

Rudolfo Acuña

A Chicano warhorse goes to court

by Diana Hull

In November of 1990, Rudolfo Acuña, probably the fiercest advocate of *Raza* power, decided to make an upward career move. It is safe to assume that this was his motive because he denied it so emphatically, saying he had never been interested in advancement or money. When he told his wife that he had applied for a Senior Professorship in Chicano Studies at the University of California at Santa Barbara, she asked him if he was looking for a fight.¹ Seven years after that fight began, it is still going strong so events proved that she surely knew her man.

Professor Acuña had been a fighter all of his life and as a movement hero he had appropriately humble beginnings. He enjoyed explaining that his Mexican father only went to 6th grade and that his mother had no formal education. Yet he grew up to be both a teacher and a creative performer of *teatro político*, using an imaginative script that he edited and polished over the years for its maximum effect on young people.

In front of an appreciative audience of stomping, clapping students, he was a spellbinder as he began the rhythmic MEChA chant of “Chi-can-o” “Chi-can-a.” [MEChA is the acronym for *Movimiento Estudiante Chicano de Aztlan*, the Chicano Student Movement of Aztlan.] While emotions were high he would declare, “Right now you are in the Nazi United States of America. Fascism is growing and

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we will only get justice if we take to the streets.” After wild applause he would say, “I’m proud that my parents made me a Mexican.”²

Professor Acuña often took liberties with the literal truth. At the November, 1996, MEChA conference at the California State University at Northridge he told minority students, “You are the first immigrant group to make it in one generation from the working class to the university. Neither the Asians, the Irish nor the Jews were able to do that.”³

He shared the spotlight with Delores Huerta, of the United Farm Workers Union, who led a chant

called “Down with Wilson — Down with David Duke and Gingrich.” The Republicans are fighting to keep you out of the educational system, she said, and plan to put Blacks and Chicanos in privatized prisons so the state can make money “off of” your bodies. Then CSUN Assistant Dean Juana Mora told the group that when

the Cal State administration says they want students that are better in English and math, they really mean students that are “whiter.”⁴

MEChA members hawk the message of victimhood and seed the movement by recruiting for Chicano Studies classes. They do most of the protesting, the marching, the fasting and the taking over of university buildings. There are MEChA chapters in 90 percent of California high schools and in colleges and universities all over the nation.

The size and reach of the cult of *La Raza* (The Race) exceeds by far the wildest expectations of its 100 original organizers who met in 1969 as self-appointed representatives of “the northern and southern regions of La Alta California, Aztlan” and wrote the Chicano agenda for higher education and called it, “El Plan de Santa Barbara.”⁵ On the occasion of that ambitious undertaking, Corky Gonzales, founder of the Crusade for Justice, reminded his co-conspirators that Fidel Castro had taken a country with only 82 men.⁶

Professor Acuña complains that Mexican citizens in the U.S. have been relegated to a “nation within a nation,” yet separatism is exactly what he recommends as a solution to their problems.

As a new subject, Chicano Studies needed to train its own teachers and write its own textbooks. Rudy Acuña's first book, *The Story of the Mexican-American*, was published when that hyphenated term was still acceptable, and in subsequent books he memorialized his own political activities. But his big success came with the publication of *Occupied America*, now in its third edition. It became the "bible" of Chicano Studies and today is Harper and

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Row's third best seller in their College Division. Arguments about the merits of this book would play a major role in Acuña's lawsuit against the University of California.

Professor Acuña founded the Chicano Studies Department at CalState, Northridge and spent 22 years making it the largest department of its kind in the nation with a faculty of 21 teachers, of whom 18 are tenured.

With the help of grants from the Ford Foundation, this department trained thousands of militant Chicanos who became teachers, lawyers, community organizers and activists, elected officials, and proponents of Bilingual Education and Official Spanish. Acuña claimed that one third of the academic deans in the California State system came out of his program and so did Frank Del Olmo, a Deputy Editor of the Los Angeles Times.⁷

From this doctrinaire hothouse emerged a vast, vine-like network of tens of thousands of believers and perhaps a thousand organizations⁸ intent on portraying the United States as the oppressor of Chicanos, at the same time Chicano separatism was being financed — not only by the liberal foundations, but by the government itself.⁹

Inventing a new ethnic brotherhood called Chicanos was no more brazen than inventing a new religion in the manner of Joseph Smith. Raza leaders were classical mythmakers with self-righteous energy and contagious ideas. The goal of

Chicano Studies was to maintain identity, language and culture in the interregnum, while Chicanos grew their numbers and trained to retake Professor Acuña's "occupied America."

Legitimacy followed respectable sponsorship and the University of California obligingly put its imprimatur on the new journal *Aztlan*, which has carried the copyright of the UC Regents from its very first issue. With official recognition and a vehicle to spread the gospel, Raza activism went national, propelled by anti-establishment sentiment in the wake of the war in Vietnam.

By 1990, the philosophical and legal groundwork was in place to push for numbers-parity for minorities in the professions and in the workplace. This was the next step after "affirmative action" and meant that public and private institutions and businesses must "look like" the racial composition of the surrounding community. Professor Acuña was quick to point out that at UC Santa Barbara, out of 700 professors, only 19 were of Mexican extraction in a city where 30 percent of the population and 60 percent of the schoolchildren were Latino.

The UC claimed it was in compliance with hiring guidelines based on the national pool of available minority candidates. But to Professor Acuña a shortage of qualified candidates was only a pretext, "betraying the deep-seated Eurocentricism used to exclude *us* from employment." He said that the professors and staff on campus were white and the gardeners and groundsmen brown, proof to him that UCSB "resembled a colony."¹⁰ So, ten years short of retirement he made the decision to reach out for a bigger role to play and on a somewhat more prestigious stage.

The 23 colleges in the California State system take students who graduate in the upper third of their high school class. Those in the upper 10 percent are eligible to attend one of the nine-campuses of the University of California. Out of 667 professors at UC's Santa Barbara campus only 35 held the very senior Level VI professorship that Rudy Acuña had applied for. But getting that appointment was, as he expressed it, a Chicano movement issue.

After being refused the position, in June of 1991, he announced that his professional reputation had been slandered and that he was "the victim of a racist conspiracy."¹¹ He warned a Latino Alumni

Regent that Chicanos would make this a high profile case¹² and notified the campus chancellor that there would be rallies “protesting the bigotry of those who passed judgment on my credentials.” He sent letters to the Latino Caucus in the state legislature saying, “I will force UCSB to serve *our* community.”¹³

Acuña compared the two campus committees that evaluated him to “lynch mobs” who did a “neo-McCarthy smear job” on him by deciding who is permitted to criticize Euro-American society. “What right do those groups have,” he asked, “to decide what political orientation Chicano students can be exposed to?” And exactly what *would* Professor Acuña be exposing students to had he been appointed, and did the University of California have a right to decide whether or not they should give him recognition as a senior professor and a platform from which to broadcast his political credo?

The central thesis of Acuña's capstone work, *Occupied America*, is that the southwestern United States, including California, is actually northern Mexico, making U.S. jurisdiction illegitimate. The conquest of this territory has created what Acuña calls a “colonial situation in the traditional sense.” And since racism is at the heart of colonialism and since the U.S. “colonized” Mexico, this was more than a war, he wrote in *Occupied America*, it was “racist aggression.”¹⁴

He claimed that this invasion of Mexico was as vicious as Hitler's invasion of Poland¹⁵ and his discussion of the U.S.-Mexico relationship, beginning in 1820, is a litany of atrocities perpetuated by arrogant Anglos on people, he says, the U.S. oppressors considered inferior. In *Occupied America*, Acuña is not only trying to correct an interpretation of history he considers in error, but recommends the avenging of wrongs through retaking the land and seeking political self-determination for Mexicans in the United States, whom he claims are “living in captivity.”¹⁶ Throughout the text Acuña engages in the kind of stereotyping of whites that infuriates him when directed at minorities, and accuses whites of the kind of hostility he expresses toward them on the pages of this book.

One reads in *Occupied America* that “mingled with feelings of Anglo-American racial and cultural superiority, there is a legacy of hate”¹⁷ — which begs the question, *on whose part?* Even more

disturbing and insulting is his statement that “youth add drama to the Chicano movement because they bring the possibility of violence, which has always been the stimulus to which Anglo-American society best responds.”¹⁸

On the one hand Professor Acuña complains that residents of Mexican origin in the United States have been relegated to a “nation within a nation,” yet separatism is exactly what he recommends as a solution to their problems when he praises the “new Chicano nationalism” which

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rejects assimilation. In fact he insists on the use of the term Chicano because he says it “eliminates the American from the Mexican-American identity.”¹⁹

Professor Acuña incorrectly portrays the position of Mexicans in the United States as *sui generis*. He uses their struggle to improve working conditions in agriculture as proof of Anglo animus toward Mexicans, ignoring that mill and factory workers, of every nationality, met identical resistance from employers whenever they tried to organize unions.²⁰

In the summer of 1993, Rudy Acuña's attorneys were able to get the names of the faculty reviewers who recommended against hiring him — confidential information except in cases of alleged discrimination. He then sued them all as individuals, in addition to suing the university. “We need this fight as a people,” Acuña told his El Congreso supporters because, “they (the university) are not going to change unless we beat the shit out of them and that is what we are going to do.”²¹

But the real struggle between Rudolph Acuña and the University of California did not take place at the trial. It was about Acuña wanting his discrimination complaints to become a *cause*

celèbre, while the university was determined to keep the issues limited and Acuña's time on center stage short. Acuña's attorneys insisted that this was a trend-setting case, claiming the real reason the university didn't hire him was because he was such a forceful and effective spokesperson for Chicanos and someone who would challenge what they called the UC's "plantation mentality."

Acuña's suit against the UC Regents was originally filed in September of 1992 in Alameda Superior Court in the 9th District of California — a location chosen to avoid what minority activists now refer to as a "Simi County jury."²² But the UC managed to have the case removed to federal court in San Francisco and that court ruled that Professor Acuña's state and federal claims should be separated because the university, as a state agency, enjoyed 11th amendment protections. Then because everything at issue took place in the southern part of California, Los Angeles was selected as the proper venue for the federal case, while the state case was moved to Santa Barbara.

Next the UC lawyers were successful in having the race and national origin discrimination claims thrown out, after the judge agreed they lacked merit. (When the federal trial was over, the state court judge dismissed those same claims under *res adjudicata* because Acuña already had his one "bite at the apple.") Acuña's lawyers have appealed that decision.

When the trial finally began in 1995, five of the original causes of action were gone — the two under both state and federal law, i.e. race discrimination, national origin discrimination and, in the state case only, violation of the right to free speech. The only claim that Professor Acuña had left was that he was not hired because he was considered too old.

The university argued that Professor Acuña was not hired because his scholarship was deficient and the scholarship that they were talking about was Chicano history. What he had written about it was very much a part of the evidence they presented to explain their decision not to hire him.

Rudy Acuña was represented by 26 lawyers in

all, including the ubiquitous ACLU and The Center For Constitutional Rights (in New York) founded by William Kunstler and Arthur Kinoy. The Center had given legal support to the Weather Underground, to members of the Baader-Meinoff Gang, and to the Black Liberation Army who were caught smuggling explosives into a New York City Courtroom.²³

On July 21, 1993, UCSB historian Robert L. Kelley was deposed by one of Acuña's attorneys.²⁴ Kelley chaired the campus Ad Hoc Committee that recommended against hiring Professor Acuña,²⁵ and was a specialist in political culture, including Mexican history from the Aztecs to Cesar Chavez. Professor Acuña had repeatedly described Kelley as an "intellectual redneck," always mentioning that

he wore a "white cowboy hat," as if it symbolized some truth about his character. Kelley said he wore the Stetson outdoors because he was subject to skin cancers.

Virtually all previous appointments to Chicano Studies at UCSB had been made jointly with appointments in other disciplines — History or Economics, for example — and as a skeptical senior professor, Kelley had the courage to question whether Chicano

Studies was actually a separate academic discipline. Several years earlier, when a campus committee proposed two required courses in Ethnic Studies, Kelley suggested a sequence in American History and Institutions instead.

During his deposition, Kelley said that *Occupied America* was a spectacular title but created the false impression that a part of America has been permanently Mexican. There was just one 25-year period, 145 years ago, he explained, when the present southwest was a part of the Mexican Republic. Even then, the 65,000 inhabitants of California, New Mexico and Texas lived in what was then known as "New Spain," were never regarded as Mexicans, and called themselves "the Californios."

Kelley called *Occupied America* a classic case of warping and twisting history and making an argument unsupported by the evidence. The reader would be misled about the 19th century experience, he said, because crucial parts of the story were

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omitted when they didn't fit Professor Acuña's political theme. "We know what *occupied* means in our century" he continued, "*occupied* France, *occupied* Denmark. It means the residents of an old core culture are being dominated, exploited and misruled by an alien force that should be thrown out, so the country can be returned to its rightful inhabitants."

Kelley noticed that in *Occupied America*, Acuña

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deplored the treachery of well-off, assimilated Mexican-Americans who turned their backs on the poor. Acuña warned that a class war was inevitable. This Marxist vision of the future may explain why the Center For Constitutional Rights was involved in his case.

This lawsuit was very expensive, costing each side 1.5 to 2 million dollars. Despite that, Professor Acuña did not get to argue about racism at the Santa Barbara campus. Although the university was successful in limiting his claims, the jury decided that Professor Acuña *had* been discriminated against because of his age.

Reflecting on the decision later, Regents' attorney David Birnbaum speculated that perhaps it had been difficult for jurors, especially those who had never been to college, to understand how someone with a Ph.D. — someone who had written books and had apparently accomplished so much — had still not reached a high enough level of scholarship to qualify for the professorship he was seeking.²⁶

Based on the economic damage he had purportedly sustained, the court ordered the university to pay Professor Acuña \$326,000 and awarded his lawyers \$500,000 of the \$2.5 million they had asked for in fees.

Then Professor Acuña's attorneys appealed to the U.S. 9th Circuit Court of Appeals for more

money and appealed the dismissal of his identical discrimination claims in his state court case. The last two actions are pending.

After his victory, Professor Acuña sued for "instatement" (to be given the job he was denied.) But to award him a tenured full professorship at that point, violated a prior agreement between Acuña and the university that if he prevailed in the lawsuit, he would be awarded *front pay*, i.e. payment equal to the difference between his earnings at Cal State Northridge and what he would have received had he worked at UCSB until age 70. That amount was the basis for the \$326,000 award, but Acuña wanted both the money and the job.

UCSB Vice-Chancellor Donald Crawford wrote the faculty on November 7, 1995 that *front pay* is given in lieu of, not in addition to, a position. He said the university would urge Judge Collins that appointing Professor Acuña would be unwise, because of the hostility toward him by members of the faculty.

What generated that hostility was outlined in the sworn declarations of 12 professors and administrators who said they would be unable to work with Professor Acuña and would consider resigning if he were appointed. They had all been involved at some step in the chain of university review that produced the negative recommendation with regard to his being hired. These declarations persuaded the judge to deny the *instatement*.²⁷

Professor Acuña's behavior toward and correspondence with these 12 university people over a four-year period showed a pattern of brassy overstatement, a certain coarseness, and an anti-Semitism that was barely veiled and surprisingly vulgar. It was all a revealing measure of a man who relished his notoriety as a Chicano "bad boy" and self-proclaimed "street fighter," and for whom using "street talk" and tactics was part of his machismo.

Acuña called Professor Francisco Lomeli, a "puppet of the university" and an "armchair Chicano." Lomeli was warned that Acuña's supporters were going "to work him over" and that "he'd better watch out." Affirmative Action Officer Raymond Huerta said that prior to his deposition, Professor Acuña put printed placards next to his chair that stated, "Huerta, don't be a sellout." Huerta said one of Acuña's supporters told him "we are going to get you." Vice-Chancellor Donald Crawford was told by Acuña that he "was no Einstein," that he "catered to reactionary elements," and that the

university was “snow-blind.”

Professor Giles Gunn, a member of the Ad Hoc Committee, was warned by an El Congreso supporter of Professor Acuña that “you are not going to get out of this” and threatened him with physical reprisals over the campus radio station.

Professor Jeffrey Russell said he was angry and offended by Professor Acuña's personal attacks and that “he always glared at me in a hostile and intimidating way — called me a ‘religious fanatic’ a ‘devil worshiper’ and a ‘racist.’” Russell said Acuña told a member of the Committee on Academic Personnel that “he really hated me.” Russell said that “if Acuña is appointed to a faculty position, I would probably leave Santa Barbara.” Dean Don Zimmerman and five other senior faculty members said they could not work with Professor Acuña and would consider resigning if he were appointed.

But Acuña's greatest hostility was reserved for Julius Zelmanowitz, a mathematician and the Associate Vice-Chancellor for Academic Personnel. According to Zelmanowitz, Acuña stated among other things that Zelmanowitz was “a liar,” “a racist” and “doesn't know what a Mexican looks like.” In response to being told his application was rejected, Acuña wrote that “he felt the heat of the ovens” while reading the rejection letter. He told Zelmanowitz that “there is something wrong with a Jew who wants to be a German” and repeatedly referred to Zelmanowitz's Mercedes automobile as a “Hitler Staff Car.”

Acuña snidely referred to Zelmanowitz as “Julie” writing that “Caucasians are aliens” and that “white people scare the hell out of me.” After a campus rally in which Acuña denounced Zelmanowitz, there were tacks pushed into the tires of the Mercedes and the antenna was twisted off. Acuña wrote to Zelmanowitz that UCSB “doesn't care about Third World people,” “just wants to perpetuate its exclusive white country club,” and is “rotten.”

In portraying himself as a dangerous adversary, Professor Acuña was only taking his own advice and the advice he gave to other Hispanics. Yet even more astonishing than his deportment and statements was the tepid response they evoked from academics — a super-tolerant detachment that was backlash-baggage from the loyalty oath excesses of the 1940s. When, if ever, would educators shed unhealthy inhibitions and withhold (what Roger Kimball called) the *stick* that professional ethnics use to beat the west?²⁸

Vice-Chancellor Zelmanowitz never wavered in his support of Chicano Studies, saying there was no God-given list of legitimate academic disciplines and that new subjects had always evolved over time. But that was before faith was lost in intrinsic merit and literal meaning — before deconstructionists and multiculturalists both claimed there was no clear distinction between truth and lobbying, since everything is subject to partisan

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proselytizing.”²⁹

What else could you call it, if not proselytizing, when the UCSB Chicano Studies department, even absent Rudy Acuña, offers courses for credit in “The Methodology of the Oppressed,” “Theories of Postcoloniality and Third World Feminism” and “Knowledge Systems and Theory Within a Racist, Sexist, Classicist and Homophobic Society and Culture?”

The most compelling reasons for the university to have rejected Professor Acuña's appointment were different than the reasons they gave at the trial. Could they have won the case if they said he was rejected, not only because he didn't meet their standard of scholarship, but because he promoted irredentism and the racial divide — because of his exhortations to violence and because of his anti-white prejudice and his outspoken animosity toward the country that had accepted his parents as immigrants and helped him achieve a far better life than he would have had in Mexico?

Perhaps the jury would have sided with the university attorneys had they insisted they couldn't put a professor on California's payroll who told students their country was the same as Nazi Germany — nor would they hire a first generation United States citizen with such a non-existent allegiance to our history and traditions that he proclaimed publicly, at every opportunity, that he

was “glad that his parents had made him a Mexican!” **TSC**

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NOTES

¹ From a January 12, 1993 fund-raising letter from Rudolfo Acuña addressed to “Dear Compañera /Compañero....”

² Speech at MEChA conference at California State University, Northridge on 11/9/96. Audiotape by CCIR (California Coalition for Immigration Reform).

³ Ibid.

⁴ Ibid.

⁵ *El Plan de Santa Barbara, A Chicano Plan for Higher Education, Analysis and Positions*, by the Chicano Coordinating Council on Higher Education, Oakland, La Causa Publications, 1969, page 51.

⁶ Corky Gonzales, *Why a Chicano Party?* Pathfinder Press, a Merit Pamphlet, 1970, page 12. I am indebted to author Patty Newman, whose book *Do It Up Brown* was published in 1971 by Viewpoint Books, San Diego, California. It contains a history of the Chicano movement before 1970.

⁷ *Declaration of Rudolfo Acuña in Opposition to Defendants’ Motion for Summary Judgment*. United States District Court, Central District of California, Case No. CV 93-1548, ABC, October 24, 1994.

⁸ The size and reach of the Chicano movement is not well understood and needs additional research. The number 1,000 is a rough estimate based on the author’s current count of Chicano organizations which have non-profit status and file 501C-3 forms with the IRS.

⁹ Government grants given to Hispanic organizations for a variety of social services and citizenship training programs also fund, directly and indirectly, pro-immigration and political advocacy work.

¹⁰ Declaration of Rudolfo Acuña, January 18, 1992.

¹¹ Letter from R. Acuña to Ralph Ochoa, July 17, 1991.

¹² Ibid.

¹³ Letter from Rudy Acuña addressed to Assembly Leaders, March 9, 1993.

¹⁴ From *Occupied America: The Chicano’s Struggle*

Toward Liberation by Rudolfo Acuña, Canfield Press, San Francisco, A Department of Harper and Row, Publishers, Inc. , New York, 1972, page 228.

¹⁵ Chicano propagandists routinely equate Anglo treatment of Hispanics with Hitler’s persecution of Jews.

¹⁶ *Occupied America*, page 274.

¹⁷ *Occupied America*, page 275.

¹⁸ *Occupied America*, page 274.

¹⁹ *Occupied America* , page 228.

²⁰ *Occupied America*, page 276.

²¹ From the UCSB *Daily Nexus*, October 8, 1993.

²² These are jurors from a conservative community thought to be prejudiced against minorities; the location of the first trial where the police officers were acquitted in the Rodney King beating case.

²³ From *Information Digest*, February 12, 1982, page 35, cited in “The Sanctuary Movement: Smuggling Revolution” by Samuel T. Francis, *AICF Monograph Series*, Paper #4, 1986. In a letter dated September 4, 1992 to then California Assemblyman Jack O’Connell, Acuña writes that the Center for Constitutional Rights was “handling my attorney fees.”

²⁴ Deposition of Robert Lloyd Kelley, July 20, 1993, Vols I and II, pages 139, 25.

²⁵ The selection of tenured faculty starts with the academic department, then review and recommendations are made by the Provost before the application is forwarded to the Ad Hoc Committee, which is appointed by the Committee on Academic Personnel. Two Vice-Chancellors then review the recommendations before the Chancellor accepts or rejects the employment of a Full Professor.

²⁶ Private communication with the author.

²⁷ The sworn declarations of the professors and administrators cited in this section, as well as the letters from Professor Acuña in which he makes the remarks they quote, were included in the documents given to the author by Regents’ attorney David Birnbaum and the law firm of Corbett and Kane.

²⁸ From *Tenured Radicals: How Politics Has Corrupted Higher Education* by Roger Kimball, Harper and Row, 1991.

²⁹ Ibid.