

CHICANO PROFESSOR TAKES ON THE UC SYSTEM*

RODOLFO ACUÑA†

I want to start by telling you a story. I had a very good friend by the name of Arnulfo Casillas. I don't remember when I first met Arnulfo but I had heard of him before I met him. I knew he was one of the students who had taken hold of a computer building in 1975 and that he was one of the founders of the *Congreso*.¹ As long as I knew Arnulfo, he was an activist. He was the kind of friend I could call at two o'clock in the morning if my computer broke down, and if I had an important deadline, he would come over and fix it for me. He was my *compadre*.

Arnulfo went into the hospital with simple adhesions in his stomach. It was to be a simple operation but he had developed blood clots in his lungs. My *compadre* died. Today, the family is trying to get an attorney because they want to show that Arnulfo's death was not his fault. However, they cannot get an attorney because Arnulfo's life means little to most attorneys. Arnulfo was 43 years old, did not have any children or a wife; his parents are in their 80s and will probably die soon. It does not seem to matter that Arnulfo Casillas probably gave more to the Movement than 99.9% of all people. It was his life. Yet, people have adopted a cost-benefit mentality. If a case is not going to make money, attorneys will not take it.

It is this cost-benefit mentality which also made it difficult for me to find an attorney for my lawsuit against the University of California, Santa Barbara (UCSB).² The facts are very simple.

* A version of this speech was delivered at the UCLA School of Law on Feb. 6, 1993.

† Professor, California State University, Northridge.

1. *El Congreso de los Pueblos de Habla Español* held its First National Conference of Spanish-Speaking People in 1958. Its stated purpose was "the economic and social and cultural betterment of the Mexican people, to have an understanding between Anglo-Americans and Mexicans, to promote organization of working people by aiding trade unions and to fight discrimination actively." RODOLFO ACUÑA, *OCCUPIED AMERICA* 238 (3d ed. 1988).

2. Professor Acuña filed both state and federal claims against the UCSB. The state claims allege employment discrimination based on race, ethnicity, and age in violation of the California Fair Employment and Housing Act, Cal. Gov't Code § 12900(a). The federal claims are based on the UCSB's alleged violations of the

After inviting me to apply for the position, the Chicano Studies Department at UCSB recommended me for a full professorship. The Committee on Academic Personnel (CAP) and a "secret committee" of white professors got a hold of my files and panicked. Through an aggregate summary, they decided that all my recommendations—written by Chicanos—were too good, that they must have been written by my political cronies. Although the people who recommended me were not political cronies, they *were* Chicanos.

Thus, the University decided that I was not qualified. They decided that I was a solitary influence in the Chicano Movement. Furthermore, they concluded that I was pro-active and thus needed to be scrutinized more highly since I would be in the Chicano Studies Department where they could not control me. I was *so* highly qualified that they feared I had the potential to set up a dictatorship in the Chicano Studies program! The University also decided that I was too old to teach graduate students. This is despite the fact that the Chicano Studies department at UCSB does not have a graduate program.

In litigating my case against the university, we have learned that several people on the CAP and the secret committee were not in a position to properly evaluate my qualifications.³ One of the professors on the secret committee, for three years prior to his appointment, led the battle against the ethnic studies requirement. He was appointed to evaluate my candidacy because his area of expertise is in American History and this is—according to the University—a related field to ethnic studies. Yet I was not applying for a position in the American History Department; I was applying to the Chicano Studies Department. In addition, the head of the CAP was a man whose specialty is the Devil in the Middle Ages. *The Devil in the Middle Ages!* He has written about the dangers of people who are pro-choice, the dangers of multi-culturalism, and the dangers of watering-down standards for minority group members doing research on their own people. He has even conducted exorcisms on people in his own department to rid them of the Devil. *This man was the head of the committee!*

Age Discrimination in Employment Act, 29 U.S.C. § 623(a)(1), and Title VII based on race and national origin.

3. Through discovery, we learned that one member of the secret committee had been a member of the CIA. Moreover, there was an attempt to place Otis Graham, founder of the Federation of American Immigration Reform, as chair of that secret committee.

The university has also attacked me for political reasons.⁴ They claim that I am pro-Chicano and a radical. I *am* a radical. I have been in jail at least five times for sit-ins. Yes, I *am pro-Chicano*. I get up in the morning and thank my parents that I am Mexican. I am very proud of that. Yet, rejecting an application for employment because of race and political ideology are not valid grounds.

When I then began looking for an attorney to represent me against the university, attorneys told me that I had an interesting case. They said that the race issue would be cured easily, that the UCSB could just hire another Mexican and claim that there was no discrimination. In short, no one would take the case. I thought of litigating the case in *pro per*. However, people told me that I do not have the necessary temperament, that I would be thrown in jail for contempt. That is probably true. Fortunately, Leonard Minsky, with the National Coalition for Universities in the Public Interest in Washington D.C., started to help me. Minsky called the Center for Constitutional Rights where a lawyer, Sarita Ríos, who had read *Occupied America*,⁵ agreed to take my case.

I started my political case in Santa Barbara. The political side of cases is very important. In Santa Barbara, I have received the support of students and approximately forty community organizations who feel that the UCSB has not adequately responded to their needs. In addition, the Santa Barbara community has actively shown its commitment to my case against the university. Every time I go to Guadalupe, supporters have a barbecue for me. The people of Santa Barbara are also helping me shoot a documentary film called, "Barbara and Me."⁶ First, we show the university's richness, its subsidized housing, professors' salaries, etc. Then we cut to Guadalupe to show the Indians living in caves, the discrimination, and Mayor Hobbs of Santa Maria who says that Mexicans are dirty.⁷ The film also includes clips and interviews on the gang situation in the barrios west and east of Santa Barbara. Then we document my discrimination case against the university.

In essence, the case is not whether Rudy Acuña is hired or not, but whether the University is responding to the needs of our

4. In addition to his other state claims, Professor Acuña alleges a violation of the California Constitution on the ground that the university rejected his application because he exercised his right to free speech. CAL. CONST. art. I, § 2.

5. RODOLFO ACUÑA, *OCCUPIED AMERICA* (3d ed. 1988).

6. The film title refers to Barbara Uehling, Chancellor, UCSB.

7. Kathy Johnson, *And Now Santa Maria Mayor George Hobbs Has a Problem*, *NEW TIMES*, Aug. 9, 1990, at 5 ("It's not their [Mexicans'] fault some of them live like pigs.").

community and whether we have a voice in the down-sizing of the university. One benefit of the litigation is that it will showcase the unity and empowerment of our community. We recently held a rally where approximately 1000 students gathered on campus. Last February, we held a march called "Old Chicano Days" in response to the annual "Old Spanish Days" parade held in August. More than 2500 people walked down State Street. We showed that we can take the streets at any time—in a positive way. Taking the streets *legally* is empowering. Little kids came up to me and said, "I was going to drop out of school; after this march I feel like I am someone." The key is simple: We must provide an alternative to writing on the walls.

We are also making a strong effort to lobby our legislature. Except for Richard Polanco (D-Los Angeles), many Chicano legislators have not actively supported us. Most do not want to take on the very powerful UC system.

On the litigation side, our first challenge is to raise about sixty thousand dollars. We estimate that the UCSB has spent between sixty to one hundred million dollars litigating claims such as mine since 1980. We lost a venue fight yesterday. They are sending us from Alameda County to Santa Barbara County.⁸

Aside from learning about the expenses of litigation, I have learned other lessons. During the last march in Santa Barbara, I received three death threats. Other people in the community have also received death threats. With this environment, we are going to end up with a Simi Valley jury. I plan to bring five thousand students out there; we will need that kind of support to show our strength.

Another thing I have learned is that sometimes it is harder to speak to your own people than to other folks. You cannot assume that because a lawyer, or anyone else, is Mexican that that person is going to help you. Many times you have to go to the left to establish a common dialogue because they understand the political essence. From the beginning I understood the political essence of the case; however most Chicanos today do not understand that it is an injustice for someone like Arnulfo Casilas not to get his day in court.

8. Professor Acuña originally filed claims in Alameda Superior Court in September 1992. The case was removed to federal court on all claims. Subsequently, the state claims were remanded back to state court. Then the University motioned for a change of venue of both state and federal claims. Both motions were granted; the state claims were transferred from Alameda County to Santa Barbara County. The federal claims were transferred from the northern district to the central district. Subsequently, the successful defeat of two motions has given Professor Acuña the right to sue individuals in their individual capacity and to obtain certain confidential documents. Remarks of Beth Minsky, National Coalition for Universities in the Public Interest, Acuña's attorney (Feb. 6, 1993).

I am going to write a book even though I am told that I am not supposed to do or say anything about the confidential documents held by my attorneys. The UC is afraid of this. There *are* things that we can do; we have to be creative. We have to embarrass them. We have to leave records like "Barbara and Me." This is how we learn and how we establish a historical record. We are reaching the point where we are the majority population. We must start to use our power, to use our imaginations because the only way to get justice is to call attention to injustice. Life is about searching for justice and injustice and doing something about it. We need people like you. When you become lawyers, get involved in *life* because it is very precious.⁹

9. Inquiries about the Rudy Acuña Defense Fund can be addressed to: Beth Minsky, National Coalition for Universities in the Public Interest, 1806 T Street NW, Washington, D.C. 20009.