

Displaced Promises: The History of Colorado’s Auraria Campus and the Shortcomings of its Remedial Measures

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I. INTRODUCTION

Federal, state, and local governments use eminent domain to promote better public facilities nationwide. Though it can be argued that eminent domain is necessary, individuals, especially those benefiting from eminent domain, rarely realize that more harm than good results. The changes a government seeks and implements often become the starting point of a non-stop cycle of gentrification. Surely, new public facilities may be aesthetically pleasing. The amenities may help governments take their cities, towns, or states to new heights. Still, time and time again, legal scholars, legislators, and citizens of our nation often question the cost-benefit analysis and regular missteps after eminent domain is used. This comment discusses a huge eminent domain misstep involved in creating Denver, Colorado’s Auraria Campus.

The Colorado General Assembly enacted C.R.S. § 23-70-117 (“Displaced Aurarian Scholarship statute”) to codify and expand reparations owed to a well-established, close-knit, and predominantly Hispanic community of more than three hundred households who were displaced to build the Auraria Higher Education Center in the 1970s.¹ Those displaced are known as “Displaced Aurarians.”² As part of their forced relocation, the Auraria neighborhood residents “were compensated for their homes and promised free education for years to come[.]”³ In the 1990s, the “Displaced Aurarian” scholarship program began “and provided funds for the tuition and fees to former residents of the Auraria neighborhood, their children, and grandchildren[.]”⁴ The Displaced Aurarian Scholarship statute expands the scholarship’s eligibility requirements to encompass all lineal descendants of individuals who lived in the Auraria neighborhood from 1955 to 1973.⁵ According to the statute, the scholarship may fund undergraduate and graduate degrees.⁶

¹ COLO. REV. STAT. § 23-70-117(1)(a)(I) (2022).

² *Id.* § 23-70-117(2)(c) (2022).

³ *Id.* § 23-70-117(1)(a)(II) (2022).

⁴ *Id.* § 23-70-117(1)(a)(III) (2022).

⁵ *Id.* § 23-70-117(1)(a)(IV) (2022).

⁶ *Id.*

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While the statute works to “reaffirm[] the state’s commitment to equity and restorative justice by supporting and making educational opportunities accessible to the descendants of those displaced by the Auraria Higher Education Center[,]”⁷ it contains inappropriate language. The statute gives broad discretion to the three institutions found on the Auraria Campus in determining the future eligibility criteria for the scholarship.⁸ Historically, this discretion caused issues for past scholarship recipients.⁹ This comment will discuss the history of the Auraria neighborhood, the shortcomings of the promises made to Displaced Aurarians, how the statute came to fruition, and the history of Hispanic college students. It will also discuss the statute’s deficiencies and how students it claims to help will be affected. Finally, this comment will propose amendments to the statute.

II. THE HISTORICAL BACKGROUND OF THE AURARIA NEIGHBORHOOD, THE FOUNDING OF AURARIA CAMPUS, AND THE RELOCATION PROCESS

This section will discuss the history of the Auraria neighborhood and how the Auraria campus developed. It will analyze the demographics of the community based on historical documents and other published works. This section will discuss the resistance towards the displacement of families and the various hoops the Denver Urban Renewal Authority (“DURA”) and Colorado Commission on Higher Education (“CCHÉ”) jumped through to begin the project. Finally, this section will discuss what occurred once the campus opened and until the legislature enacted this statute.

A. *The “Golden” Neighborhood of Auraria*

William Greeneberry Russell and his brothers founded the town of Auraria City on November 1, 1858.¹⁰ The Russells chose the location of the Auraria settlement after panning gold from the South Platte River

⁷ COLO. REV. STAT. § 23-70-117(1)(b) (2022).

⁸ *Id.* § 23-70-117(1)(c)(I)–(V) (2022) (“Metropolitan State University of Denver, the University of Colorado at Denver, and the Community College of Denver, shall, in collaboration, establish criteria for scholarship recipients, including, but not limited to: (I) defining ‘eligible recipient’; (II) defining ‘lineal descendants’; (III) defining ‘Auraria neighborhood’; (IV) defining ‘qualified degree programs’; and (V) determining the documentation required to receive a scholarship.”).

⁹ Matt Bloom & Kevin Beaty, *Descendants of Displaced Auraria Residents to Get Free Tuition ‘In Perpetuity’ at CU Denver, MSU and CCD*, DENVERITE (Nov. 5, 2021, 9:22 AM), <https://denverite.com/2021/11/05/descendants-of-displaced-auraria-residents-to-get-free-tuition-in-perpetuity-at-cu-denver-msu-and-ccd/> (“Many students were unable to access funds or had to jump through ‘multiple hoops’ to get them”).

¹⁰ ROSEMARY FETTER, A BRIEF HISTORY OF AURARIA 6 (1997), <https://digital.denverlibrary.org/digital/collection/p15330coll6/id/238>.

four months prior.¹¹ The discovery of gold by the Russells sparked the Pikes Peak Gold Rush of 1859.¹² Auraria comes from the Latin word for gold and is named after the Russells' hometown in Georgia, where the first major United States gold boom occurred.¹³ On November 22, 1858, a politically ambitious General, William H. Larimer, established a settlement named "Denver," which neighbored Auraria City.¹⁴ Auraria and Denver developed an intense rivalry for the economic benefits of the gold rush.¹⁵ Auraria, larger than Denver, established the region's first school, public house, and carpenter's shop.¹⁶

On the night of April 6, 1860, a ceremony united the two towns of Auraria and Denver, and Auraria became West Denver.¹⁷ Auraria became one of Denver's main industrial areas in the late nineteenth and twentieth centuries.¹⁸ Iron and steel works, railroad repair shops, machine shops, flour mills, bakeries, and breweries were some of the various industries housed within Auraria.¹⁹ The neighborhood was a pre-streetcar "walking city" where houses, homes, stores, churches, schools, and shops stood together on one block.²⁰ Many ethnic groups resided in Auraria: the original settlers were Scots-Irish and English; in the 1860s, a large German population immigrated to Denver, and many settled in Auraria.²¹

The church was central to the German immigrants and other ethnic communities of Auraria.²² In 1887, the German Catholics, who had founded a parish and school named in honor of St. Elizabeth, began to fundraise for a new church building.²³ The church was built in 1898 and was debt-free by 1902 because of the fundraising efforts and generosity of the German community.²⁴ Auraria also had a substantial Irish

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Fetter, *supra* note 10.

¹⁷ Fetter, *supra* note 10, at 7.

¹⁸ Brian Page & Eric Ross, *Legacies of a Contested Campus: Urban Renewal, Community Resistance, and the Origins of Gentrification in Denver*, 38 *URB. GEOGRAPHY* 1293, 1301 (2017), <https://www.tandfonline.com/doi/full/10.1080/02723638.2016.1228420>, [<https://doi.org/10.1080/02723638.2016.1228420>].

¹⁹ *Id.*

²⁰ *Id.*

²¹ Fetter, *supra* note 10, at 8.

²² Fetter, *supra* note 10, at 8.

²³ Fetter, *supra* note 10, at 8.

²⁴ Fetter, *supra* note 10, at 8-9.

Catholic population that attended church services with the Germans at St. Elizabeth. Still, the parish eventually split due to cultural barriers and the emphasis placed on the German language.²⁵ The Irish petitioned for a church of their own following reports of brawls between the Germans and Irish fighting over church pews.²⁶ A millionaire milling mogul donated land on which the second Catholic church in Auraria, St. Leo the Great, was built to meet the needs of the Irish Catholics.²⁷ Brawls relating to the cultural differences between the Irish and Germans halted with the new church until the 1920s when immigrants from Mexico began moving into Auraria. Cultural differences arose again from Irish and Mexican immigrants using the same church. The Hispanic residents built a church of their own, St. Cajetan's, the third Catholic Church in a six-block radius.²⁸

Other religious groups were also settling in Auraria during the nineteenth and twentieth centuries, but demographic forces continued to create change. "In 1859, Colonel Lewis N. Tappen built a non-denominational Sunday School," known as the Emmanuel Chapel, which was later purchased by Bishop John F. Spaulding for an Episcopalian chapel.²⁹ In 1903, members of the Shmona Amunoh Jewish congregation and Jewish immigrants bought the Emmanuel Chapel and formed the congregation Remnant of Israel.³⁰ By the 1920s, the Jewish population of Auraria began to decline, and regular services ceased in 1958.³¹ Many Irish Catholics left the Auraria neighborhood by 1965, leaving an ethnic makeup of predominantly Hispanic Spanish-speaking Catholics.³² The Hispanic population became the majority group of Auraria in the 1950s, resulting from mass migration from rural areas in Colorado, New Mexico, and Texas.³³

²⁵ Fetter, *supra* note 10, at 10.

²⁶ Fetter, *supra* note 10, at 10.

²⁷ Fetter, *supra* note 10, at 10.

²⁸ Fetter, *supra* note 10, at 10.

²⁹ Fetter, *supra* note 10, at 12.

³⁰ Fetter, *supra* note 10, at 12.

³¹ Fetter, *supra* note 10, at 12.

³² See Fetter, *supra* note 10, at 10.

³³ Page & Ross, *supra* note 18, at 1302 (citing Magdalena Gallegos, *History of the Hispanic Settlers in Auraria: The Forgotten Community* (1985)).

B. *Auraria, the Gold City, Loses its Luster*

The Auraria neighborhood entered a period of economic decline resulting from redlining during the 1930s.³⁴ Redlining was a discriminatory practice that limited the availability of government homeownership programs created as part of the 1930s New Deal.³⁵ As these programs evolved, the government added criteria for appraising and assessing properties and the type of homeowners who could qualify for government-guaranteed financing.³⁶ To make these determinations, the government used color-coded maps that ranked the loanworthiness of neighborhoods in over two hundred cities and towns in the United States.³⁷ These maps rated neighborhoods on an “A to D” scale, with “A” being the least risky and “D” being the riskiest.³⁸ Redlining has been characterized as discriminatory because many neighborhoods that were ranked “D,” which were marked red, were areas where people of color resided.³⁹ Once marked red, the neighborhood or area signaled to loan providers that these individuals were “not worthy of inclusion in homeownership and lending programs” and thus could not receive home loans backed by governmental insurance programs.⁴⁰

Auraria grew more industrialized over the decades.⁴¹ The total number of homes and apartments dropped from eight hundred and twenty-three in 1940 to one hundred and thirty-four in 1968.⁴² There are several reasons to blame for Auraria’s residential demise: zoning, age, housing stock condition, and greedy landlords who converted homes originally constructed for single families into multiple-family residences to maximize rent.⁴³ Furthermore, these landlords rarely maintained their properties, which needed repairs.⁴⁴ Among the significant sources of demise were the U.S. Housing Acts of 1949 and 1954, which allowed cities to use federal funds and eminent domain to condemn “blighted” areas to pave a path for private housing,

³⁴ Elizabeth Hernandez, *Denver’s Oldest Neighborhood was Destroyed to Build the Auraria Campus. Historians and the Displaced are Racing to Remember It*, DENVERPOST (Mar. 27, 2022, 6:00 AM), <https://www.denverpost.com/2022/03/27/displaced-aurarians-history-scholarship>.

³⁵ *Id.*

³⁶ Candace Jackson, *What is Redlining?*, N.Y. TIMES, (Aug. 17, 2021), <https://www.nytimes.com/2021/08/17/realestate/what-is-redlining.html>.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Fetter, *supra* note 10, at 15.

⁴² Fetter, *supra* note 10, at 15.

⁴³ Page & Ross, *supra* note 18, at 1301–0218.

⁴⁴ Page & Ross, *supra* note 18.

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commercial projects, parks, convention centers, and other public improvements.⁴⁵ The goal of these improvements was to revitalize aging downtown areas.⁴⁶

Still, these projects often led to widespread displacement of low-income and minority communities who endured rough treatment from local renewal agencies.⁴⁷ Rather than improving the lives of displaced individuals, renewal projects reinforced patterns of racial segregation.⁴⁸ These reinforced patterns resulted from federal legislation, which left critical decisions to local redevelopment agencies that were tasked with deciding which areas to clear and what to do with the site afterward.⁴⁹ Often the local redevelopment agencies' motivations, objectives, and capacities were deeply rooted in local political and economic circumstances.⁵⁰ The residents of the Auraria neighborhood and other neighborhoods selected in Denver for redevelopment received the short end of the stick at the hands of one prominent local agency and local politicians.⁵¹

C. *Auraria, the Blighted Neighborhood*

Plans to revitalize Denver emerged in the mid-1950s.⁵² To combat and eliminate post-World War II slum housing conditions, the local government created the Denver Urban Renewal Authority ("DURA") in 1958 to eradicate the slums of four neighborhoods near Auraria: Avondale, Blake Street, Jerome Park, and Whittier.⁵³ DURA, an independent agency from the city of Denver, had the authority to "acquire blighted property through condemnation, if necessary, relocate occupants of the property, and affect its redevelopment."⁵⁴ As a result of the Housing Act of 1949, the city of Denver applied for federal grants and loans to accomplish urban renewal projects that could not be possible with solely state and local funds.⁵⁵ Denver, however, was already being described as "blighted" in studies conducted for the

⁴⁵ Page & Ross, *supra* note 18, at 1295.

⁴⁶ Page & Ross, *supra* note 18, at 1295.

⁴⁷ Page & Ross, *supra* note 18, at 1295.

⁴⁸ Page & Ross, *supra* note 18, at 1295.

⁴⁹ Page & Ross, *supra* note 18, at 1295.

⁵⁰ Page & Ross, *supra* note 18, at 1295.

⁵¹ Page & Ross, *supra* note 18, at 1295.

⁵² Page & Ross, *supra* note 18, at 1296.

⁵³ Alfredo Luis Calvo (@alfredoluisalvo), *The Hole in the Heart of the City*, MEDIUM, (Apr. 20, 2018), https://medium.com/@alfredoluisalvo/the-hole-in-the-heart-of-the-city-8231d163411f#_ftn4

⁵⁴ *Id.* (citing DENVER URB. RENEWAL AUTH., 50 YEARS OF REVITALIZING DENVER, 8 (2008)).

⁵⁵ *Id.*

Denver Housing Authority.⁵⁶ Thus, even before the 1949 Housing Act, state agencies used the term “blight” to describe Auraria.⁵⁷

From its inception, representatives of financial, commercial, and real estate interests plagued the DURA Board of Commissioners, influencing the agency’s program priorities.⁵⁸ A 1954 city report included the term blight to describe Auraria as a minority-filled space marked by poverty and deteriorating infrastructure.⁵⁹ The source attributed statistics including 50 percent of crime, 70 percent of fire calls, 80 percent of juvenile delinquency, 80 percent of narcotic cases, and others to Auraria to reiterate that this extreme blight was a “cancerous” threat to the city.⁶⁰ DURA released a report in 1959 titled “Status of Urban Renewal in Denver” to initiate a long-range program.⁶¹ In the report, DURA states, “Denver just as all other American cities are growing old. . . .[a]s these residential structures become older, they deteriorate and become less useful and more expensive to use and maintain, not only to people who live in them but to the city as well.”⁶² The Home Owners Loan Corporation (“HOLC”) classified the four neighborhoods DURA selected for the program, including Auraria, as “hazardous” because of demographics and income levels, marking them yellow and red.⁶³ These classifications likely impacted the DURA project by remaining in the minds of experts and politicians who brought forth the renewal tasks.⁶⁴ HOLC’s categorization of neighborhoods as “hazardous” caused racially minority areas to be subject to aggressive urban renewal policies and projects.⁶⁵

DURA proposed three urban renewal projects between 1960 and 1965.⁶⁶ A debate over the use of government funds placed a hold on the Auraria Campus and another project.⁶⁷ To use the government funds,

⁵⁶ Page & Ross, *supra* note 18, at 1299.

⁵⁷ Page & Ross, *supra* note 18, at 1299.

⁵⁸ Page & Ross, *supra* note 18, at 1296.

⁵⁹ Page & Ross, *supra* note 18, at 1296.

⁶⁰ Page & Ross, *supra* note 18, at 1300.

⁶¹ Calvo, *supra* note 53 (citing Denver Urb. Renewal Auth., Status of Urb. Renewal, 1 (1959)).

⁶² Calvo, *supra* note 53 (citing DENVER URB. RENEWAL AUTH., STATUS OF URB. RENEWAL, 1 (1959)).

⁶³ Calvo, *supra* note 53 (citing DENVER URB. RENEWAL AUTH., STATUS OF URB. RENEWAL, 1 (1959)).

⁶⁴ Calvo, *supra* note 53.

⁶⁵ Calvo, *supra* note 53 (citing DOUGLAS W. RAE, *Race, Place, and Spatial Hierarchy, in CITY URBANISM AND ITS END*, 282 (New Haven: Yale Univ. Press 2003)).

⁶⁶ Calvo, *supra* note 53.

⁶⁷ Calvo, *supra* note 53 (citing DENVER URB. RENEWAL AUTH., 50 YEARS OF REVITALIZING DENVER, 8 (2008)).

DURA needed support from voters. Luckily for DURA, a catastrophic flood occurred in 1965 that affected Auraria and became the catalyst for initiating the project's initial development.⁶⁸ DURA was then able to use Auraria's destruction to gain support from voters.⁶⁹ Using the flood, DURA aimed to convince voters that the Auraria neighborhood was hopelessly blighted, with three-fourths of its housing inventory "dilapidated or damaged beyond repair."⁷⁰ In reality, the flood impacted less than half of the area.⁷¹ DURA's labeling of Auraria as blighted before the campus site selection and the fear and stigma that came with that label resulted in the vicinity being socially and economically irredeemable.⁷² In 1968, DURA field inspectors looked for blight in the Auraria neighborhoods.⁷³ They found all seven of the social and environmental conditions used to confirm a blighted area establishing eligibility for urban renewal funds: "overcrowding, excessive dwelling unit density, conversions to incompatible uses, obsolete building types, detrimental land uses and conditions, inefficient streets, and inadequate public utilities or community facilities."⁷⁴

D. *The Auraria Higher Education Center Project*

Colorado, like other states in the nation during the late 1960s, faced the pressures of the increasing demands placed upon its state to support higher education.⁷⁵ In the summer of 1968, the CCHE undertook a comprehensive study to develop a plan to provide a practical framework for higher education in Denver.⁷⁶ The study found that only 43 percent of all Colorado students enrolled in public higher education were accommodated in facilities located within the five Denver metro counties of Adams, Arapahoe, Boulder, Denver, and Jefferson.⁷⁷ Only 36

⁶⁸ Calvo, *supra* note 53.

⁶⁹ Calvo, *supra* note 53.

⁷⁰ Calvo, *supra* note 53 (citing Alan Prendergast, *The 1965 Flood: How Denver's Greatest Disaster Changed the City*, WESTWORD, <http://www.westword.com/news/the-1965-flood-how-denvers-greatest-disaster-changed-the-city-6668119> (last modified Apr. 29, 2015)).

⁷¹ Calvo, *supra* note 53 (citing Alan Prendergast, *The 1965 Flood: How Denver's Greatest Disaster Changed the City*, WESTWORD, <http://www.westword.com/news/the-1965-flood-how-denvers-greatest-disaster-changed-the-city-6668119> (last modified Apr. 29, 2015)).

⁷² Page & Ross, *supra* note 18, at 1300.

⁷³ Page & Ross, *supra* note 18, at 1300.

⁷⁴ Page & Ross, *supra* note 18, at 1302.

⁷⁵ LAMAR KELSEY AND ASSOC., SITE PLAN. AURARIA HIGHER EDUC. CENT., 9 (1971), <https://files.eric.ed.gov/fulltext/ED072548.pdf>.

⁷⁶ *Id.*

⁷⁷ *Id.*

percent of the permanent higher education facilities in Colorado were located in the Denver Metropolitan Area, and the University of Colorado provided the majority of these facilities at Boulder and the Colorado School of Mines in Golden, Colorado.⁷⁸ The institutions temporarily rented out the remaining facilities.⁷⁹ Thus, CCHE concluded that people within the Metropolitan Denver Area need higher education opportunities.⁸⁰

Due to the vast variance in student backgrounds, CCHE decided that higher education needed to be made available to the people of Denver for the lowest possible cost.⁸¹ After a feasibility study conducted by CCHE, with the assistance of DURA,⁸² the Auraria neighborhood was officially designated as the location for the Auraria Higher Education Center (“AHEC”).⁸³ The project was expected to cost seventy-three million dollars and occupy one hundred and sixty-three acres.⁸⁴ The U.S. Department of Housing and Urban Development (“H.U.D.”) approved DURA’s Auraria Urban Renewal Plan in early 1969.⁸⁵ For the acquisition and clearance of the land and relocation costs, the federal government estimated the price to be \$24.2 million.⁸⁶ The State of Colorado would be responsible for \$5.6 million in purchase costs for the land, while the federal government would give a grant of \$12.6 million.⁸⁷ The City of Denver would be responsible for the remaining six million dollars, which would be raised via general obligation bonds.⁸⁸ General obligation bonds required voter approval.⁸⁹ Thus, Denver needed to hold a bond election, and the State of Colorado declined to pay its share of the costs until the voters approved general obligation bonds.⁹⁰

E. Auraria Neighborhood Demographics at the Project’s

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ Lamar, *supra* note 75, at 9.

⁸² Page & Ross, *supra* note 18, at 1299.

⁸³ Magdalena Gallegos, *Hispanic Life in Auraria, Colorado: The Twentieth Century*, 9 NO. 1/2, U.S. CATH. HISTORIAN 195, 207 (Winter-Spring 1990), <http://www.jstor.org/stable/25146245>.

⁸⁴ *Id.* at 207.

⁸⁵ Page & Ross, *supra* note 18, at 1303.

⁸⁶ Page & Ross, *supra* note 18, at 1303.

⁸⁷ Page & Ross, *supra* note 18, at 1303.

⁸⁸ Page & Ross, *supra* note 18, at 1303.

⁸⁹ Page & Ross, *supra* note 18, at 1303.

⁹⁰ Page & Ross, *supra* note 18, at 1303.

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Greenlighting and the Resistance

When DURA completed its relocation survey, it estimated that approximately one hundred families in the Auraria area would be displaced.⁹¹ Of the one hundred families, ninety-two were interviewed for the study.⁹² Sixty-eight interviewed families rented their homes, and twenty-four owned their homes.⁹³ Only thirteen families had no children; seven had five children, seven had four children, twelve had three children, ten had two children, and the remaining seven had one child.⁹⁴ Most of the children in the families who rented were younger than nine years old.⁹⁵ Of the ninety-two families interviewed, eighty-one (88 percent) were Spanish-named, and the remaining eleven were Anglo.⁹⁶ The annual incomes of the families who rented ranged from one thousand to six thousand dollars or more, with most heads of households working in unskilled or semi-skilled jobs, not requiring definite skills.⁹⁷

In comparison, the average family income for traditional homes in the United States in 1970 was \$13,270.⁹⁸ Fifty-six of the households renting (82 percent) had family members with less than a twelfth-grade education, eleven of the tenant head of household members (16 percent) had a high school diploma, and only one tenant head of household had some college education.⁹⁹ Of the sixty-eight families who rented, fifty-four (79 percent) paid a monthly rent of seventy-four dollars or less, and 33 percent spent less than fifty-four dollars per month in rent.¹⁰⁰ Eighty-seven (95 percent) of the families had lived in Denver for at least fifteen years or longer, and twenty-seven (46 percent) lived in the Auraria neighborhoods for five years or longer.¹⁰¹ Auraria was one of the city's poorest neighborhoods.¹⁰² Over half of the

⁹¹ DENVER URB. RENEWAL AUTH., SUMMARY: RELOCATION SURV. OF RESIDENTS IN THE PROPOSED AURARIA URB. RENEWAL PROJECT AREA 1 (1969), <https://digital.denverlibrary.org/digital/collection/p15330coll6/id/657/>.

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.* at 1–2.

⁹⁵ *Id.* at 2.

⁹⁶ *Id.*

⁹⁷ DENVER URB. RENEWAL AUTH. *supra*, note 91, at 2.

⁹⁸ Page & Rose, *supra* note 18, at 1302.

⁹⁹ DENVER URB. RENEWAL AUTH. *supra*, note 91, at 2.

¹⁰⁰ DENVER URB. RENEWAL AUTH. *supra*, note 91, at 3.

¹⁰¹ DENVER URB. RENEWAL AUTH. *supra*, note 91, at 3.

¹⁰² Page & Ross, *supra* note 18, at 1302.

households were eligible for public housing, and over half of Auraria's households fell below the 1970 poverty line.¹⁰³

Though the campus received a great deal of publicity,¹⁰⁴ residents of Auraria heard of the Auraria Higher Education Center project only after the city decided to turn the neighborhood into the home of the new campus.¹⁰⁵ CCHE announced the selection process results in March of 1968, released a description of the shared campus concept in September, and presented the feasibility study and plan in November.¹⁰⁶ Residents claimed, however, that they had not heard about the project until DURA circulated informational flyers about the relocation process in 1969, three years after the public identification of Auraria as a possible campus site and only two months before the bond election.¹⁰⁷ Residents were never consulted or informed about critical decisions as plans for the campus unfolded.¹⁰⁸ When DURA circulated the informational packets to the residents and business owners of the area notifying them of their impending relocation, the packets provided were in English.¹⁰⁹ Meanwhile, most of Auraria's residents were predominantly Hispanic Spanish-speaking residents.

The residents did not want to move, and one hundred and fifty-five families filed lawsuits.¹¹⁰ Because they were not included in the decision-making process, the lack of transparency and information left many residents upset and ready to organize to save their homes.¹¹¹ Many Chicano (of Mexican descent)¹¹² activist groups began to organize and join together to support Auraria residents.¹¹³ The "Preserve the Westside Committee" based out of Centro Cultural a few blocks from the

¹⁰³ Page & Ross, *supra* note 18, at 1302.

¹⁰⁴ Page & Ross, *supra* note 18, at 1303.

¹⁰⁵ Michael A. Lee, *Forgotten Alliance: Jews, Chicanos, and the Dynamics of Class and Race in Denver, Colorado, 1967-1971*, 30 SHOFAR 1, 19 (2012), https://www.jstor.org/stable/10.5703/shofar.30.2.1?seq=1&cid=pdf-reference#references_tab_contents, [<https://doi.org/10.1353/sho.2012.0009>].

¹⁰⁶ Page & Ross, *supra* note 18, at 1303.

¹⁰⁷ Page & Ross, *supra* note 18, at 1304.

¹⁰⁸ Page & Ross, *supra* note 18, at 1303.

¹⁰⁹ Jodi Summers, *Auraria: From Neighborhood to Campus* 47 (Apr. 24, 2003) (M.A. thesis, University of Colorado at Denver) (on file with Auraria Library, Auraria Higher Education Center), <https://digital.auraria.edu/work/ns/c1fe851c-b5ee-401d-8023-ba69b5c85d7f>.

¹¹⁰ Gallegos, *supra* note 83, at 207. For an explanation on the differences in reported total families displaced, see *infra* p. 552 and text accompanying note 175.

¹¹¹ Summers, *supra* note 109 (quoting Magdalena Gallegos, *History of the Hispanic Settlers in Auraria: the Forgotten Community* (1985)).

¹¹² *Chicano*, MERRIAM-WEBSTER'S DICTIONARY (2022), <https://www.merriam-webster.com/dictionary/Chicano>.

¹¹³ Page & Ross, *supra* note 18, at 1305.

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future Auraria campus formed. Their main worry was the displacement of Auraria residents, but also that with the sizeable incoming student population, the remaining housing in the area would increase in price, thus altering the character of the surrounding neighborhoods.¹¹⁴

An assistant pastor of St. Cajetan's Church, Jewish communities,¹¹⁵ and various Chicano student organizations at Metropolitan State University of Denver (Metro State) and the University of Colorado at Denver (Denver Center) joined the efforts to stop the bond election vote from being successful.¹¹⁶ The group used the following three principal arguments against the building of the campus: (1) it was wrong that the people of the neighborhood had not been asked if they wanted to move or consulted—reflecting the longstanding political marginalization of Denver's Hispanic community; (2) despite being labeled "blighted," the residents valued their neighborhood as the focal point of Hispanic social life; and (3) it was unjust to destroy this deeply held sense of community—as the displaced may find housing elsewhere but would not be able to recreate their community.¹¹⁷ Furthermore, the coalition thought the project proponents used manipulative tactics.¹¹⁸

Supporters of the new campus and bond issue spearheaded a well-organized campaign named the "Vote for Greatness."¹¹⁹ "DURA's executive director, the DDI, the Mayor's office, and Metro State students" piloted the campaign, which garnered extensive support from the local media.¹²⁰ One thousand mostly white students canvassed twenty-thousand homes and collected eight thousand pledges to vote 'yes' on the bond issue.¹²¹ The project's most prominent supporters presented the following three main arguments in favor of the project: (1) the neighborhood's physical condition; (2) the low cost of the project; and

¹¹⁴ Page & Ross, *supra* note 18, at 1305.

¹¹⁵ Calvo, *supra* note 53 (citing "Decolonizing the History of Auraria Campus," *Skyline and Auraria History—An Untold History of Urban Renewal: Displacement, Gentrification and Wasteful Government Spending*, WORDPRESS, <https://skylineandauraria.wordpress.com/> (last modified Feb. 28, 2017)).

¹¹⁶ Page & Ross, *supra* note 18, at 1305.

¹¹⁷ Page & Ross, *supra* note 18, at 1305.

¹¹⁸ Calvo, *supra* note 53 (citing "Decolonizing the History of Auraria Campus," *Skyline and Auraria History—An Untold History of Urban Renewal: Displacement, Gentrification and Wasteful Government Spending*, WORDPRESS, <https://skylineandauraria.wordpress.com/> (last modified Feb. 28, 2017) ("[t]he Westside Coalition organized by students of Metro State College, Richard and Virginia Castro fought alongside Jewish communities against the manipulative narrative of justifying displacement for higher education and benefits of it.)).

¹¹⁹ Calvo, *supra* note 53.

¹²⁰ Page & Ross, *supra* note 18, at 1305.

¹²¹ Page & Ross, *supra* note 18, at 1305.

(3) what the campus would mean for not only the current and incoming students, but the future opportunities availed to the displaced and their children.

Denver Mayor William McNichols stated, “Auraria is a deteriorating area. That’s not an indictment against the people in the area: it’s a plain fact,” to counteract the unjustness of the impending displacement.¹²² Proponents reiterated that Auraria required relocating the fewest people¹²³ of all the potential campus sites and would cost the least money.¹²⁴ A member of the DDI, to get support from Auraria residents, told the residents that the campus “is an opportunity for a fine education complex for you, your children, and your children’s children.”¹²⁵ One Metro State student proponent told the residents, “[i]f [the] Blacks and Hispan[ics] of Denver—and the whole nation—are ever going to gain an equal footing in this society, they will need doctors, lawyers, businessmen, and other professionals to enrich and serve their community.”¹²⁶ Paco Sanchez, a State Representative from Colorado House District 7 (which included Auraria), stated, “[t]his is a tremendous opportunity for my people. I don’t want the college to go anywhere else. My young people will be within walking distance of the college, in the heart of the city, only blocks from their homes. I am for it. You cannot replace education.”¹²⁷ State Senator Roger Cisneros, a supporter of the plan, stated, “[t]he opposition’s protest is valid. Still, there has been some inconvenience in the long-range progress plan.”¹²⁸

In the final week before the bond election, a Catholic Archbishop, James Casey, encouraged all Catholics to support the bond issue by writing a letter of support to the entire Denver Archdiocese.¹²⁹ This letter stated, “[o]ne of the special aims of the project is to provide these facilities for minority and disadvantaged groups who might not otherwise be able to afford the expenses of a college education.”¹³⁰ Because many in the neighborhood and eligible voters took their Catholic faith very seriously, this letter of support proved very

¹²² Page & Ross, *supra* note 18, at 1305–06.

¹²³ Page & Ross, *supra* note 18, at 1306.

¹²⁴ See generally DENVER’S URB. RENEWAL AUTH., DENVER’S URB. RENEWAL PROGRAM AND THE AURARIA CTR.-CITY COLL. COMPLEX 1–2 (1969), <https://digital.denverlibrary.org/digital/collection/p15330coll6/id/639/>.

¹²⁵ Page & Ross, *supra* note 18, at 1306.

¹²⁶ Page & Ross, *supra* note 18, at 1306.

¹²⁷ Page & Ross, *supra* note 18, at 1306.

¹²⁸ Page & Ross, *supra* note 18, at 1306.

¹²⁹ Page & Ross, *supra* note 18, at 1306.

¹³⁰ Page & Ross, *supra* note 18, at 1306.

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damaging to the coalition's efforts.¹³¹ On November 4, 1969, the bond issue passed with 54 percent of the vote in favor and 47 percent of the vote against, with the margin of defeat under 4,000 votes.¹³² Only 29 percent of Denver's registered voters participated, and the Auraria voter precinct came down to the wire—with six hundred and ninety votes for the bond issue and six hundred and seventy-eight votes against it.¹³³

F. Continued Resistance

The construction of the three college campuses continued after the bond vote but not without resistance from the coalition and the Auraria Residents' Organization Inc. ("A.R.O.").¹³⁴ A.R.O., led by Father Garcia of St. Cajetan's Church, became a watchdog for residents' rights during relocation. The group conducted a detailed household survey of the Auraria and found that more individuals eligible for relocation supported the bond issue than DURA initially found.¹³⁵ Members of A.R.O. made their voices heard at City Hall in the 1970s by advocating for funds to build low-income housing, subsidize home purchases, and rehabilitate deteriorating homes.¹³⁶ Additionally, they secured funds to create a neighborhood health clinic, contested city zoning laws that promoted replacing existing single-family homes and duplexes with high-rise apartments and commercial buildings, fought against transportation plans aiming to direct high-volume traffic through the center of the neighborhood, and advocated for fair treatment of the area's youth by police.¹³⁷ In conjunction with the Auraria Board, they formed the Westside Auraria committee.¹³⁸ The Westside Auraria Board oversaw campus-community relations. The board's leaders entered electoral politics to dampen the longstanding political marginalization of Hispanic communities in the city and state.¹³⁹

In 1972, the A.R.O. called a meeting in which they threatened to create a "tent city" due to excessive evictions.¹⁴⁰ Residents of Auraria were to be given funds to relocate, including renters.¹⁴¹ Still, because

¹³¹ Page & Ross, *supra* note 18, at 1306.

¹³² Page & Ross, *supra* note 18, at 1306.

¹³³ Page & Ross, *supra* note 18, at 1306.

¹³⁴ Gallegos, *supra* note 83.

¹³⁵ Page & Ross, *supra* note 18, at 1311.

¹³⁶ Page & Ross, *supra* note 18, at 1311.

¹³⁷ Page & Ross, *supra* note 18, at 1311.

¹³⁸ Page & Ross, *supra* note 18, at 1311.

¹³⁹ Page & Ross, *supra* note 18, at 1311.

¹⁴⁰ Gallegos, *supra* note 83, at 208.

¹⁴¹ Gallegos, *supra* note 83, at 208.

some homes violated building codes and landlords evicted the renters instead of fixing the houses, renters were still deemed ineligible to receive funding.¹⁴² These evicted residents, who had lived in the area for years, now had nowhere to live and could not claim the relocation funds.¹⁴³ A.R.O. activists continued their efforts and went to Washington, D.C., to get compensation for the residents, but they accomplished little,¹⁴⁴ and their petitions to the Supreme Court were unsuccessful.¹⁴⁵

A plan to develop an alternative campus plan retaining part of the Hispanic neighborhood came forward where “existing satisfactory and redeemable housing and community facilities” were incorporated into the campus.¹⁴⁶ The agenda included St. Cajetan’s church, the Ave Maria Health Clinic, the Tivoli Brewery, and many homes near the church.¹⁴⁷ The plan’s designer also suggested the construction of new homes on the north side of the project site that would house displaced Auraria residents, as well as a new neighborhood shopping center.¹⁴⁸ To the designer of the alternative campus plan, “historic preservation” meant saving old buildings and the city’s architectural heritage and maintaining the Auraria community itself.¹⁴⁹ Residents, however, did not see the alternate campus plan until late October.¹⁵⁰ With insufficient time to support the alternative plan to form before the election, DURA rejected the idea, claiming that the site was not large enough to keep the wanted significant buildings and elements of the community in place.¹⁵¹ Because public funds were used, however, the National Register of Historic Places (“NHPA”) restricted DURA and prohibited demolishing buildings eligible to be placed on the NHPA without entering an extended evaluation process.¹⁵² Some of these buildings were designated Denver landmarks and protected from demolition.¹⁵³

DURA leaders faced politically driven fights to cease the landmark designation of neighborhood churches like St. Elizabeth and St.

¹⁴² Gallegos, *supra* note 83, at 208.

¹⁴³ Gallegos, *supra* note 83, at 208.

¹⁴⁴ <http://www.jstor.org/stable/25146245> Gallegos, *supra* note 83, at 207.

¹⁴⁵ Calvo, *supra* note 53 (citing “Decolonizing the History of Auraria Campus,” *Skyline and Auraria History—An Untold History of Urban Renewal: Displacement, Gentrification and Wasteful Government Spending*, WORDPRESS, <https://skylineandauraria.wordpress.com/> (last modified Feb. 28, 2017)).

¹⁴⁶ Page & Ross, *supra* note 18, at 1308.

¹⁴⁷ Page & Ross, *supra* note 18, at 1308.

¹⁴⁸ Page & Ross, *supra* note 18, at 1308.

¹⁴⁹ Page & Ross, *supra* note 18, at 1308.

¹⁵⁰ Page & Ross, *supra* note 18, at 1308.

¹⁵¹ Page & Ross, *supra* note 18, at 1308.

¹⁵² Page & Ross, *supra* note 18, at 1308.

¹⁵³ Page & Ross, *supra* note 18, at 1309.

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Cajetan.¹⁵⁴ The Tivoli Brewery became a more contentious fight, although the Denver Landmark Preservation Committee (“DLPC”) recommended the brewery for landmark designation.¹⁵⁵ Denver City Council denied the registration in February 1970 after consulting with DURA.¹⁵⁶ DURA wanted to prevent the landmark designation of the Tivoli because the size of the building would cause a hiccup in the campus-site planning process.¹⁵⁷ Furthermore, DURA argued that if they were to keep Tivoli, it would need to be restored, but it would only be financially feasible through private commercial development.¹⁵⁸ This type of development, however, was prohibited because of DURA’s contract with the federal government, which stated that all buildings in the urban renewal area were to serve solely higher education purposes.¹⁵⁹

In 1972, after their efforts, the DLPC gained landmark status for a significant part of the fifteen-building brewery complex, which halted DURA’s demolition plans.¹⁶⁰ DURA had no choice but to work with the Auraria Board, which governed the new higher education center; therefore, they had a say in repurposing the use of the Tivoli buildings.¹⁶¹ At one point, the contentions between DURA and the Auraria Board about the building development escalated to the point that DURA took the case to court.¹⁶² The judge ruled against DURA, noting, “any decisions concerning what is necessary, accessory, or supportive of higher education lies with the Auraria Board . . .”¹⁶³

In 1972, Etter and Ken Watson, a photographer and Historic Denver’s first director, respectively, proposed preserving a block on Ninth Street and converting its buildings into campus administrative offices, with the surrounding street turned into a park.¹⁶⁴ This block had been part of the previously mentioned alternative campus plan.¹⁶⁵ Like many other preservation efforts, DURA once again wanted no part of the idea and put out bids to demolish the area.¹⁶⁶ Historic Denver, however,

¹⁵⁴ Page & Ross, *supra* note 18, at 1309.

¹⁵⁵ Page & Ross, *supra* note 18, at 1309.

¹⁵⁶ Page & Ross, *supra* note 18, at 1309.

¹⁵⁷ Page & Ross, *supra* note 18, at 1309.

¹⁵⁸ Page & Ross, *supra* note 18, at 1309.

¹⁵⁹ Page & Ross, *supra* note 18, at 1309.

¹⁶⁰ Page & Ross, *supra* note 18, at 1309.

¹⁶¹ Page & Ross, *supra* note 18, at 1309–10.

¹⁶² Page & Ross, *supra* note 18, at 1309.

¹⁶³ Page & Rose, *supra* note 18, at 1310.

¹⁶⁴ Page & Ross, *supra* note 18, at 1310.

¹⁶⁵ Page & Ross, *supra* note 18, at 1301, 1307.

¹⁶⁶ Page & Ross, *supra* note 18, at 1310.

appealed to the Auraria Board, which approved the Ninth Street plan.¹⁶⁷ Due to the mature historic preservation movement, Historic Denver, and efforts of the DLPC, which mobilized increased preservation-minded citizenry, developed the Ninth Street restoration plan and raised one million dollars to carry out the work.¹⁶⁸ These DLPC efforts saved fourteen buildings on Denver's oldest surviving residential block.¹⁶⁹ Planners and politicians later admitted they were wrong to exclude neighborhood residents and business owners from the process.¹⁷⁰ This exclusion became one of the key lessons for urban renewal moving forward.¹⁷¹ Because Auraria's rising local preservation movement politically outflanked DURA, DURA was forced to accommodate historic preservation interests in later projects.¹⁷²

G. Displacement Headaches

Between 1968 and 1984, DURA began acquiring property through condemnation to clear the land for the AHEC site.¹⁷³ It is estimated that two hundred to three hundred families were living in the neighborhood, and around two hundred businesses were operating, a much larger number than reported by DURA.¹⁷⁴ While Auraria population estimates vary widely, for this comment, the A.R.O survey estimate of eight hundred and twenty-three individuals will be recognized as the most likely estimate since that number is closest to the 1970 U.S. Census estimate.¹⁷⁵ As a contingency for receiving federal funds, DURA was obligated to guarantee that all displaced residents were "reoused in safe, decent[,] and adequate housing in a manner which [would] not be

¹⁶⁷ Page & Ross, *supra* note 18, at 1310.

¹⁶⁸ Page & Ross, *supra* note 18, at 1310.

¹⁶⁹ Page & Ross, *supra* note 18, at 1310.

¹⁷⁰ Page & Ross, *supra* note 18, at 1312.

¹⁷¹ Page & Ross, *supra* note 18, at 1312.

¹⁷² Page & Ross, *supra* note 18, at 1312.

¹⁷³ Calvo, *supra* note 53 (citing Alan Prendergast, *Looking to Auraria's Future while Studying the Lessons of its Past*, WESTWORD, <http://www.westword.com/news/looking-to-aurarias-future-while-studying-the-lessons-of-its-past-5119749> (last modified Feb. 28, 2013)).

¹⁷⁴ Calvo, *supra* note 53 (citing Alan Prendergast, *Looking to Auraria's Future while Studying the Lessons of its Past*, WESTWORD, <http://www.westword.com/news/looking-to-aurarias-future-while-studying-the-lessons-of-its-past-5119749> (last modified Feb. 28, 2013)).

¹⁷⁵ Page & Rose, *supra* note 18, at 1321.

detrimental to any of the families involved.”¹⁷⁶ The Federal regulations and Colorado Urban Renewal Law required this contingency.¹⁷⁷

DURA relied heavily on the support of low-cost housing programs by non-profit organizations such as the Denver Metro Fair Housing Center, Denver Catholic Archdiocese, Franciscan Sisters, Volunteers of America, American Baptist Convention, Buddhist Church, and others.¹⁷⁸ Though DURA records indicate that most displaced households found housing in Denver,¹⁷⁹ research suggests that the displaced were rehoused in areas classified as blighted or considered slums,¹⁸⁰ and in 1970, housing available to Auraria residents became scarce.¹⁸¹ A study by the Denver Regional Council of Government conveyed that Denver needed five thousand new units of low-income housing annually, and the number of units being constructed at the time was below that figure.¹⁸² Forty-three of the one hundred families surveyed by DURA were eligible for public housing due to their low income, but only two at most showed interest in moving into public housing.¹⁸³ Ninety-five percent of the tenant families wanted to move as close to the Auraria area as possible if the rentals were reasonable and similar in pricing to what they were paying before relocation.¹⁸⁴ The survey concluded that many tenant families needed either a three-, four-, or five-bedroom rental unit for eighty dollars or less—with eighty dollars being the maximum they could afford.¹⁸⁵

Once DURA recognized there were no private rentals with the number of bedrooms at the rental price families could afford, it pushed these families to consider going into public housing.¹⁸⁶ The relocation payments offered to the displaced could only go so far, as the rising costs in the city made it difficult for displaced Aurarians to find new

¹⁷⁶ Page & Rose, *supra* note 18, at 1313–1314.

¹⁷⁷ DENVER URB. RENEWAL AUTH., THE AURARIA PROJECT AND RELOCATION 1 (1969), <https://digital.denverlibrary.org/digital/collection/p15330coll6/id/1212/> (“[t]his is a requirement of both Federal regulations and the Colorado Urban Renewal Law”).

¹⁷⁸ <https://digital.denverlibrary.org/digital/collection/p15330coll6/id/1212/> *Id.*

¹⁷⁹ Page & Rose, *supra* note 18, at 1313–14.

¹⁸⁰ Page & Rose, *supra* note 18, at 1313–14.

¹⁸¹ *New Housing for Auraria Residents Appears Scarce*, WEST SIDE RECORDER (Denver), Nov. 1970, at 2, <https://www.coloradohistoricnewspapers.org/?a=d&d=WSR19701101-01&e=-----en-20-1--img-txIN%7ctxCO%7ctxTA-----0----->.

¹⁸² *Id.*

¹⁸³ DENVER URB. RENEWAL AUTH., *supra* note 91, at 3.

¹⁸⁴ DENVER URB. RENEWAL AUTH., *supra* note 91, at 3.

¹⁸⁵ DENVER URB. RENEWAL AUTH., *supra* note 91, at 5.

¹⁸⁶ DENVER URB. RENEWAL AUTH., *supra* note 91, at 5.

residences nearby.¹⁸⁷ Residents paid significantly higher rents for new housing.¹⁸⁸ Buildings that were not up to code received no assistance, causing landlords to evict tenants instead of bringing the properties up to code, leaving many tenants without adequate help to relocate.¹⁸⁹ Thus, tenants not eligible for relocation aid were “forced to move from one unsanitary and overcrowded tenement to another” and moved to public housing projects.¹⁹⁰ Because of the displacement, families faced financial restraints, causing some children to drop out of school to assist in easing financial burdens.¹⁹¹

Homeowners, too, faced difficulties after being displaced. At the time of displacement, “[a]n average home in Denver in 1970 cost \$66,400,” and one resident of the Auraria neighborhood, who owned three houses, only received thirty-five thousand total.¹⁹² H.U.D. expressed dissatisfaction with DURA’s relocation plan in 1970 and demanded DURA (1) submit a plan to H.U.D. indicating when each of the one hundred and fifty-five families and seventy individuals on site would be moved and what suitable housing would be available at that time; (2) develop a relocation program for persons who do not qualify for federally subsidized housing; and (3) improve relocation of businesses on the site.¹⁹³ H.U.D. criticized the previously submitted plans because the housing listed to Auraria residents was available only before or after the residents’ relocation.¹⁹⁴

¹⁸⁷ David Gilbert, *Descendants of People Displaced to Create Denver’s Auraria Campus will Finally Get Free College Tuition*, THE COLORADO SUN (Nov. 8, 2021, 4:30 AM), <https://coloradosun.com/2021/11/08/auraria-campus-free-tuition-gentrification/>.

¹⁸⁸ Page & Rose, *supra* note 18, at 1314.

¹⁸⁹ Calvo, *supra* note 53 (citing “*Decolonizing the History of Auraria Campus*,” *Skyline and Auraria History— An Untold History of Urban Renewal: Displacement, Gentrification and Wasteful Government Spending*, WORDPRESS, <https://skylineandauraria.wordpress.com/> (last modified Feb. 28, 2017)).

¹⁹⁰ Calvo, *supra* note 53 (citing ROBERT M. FOGELSON, “INVENTING BLIGHT: DOWNTOWN AND THE ORIGINS OF URBAN DEVELOPMENT” IN *DOWNTOWN: ITS RISE AND FALL, 1880-1950*, at 378 (New Haven: Yale Univ. Press 2001)).

¹⁹¹ See Hernandez, *supra* note 34 (“[b]ecause of the financial impact of the displacement of their family, her brother Gregory Gomez quit school in eight grade to care for his siblings while their mother worked.”).

¹⁹² Calvo, *supra* note 53 (citing “*Decolonizing the History of Auraria Campus*,” *Skyline and Auraria History— An Untold History of Urban Renewal: Displacement, Gentrification and Wasteful Government Spending*, WORDPRESS, <https://skylineandauraria.wordpress.com/> (last modified Feb. 28, 2017)).

¹⁹³ *New Housing for Auraria Residents Appears Scarce*, WEST SIDE RECORDER (Denver), Nov. 1970, at 2, <https://www.coloradohistoricnewspapers.org/?a=d&d=WSR19701101-01&e=-----en-20-1—img-txIN%7ctxCO%7ctxTA-----0----->.

¹⁹⁴ *Id.*

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Auraria business owners launched their challenge to the Auraria project and the bond issue. In *Auraria Businessmen Against Confiscation, Inc. v. Denver Urban Renewal Auth.*,¹⁹⁵ plaintiffs argued that denying their businesses compensation for loss of goodwill or profit associated with the dislocation of their businesses deprived them of property without due process and just compensation.¹⁹⁶ Plaintiffs argued that they were discriminated against as a class in violation of the equal protection clauses in the federal and Colorado constitutions.¹⁹⁷ In the appeals court, the Appellants (Plaintiffs) sought a restraining order against DURA from further acquiring land within the Auraria Urban Renewal area and declared unconstitutional sections of statutes DURA exercised its authority.¹⁹⁸ After a hearing on the merits found the statutes constitutional, the appeals court dissolved the restraining order and denied the appellant's motion for a temporary injunction.¹⁹⁹

A statute enacted in 1963 empowered urban renewal authorities to make reasonable relocation payments to displaced individuals, families, and businesses within a metropolitan area after renewal.²⁰⁰ These payments were to be used for moving expenses and direct property losses but did not include compensation for loss of goodwill and profit.²⁰¹ C.R.S. 1963, 69-10-4 authorized payments in addition to condemnation award not to exceed fifteen thousand dollars for homeowners to aid in securing a replacement dwelling, and § 69-10-5 provided an amount not to exceed four thousand dollars for tenants.²⁰² Because the statute did not give an equal payment to business owners, the plaintiffs contended it was an illegal and unconstitutional classification violating the Equal Protection clauses.²⁰³

The Colorado Supreme Court reviewed and affirmed the decision of the Appeals Court. The court addressed the following issues: (1) can eminent domain actions be enjoined?; (2) are goodwill and profits compensable under eminent domain?; and (3) do the previously mentioned statutes create discriminatory or unjustified classification and, thus, deny plaintiffs of due process and equal protection of the

¹⁹⁵ *Auraria Businessmen Against Confiscation, Inc. v. Denver Urban Renewal Auth.*, 517 P.2d 845 (Colo. 1974).

¹⁹⁶ *Id.* at 846.

¹⁹⁷ *Id.*

¹⁹⁸ *Id.*

¹⁹⁹ *Id.*

²⁰⁰ *Id.* (referring to COLO. REV. STAT. § 139-62-5 (1963) ("C.R.S.")).

²⁰¹ *Auraria Businessmen Against Confiscation, Inc. v. Denver Urban Renewal Auth.*, 517 P.2d 845, 846 (Colo. 1974).

²⁰² *Id.* at 846.

²⁰³ *Id.* at 846-47.

law?²⁰⁴ Only the court's reasoning for questions two and three will be discussed for this comment. Plaintiffs alleged that goodwill and profits have a definite value associated with the location of the business, which would be affected upon relocation.²⁰⁵ Since C.R.S. 1963, 139-62-5(11) disallows payments for these losses, plaintiffs declared this deprived them of property without just compensation, in turn discriminating against business owners.²⁰⁶

The court recognized that although the goodwill of a business has some value, they adhere to the rule because changing the law is a job for the legislature, not the judiciary.²⁰⁷ Regarding the profits, the court also cited their reasoning in a previous case, "[f]inancial success in business is also too ephemeral and is tied to considerations involving the type of business which is being conducted, management, and a variety of other factors which are not tied to the land."²⁰⁸ Because C.R.S. 139-62-5(11) was not construed as creating additional elements compensable under Colorado eminent domain laws, lack of compensation for losses incidental to dislocation like goodwill and loss of profit, the court ruled not to render a finding of unconstitutionality.²⁰⁹

Regarding the plaintiffs' claim that the relevant statutes create discriminatory or unjust classifications, the court suggested that since the plaintiffs could not demonstrate the classification as "suspect," rational basis review was necessary.²¹⁰ The court did not perceive the statutes as dealing with only one class or persons; rather, the regulations classified the displaced persons into separate classes of homeowners, tenants, and businesses and accorded the same treatment to all within each class.²¹¹ Furthermore, the court held that a displaced businessman has different problems than a displaced resident, and thus, housing considerations do not necessarily affect them.²¹² The legislature was presumed to have acted constitutionally through the

²⁰⁴ *Id.* at 847.

²⁰⁵ *Id.*

²⁰⁶ *Id.*

²⁰⁷ *Auraria Businessmen Against Confiscation, Inc. v. Denver Urban Renewal Auth.*, 517 P.2d 845, 848 (Colo. 1974).

²⁰⁸ *Id.* at 848.

²⁰⁹ *Id.*

²¹⁰ *Id.*

²¹¹ *Id.* at 849.

²¹² *Id.*

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“one step at a time approach.”²¹³ Hence, the Colorado Supreme Court affirmed the appellate court’s judgment.²¹⁴

Since Denver voters needed to approve the bond for the city to pay its share of the cost, a subsequent case challenged the legality of the bond issue, seeking to deem the whole project unconstitutional. Although ultimately unsuccessful, the case is an essential part of the story. In *Karsh v. Denver*,²¹⁵ Auraria business owners filed a lawsuit against the City of Denver, challenging the legality of the bonds and bond issue in 1971.²¹⁶ The defendants proposed a charter amendment that authorized and empowered it to issue bonds to help defray the city’s share of the cost of a municipal urban renewal project (Auraria Campus).²¹⁷ This amendment had to be approved by voters and plaintiffs.²¹⁸ Opponents of the bond brought forth a declaratory action against the defendants to deem the amendment invalid.²¹⁹

Plaintiffs principally argued that the charter amendment did not comply with a limitation contained in Colorado Constitution Article XX § 1, which provided that Denver had the power to issue bonds upon the vote of the taxpaying electors at any special or general election, except for the possibility that the purpose of the bond issue was not an enumerated purpose within § 1.²²⁰ As previously mentioned, a bond election did take place, and the voters voted for the bond issue; however, plaintiffs argue that this type of bond issue was unconstitutional because Article XX § 1’s powers or purposes did not include urban renewal.²²¹ To be legal under the Colorado Constitution, the bond issue used for urban renewal needed a power or purpose pertaining to local and municipal matters.²²² The court cited another case that used general obligation bonds for purchasing lands donated by the United States and used for purposes of an Air Corps technical school, and a bombing field was held to be used for local and municipal purposes.²²³ Because the educational complex of Auraria similarly embraced a local

²¹³ *Auraria Businessmen Against Confiscation, Inc. v. Denver Urban Renewal Auth.*, 517 P.2d 845, 849 (Colo. 1974).

²¹⁴ *Id.*

²¹⁵ *Karsh v. Denver*, 490 P.2d 936 (Colo. 1971).

²¹⁶ *Id.*

²¹⁷ *Id.*

²¹⁸ *Id.* at 938.

²¹⁹ *Id.*

²²⁰ *Karsh v. Denver*, 490 P.2d 936, 938–39 (Colo. 1971).

²²¹ *Id.* at 939.

²²² *Id.*

²²³ *Id.* (citing *McNichols v. Denver*, 74 P.2d, 99 (Colo. 1937)).

and municipal matter, the court ruled the bond issue legal.²²⁴ Ultimately, a lack of coordination of efforts between Auraria business owners and residents existed due in part to the different needs of those represented within these classes.²²⁵ Residents were mainly tenants who would not benefit as much as the business owners who would be compensated more for their buildings and land.²²⁶

H. Promises Made, Lackluster Remedial Attempts, and the Enduring Effects of Displacement

Aside from the housing scarcity, the insufficient relocation payments, and the deficient underpayment to businesses, personnel of the AHEC project made various promises to Auraria residents. To “remedy” the displacement, city officials, including Mayor McNichols and DURA, offered compromises to residents.²²⁷ Residents were offered scholarships, a historic cultural center, and the preservation of some of the buildings on the site.²²⁸ The promised historic cultural center never came to be.²²⁹ Before preservation groups fought to get facilities recognized as historical, the most sacred structures, such as St. Cajetan’s Church, the Emmanuel Chapel, St. Elizabeth’s block on Ninth Street, and the Tivoli Brewery, were all set to be demolished.²³⁰ A pledge that resonated with even some of Auraria’s most dedicated opponents of relocation was the assurance that their children could be educated at the new campus.²³¹ Despite no physical documentation, many former Auraria residents remember being told that AHEC would give scholarships to people who lived in Auraria between 1955 and 1973.²³² Metropolitan State and the other colleges only began offering the

²²⁴ *Id.*

²²⁵ See generally Page & Ross, *supra* note 18, at 1321.

²²⁶ Page & Rose, *supra* note 18, at 1321.

²²⁷ Calvo, *supra* note 53.

²²⁸ Calvo, *supra* note 53.

²²⁹ Kelly Reinke, *Auraria Campus Expands Displaced Aurarian Scholarship to Increase Access to Education*, 9NEWS, (Nov. 4, 2021, 10:44 PM) <https://www.9news.com/article/news/education/auraria-campus-displaced-aurarian-scholarship/73-fea658b8-bebd-4490-bd8f-fd10ce4c15cf>.

²³⁰ See Reinke, *supra* note 229; Calvo, *supra* note 53.

²³¹ Donna Bryson, *In the ‘60s Denver Decided to Replace this Community with the Auraria Campus. Here’s What It Lost*, DENVERITE, (Nov. 5, 2018, 5:35 AM), <https://denverite.com/2018/11/05/denver-auraria-history-displacement/>.

²³² Katrina Leibee, *Que Casa? [What House] After Fifty Years, the Auraria Community is Still Searching for Home*, WESTWORD, (July 26, 2022, 8:52 AM), <https://www.westword.com/news/auraria-denver-campus-ninth-street-historic-park-casa-mayan-14619712>.

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promised scholarships after activists pushed for them.²³³ Two decades after the displacement, the Displaced Aurarian Scholarship was formed.²³⁴

In 1994, after years of campaigning by the community, the schools agreed to offer scholarships to displaced residents of the Auraria neighborhood, their children, and their grandchildren.²³⁵ Receiving the funds, however, proved difficult for some.²³⁶ Financial aid proved to be spotty, and many were turned away.²³⁷ Students attempting to receive their promised aid were subject to whatever policy was used by officials of each respective institution.²³⁸ At times, students were mistreated, with some forced to jump through hoop after hoop until giving up.²³⁹ When campaigning for the bond issue, proponents of the bill promised the Hispanic residents that the new campus would benefit their families and community by providing access to higher education.²⁴⁰ Hispanic residents were also told that the four-year Metro State College would have an “open door” admission policy similar to community colleges.²⁴¹ As noted previously, many Hispanic residents were pushed further from the city center. This problem only worsened when many campus employees wanted to live in residential areas adjacent to downtown.²⁴² Thus, in the late 1970s, a second wave of gentrification from the Auraria project occurred in the Baker and Citrus Park neighborhoods located near Auraria.²⁴³ Today, the Auraria campus is in the middle of downtown Denver and surrounded by skyrocketing rents and costs of living, making it even less likely that there will be affordable housing near campus for students who may benefit from the scholarship.²⁴⁴

²³³ Calvo, *supra* note 53 (citing Alan Prendergast, *Looking to Auraria's Future while Studying the Lessons of its Past*, WESTWORD, <http://www.westword.com/news/looking-to-aurarias-future-while-studying-the-lessons-of-its-past-5119749> (last modified Feb. 28, 2013)).

²³⁴ Bryson, *supra* note 231.

²³⁵ Leibe, *supra* note 232.

²³⁶ Reinke, *supra* note 229.

²³⁷ Gilbert, *supra* note 187.

²³⁸ Gilbert, *supra* note 187.

²³⁹ Gilbert, *supra* note 187.

²⁴⁰ Page & Rose, *supra* note 18, at 1306.

²⁴¹ Page & Rose, *supra* note 18, at 1306.

²⁴² Page & Rose, *supra* note 18, at 1315.

²⁴³ Page & Rose, *supra* note 18, at 1315.

²⁴⁴ Dara Bitler, *Yes, Rent Prices Are Still Rising in Denver Metro*, FOX31NEWS (July 12, 2022, 12:34 PM), <https://kdvr.com/news/local/are-rent-prices-leveling-off-in-denver-metro/>.

III. ANALYSIS OF THE DISPLACED AURARIAN SCHOLARSHIP STATUTE

In 2022, the Colorado General Assembly enacted the Displaced Aurarian Scholarship statute to codify and expand reparations owed to a well-established, close-knit, and predominantly Hispanic community of more than three hundred households displaced to build the Auraria Higher Education Center in the 1970s. This section will discuss the pros and cons of the statute and the necessary amendments from a historical perspective. Part A will discuss the expansion of the scholarship, the codification of the scholarship, the praise received from the legislation, and where the scholarship stands today. Part B will provide the historical deficiencies of the legislation. Finally, Part C will discuss proposed amendments to the Statute.

A. *Pros of the Statute, Expansion of the Scholarship, Codifying the Scholarship into Legislation, Community Praise of the Legislation, and Where the Displaced Aurarian Scholarship Stands Today*

Section (1)(a)(IV) of the relevant statute expands eligibility for the Displaced Aurarian Scholarship to *all* lineal descendants of people who lived in the Auraria neighborhood from 1955 to 1973 for undergraduate and graduate programs.²⁴⁵ The General Assembly declared that creating the Displaced Aurarian Scholarship for the descendants of people who lived in the Auraria neighborhood would make attending the Metropolitan State University of Denver, the University of Colorado at Denver, or the Community College of Denver more accessible.²⁴⁶ By codifying the Displaced Aurarian Scholarship, drafters of the statute reaffirm the state's commitment to equity and restorative justice by supporting and making educational opportunities accessible to the descendants of those displaced by the Auraria Higher Education Center.²⁴⁷

Section (1)(a)(IV) of the statute also creates the Displaced Aurarian Scholarship, whose purpose is to fully fund the tuition of descendants of displaced Aurarians to attend the Metropolitan State University of Denver, the University of Colorado at Denver, or the Community College of Denver.²⁴⁸ For the 2022-23 state fiscal year, the General Assembly, pursuant to section (1)(V)(4)(a), appropriated two million dollars from the general assembly fund for scholarships to the department to be

²⁴⁵ COLO. REV. STAT. § 23-70-117(1)(a)(IV) (2022) (emphasis added).

²⁴⁶ *Id.* § 23-70-117(1)(a)(IV)(b).

²⁴⁷ *Id.*

²⁴⁸ *Id.*

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allocated one-third each to the Board of Trustees for Metropolitan State University of Denver, Board of Regents of the University of Colorado at Denver, and State Board of Community Colleges and Occupational Education of the Community College of Denver.²⁴⁹

Due to the state providing funding for the scholarships at each institution, students will likely feel some relief amid the ongoing tuition rises and inflation. With these changes, the legislature asserts that the scholarship will now live in perpetuity.²⁵⁰ Since this legislation has passed, leaders at the University of Colorado at Denver have loosened the rules of the scholarship program, removing a cap on the number of credit hours students can take and the type of degrees one can receive.²⁵¹ Students at the University of Colorado at Denver can now earn doctoral degrees through the scholarship.²⁵² Expanding and better codifying the scholarship is essential to fulfilling the mandates of all three colleges, all federally designated Hispanic Serving Institutions.²⁵³

The community response to the changes to the scholarship is positive. One community member stated, “[t]his is a step toward ensuring that all the promises made to our community were kept.”²⁵⁴ Since its inception, the scholarship has paid \$3.4 million in financial aid to roughly six hundred students at the University of Colorado Denver, \$1.4 million in assistance for three hundred and five students at the Metropolitan State University of Denver, and more than \$627,000 to one hundred and thirty-six students at the Community College of Denver.²⁵⁵ As mentioned, the scholarship only covered a few generations of displaced Aurarians and their descendants. At times, those eligible had to jump over hurdles to receive funding. Therefore, this expansion should allow more individuals with affected family members by displacement to receive an education. The three institutions, especially the University of Colorado at Denver, appear committed to offering reparations for the trauma induced by the loss of the neighborhood and the creation of the campus. This law allows for them to act as an equity-serving institution.²⁵⁶

²⁴⁹ See *id.* § 23-70-117(1)(a)(V)(a)(I)-(III).

²⁵⁰ Bloom & Beaty, *supra* note 9.

²⁵¹ Bloom & Beaty, *supra* note 9.

²⁵² Bloom & Beaty, *supra* note 9.

²⁵³ Bloom & Beaty, *supra* note 9.

²⁵⁴ Bloom & Beaty, *supra* note 9.

²⁵⁵ Gilbert, *supra* note 187.

²⁵⁶ See generally Bloom & Beaty, *supra* note 9.

B. The Historical Shortcomings of this New Legislation

Section (1)(a)(IV)(b)(3)(b) provides that to the extent money is available, the Metropolitan State University of Denver, the University of Colorado at Denver, and the Community College of Denver must supplement and support the investment of funds for the scholarship.²⁵⁷ The statute leaves a significant amount of discretion to the universities. It reads:

the “Metropolitan state university of Denver, the university of Colorado at Denver, and the community college of Denver shall, in collaboration, establish criteria for scholarship recipients, including, but not limited to: (I) Defining “eligible recipient”; (II) Defining “lineal descendants”; (III) Defining “Auraria neighborhood”; (IV) Defining “qualified degree programs”; and (V) Determining the documentation required to receive a scholarship.”²⁵⁸ Section (1)(a)(V)(4)(b) provides that “[t]he Metropolitan state university of Denver, the university of Colorado at Denver, and the community college of Denver shall hold the funds [provided by the state] in trust or transfer the funds to the institutional foundation of the institutions, and shall only use the funds for the purpose of the scholarship and any administrative costs of the scholarship. Any interest, income, and profit must be used for the scholarship.”²⁵⁹

Before the statute, the three universities were left to fund the scholarships and determine eligibility.²⁶⁰ As previously mentioned, students faced many obstacles when trying to obtain the aid they were entitled to. At a memory workshop hosted by the University of Colorado at Denver to honor the displaced, attendees said they did not know about the scholarship or discovered it too late.²⁶¹ Many of the scholarships provided previously were not open-ended. Before the statute and its funding became codified, officials at the three institutions had no plans to extend the scholarship.²⁶² Since the Displaced Aurarian scholarships began being awarded, the University of Colorado at Denver funded scholarships to one hundred and fifty eligible students, and only

²⁵⁷ COLO. REV. STAT. § 23-70-117 (1)(a)(IV)(b) (2022).

²⁵⁸ *Id.* § 23-70-117(1)(a)(IV)(c)(I)-(V).

²⁵⁹ *Id.* § 23-70-117 (1)(a)(V)(4)(b).

²⁶⁰ See Bloom & Beaty, *supra* note 9.

²⁶¹ Hernandez, *supra* note 34.

²⁶² Taylor Allen, *Decades After the Auraria Campus Displaced A Neighborhood, A Scholarship Meant to Make Amends May Be on the Last Generation*, COLO. PUB. RADIO NEWS, (Aug. 19, 2019, 3:42 PM), <https://www.cpr.org/2019/08/19/decades-after-the-auraria-campus-displaced-a-neighborhood-a-scholarship-meant-to-make-amends-may-be-on-the-last-generation/>.

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sixty-three obtained degrees. The Metropolitan State University of Colorado of Denver also funded scholarships to two hundred and seventy-two students, with only sixty-eight students obtaining degrees. Finally, the Community College of Denver funded one hundred and nineteen scholarships to students, and only twenty-six of those students received degrees.²⁶³ While it cannot definitively be said what caused the low number of students who obtained degrees compared to the total number of scholarships offered, some causes may be the previous eligibility requirements, credit caps, degree type eligibility, difficulties individuals faced from displacement, funding issues, and other issues many first-generation and Hispanic students face while receiving an undergraduate education.

The Displaced Aurarian Scholarship, historically and currently, only provides for tuition and fees. Though these scholarships provide tuition and fees, additional expenses incurred by attending the university, a mainly commuter campus, could have played a role in students not finishing their undergraduate educations. These fees include the cost of living, especially near the university, transportation costs, books and supplies, and other usual expenses accompanying higher education. Student housing is also not a covered expense since it does not fall under tuition and fees. Considering the past promises made to the displaced and the assurances that their children would be within walking distance of the campus, room and board should be included in the scholarship. Building student housing units that do not benefit the same students whose families had to give up their homes and community for the campus is counterintuitive.

It is concerning for the Colorado legislature to give such broad discretion to these three institutions at the onset of a remedial measure in light of their problematic histories. A document pulled from the Metropolitan State University of Colorado website after the legislation passed lists the guidelines and information for the Displaced Aurarian Scholarship eligibility at that respective institution.²⁶⁴ This document shows caps on the total number of credit hours or semester hours the scholarship is eligible for, a required minimum enrollment per semester, and a prohibition on using the scholarship for online and summer classes.²⁶⁵ This is just one example of the problem of allowing these institutions to have such broad discretion in (I) defining “eligible

²⁶³ Bryson, *supra* note 231.

²⁶⁴ *Displaced Aurarian Scholarship*, METRO. STATE UNIV., <https://www.msudenver.edu/wp-content/uploads/2021/06/DAAPP-Displaced-Aurarian-1.pdf> (last visited Feb. 4, 2024).

²⁶⁵ *Id.*

recipient”; (II) defining “lineal descendants”; (III) defining “Auraria neighborhood”; (IV) defining “qualified degree programs”; and (V) determining the documentation required to receive a scholarship. With the expansion of the scholarship to include graduate and doctoral degrees, what goes to say that students who could not take advantage before will take advantage now? This possible influx of eligible scholarship recipients is not an issue. Since it is unknown by the three institutions how many will be affected by this expansion,²⁶⁶ a more refined statute is needed to ensure that past mistakes are not made. Finally, the funding provided to the institutions is a one-time payment. A Colorado legislator, in committee hearings, reiterated that such financing would not be given for the scholarship in the future.²⁶⁷ The statute’s plain text does not expressly or impliedly state this significant caveat. Therefore, proponents of the statute ought to be aware of said restriction, especially because the statute’s language aims to expand the scholarship into perpetuity.

C. Proposed Amendments to the Displaced Aurarian Scholarship Statute

Several amendments to the statute are needed to guarantee that the reparations and remedial efforts owed to the displaced and their descendants are met. The statute aims to create a more streamlined effort between the institutions while codifying and acknowledging the sacrifices the displaced endured for the educational complex to exist. In the statute, the Colorado State Legislature describes what a “Displaced Aurarian” is and whom the Displaced Aurarian Scholarship benefits.²⁶⁸ Therefore, Section (1)(a)(IV)(3)(c)(I) through (V) should be amended to remove the broad grant of discretionary power to the three institutions. Since the statute already explains the definitions, the three institutions shall use the legislature’s definitions.

The Colorado State Legislature in Section (1)(a)(IV) recognizes that expanding the scholarship will fund scholarships for undergraduate and graduate programs.²⁶⁹ An amendment to Section

²⁶⁶ Gilbert, *supra* note 187 (“[i]t’s unclear how many people are eligible to receive the expanded benefit.”).

²⁶⁷ *Displaced Aurarian Scholarship: Hearing on HB22-1393 Before the House Comm. On State, Civic, Mil., & Veterans Aff.*, 2022 Leg., 73rd Gen. Assembly, (Co. 2022), (Apr. 25, 2022), <https://sg001-harmony.sliq.net/00327/Harmony/en/PowerBrowser/PowerBrowserV2/20220425/33/13297#agenda> (statement of Representative, Kerry Tipper, Member, House of Representatives).

²⁶⁸ COLO. REV. STAT. § 23-70-117(1)(a)(III)-(IV).

²⁶⁹ *Id.*

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(1)(a)(IV)(c)(IV) should remove the discretion of these three institutions to define the qualified degree programs for scholarship recipients. Further, an exception paragraph must be inserted for the Community College of Denver as the institution does not have graduate programs. Section 1(a)(IV)(c)(V) allows the institutions to determine which documentation is required to receive a scholarship. An amendment should instead list the type of documentation needed to be uniform across all three institutions. If one's documentation is sufficient for one institution, it should be adequate for the other two institutions. Another amendment proposal for the statute relates to the eligibility discretion given to each institution in Section (1)(a)(IV)(c)(I) to be uniform across all institutions, meaning if one institution has no caps on the credits the scholarship applies to, whether online learning is included, if summer classes are included, the number of semesters one is allowed to receive the scholarship, etc. Because the original promise made to the displaced and their descendants was to attend any of the three institutions for free, free should mean free—no ambiguous guidelines.

Additionally, though the State's efforts to fund the scholarship do not go unappreciated, the promise made will not be fulfilled if the state does not provide continuous funding. Because the State played a significant role in the forced relocation, it must provide adequate funding for the program on a continuous basis. As Colorado Representative Holtorf stated, "[p]romises made . . . are promises kept and where I come from your word is your bond, and you stick to it."²⁷⁰ The State of Colorado initially promised \$5.6 million in 1990 to fund the scholarship.²⁷¹ Therefore, a mere two million dollars, not considering inflation and the rising costs of attending the three institutions, cannot be deemed a sufficient reparation. Finally, suppose an institution plans to amend who qualifies, what type of student is eligible, or any of the above-noted points; the Colorado legislature shall have to approve these amendments.

²⁷⁰ Statement of Representative, Richard Holtorf, Member, House of Representatives, *Displaced Aurarian Scholarship: Hearing on HB22-1393 Before the House of Rep. Floor, Third Reading*, 2022 Leg., 73rd Gen. Assembly, (Co. 2022), (Apr. 29, 2022), <https://sg001-harmony.sliq.net/00327/Harmony/en/PowerBrowser/PowerBrowserV2/20220429/-1/13441#agenda>.

²⁷¹ Statement of Representative, Matt Soper, Member, House of Representatives, *Displaced Aurarian Scholarship: Hearing on HB22-1393 Before the House Comm. On State, Civic, Mil., & Veterans Aff.*, 2022 Leg., 73rd Gen. Assembly, (Co. 2022), (Apr. 25, 2022), <https://sg001-harmony.sliq.net/00327/Harmony/en/PowerBrowser/PowerBrowserV2/20220425/33/13297#agenda>.

IV. CONCLUSION

Today, the Auraria Campus is in the heart of downtown Denver in a bustling city surrounded by entertainment, dining, and shopping, all within a short reach. One could only imagine the generational wealth these families forced to relocate may have experienced or the thriving businesses they may have had. These scholarships require the bare minimum of effort from the State of Colorado to ensure in perpetuity, as the State and the City and County of Denver have and only continue to benefit significantly from the sacrifices and forced relocation of the Displaced Aurarians.

While the Displaced Aurarian Scholarship statute aims to expand scholarship funds as a restorative justice method to more descendants of the displaced Auraria residents, the statute falls short of its goals. The statute codifies a key promise made to the displaced Aurarians who were forced out of their homes to build the Auraria Higher Education Center, which houses three institutions: the Metropolitan State University of Denver, the University of Colorado at Denver, and the Community College of Denver. With the enactment of the statute, the Displaced Aurarian scholarship, which offers free tuition to lineal descendants of those displaced, and its expansion must consider the history of how the scholarship came to be. The broad discretionary power given to the three institutions must be narrowed, and continuous funding must be provided given the history and challenges past eligible scholarship recipients encountered.

Taking these precautions and amending the statute to contain the proposed simple amendments herein, the statute will safeguard the promise of a “free college education” for the displaced and their descendants and be fulfilled truly in perpetuity. When these amendments are implemented into the statute, the true restorative justice and remedial measures the statute claims to rectify will officially commence. If these modifications are not implemented, this statute will be no different than the other promises made by public officials that the displaced and their descendants have grown accustomed to.