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Bucknell bake sale sparks First Amendment debate

By Susan Snyder

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Bake sales - typically the sweetest and most innocent of displays - again have become a flashpoint for strident political debate and free speech arguments on college campuses, this time at Bucknell University.

The "affirmative-action bake sale," at which the Bucknell University Conservatives Club charged different prices depending on a customer's race, was shut down by the administration in April. But it didn't end there.

Bucknell president Brian C. Mitchell has received about 100 letters, e-mails, and phone calls protesting the administration's response.

A Philadelphia-based national free-speech group this month blasted the school in a news release that began, "Student rights are under assault at Bucknell University. ..."

And a fledgling group of alumni and other interested parties issued a statement of concern last week.

The controversy at Bucknell - a 3,500-student liberal arts university in Lewisburg, Pa., about 75 minutes north of the state capital - is not unique.

College campuses across the country frequently must deal with delicate issues of free speech, political posturing, and race relations.

Affirmative-action bake sales, usually held by conservative groups, have been cropping up on campuses for years, much to the chagrin of many administrators - although Kutztown University a few years ago let one go on and used it as a "teachable moment."

At Bucknell, the dispute runs even deeper. The conservative club has had conflicts with the administration for years.

In March, the club complained that the administration shut down another of its activities - passing

out anti-stimulus handbills that blared "The Socialist State of America" on the front with President Obama's face. On the back, the fake dollar bills read: "Obama's stimulus plan makes your money as worthless as Monopoly money."

That incident and the bake sale prompted the Foundation for Individual Rights in Education (FIRE) to get involved.

"We want everyone around Bucknell to know that Bucknell is not a place that respects students' rights," said FIRE's Adam Kissel.

FIRE has successfully defended student groups at the College of William and Mary, Northeastern Illinois and DePaul Universities, the University of California, Irvine, and the University of Colorado at Boulder when those schools attempted to stop bake sales, Kissel said. The group, which was co-founded by University of Pennsylvania history professor and free-speech advocate Alan Charles Kors in 1999, takes on cases of free speech at the nation's colleges and universities. Its Web site is www.thefire.org

Bucknell officials said that the school's reactions to the bake sale and the handbill handouts were not an issue of free speech, but rather of campus "safety and fairness."

Students did not have the required prior permission to hand out the handbills at the cafeteria entrance, the school said. Permission is required to prevent cross-scheduling and allow management to prepare for "possible reactions" to the events, "including for the safety of those involved," Bucknell's general counsel, Wayne Bromfield, wrote in a response to FIRE dated June 11.

And the bake sale was "discriminatory," Bromfield wrote.

"If students wish to engage other students in related discussions, there are opportunities for doing so that do not require us to sanction disparate treatment of our students, faculty, staff or visitors based on ethnic, racial, gender, religious, or other demographic distinctions," he wrote.

Kutztown University in 2006 allowed one of the bake sales. The university also permitted protesters of the event to demonstrate. And later, it sponsored a forum on affirmative action.

"It was a teachable moment, an opportunity to learn from one another and engage in the freedom of expression," said Jesus Pena, associate vice president for equity and compliance at Kutztown. "That's what we in institutions of higher learning should be promoting."

Sheldon Steinbach, a Washington-based higher education law expert, said it's not unusual that a public school such as Kutztown would respond differently than Bucknell, a private university.

"It's a judgment call," he said. "Private institutions have more latitude. Administrative discretion is broad. Public schools are more likely to lean toward a greater dependence on the First Amendment."

The NAACP did not respond to calls for comment.

Sparking political dialogue is the objective of the Bucknell club, members said.

"No issue should be forbidden for discussion on a college campus," said Jeff Taylor, 19, a sophomore political science and management major from Syracuse, N.Y., and a club vice president.

The affirmative-action bake sale was designed to make people feel uncomfortable, said club president Travis Eaione, 20, a junior accounting major from New York City.

"If you're not comfortable with something as simple as a bake sale, then you really shouldn't be comfortable in the form of affirmative action in schools in college selection and admission," said Eaione, who said he was half Hispanic.

Students photographed administrators shutting down the bake sale and posted video on YouTube.

The club held the bake sale, Eaione said, as a promotion for the speaker it was bringing to campus the next day: Star Parker, an African American woman who speaks against affirmative action.

Highlighting the strong feelings on both sides of the issue on Bucknell's campus, a group of students connected with Bucknell's multicultural center attended Parker's talk, stood up in the middle of it, and walked out in protest.

The Alliance for a Better Bucknell, a year-old group of alumni, parents, and others, is backing the conservative club's right to hold events such as an affirmative- action bake sale.

"This issue is not about conservatives or liberals; it is about one of the fundamental tenets of a university," said Allison Kasic, 25, a 2005 Bucknell graduate and vice president of the group. "The expressive rights of Bucknell students, as well as faculty, must be respected."

Kasic, a policy analyst for the Washington-based Independent Women's Forum, said the group had hoped that the university would have retreated so that the matter didn't have to go public.

Bucknell spokesman Tom Evelyn said the school was not planning on changing its position, saying, "We can't allow an event that violates discriminatory policies that we adhere to."

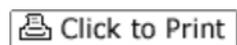
Eaione said the club might try another sale in the fall.

"We're not just going to let this go," he said.

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