



Controversial Bake Sale Highlights Debate on Bill Allowing California Colleges to Consider Race, Gender

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Despite allegations of being "purposefully offensive," a Republican student group in California will go ahead with plans to hold a controversial bake sale on Tuesday in opposition of pending legislation that would allow universities to consider race, gender and ethnicity in the admissions process.

California Senate Bill 185, which was passed by the state Legislature and now awaits Gov. Jerry Brown's signature, would authorize the University of California and the California State University to consider those and "other relevant factors" during the admissions process.

If signed into law, S.B. 185 would be in direct opposition to Proposition 209, also known as the California Civil Rights Initiative, a ballot proposition approved in 1996 that amended the state's constitution to prohibit public institutions from considering race, sex or ethnicity during the admissions process.

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Though Proposition 209 bans awarding admissions decisions based on race and ethnicity alone, S.B. 185 would allow admissions officials to view ethnicity as part of the student's background as a whole, Jesse Choper, a UC Berkeley law professor told The Daily Californian.

The bill, would only authorize UC and CSU to consider race, gender, ethnicity and other factors in admissions decisions, but will not mandate them to do so, the newspaper reported.

Shawn Lewis, president of the Berkeley College Republicans, which is hosting the "Increase Diversity Bake Sale" at a campus plaza, said the event is intended to oppose any policy that treats one racial group different from another. The bake sale, which will be held just yards away from a phone bank event urging people to call Brown's office in support of the S.B. 185, will charge all white men \$2 for cookies and other baked goods, while Asian men will be charged \$1.50, Latino men will pay \$1, black men 75 cents and Native Americans 25 cents. All women will receive 25 cents off those prices.

"After the UC Berkeley student government endorsed the bill, we decided a response was needed," Lewis wrote on the group's website. "Thus this bake sale was formulated ... If preferences based on skin color are ok [sic] for college admissions, they should be ok [sic] for other aspects of life. We agree that the event is inherently racist, but that is the point."

Meanwhile, University of California Student Association President Claudia Magana said having knowledge of an applicant's racial or ethnic background will allow university officials to make a "more informed" admission decision.

"UC students strongly support this bill, and we will be taking action to let the Governor know that we expect him to sign it," Magana said in a statement released on Monday.

S.B. 185 does not mandate quotas nor allows individuals of different ethnic groups to be held to different standards, said Magana, adding that it will also not repeal Proposition 209.

"SB 185 is an important step in the right direction," her statement continued. "In part because of the extensive institutional racism that persists in our state and nation, it is critical that our University is aware of the race of applicants, in order to fully understand and contextualize an individual's background and experiences."

Joey Freeman, external affairs vice president at UC Berkeley, said the bake sale does not further a "productive dialogue" and instead harms the campus climate.

"We welcome all students to participate in dialogue about the best ways for us to increase diversity and ensure that our University is accessible to all Californians," Freeman said in a statement. "Still, we hope that such dialogue can occur without purposefully offensive to specific groups on our campuses."

Neal McCluskey, an education analyst at the Cato Institute, a libertarian think tank based in Washington, said a "reasonable reading" of S.B. 185 would find it unconstitutional since the state bans discrimination to any individual or groups on the basis of race, sex, color, ethnicity or national origin in the "normal operation" of public employment, public education or public contracting.

"It certainly looks like it would be in violation of the state's constitution," McCluskey told FoxNews.com. "That said, I'm familiar enough with affirmative action and you can guess what their argument will be -- that this is part of 'normal and necessary' operations of public colleges and universities."

McCluskey said he's not surprised at the charged reactions on both sides of the issue.

"This has been a problem in this country for decades, centuries I should say, where distinctions made by government based on race, sexual orientation, gender and ethnicity, when a government sides one way or another based on one of their group identities, then it is hugely controversial because this is the government choosing winners and losers and not on merit," he said.

"And that completely flies in the face of the idea of the United States where individuals succeed or fail based on their own merits," he continued. "We shouldn't be shocked at all when this leads to constant conflict because nobody wants to end up on the losing side because they weren't born with the characteristics the government decides to favor."

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