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CU GOP fights off administration for affirmative action bake sale

By Katherine Crowell and Scott Heiser Colorado Daily Staff

The College Republicans of the University of Colorado-Boulder are continuing to sponsor a controversial "affirmative action bake sale" tomorrow as planned, in the face of strong administrative opposition which threatened to shut down the demonstration.

The campus GOP group, relying on pro bono legal support, threatened legal action alleging their First Amendment freedom was being denied by the University.

Brad Jones, Chairman of the College Republicans, responded to the cease and desist order from the administration in a written statement Monday.

"CU has been absent when we really needed it to fight real discrimination. I've got an idea; end racial preferences and bring back free speech," said Jones.

CU Vice Chancellor of Student Affairs, Ronald Stump told the Colorado Daily Tuesday the bake sale was in violation of the 1964 Civil Rights act and mandated it be stopped.

"According to federal law, state statute, and University policy, we believe it is illegal to sell goods or services with differentiated prices based on race or ethnicity," said Stump. "It's not a free speech issue. They need to find another means which is legal to make their point."

The College Republicans countered the university's

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response to their bake sale protesting affirmative action policies by compromising the manner of payment for baked goods -switching to a "donation system" which will allow the demonstration to go on.

Donations are "suggested" based upon a student's ethnicity as opposed to the previous method of setting definite prices. The group will suggest white and Asian students donate \$1 for the cookies, Latinos donate 50 cents, black students donate 25 cents and "other" minority groups such as Native Americans do not have to donate for a cookie.

At a press conference on Tuesday outside the United States District Court in Denver, the CU GOP explained that over 30 members of their group have volunteered to run the bake sale in 30-minute shifts beginning at 12:30 p.m. on Wednesday outside of the Hellems Arts and Sciences building on campus.

"We're glad the university has backed off of its anti-First Amendment stance," said Jessica Peck Corry, director of the Campus Accountability Project, an advocacy group associated with the campus Republicans. "These students are clearly using political satire to demonstrate the evils of racial preferences. They aren't trying to make money, but rather draw awareness to the issue at hand."

Robert Nagel, professor of constitutional law at CU explained that if the College Republicans had taken their case to court, they likely would have seen a judgment in their favor.

"From a case law point of view, it would probably be described by a court as mixed speech or symbolic speech, they would probably get some kind of free speech protection," said Nagel. "Whether that would mean that in the end the students would have their case upheld or not, I'm not sure."

CU Spokesperson Pauline Hale provided the university's response after Tuesday's compromise.

"We understand that the College Republicans wish to illustrate their views with a parody of discriminatory practices," said Hale in a statement to the Colorado Daily.

"We are pleased to have reached agreement with the student group that all relevant policies and laws will be followed in this event."

Some students think the demonstration is not an accurate depiction of the meaning behind affirmative action policies.

"I would like the bake sale to go on if they first starved the Latino and black students," said CU sophomore Omid Bachari. "And then [they] charged less and then let the well-fed white people be charged the regular price. That would be the only way to parallel the [situation in affirmative action] from food to workplace to school."

At the press conference on Tuesday, the College Republicans expressed displeasure with CU's Affirmative Action policies; they explained the bake sale to be part of their protest.

"It makes me wonder what the university would have done if we hadn't refused to accept their censorship," said Antonia Gaona, president of the Equal Opportunity Alliance and member of the CU GOP. "This is a victory not only for the First Amendment, but also for honest dialogues on racial discrimination in this country."

Jones and Gaona said the bake sale was an educational opportunity to promote discourse among students about Affirmative Action, and not to discriminate against race.

"First amendment protects people to engage in conduct and speech as long as it doesn't directly harm third parties," said attorney Judd Golden, vice chair of the Boulder County chapter of the American Civil Liberties Union. "Politics are not the issue; [the] principle of free expression is the issue. They are expressing themselves; the First Amendment protects their right to engage in conduct."

Nagel explained that if the University had not allowed the students to demonstrate, the media spotlight would be more likely to shine on both the students and their message.

"In many free speech cases, the efforts to prevent speech

have the effect of drawing more attention to the speech," said Nagel. "From a common sense point of view, it is rather foolish for the university to try to stop [the bake sale]. Nobody thinks that this is really a systematic effort to discriminate in the sale of cookies, obviously this is some kind of demonstration trying to get a point across."

Graduate student Audra King disagreed that the bake sale is non-discriminatory.

"This is racism and discrimination," said King. "It doesn't make sense in regards to education. The bake sale is a mockery of everything that is right about affirmative action."

Other CU student groups are expected to protest the bake sale today at the University Memorial Center's Dalton Trumbo Fountain. Kerry Kite, University of Colorado Student Union (UCSU) diversity director said the 12 p.m. rally to celebrate affirmative action, which will show its benefits to admissions and hiring, should be quite vocal.

Jones acknowledged that some students and administrators disagree with how they are presenting their views on affirmative action.

"Is the high level of offense of something reason to shut it down?" said Jones. "This is a political satire, part of the educational experience. We threatened with a federal lawsuit; this is how you have to get the attention of the University."

Senior Erin Liverance had mixed feelings about the bake sake and its message.

"I think they have the right to do it, but I don't think it's the best way to show that affirmative action is flawed," said Liverance.