

**III. CONSTITUTIONAL AUTONOMY
AND THE TRADITIONS OF HIGHER
EDUCATION**

"A strong tradition prevails in many states for dealing with the governing of higher education in the state constitution. In *The Campus and the State*, the authors point out that 'the continual attention given higher education in state constitutions does serve to suggest the concern that has historically existed in the public mind over the topic.'⁷ This is not surprising. Education in general has traditionally been regarded as a very special kind of public function, a function to be governed by overseers free from most day-to-day political cross-fires.

"In those states which early established systems of public higher education, there has been considerable concern with the autonomy of these institutions. Some states established autonomy for public higher education in the act which created them. Colleges and universities as centers of teaching and research have been regarded as properly self-governing within the framework of the state constitutional system.

"Development of higher education in recent decades has involved the vast quantitative change in the number of students involved and an organizational change in that a variety of higher education institutions have been created and placed in a mainstream of their own. The basic re-

⁷ M. MOOS & F. ROURKE, *THE CAMPUS AND THE STATE* 18 (1959).

organization of higher education to provide for its expansion has invariably been followed by changes in the state constitution. It is significant to note that in those states that have traditionally been regarded as possessing superior systems of higher education, some form of constitutional autonomy has been granted.

"In some states, legislative, rather than constitutional, autonomy has been enacted. While legislative autonomy is more desirable than no autonomy at all, it is less desirable than constitutional autonomy. Under constitutional autonomy the institutions of higher education are guaranteed a degree of independence within the framework of state government. Their independence then is not a constant issue but an extraordinary one. The burden of proof is shifted to those who wish to intervene in their affairs.

"Once again we urge that the Commission recommend constitutional autonomy for the State College System because autonomy will serve the basic needs of the State and higher education. We argue that higher education in Maryland is becoming an increasingly major function of the State, one which merits constitutional attention. Governing the state colleges, which form such an important part of Maryland's higher education system, should be by an authority that is (1) responsive to the people, (2) an effective and efficient manager, and (3) loyal to the traditions of higher education."