby-carriers. They set huts on fire to flush the villagers into a hail of machine gun fire. Following revelations of the My Lai Massacre, something snapped back home in the U.S.A. Some ordinary people began to sit tight during the singing of the national anthem in ballparks, under circus tents, at rodeos and at county fairs. It was new and it was scary. The bench sitters were pelted with hot dogs and mustard, with snow cones and soft ice cream. They were told to stand up like men, even if they were women. They were called ‘traitors,’ ‘scum’, cowards, Communist-faggots, and dope-fiends and told to get out of America. But, like Horton the Elephant, they sat and they sat. They refused to remove their baseball caps or to place their right hand over their heart in a display of patriotic loyalty. It took moral courage.

There were also a few dissidents among the boy-soldiers of Charley Company, one of them, Harry Stanley, from Birmingham, Alabama, was brought to Berkeley to be given a medal of honor by the Berkeley City Council in October 1989, an event that coincided with the Loma Prieta earthquake. Stanley told the small Berkeley audience, tough enough to come out to meet him after the disaster, that he did not consider himself a hero. He said that he just could not imagine facing his Grandmamma back home if he had followed Calley’s orders. “You grow up knowing right from wrong,” he said, and even under extreme stress, you try to follow your heart and do what's right.”

The effects of My Lai still reverberate today. When our troops marched into Iraq, they adopted the slogan: “No More My Lais.” The army has created a doctrine called the Medina Standard, responding to Lt. Calley defense that he had been following orders. Captain Earnest Medina was present during the massacre and did nothing to interrupt the mass murders. The Medina Standard, proclaiming that superiors be held accountable for the behavior of their subordinates, is being applied today to marines accused of having killed more than two dozen Iraq

citizens in Haditha, Iraq in Nov, 2005, as well as in cases involving the soldiers charged with torture at Abu Ghraib.

## §

While living in self-imposed isolation at Walden Pond, Thoreau asked himself two questions: Did he want to pay for an unjust war? Did he want to pay for a government that allowed slavery? He did not and he refused to pay his taxes. In July 1846, Thoreau ran into a local tax collector who demanded that six years of delinquent taxes be paid. Thoreau refused, citing his objections to the Mexican American War and to slavery: “I could not recognize the authority of a state which buys and sells men, women and children, like cattle at the door of its senate-house.”<sup>3</sup> Then, one afternoon, while going into town to retrieve his shoes from a cobbler, Thoreau was seized and put into jail. He faced arrest calmly and intentionally: “Under a government which imprisons unjustly, the true place for a just man is also a prison.”<sup>4</sup> He also wrote in *Walden* that: “It is true, I might have resisted forcibly to more or less effect, might have run amok against society; but I preferred that society should run amok against me, it being the more desperate party.”<sup>5</sup>

This habit of courage and willingness to engage in ‘non-violent resistance’ has weakened in recent decades, replaced by a self-interested and protectionist academic ethos. A more politically cautious faculty have followed a neoliberal notion of decorous and quiet civility, and with it a tendency to accommodate, and to avoid any hint of populism by attempting to reach out to the popular classes, or cutting down difficult concepts and theory to bite-sized pieces.

### **The Idea of the University**

There are two views of the university. The first is the university as a critical institution actively engaged in the political and social transformations of the society of which it is a part. The second, and opposing view – is of the university as a cloister, a secular monastery of reclusive scribes and writers, safely cordoned off from, and closed to, influence from larger society and the world. This is the clichéd “Ivory Tower” metaphor. The latter derives from Cardinal Newman’s famous monograph, “The Idea of the University,” published in 1852 in which he saw the university as a place for teaching “universal knowledge“ having as its goal the diffusion of knowledge rather than knowledge production (or research).<sup>6</sup> But in truth the university has never been isolated from the society of which it is a part. It always responds to powerful external interests – sometimes for patronage and gain, and sometimes for power and political clout.<sup>7</sup>

Higher education has the responsibility to serve and drive economic growth as it has so predominantly in the history of our state. For better or worse, during WWII the University served the war effort in ways that today make many of us cringe. There are shades of President Eisenhower's Military-Industrial Complex. In the post war years the US State Department as well as the state of California considered UC both a weapon and an engine for fueling economic and political prowess through technological dominance – fashioning better planes and war heads and developing Area Studies: Latin American, European, Middle Eastern, Asian and African Studies – to keep us up to date and to protect American global dominance.

Today, the threats to academic freedom are coming from both inside and outside the gates of the academy. The remilitarization of public universities and the wars in Afghanistan and Iraq has deeply eroded the “scared space” of academic life. In the name of ‘homeland security’ the current administration has erected new barriers to the admission of foreign graduate students. Visiting professors and scholars from other countries now face longer screening and background checks, and many are denied entry. This is a reversal of what was a fifty-year trend of increasing enrollments and diminishes our capacity to understand other societies and cultures and to see ourselves in relation to the rest of the world. The obtrusiveness of the new policies is endangering the North American academic tradition of opening our gates to some of the world's most gifted professors and students, a tradition that has served as well, enriching intellectual exchange and dialogue on our campuses.

Meanwhile, there is a resurgence of anti-intellectualism, the infiltration of corporate business models to every aspect of academic and university life, the devaluation of the arts, humanities and the social sciences, increasingly seen either as a luxury or as intellectual enemies of the global economy. The Enlightenment idea of the university as a voluntary community of teachers, researchers, and students dedicated to the open and disinterested pursuit of knowledge and learning is being rapidly replaced by the idea of the university as a corporate enterprise whose primary functions are to provide a skilled workforce and to generate profitable and usable research for industry and global commerce.

In a much cited article in the *New York Review of Books*, Harvard University President Drew Faust noted the growing dominance of economic justifications for the existence of universities to the exclusion of the other missions of the university: “fostering a broad and liberal education, disinterested scholarship – research not for the sake of personal or political gain -- and

promoting social citizenship.” Higher education, she wrote, is not about delivering a commodity, a B.A., M.A. or a Ph.D but fostering a public good. Universities are meant to be producers not only of knowledge but also of doubt. In other words, universities should not simply give comfort to the comfortable assumptions that people take for granted but should strive to afflict the comfortable commonsense wisdom that is so often dangerous to a democratic society. Drew Faust describes universities as “creative and unruly places, safe spaces for dissent, allowing for a polyphony of disparate voices.”<sup>8</sup> Following Faust’s argument we can ask ourselves if we at UC Berkeley are playing our necessary roles as the critics and the conscience of our society?

And why am I citing President Faust and not President Yudof? What is wrong with this picture? Why are we at the University of California being led by corporate lawyers and business professionals rather than by educators? Where are the voices of our Chancellors and Vice Chancellors and Vice Vice Chancellors? We are expecting much more from our UC administrators. UC Berkeley has had a history of Chancellors who were educators and visionaries and some of them, like Clark Kerr, went on to become presidents of the entire system that we now know as UCOP. As Berkeley Chancellor (1952-1958) Kerr repaired the damage inflicted on faculty by the California loyalty oath. He threw his energies into expanding the faculty in the mid 20<sup>th</sup> century and planned for the tidal wave of new students – the first generation of “baby boomers” –who were clamoring at the gates of UC beginning in the early 1960s.

Most important, as President of UC from 1958-1967, Kerr was the chief architect of the California Master Plan that guided this state’s higher education system for almost 50 years. The Master Plan assured access and affordability to higher education for all California students through the interlocking and complementary roles of the UC campuses, the California State University system, and the community colleges. Hardly radical, the Master Plan was a traditional meritocracy with, however, a dedication to serving the state’s ethnic, racial and class diversity based on a very American ideal of the “second chance” for mediocre graduating seniors who could still pick themselves up, dust themselves off, and retool in the community colleges with a view towards proving their mettle and transferring as upperclassmen into the prized UC system, grabbing for the gold ring on the university merry-go round. The California Master Plan has been used as a model in education planning around the world.

Clark Kerr was tested, like almost every chancellor since his time, with campus unrest, in his case with the burgeoning Free Speech Movement that

rocked the Berkeley campus in 1964. Because Kerr was seen as soft toward Mario Savio and the Free Speech Movement then governor Ronald Regan pressured the UC Regents to fire Kerr in 1967. Kerr liked to say that he came into the job as UC president "fired with enthusiasm" and left the same way fired with the enthusiasm of the Governor and Regents. Kerr survived nasty political attacks and the humiliation of his abrupt dismissal from office and left behind a robust world-famous public university, one that is admired and envied throughout the world. UC has opened innumerable doors for me. That blue and gold University of California logo on my university business card make educated people around the world smile as they say some version of "UC Berkeley, how wonderful!"

Clark Kerr like all the truly great UC administrators was an educator, researcher and writer, an academic who understood the difference between higher education as a commodity to be bought and sold on the market, and higher education as a public good and as an engine behind this once great state's enormous ingenuity, and creativity – in the arts, the sciences, media and communications, technology and bioscience.

In recent history Chancellor Chang-Lin Tien was another visionary chancellor who brought both a human touch and a global vision to his understanding of California as part of the Pacific Rim. Tien put his energies into making sure that UC Berkeley was a leader in diversifying the campus with under-represented minorities of all stripes. As the first Asian-American Chancellor Chang-Lin Tien fought with all his might for affirmative action before and after the UC regents voted to dismantle affirmative action in 1995. Born in China, in 1949, Tien's family fled Communist rule to live in Taiwan. He came to the US to study engineering (and to play basketball) at the University of Louisville in the 1950s. Like Gandhi in South Africa, Tien never forgot his first encounter with US apartheid, he often recounted his feelings of utter perplexity when he had to choose between two water fountains – one white, one 'colored' – not knowing where he fit into the racial hierarchy. After getting his doctorate from Princeton University (1959), Tien joined the UC Berkeley faculty, becoming chancellor in 1990. He was an educator to the core and a fervent believer in free speech.

Although his own family had escaped the Communist revolution in China in 1949 to live in Taiwan, Chancellor Tien helped me override the US State Department's hostility to Communist Cuba, by giving his personal support to my invitation to Dr. Jorge Perez, Director of the Cuban AIDS sanatorium and two of his HIV+ patients to visit and to address the doctoral program in Medical

Anthropology. I warned the Chancellor that the visit would be controversial to which he replied: "Do you think we could get Fidel Castro to come to speak at Berkeley?"

One of the other major challenges Tien faced was financial, as the California recession of the early 1990s shrank state education funding. In the beginning of the 1990s when California's economy went into crisis, state funding to the campus dropped by \$70 million, or 18 percent, within four years. A misguided UCOP plan to cut back on faculty salaries through a 'golden handshake' enticed 27% of senior active faculty into early retirement. The university has never fully covered from that program. Some of our most renowned and world famous scholars left the campus, some taking academic positions in the Ivy League and other strong public and private universities. Tien retaliated by pursuing top young professors from elsewhere and doing everything in his power to prevent a brain drain from UC Berkeley. "It's not a matter of whether we can survive," he said in a speech in 1993 in which he begged California residents to lobby their legislators, "It's a matter of being excellent or mediocre." His fundraising drive in 1996 – the largest of its kind at the time for a public university – "The Promise of Berkeley – Campaign for the New Century gala in April 2001 to celebrate the end of the campaign, ultimately raised \$1.44 billion, dollars from alumni and friends of the UC Berkeley (some of them in Asia), and that money was directly plowed back into student diversity scholarships, professorships, research funds.

There was one mortal blow Tien did not survive. In 1995, the UC system attracted national attention with the regents' tense 14-10 vote to drop affirmative action programs. Tien argued passionately against the governor and against the Regents in favor of keeping Berkeley's affirmative action program in place. He lost the fight. What followed was an immediate drop in the number of black, Latino, and Native American students at Berkeley following the vote and Tien grieved deeply and publicly. Despite conflicts with the administration, he never lost his love of UC or his loyalty to faculty and students – he maintained an open door for faculty most of whom he knew by name. In 1996 and under the pressure of the conservative legislature and UC Regents, Tien submitted his resignation as chancellor, saying he had done his best to accomplish his goals for an open, free, independent and diverse public institution.

In summary, we have had many recessions in California and the UC survived them before without disrupting the commitment to excellence and accessibility and transparency and shared governance that are the hallmarks of

this great public institution. In fact, UC Berkeley thrived despite opposition from the Regents. Berkeley is famous for its student – led movements – the Free Speech Movement, the Third Word Strike, People’s Park, and the anti-war movement.

### **The September 24<sup>th</sup> Walkout**

Some senior faculty planned to join the walk-out on September 24<sup>th</sup> despite fears by many younger faculty of a negative public response from ‘the public’ who did not understand what public higher education is for and why it is worth saving. Much of the public sees UC faculty as prima donnas who are overpaid for minimum hours in the lecture hall and who get to pursue their “pet research” projects – perceived as intellectual ‘hobbies,’ yet this is not the case. We would not be teaching in a public university if we did not believe in public education. We would have taken higher paychecks at private institutions. The immediate issues that we who believe in public education face concern the following:

1. The consolidation of power and authority
2. The destruction of shared governance
3. The privatization of the University
4. The Elimination of departments and programs seen as weak, unessential, expensive especially within the College of Letters and Science
5. Tuition hikes that could reach 40 percent
6. The loss of our best faculty who leave for greener pastures

President Yudof and the Regents are not educators and they, along with our Governor, don’t understand that maintaining quality of public education at UC doesn’t mean bonuses to its top heavy administrators; it means protecting the security of its young scholars and assistant professors and preventing the raiding of key faculty at all levels.

### **What do we want?**

1. We want an end to the declaration of an emergency to UC and the granting of emergency power to the President and his Regents who have jumped upon the crisis as an opportunity to downsize public education, ignore the university’s charter and the UC master plan.
2. We want a Vote of No-Confidence in President Yudof and the Regents, and the Governor of the State of California.
3. We demand sound administrative leadership: Our Chancellors and Vice Chancellors should follow the lead of Chancellor Clark Kerr and Chancellor

Tien and put themselves squarely on the side of the preservation of this University. Chancellor Tien declared that he would refuse another administrative request for a 'golden handshake' and he resigned when he could not stop the end of our university's Affirmative Action policy. Chancellor Birgeneau, do you want your legacy to be the dismantling of the world's greatest public university?

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<sup>1</sup> Joyce, James. 2008. *The Dead*. Claremont, California: Coyote Canyon Press.

<sup>2</sup> Thoreau, Henry David. 2003. New York: Barnes and Noble Press, p. 74. In all, Thoreau only spent just one night in jail. Despite his objection, an aunt intervened to pay Thoreau's delinquent taxes. While his mother also intervened to wash her son's laundry during the two and a half years he lived, in self-imposed isolation, in the 10' x 15' cabin he built at Walden Pond, his words still hold inspiration for those stepping tentatively or confidently to protest peacefully and rely on the strength of their own beliefs.

<sup>3</sup> Thoreau 2003: 137.

<sup>4</sup> Thoreau 2003: 257.

<sup>5</sup> Thoreau 2003: 137.

<sup>6</sup> Newman, John Henry. 1999. *The Idea of the University*. Washington, D.C.: Regnery Press.

<sup>7</sup> In this vein, David Graeber's *Fragments of an Anarchist Anthropology* (2004) describes university functions as a hierarchical disciplining device that places graduates in state and corporate bureaucracies, a view that has its origins in Dwight Eisenhower's "Military-Industrial Complex", CW Mills, "The Power Elite," and Paul Willis's "Learning to Labor."

<sup>8</sup>Drew Galpin Faust "The University's Crisis of Purpose," *The New York Times Sunday Book Review* September 1, 2009.

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## **When Batons Beat Books: A Study of the UCPD as an Arm of the Administration\***

Waseem Salahi

The University of California proudly claims that “its distinctive mission... is to serve society as a center of higher learning, providing long-term societal benefits through transmitting advanced knowledge, discovering new knowledge, and functioning as an active working repository of organized knowledge.”<sup>1</sup> Despite this outwardly liberal goal, I will argue that the University, working through the UC Police Department (UCPD), has suppressed forms of knowledge unfavorable to its agenda. I will focus on the particular correspondence between the UC Berkeley administration and the UCPD, analyzing the ways in which the university uses the campus police department to protect its political interests, to the detriment of effective law enforcement that serves the interests of student education. First, I will provide a description of the UCPD – its history, sources of funding, and jurisdiction. Then I will discuss how UCPD’s lack of effective community oversight and administration, combined with its perceived alliance with the University administration, alienate the student community from the very people who are charged with protecting them.

### **About UCPD: Founding and Jurisdiction**

According to former UCPD Lieutenant John E. Jones, the original UCPD was established after World War I, composed of three members acting as security employees for the university, only “carry[ing] keys, a sidearm, and a flashlight as well as a switch to chase errant dogs from the Greek Theater” (Jones, “A Brief

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*\*Editorial Note:* The author provokes reflection of the implications of unquestioned police presence on campus and their tie to the UC administration.

History of UCPD, Berkeley). By 1947, the UC Regents were given the authority by law to appoint members to the police department as “peace officers.”<sup>2</sup> The California Education Code Section 92600 gave these peace officers the authority to enforce California law on each of the UC campuses, within a one-mile radius of the campus and on properties owned by the Regents. The California law transformed UCPD from security guards to a formal police department with law enforcement based in Sproul Hall, the same building that currently houses undergraduate and graduate admissions, financial aid, and other administrative functions.

### **Funding**

In a telephone interview with Budget and Human Resources Manager Greg Watty, I was informed that the UCPD has an approximate budget of \$15 million per year. This is divided into three main categories: revenues, permanent long-term central campus allocations, and temporary campus funding.<sup>3</sup>

The UCPD earns about \$3 million per year by providing services for campus events. Watty explained that UCPD’s presence is oftentimes requested, at a charge, for such purposes as dignitary protection for the Dalai Lama and dances at the Martin Luther King Student Union. In some circumstances, “volatility” of certain speakers is “assessed” and the service is provided on behalf of the UCPD without charge. It can be argued that such work comes with their duty to ‘keep the peace’ in the presence of controversial speakers. However, their presence may leave students with negative impressions, especially when they consistently appear at one kind of event but not others.

The process by which volatility is assessed and when UCPD decides to allocate resources without gaining any revenue is not transparent and should be questioned by campus organizers. For example, despite the variety of events that take place on this campus, I have consistently noticed police presence at events with pro-Palestinian speakers, even though that presence has not always prevented outbursts. Persistent police presence creates one of two feelings in pro-Palestine students: either that they are unsafe due to their views on campus, because the police are necessary to protect them when they congregate, or they are constantly being “watched” or “monitored” by the administration through the police. Such feelings erode a healthy academic environment by acting to restrict free expression and assembly. Far from resolving these feelings, police presence exacerbates them.

UCPD's annual budget is also supplemented by campus central allocations composed of different sources including state allocations, campus central funds, and the Chancellor's discretionary funds—all of which is difficult to navigate through given the lack of transparency of the UC budget. These central allocations are prepared and approved by the Chancellor, currently Robert J. Birgeneau, and they usually amount to \$8.5 million per year, over 50 percent of the Department's annual budget. This direct economic relationship between the UCPD and the Chancellor's office grants the administration unchecked discretion over how, when, and where the UCPD regulates student activities.

Watty further explained that if UCPD wishes to expand the department, it works within a competitive pool where it applies for temporary funding block grants from one of two sources: either the central campus, which is represented by the chancellor, or the administrative division, which is advised by the Vice Chancellor of Administration Nathan Brostrom. In 2008 the department was denied its request of \$100,000 to improve building security on campus, including adding alarm systems and upgrading card-key access machines on three buildings. Due to budget cuts Watty explained that “discretionary money got tighter and tighter” and the project was ultimately not considered an absolute necessity.<sup>4</sup> In another request, UCPD received funds to cover the salary of a sergeant and two police officers in a move to increase South Side patrol of underage drinking and to “put a damper on street robberies” (Watty). He also cited the \$380,000 the UCPD requested to improve the 911-emergency telephone system, so that anyone on campus who is calling the police with a cell phone can be identified at an exact location, a program funded by Vice Chancellor Brostrom's discretionary funds. In other words, the UCPD's departmental expansion is often contingent upon administrative support.

### **Undemocratic Processes: Appointment Process**

The Chancellor appoints the Chief of Police in a process from which students are completely excluded. Since the chancellor is appointed by members of the UC Regents, who are in turn appointed by the governor of the state, the student population is far removed from any sort of process that can check the authority of the police and thus the agenda and mission of the administration. Students alone cannot exert public pressure on the governor. They must rely on a statewide movement of California citizens to pressure the governor to appoint new UC Regents who will appoint a new chancellor who will appoint a new chief of police. The chief's immunity from student control results in what Itamar Haritan, founder and former facilitator of the Police Forums,<sup>5</sup> calls an “indifference among the students who do have complaints and ignorance among

those who don't." The chief's appointment process virtually eliminates community power to effect change or articulate its interests and leads to a collective sense of futility and apathy.

### **Avenues Available for Making Complaints**

Barred from engaging in the appointment process, students and members from the general public can turn to the Police Review Board (PRB), a UCPD oversight committee established by former Chancellor Chang-Lin Tien in June 1990. Its primary function is to review departmental policies and procedures, and it has the authority to reopen investigations of complaints. However, its general inactivity motivated student leaders including myself to exert pressure on the PRB and other administrators in early March 2009 in an effort to conduct a town hall meeting<sup>6</sup> to address concerns of the general public. After a two-month process of sending emails and not receiving responses, I was eventually informed on May 4, after calling the former PRB staff assistant Jane Schnorrenberg, that a town hall meeting would be held on May 6. The advertising for this event had been minimal (I was only informed because I called Schnorrenberg) and its date was inconveniently set to the end of the term, near the time of final exams.

The PRB's failure to communicate with the general public is highly problematic since it is the only institutional body that has access to administrators and can conduct its own independent investigations of complaints made against the UCPD. Not even the chair of the board is accountable or answerable to the students since he is appointed by the Vice Chancellor. Since democratic oversight virtually does not exist, students cannot change any structural problems that exist within or regarding the UCPD unless the Chancellor supports such a cause.

The last remaining avenue of communication available to students is the complaint process, which is generally under-utilized and inherently biased, since the police department itself conducts the investigations. Even if empirical studies were conducted that could verify the thoroughness of these investigations, the police's internal, secret reviews do not offer any re-assurances to students or victims who feel that they have been wronged by the police. Even if internal review has its time and place and can keep police in check, it rarely makes the police appear more legitimate in students' eyes. In 2008, only two complaints were filed along with ten work file memos.<sup>7</sup> This process can be somewhat lengthy (sometimes ranging up to a full year) since the UCPD does not designate officers solely for the purpose of investigating the complaint. Furthermore, the officer who is under investigation can only meet during his work schedule, which can sometimes conflict with the schedule of the student or community member.

### **Relationship with the UC Berkeley Administration**

The UCPD's relationship with the administration is strengthened because it enforces both university policy and California law. Officers can cite students for violating any code within the two. For example, the city and the university require that every bicycle must have a California Bicycle License or face potential citation. Students are also encouraged to license their bikes because according to the UCPD it "increases the likelihood of recovery in case of theft" ("Bike Licensing Laws"). Since this was obligatory, I registered my bicycle at the beginning of the spring 2008 semester. The sticker I received allows an officer to link the bicycle to its owner, and thus issue a citation successfully. For example, when the bike racks are completely full, students will oftentimes lock their bikes to nearby rails, which is a violation of university policy. When I first did this, I received a warning citation and was threatened with a monetary fine in the event of a second violation. I am not disputing the ethics of parking bicycles properly; I am more concerned with the fact that the administration utilizes UCPD to enforce a seemingly arbitrary and yet obligatory policy. How is the role of "peace officer" relevant in this circumstance? The notion that parking my bicycle in a certain place compromises student safety or threatens public order is absurd, yet it is practically treated as a legal issue by an armed officer who enforces CA laws.

The administration can utilize officers who have been given authority by the state to enforce a set of university policies that have never been written nor approved by students, thus undermining student voices. Put in perspective, CA laws are written by legislators who are elected by citizens of the state, and thus one could argue that police officers may legitimately enforce these laws. However, university policies are not subject to this process, nor are they subject to any type of student-led referendums, and if they are to be considered legitimate must find their justification elsewhere. A nonnegotiable UCPD presence, agenda, and mission forces students to negotiate use of their own spaces on their own university, whether it is spaces to simply park bicycles or rooms to organize in.

Campus safety receives lower priority in other key ways. According to the UC Berkeley website, the chief of police "participates in numerous campus-wide administrative committees including the Community Affairs Working Group, Investigations Work Group, Fingerprint Review Committee, and Events Management Operations Group" ("Chief of Police – UC Berkeley"). On top of these duties, the administration appoints the chief of police to serve as a voting member of the Store Operations Board (SOB), which oversees the Associated Students of the University of California's (ASUC) commercial activities, including the Cal Student Store, the Student Union, the Bears Lair, room

reservations, Tully's Coffee, and any other income-producing activities. This added, and arguably extraneous, role of overseeing ASUC-owned property forces students to negotiate terms of their own spaces with a seemingly arbitrary figure. In other words, the chief of police, who inherits the duty of preserving campus safety, acts as a politician that must be lobbied by students who have certain interests in ASUC commercial activity.

### **Relationship with Students**

I have argued that the UCPD protects the university administration's interests. Administrators, not students, decide those interests, explaining why student protests on behalf of a different set of university interests often meet police resistance – instead of police protection. UCPD's role in this regard oftentimes undermines the outward goal to preserve student safety and well-being.

In February 2005, Chancellor Birgeneau announced plans to clear Memorial Oak Grove in order to construct a sports facility. This plan was halted beginning in December 2006 by a two-year tree sit-in and numerous protests in front of the Oak Grove. Laura Zelko, a UC Berkeley student activist who participated in some of the protests, claims to have witnessed unsafe and excessive police actions toward the student protestors. She explained that "they weren't redirecting traffic" (to protect the assembly of protestors) and that one police officer allegedly threw an individual into an unblocked street with oncoming traffic. In a police forum held soon after this protest, Haritan quoted an officer who said that she actually did not know which law students were breaking, yet she was sure that they were breaking one. This exposes the dilemma posed when state laws and UC policies become intertwined and ambiguous. Police used their force against students when no law was being broken, but rather when students stood in the way of a university policy.

In the case of the Memorial Oak Grove protests the administration mobilized the UCPD in response to student political protests in order to prevent them from gaining momentum. In doing so, the administration acted not to protect students but rather to use force against them.

### **Most Recent Contact between UCPD and Students**

Today it is even more imperative that students question the police's role on the campus. Protesting the UC Regents' instatement of furloughs, budget cuts, and a 32 percent increase in tuition, students were exposed to the brutal tactics of the UCPD. The most notable example of a problematic use of UCPD occurred during

the November 20, 2009, student occupation of Wheeler Hall at UC Berkeley, as experienced by students standing outside the building who were not directly involved in the political action. Following the incident, faculty members sent an open letter to Chancellor Birgeneau on November 22, “voic[ing] [their] strenuous objection to the use of unwarranted violence by the police forces enlisted...to patrol the student demonstration outside of Wheeler Hall” and stating that “abuses of police power were captured on video recordings and in photographs...[which also] clearly show that the students were acting in a non-violent manner” (Open Letter). Even though the occupation of Wheeler Hall was illegal, Birgeneau’s deployment of police officers dressed in full riot gear was excessive and unwarranted. These officers came from municipal departments including the Berkeley and Oakland Police Departments and the Alameda County Sheriff’s Department , institutions that are not familiar with a student-populated campus environment. Students who were present as supporters yet not actively involved in the occupation were overwhelmingly peaceful<sup>8</sup> and did not break any laws.

The events that took place on November 20<sup>th</sup> illustrate the dangers of police presence on campus and how student movements are quickly and brutally ended in the name of upholding the law. Since initiative ballots and referendums which would effectively change university policies do not exist and since the number of avenues for students to voice their concerns are largely limited, nonexistent and ineffective, students find themselves needing to create alternative methods along with traditional, non-violent ones to achieve their goals. These activities can be violently and unjustly controlled by a police department that derives its authority wholly from the university administration, unchecked by students’ voices.

### **Final Thoughts**

Born out of World War II, the UCPD is an entity embedded into the California Constitution, charged with preserving campus security. What was once a new phenomenon to educational institutions has become incredibly normalized to the point that police presence is rarely questioned. This lack of questioning is not necessarily due to public apathy; rather, the UCPD is structured to reduce challenges to its legitimacy and its ability to remain accountable.

Unlike chiefs of municipal police departments, the Chief of Police of the UCPD is appointed by the Chancellor, an unelected official who is given unchecked discretion to deploy officers in the event that administrative interests are compromised by student movements. The direct control that the Chancellor exercises over UCPD’s budget facilitates his authority. When the administration

uses the UCPD to enforce university policies, to the extent that such enforcement overrides California law, it problematically blurs the line between the two institutional bodies. This ambiguity of roles increases the administration's ability to deploy the UCPD in response to student political protests, with the justification that students are violating university policies. However, these policies are a set of codes written by unelected officials using a nontransparent process that is not subject to student initiatives or referendums.

Despite the fact that many obstacles stand in the way of UCPD reform, the power of students' collective voice to demand UCPD accountability cannot be underestimated. Articulating student demands will help unveil the complex ways that hegemonic systems of control operate on university campuses that still claim a vision of free education for all. Such strategic opposition, whether it is in the form of public protest or amending the CA constitution, would create a more democratic system. University administrations must remain, first and foremost, accountable to students and their education. The police must be made aware of and act in their roles to protect the safety of the students in their pursuit of knowledge. This begins by involving students in appointment processes and also in setting UCPD's agenda. Students themselves should also be able to call upon the Police Review Board to conduct independent investigations of incidents like the tree sit or the November 20<sup>th</sup> occupation of Wheeler Hall. , Police officers should respond to students' needs and rights to protest and not simply view themselves as enforcing distant laws for a group of administrators concerned with their own agenda. In essence, the UCPD must transform its status back to public servant, listening to an agenda articulated by members of the student body and faculty rather than acting as an arm of the administration, recklessly slapping the general public with an agenda created by a minority of unelected officials.

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## NOTES

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<sup>1</sup> University of California Mission Statement

<sup>2</sup> The term "peace officers" is defined in the California Penal Code Section 830.2 as "any persons whose authority extends to any place in the state." Part (b) defines that "[a] member of the University of California Police Department appointed pursuant to Section 92600 of the Education Code, provided that the primary duty of the peace officer shall be the enforcement of the law within the area specified in Section 92600 of the Education Code."

<sup>3</sup> The UCPD also receives an annual portion of \$25,000 of funding from California's Department of Alcohol Beverage Control (ABC), which offers grants to law enforcement agencies (Watty).

<sup>4</sup> One year of funding was provided during the 2007-2008 fiscal year (Watty).

<sup>5</sup> Fourth-year student Itamar Haritan began conducting the monthly Police Forums when police entered Eshleman Hall in February 2008 and asked students for identification, removed them if they could not provide it, and threatened arrest due to non-compliance. The forums allowed for students to directly address UCPD officers.

<sup>6</sup> The Police Review Board has the ability to conduct town hall meetings to address concerns of students, faculty, and the general public; however, the board hadn't met in years (Haritan), nor has had it conducted the town hall meetings. As a result of this stagnancy, former ASUC President Roxanne Winston and former ASUC Senator Kifah Shah met with Vice Chancellor Nathan Brostrom and former Chief of Police Victoria Harrison in fall semester 2008 to establish a more effective PRB. According to Winston, they left the meeting agreeing that town hall meetings would be conducted at least once a semester.

<sup>7</sup> A work file memo (WFM) is a more informal process where a complaint is handled directly between the complainant, the officer, and his/her supervisor.

<sup>8</sup> See [http://articles.sfgate.com/2009-11-21/news/17181267\\_1\\_occupation-regents-tuition](http://articles.sfgate.com/2009-11-21/news/17181267_1_occupation-regents-tuition) [http://www.dailycal.org/article/107627/protesters\\_occupy\\_wheeler\\_hall](http://www.dailycal.org/article/107627/protesters_occupy_wheeler_hall)

## **SOLIDARITY: Not in My Name\***

Ananya Roy

I wish to draw your attention to three issues: the threat to the public character of this university; the emergence of a differentiated education; and a crisis of accountability.

Let me start with the obvious: access is a vital element of the public mission of our university. With rising fees, it is unclear whether students from economically disadvantaged families will have access to the world-class education they deserve and whether the Blue & Gold plan that supports such students will hold.

There is also a suffocating middle class crunch. Middle class incomes are in their steepest decline in 40 years. And yet these families are just beyond the threshold of financial aid. It is on their backs that the UC Regents will be raising fees. The term “middle class” is a misnomer in California, for such families are barely holding on in an economy ravaged by lost jobs and disappearing social safety nets.

I see my students take on minimum wage full-time jobs to help preempt a foreclosure; I see them drop out for a semester so that they can gather enough funds to pay next semester’s fees. As a teacher, I bear witness to the rituals of

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*\*Editorial Note:* The author presented this piece at “SAVE the University: A Teach-In on the UC Crisis” on September 23, 2009.

working poverty that California's college students must endure and it angers me. The public character of the university is also about students who come from families of wealth and political privilege. It is about the great mingling that takes place in overcrowded classrooms, late nights in labs and studios, the rowdy debates in decals. This is how the socio-economic hierarchies of California are reworked in a public university. It is the best way to build a nation.

Access will not be preserved unless we are willing to fight for it, unless we insist upon it to state legislators and UC administrators. The second crisis is what I am calling a differentiated education. There is already a proliferation of differential fees – \$6,000, \$20,000 – additional fees that are levied on graduate students in professional schools: law, public health, now architecture, and city planning. It is more expensive to educate students in these disciplines, administrators argue. This may be the case. With the budget crisis, UCOP has now put forward a proposal to allow the charging of differential fees to undergraduates in certain majors such as business and engineering.

This proposal condemns students to a differentiated education, an enclave education—one where access to the so-called high-value disciplines and professions comes with a toll. These are the toll roads that President Yudof talked about recently. It is Sacramento that has chosen toll roads rather than freeways for us. It is Sacramento that has announced the closing of an era of higher education as a public good.

I am an urban planner. I reject the inevitability of toll roads. And I know the era of freeways is not over – they are being built and financed.

Just not for us.

Here on this campus, in the panic of the crisis, we are also busy exacting tolls. I reject the inevitability of a tolled education. I call on our administrators, from UCOP to California Hall to deans and department chairs to reject a tolled education. Differentiated education is also about the emergence of new instructional models that differentiate. Take for example the idea of a new UC cyber-campus with online learning as its main instructional model. This was discussed at the recent ASUC Senate meeting. UC XI has been presented as a democratization of education, an innovation of racial justice that can accommodate large numbers of minority students and ensure the California dream of education for all.

You know what I call this model? A sub-prime education. Remember the subprime crisis that continues to unfold in our housing markets? Subprime systems of lending operate by offering those hitherto excluded from institutions, those redlined, access to services such as credit. They are inclusive, but that inclusion is segmented. It takes place on terms quite different from those made available to prime borrowers. The subprime is inherently unjust. It makes a mockery of democratization.

If in its bold plans for the future, the best that UC administrators can do is to envision a subprime education then the crisis is even worse than we had anticipated. This brings me to my third point. This is a crisis not only of something called the budget but also of accountability. The problem at hand is not only defunding by the state but also how the cuts have been allocated and implemented.

On this campus, in the last decade, according to Professor Schwartz's figures, while the total number of employees has grown by 26 percent percent, management has grown by 283 percent. What are they managing?

On this campus, the implementation of budget cuts has taken place through a set of heavy-handed decisions, legitimized through the talk of emergency. Many of these decisions produce tiny fiscal savings but generate huge institutional loss.

I came home to the structurally adjusted University of California, a place diminished not because it took an economic hit but because the economic crisis became the excuse for administrative fiat. I came home to a regime that, to borrow a term from a previous political era, is comprised of deciders. "I'm the decider, and I decide what's best." Remember that? That will not keep our university safe.

But I also came home to hope; to solidarity.

Solidarity is an old-fashioned word, a word from the barricades of Paris raised by a unity of social classes in the 19<sup>th</sup> century, a word derived from the Latin *solidum*, or whole sum. This whole sum of interests and objectives – solidarity – is the most valuable resource we now have.

The solidarity is, however, threatened as we find our interests pitted against each other. Students are told that without sharp fee hikes, world-class

faculty will migrate to other world-class universities where they are paid more.

But the crisis gives us the opportunity to reassert the interconnected nature of our fates:

To say “not in my name.”

To ask for justice and transparency in the implementation of budget cuts.

To assert that a 4 percent pay reduction for workers making less than \$40,000 a year is immensely more painful than a 10 percent pay reduction for those making more than \$240,000.

The crisis reveals what is broken here in the UC system. As I leave at the end of a long workday, our building’s head custodian tells me how after the layoffs he is the only custodian left standing for a sprawling building of 9 floors. He wants to tell me that he has worked at UC Berkeley for 24 years and that he takes great pride in his job, that he is now worried and humiliated that he cannot keep the building clean.

As I visit another department early in the morning, the scheduler is already there. She works a full and hectic day, 8-5, and then she rushes over to Target where she works until 11 each night. She must, since her three brilliant children study in the UC system and she must, as a middle-class mother, pay their fees.

Solidarity is what we now have. Tomorrow is a day of action. Action is a condition for the emergence of truth. Will we be able to forge a new common sense, a new truth about higher education in California? Not in a day, not in a year. But we must start. I teach a course on poverty and inequality in this beautiful room. On September 24<sup>th</sup> we will be walking out for two reasons:

I will walk out because we all have to make visible the crisis of state defunding that is upon us. We cannot wait around for others, even those who are paid for this, to do it for us. We have to convince Californians to stand with us in solidarity.

And I will walk out because I reject the administrative logic that says that my job and salary can only be protected if others in this university are badly harmed. As a member of what Mike Davis has called the first-class passengers, I will be walking out to say “not in my name.” I will be walking out to express solidarity with the pain of rising fees and vulnerable jobs.

Not in my name.

## **Curiosity under Attack: The Anatomy of an Anti-Critical University\***

Gregg Sparkman

Many come to college to learn, but I came to the University of California Berkeley to think. Being a civil rights icon with its history of freedom of speech and having great academics, this seemed like the ideal place to attend. Yet, in time I found that the structure of the campus would lead it to act quite opposite of its appearance as constitutional rights could be swept aside, replaced by doublespeak and the campus would become a hostile thinking environment.

On the night of January 24, 2007 I bundled up and left my house with my roommate, an active Copwatch member, to observe police and protester relations in the ensuing Oak Grove Protest. Copwatch is a non-profit organization that, according to its statement of purpose, exists to “promote public safety and to ensure that police officers remain accountable for their actions.” Members patrol the streets, equipped with video cameras, observing police interaction with the public (such as a search and seizures or arrests) and record their findings in a public, searchable database. So although I wasn’t a member, I went with my roommate as an independent observer.

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*\*Editorial Note:* The author’s experiences as a bystander at the Berkeley Oak Grove tree protests taught him a lesson that perhaps his classroom education at UC Berkeley could not teach him. His reflective piece probes rudimentary, critical questions of University responsibility and understanding of their own students.

We arrived at Oak Grove and another member of Copwatch joined us with his camera in hand. I didn't know much about the protest besides the fact that the numerous tree-sitters disapproved of the plans to uproot the Oak Grove and put in a sports training facility. The demonstration seemed more like a picnic than a protest. About 25-35 students and community members sat around talking, eating, or playing, while an indeterminable number of people could be heard in the oaks. The term "peaceful protest" never seemed more applicable.

I was on the site for about 15 or 20 minutes before an officer asked me what I was doing there. I told him I wanted to see what was going on and how the campus was handling the situation. He asked for my name and I asked what it would be used for. He replied that the campus was concerned about who was on the property and was making sure it wasn't being occupied by people with warrants. When I inquired more about it the police officer simply answered that my choices were either to 1) give him my name (to comply with the campus's request), 2) leave the area, or 3) to be arrested by him. I obviously didn't want to be arrested and I hadn't observed any police conduct yet, so I gave him my name. He radioed it in and confirmed that I was indeed a student and then continued collecting others' names in the area.

I attempted to ask the same police officer a few questions about how they were handling the situation and what they thought of it, but they only shooed me away and seemed too busy to respond. I asked the protesters why they were protesting and found a surprisingly diverse set of responses; some I agreed with while others didn't make sense to me. After a few hours I returned home feeling it was a somewhat fruitless night that only resulted in my lack of sleep.

What started as simple curiosity on that particular night later resulted in an obstacle course of grief and bizarre punishment. It began with a letter from Student Judicial Affairs (SJA). It was a "Notification of Violation of the Code of Student Conduct." It claimed I was involved with the Oak Grove protest since December 2, 2006 and that in March of the following year I had trespassed and failed to comply with a UCPD officer. It listed four violations of the Berkeley campus Code of Student Conduct (CSC) that I had supposedly committed. It ended with a clarification that SJA was not requiring a hearing on the matter, but would keep this record for the next five years and if, in time, other offenses were committed, and they would pursue charges against me threatening my student registration.

I had been terribly misled by the officer. Beyond that, there were numerous errors in the SJA's letter since the dates were incorrect and the UCPD

misreported three separate offenses with each listing a date without a time. Only the last offense had any detail as to what it was; supposedly I had been “occupying protest tree location #3” and had initiated a dialogue with an officer where he had asked my name, I answered, and he then asked me to leave the tree, and I had refused. My single night of observation had somehow transformed into a four month period involving various misconducts. There were two possibilities I could conceive: The UCPD was incompetent and had failed to secure the correct facts while putting together their report and leaving me as a victim of negligence, or this fabrication was directly intentional on the part of UCPD and this was their way of discouraging activism on and around this University.

What was more upsetting was that I discovered that UCPD had entered my workplace and had seized my emergency contact information sheet—complete with my address, my parents contact and personal information, and my social security number. At the bottom of the sheet I read the now somewhat offensive bolded line: “The information provided will only be used in case of an emergency.” As a result of this, I had to endure a large number of obscure jokes and strange encounters with my management and coworkers. According to management, the officer requested for my social security number and inquired about my annual salary. The officer did not have any type of court order or justification to ask these questions. Instead the officer told my coworkers that I had been “one of the nuts in the tree protest” and would soon be “outta here”. This highlights the degree the officers would go to punish someone by tarnishing my name and threatening my good standing with my employer.

In addition to this, my roommate who went out with me that night to observe the protest also received a letter. Everything was different in his letter: the dates, the offenses, and most importantly he had to attend a formal SJA adjunction. I went with him to testify against the fabricated report and to show the Copwatch video that was taped that evening, to detail the fallacies in the report. I arrived at the hearing and waited for three hours, only to then be told that I could not be a witness because I was “too involved” and therefore not impartial. Yet the SJA did accept the testimonies of the officers who would seem to have just as severe of a bias, but towards overlooking the faults of the university as they identify with, carry out the orders of, and are employed by the campus. This subjective process of denying witness testimony violates the sixth amendment by having denied my roommate a “compulsory process for obtaining witnesses in his favor”. When one's character is evaluated rather than evidence – ideology rules in the place of justice.

I met with my case manager at the SJA in an attempt to have the record removed. I explained the situation at length to him and he seemed honestly sympathetic. He told me to gather as much information I could on the days I had been claimed to be committing some offense. Of course, because there were not times specified, it seemed I would need to cover a 24-hour period for the date given for the offenses, a task that would prove impossible for anyone. I was also informed that the policy the SJA uses to determine if someone is innocent or guilty is much different than in any state or US court proceeding where the individual is innocent until *proven* guilty; instead SJA considers a student innocent until it seems that a student is “greater than 50 percent or alternatively more likely than not” guilty (SJA homepage, May 2008). Following this line of thought about the burden of proof, the police report was actually considered self-proclaiming evidence until I provided sufficient evidence against its claims.

I had a few “options” that I could pursue in my case. I could settle with the SJA informal resolution, or pursue a long and tedious hearing with little chance of proving my innocence given the fact I was contesting the UCPD’s claims, or I could meet with the assistant chief of UCPD. All proved to be fruitless. Dealing directly with the police wasn’t an option because I felt any brief encounter with them could put me in an even more dangerous position, especially as a student. Why would the chief believe me over his own officer’s testimony? And if he did, what would it say about the UCPD? Moreover, it would look unfavorable for an official to admit that he or she let someone under his jurisdiction act so illegitimately.

After multiple visits to the SJA and after finding no actual evidence for my guilt, they decided to remove all of the violations except for the charge of trespassing. How could I have been trespassing? After all I was publicly observing the police and the protestors and I had a fundamental constitutional right to do so. After much deliberation with the case manager, he recognized that the charge of trespassing was illegitimate in the context of observation. He then explained that I had not tried hard enough to make it clear that I was only observing and not protesting and therefore had been considered “ground support” for the protestors by the UCPD and was thus trespassing. I asked him how he interpreted “ground support”, but he couldn’t provide me with an answer. I suggested a fitting definition would involve direct actions that aid the protest such as bringing supplies, building a structure, warning the tree-sitters when the police were coming so they could avoid legal prosecution or other such acts of which I had done none. He liked this definition but told me that he couldn’t interpret the term because this interpretive power belonged to a vice chancellor and was

therefore most likely delegated to the police department. This result in a situation where, because the law is defined, enacted, and even interpreted by the police department, just being called “ground support” by UCPD means that I must be what ground support is and is therefore punishable.

I did not consider myself “ground support” simply because I was a bystander. Although the case manager agreed, he would not repeal the record of the violation. It seemed I was entirely responsible for the inaccuracy of the officer’s report. And it seemed that the case manager couldn't erase my report even though he knew it to be false, as if his job didn't allow him to disagree with the UCPD on such a scale. I asked what more I could have done to establish myself as an observer. To my surprise, I was told that I should have worn a bright orange t-shirt with “observer” written on it and should have avoided talking to the protesters.

We live in a fearful place when it is the civilian who is mandated to wear a uniform to be identified as such. It was troubling to be told that I could not talk to the protesters or even observe the protest with any confidence that I would be safe from persecution and punishment. Considering the lengths I would have had to go through to be accepted as an observer, it seems that by simply being curious on the premises, I was actually guilty until proven innocent.

The supposed option I was given in pursuing my case was a direct experience with an inefficient bureaucratic system. I was informed by the student ombudsperson that I could not meet with someone outside of the police department who had jurisdiction over the situation. Someone such as a vice chancellor would most likely be too busy and would only refer me back to the police department. I also couldn't file a complaint through the UCPD complaint investigation unit, with hopes for some corrective action. Unfortunately I didn't qualify because a complaint can only be filed within thirty days of the incident, and because I was not made aware of the fabrication of the report until much later, I was out of luck.

Overall, I find slight humor in that I initially went to the Oak Grove out of curiosity to and ended up with a list of unwarranted violations against me. This was a learning experience, to say the least. I learned more than just about how the police worked on the ground. I discovered that the University has little in the ways of checks and balances in its power structure. It is an all powerful executive where the duties of creating the laws (the CSC), enforcing the laws, and the interpretation of the laws all fall to a single, yet highly bureaucratized branch.

This branch is in charge of managing itself and based on my experiences, doesn't seem to be accountable to anything besides the next tier in the hierarchy. This consolidation of power allows numerous rights violations and provides no substantial outlet for their correction.

The university has the outline of democratic justice but not the content; for education, this is potentially the most harmful combination. The appointment of powerful university officials and lack of an elected legislative body severs the strongest democratic influence; all the while, the SJA is unable to perform a full judicial role but acts passively to confirm the accusation of the executive. However, the appearance of the university gives the convicted a sense that they have been served by a democratic legal system, while in reality students are at the mercy of campus officials.

How can we learn when we are presented with lies? How can we be hope to think critically in a place where despotic interpretation rules? I once let my tongue slip and said to the ombudsperson that "they just don't seem interested in if I've actually done anything wrong, it's like they just want to punish me because I've questioned them." She quickly corrected me: "There is *no* 'they.'" She was right. There is no man behind the curtain. But there is an *it*. It is the structure of the University, and it's one that allows if not encourages fabricated facts for self-serving politics, punishment for dissent, no route for corrective justice and no space to engage in critical thought.