
Sometimes There Is No Other Side

Chicanos and the Myth of Equality

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Preface

The title of this book, *Sometimes There Is No Other Side: Chicanos and the Myth of Equality*, was inspired by the legendary journalist, Edward R. Murrow. When U.S. government officials cautioned Murrow that his stories about the Holocaust had not been proved, and that they were, after all, based solely on the side of the victims, Murrow responded, "Sometimes there is no other side." Murrow later recalled that even during World War II, news agencies ignored or diminished reports about the death camps, saying that the independent stories (those of the survivors) had not been confirmed or that the "statistics were imprecise, [and] one-sided."

This book follows Murrow's theme. It is about how truth and objectivity are determined, and what roles the courts and academe play in establishing an American paradigm which predetermines what is accepted as truth. The book comes at a time when minority scholars are under increased pressure to tone down their message, to accept the American paradigm, and to adopt fictions, such as the rhetoric that Mexicans are not victims. The acceptance of the present American paradigm mutes the voices of the exploited sectors of society. Hence my message, just as the title indicates, is that survivors of inhumanity are victims. Their side is often more valid than that of the perpetrator, and should be told in the plainest language possible.

This book is also inspired by a long and bitter lawsuit against the University of California at Santa Barbara, during which I listened to two dozen or so depositions of learned scholars on the weighty subjects of truth and objectivity. Instead of offering vigorous critiques, the deponents resorted to clichés about the scholar's role in society: one scholar after the other pompously testified that

the mission of the university was the search for truth through scholarly objectivity. What amazed me was that these scholars, from disparate disciplines, sounded so much alike, almost universally agreeing on common definitions and interpreting society through what I call the American paradigm.

How could these intelligent, well-educated professors be so at odds with how I saw the world? How could their perceptions of the universe differ so much from the majority of scholars of color whom I knew? And how could they be so certain that they were right? My first reaction was to dismiss them as pompous sycophants who could not make it in the real world, comfortable with the adage, "Those who can't, teach, and those who can't teach, do research." However, it is wrongheaded to dismiss them so cavalierly. For as much as I may dislike what I heard, these professors collectively have the power to define truth and objectivity.

For a majority of U.S. scholars, truth is that carefully schooled notion that middle-class professionals define as *accepted* knowledge. The study of history and the other social sciences in the U.S. is determined by a small body of scholars who define what is the proper subject of inquiry and what qualifies as scholarship. In this way they establish a hegemonic view and, under the banner of scholarly objectivity and truth, dismiss the historical memory of scholars such as myself who do not accept their paradigm. The courts also adhere to the American paradigm. They define what is truth and create and maintain an aura of objectivity that gives moral authority and legitimacy to their version of the American paradigm. In this way, scholars and justices function like the shamans of old.

This book is about the American paradigm, which is formed by neoliberal (positivist) theory. Fundamental to the paradigm are loyalty to government and Western civilization, and a core of beliefs shared by the dominant class of Euro-Americans about the superiority of their civilization and culture. The academy and the courts base their moral authority on the myth that these institutions objectively (and thus, justly) interpret fact.

The narrative makes reference to a law suit that I filed in 1992 and successfully litigated against the University of California at Santa Barbara. The case study is used to illustrate my points. I

would like to make clear that this is not my final analysis of the law suit, fought in both the state and federal courts. In the course of litigation, I accumulated a mountain of primary documents, which include depositions, more than three hundred personnel files (which are under a protective order), internal documents, motions, responses, a trial transcript, interviews, and so on, that I am slowly reflecting upon.

If the American paradigm is to be shifted, and if the history and study of the "other" in American society is to be taken into account, it is important to strike down the notion that institutions such as the academy and the jurisprudence system are fair and treat everyone equally. The notion that the United States is (or strives to be) a "color-blind" society must be demythicized. The message must change; it must show how the American paradigm mythicizes history and works as a form of social control, consequently creating the glass-ceiling that keeps the "other" in their places.

As in most of my books, working-class Chicanas/os and Latinas/os are my target audience. Unfortunately, these sectors of society often are "true believers." They are the people who believe they can win the lottery; who fight wars for others' interests; who accept lower wages; who don't cheat on their income taxes; and who still ultimately believe in God and flag, and incredulously believe that they are included in the American Dream. I rely heavily on the narrative as a method of discourse because I believe that it is the most forceful way to expose the paradigm constructed by academe and the courts.

I have chosen to apply the model of Thomas Kuhn throughout the narrative because, in its simplicity, it forces the reader to define the meaning of truth and objectivity. Much too often, theory and method are used to obscure rather than expose injustice. Alternative models are set up to avoid concepts such as truth and objectivity instead of seeking to attack the current definition and to create struggle at that level.

Fortunately, skepticism is at an all-time high in the United States. Latinos are beginning to question whether other Americans consider them equal or even Americans. A partial explanation for this skepticism is California's anti-immigrant Proposition

187, which took its toll, as did the so-called California Civil Rights Initiative—Proposition 209, the anti-affirmative action measure. The issues were clear in the case of 187, and four-fifths of voting Latinos statewide opposed the proposition, while their white counterparts overwhelmingly voted for it. Although these Latino voters were citizens, they recognized the racist motives of the proponents of 187 and the racist premise that “illegal” meant anyone who looked like them. This assumption was confirmed by the passage of the federal Welfare Reform Act of 1996, which even took away benefits from documented immigrants. As a consequence, during the 1996 elections, close to 80 percent of Latinos (depending on the exit poll) returned to the Democratic party, expressing hostility to California Governor Pete Wilson.

It doesn't take a genius to deduce that there is something fundamentally wrong in a society where an “Airport Posse Takes San Diego Border Control Into Its Own Hands” (as the *Washington Post* reported on May 23, 1996), and whose members cruise San Diego's busy Lindbergh airport, wearing T-shirts boldly declaring “U.S. Citizen Patrol” and eyeing passengers they suspect of being undocumented workers, which means anyone who looks brown or speaks Spanish. This citizen patrol isn't looking for Canadians. Its members may be patriotic citizens to many white Americans who cheer them on, but to most brown people they are vigilantes who should be arrested before they harm innocent people. The posse operated for several weeks in response to callers to a conservative radio talk show who claimed that suspicious-looking people were using the airport to evade Border Patrol highway checkpoints. Certainly these actions did not go unnoticed by Chicanas/os and other Latinos. The so-called posse was stopped only when counterdemonstrators confronted them. Fearing physical confrontations, the court issued an injunction against both parties because, according to the court, they had created “a climate potentially disruptive to airport operations.” The Immigration and Naturalization Service took what it termed a “neutral position” in the controversy, saying that posse members “have as much free speech right as the fellow with the tambourine.” One of the leaders of the “posse” likened border control to a “domestic Vietnam War,” saying that the lack of political will has encouraged a flood of illegal immigrants:

In Vietnam, we had the manpower and firepower to win but not the will. In the war against illegal immigration, we have the manpower and firepower, but not the will. We're supplying the will.

On another front, a poll conducted by the Spanish-language *La Opinión* newspaper and Spanish-language KVEA-TV of documented and undocumented immigrants (14 percent of the five hundred Latinos polled identified themselves as undocumented immigrants) was released in May 1996. According to *La Opinión's* associate publisher, Monica Lozano,

We were concerned that the growing anti-immigrant sentiment in Los Angeles was having a negative psychological effect on Latinos which could lead to very serious undesirable consequences. We felt it our responsibility to measure the effect and how it was changing the lives of Latinos in the area.

The poll reported that 80 percent felt they were treated with racism or contempt by whites; sixty-nine percent said anti-immigration sentiment had substantially increased since the 1994 passage of Proposition 187, which threatened to cut off welfare and education benefits for illegal immigrants; thirty-seven percent said they felt “worried or threatened”; sixteen percent answered “yes” to the question, “Have you or any member of your family been a victim of racism, discrimination, or contempt of any kind in recent months?” A large majority of Latinos (65 percent) said that incidents of police brutality against them are common. The findings suggest that Latinos feel a growing sense of uneasiness due to the continued political focus on “illegal immigrants,” a term often considered synonymous in California with Mexicans. According to the principal investigator of the poll, “The environment that Latinos are living in is ugly . . . The way they feel they're being treated, the way they feel they're being dealt with, has changed.” Still, most Latinos (57 percent) felt that the best way to respond to attacks against their community was through political empowerment and not through more radical measures.

Chapter 1 of this book, “The Children of *Bakke*,” discusses Proposition 209, the so-called California Civil Rights Initiative, in the context of the infamous 1978 *Bakke* decision. This case marked a change in the rationality of the courts. It shifted the focus from

racial equality to the issues explicit in California's Proposition 209, which will undoubtedly have a far-reaching impact on relations between whites and people of color in the United States. Regardless of whether 209 is overturned by the courts, the heated discourse will continue. The passage of this ballot initiative is not a fad but rather is very much part of the neoliberal American paradigm that was awakened by the U.S. Supreme Court decision in *Regents of the University of California v. Bakke*, which created a language, neutered race as a variable, and popularized the myth of the United States as a color-blind society.

Chapter 2, "It's the Law," discusses the dominant American paradigm in the context of Thomas Kuhn's concept of paradigms. The focus of the chapter is on positivist legal theory, although it includes a brief discussion of natural law theory and of critical legal studies. Thomas Kuhn's theory of paradigms and paradigm shifts explains the macro views of society and how they interact with micro interests of minorities. The courts and academe have a defined culture, and this culture is upheld and defended by mainstream judges and scholars. The approved theoretical rationality is rooted in positivism and neoliberalism, which supposedly use a scientific methodology to search for the truth in the law and society. This legal theory determines the dominant concepts of justice and thus the outcome of court cases.

Chapter 3, "Ideological Combat: The War over Who Controls History," deals with the war that has been launched by the New Right and its success in defining the language of that war. The importance of the concepts of truth and objectivity is analyzed, and the reaction of a coalition of conservative and liberal historians in defense of the American paradigm is critiqued. A militant "culture war" has been conducted by the New Right to control higher education. Soon after William Simon sounded the clarion for conservatives to form think tanks and political proactive organizations, entities such as the National Association of Scholars (NAS) appeared to combat the changes that were taking place in American society and to preserve Western civilization. The courts and academe became the battlegrounds.

Chapter 4, "The Culture of the Academy," narrates resistance to change within academe. It explains how the culture of the uni-

versity works against the acceptance of ethnic studies programs. It discusses the reaction of the University of California faculty to the Pister Report, which recommended changing the reward system of the academy by giving more credit to teaching and applied research. It was viewed by many professors as an entitlement program which lowered the quality of the university. The history of American higher education is one of change and the incorporation of other knowledge systems. These paradigm shifts have taken place only after intense struggle and pressure on the institutions. Since the nineteenth century, higher education in the United States has added disciplines such as engineering, sociology, and history. In recent times, fields such as multicultural, women's, and ethnic studies have also pressed academe to be included, only to be rejected by the culture of higher education. Like other institutions, academe demands conformity and controls its scholars through the faculty governance and reward processes. The present attitude toward Chicana/o studies and ethnic studies in general is not an aberration.

Chapter 5, "Chicana/o Studies and the American Paradigm," focuses on the state and future of Chicana/o studies and its interaction with the American paradigm. This essay explores the definitions of truth and objectivity in relationship to Chicana/o studies. It stresses the importance for the Chicana/o scholar of maintaining credibility in the culture war that is raging in academe. The war is really not about scholarship but rather about the challenge to the American paradigm by Chicana/o studies and the "other." The tension is how to include what is essentially an alien field of study within the American paradigm. In other words, how do you study Chicanos through an acceptable neoliberal model? The lack of conformity by Chicana/o studies and the inherent racism of the system puts it in the middle of the "culture war."

Chapter 6, "A Case Study: *Acuña v. The Regents of the University Of California*," summarizes my case against the University of California at Santa Barbara. It gives insight into the academic review process and the political climate in higher education. It indicates how academe and the courts, deriving their rationality from a common source, reinforce the prevailing positivist para-

digm. The culture of confidentiality in academe makes it almost impossible to prove discrimination. Conformity is enforced in academe through the faculty governance process, which keeps intact the American paradigm. Throughout the five-year period that I spent in litigation, one of the most formidable barriers was the neoliberal mentality of academe and the courts. The case produced mountains of empirical data, proving my hypothesis that the culture of academe and the courts rejects ethnic studies because they are incompatible with the American paradigm. An appendix to the chapter reproduces the text of two crucial reports by university review committees as part of the evidence of the neoliberal bias of academe.

Chapter 7, "Truth and Objectivity: Thomas Kuhn Applied," presents and analyzes portions of the deposition of David Holtby by my attorney, Eliot Grossman. The deposition shows the legal difficulty in breaking through the accepted narrative. The presumption is that scholars are objective and tell the truth, and that the scientific method is at the essence of American scholarship. This view of scholarship has been revolutionized by Kuhn's theory of paradigms. The American paradigm encompasses the values, culture, and beliefs of a society, and approves the methodology through which society is interpreted. There are very few empirical models that illustrate the function of paradigms in the social sciences, but courtroom testimony and depositions provide an ideal laboratory. Under normal circumstances, oppositional paradigms do not have the opportunity to challenge the dominant paradigm. Attorney Grossman used Kuhn's concept of paradigms to cross-examine David Holtby, editor of the University of New Mexico Press, in regard to scholarship and the concepts of truth and objectivity, and thereby to defend the oppositional paradigm.

Chapter 8, "The Trustees of the Truth," presents and analyzes portions of a second deposition, that of David Sprecher, the university provost at the time of my review. Sprecher had been touted as a careful scholar, one on whose judgment other scholars relied. What becomes evident in the course of the deposition is that, while the work of a candidate is expected to be meritorious, the review process is nonscholarly at best, based on capriciousness as well as bias. Research universities have enjoyed privileges

that are not normal in a free society. Peer group reviews and the administration of the academies have until recently been above public scrutiny. This changed only in 1990, due to the *University of Pennsylvania v. EEOC*, which held that the documents in peer group reviews were necessary for victims of discrimination to prove their cases. The deposition of Sprecher in particular turns the light on the conduct of most scholarly reviews, demythicizing the governance process and debunking the fable that scholars are dedicated to the search for truth and objectivity.

The last chapter, "El Rodeo: Truth and Consequences," summarizes the theme of truth and objectivity in the context of 209 and my case. The passage of Proposition 209 represented a tremendous victory for the New Right, and it gave these forces tremendous energy in the so-called culture war. The victory of the 209 forces is based on their ability to exploit a language of opposition that has flourished since the 1978 *Bakke* decision. The war is framed by claims to objectivity and encased in a coherent narrative and discourse. This book exposes the link between the judicial system, higher education, and the American paradigm, and the New Right's reassertion of hegemony over these institutions. By looking at culture, language, and symbols used by the academic reviewers in my case, *Acuña v. The Regents of the University of California, et al.*, I provide an insight into a pattern of power agendas and their meanings in the overall struggle for inclusion of other knowledge. Proposition 209 has caused irreparable damage to race relations. It raises the question whether people of color should continue to support academe—whether minorities should pay taxes to support a privileged elite, which excludes knowledge that is needed to bring about solutions to pressing societal problems. The chapter discusses the importance of advocacy by Chicana/o scholars in setting the narrative straight, forcing a paradigm shift.

I would like to recognize the support of the Chicana/o and Latina/o communities during the lawsuit and the writing of the present book. My case against the University of California would not have been possible without their support and the support of my attorneys, who gave selflessly. Moisés Vázquez, the lead attorney, stuck with me to the last at great personal and economic

sacrifice. I learned a lot from his quick and analytic mind. Moisés was the horse that brought me to the finish line. The National Coalition of Universities in the Public Interest, its director, Leonard Minsky, and his daughter, Beth, kept this case alive during the first two years. Their legal analysis and assistance were invaluable. I thank the Southern California Chapter of the American Civil Liberties Union, especially attorney Silvia Argueta and paralegal Virginia Álvarez, without whom we would not have gotten to trial. Thanks to Angelina Nelson, who at the time was a law student. Students are often quick to promise, but Angelina kept her promises. I thank Armando Durón, who first answered the call and recruited others. Special thanks to Jesús Cruz, who worked for peanuts and was often the sole thread between success and failure. Thanks to the trial attorneys: Robert Racine, our procedural expert; Miguel Calballero, one of the sincerest human beings I know; Millie Escobedo, who after Silvia Argueta was our youngest and gutsiest member; and Eliot Grossman, who always plays it on the edge, but whose intellectual brilliance kept me on my toes. Thanks to the California Immigrant Workers' Association, which made Calballero available. To all of the other friends and members of the legal team—Yvonne Flores, Silvia Cruz, Patricia Fukushima, Mark Poindexter, Andrés Bustamante, and Dan Jasso—who took depositions and gave of their time, I thank you. I thank the witnesses, Drs. Ramón Ruiz, Carlos Vélez-Ibañez, Ray Padilla, María Chairez, Mary Pardo, and Antonia Castañeda. I thank Mauricio Mazón and Deena González. Special thanks to Yolanda Broyles-González, without whom the victory would not have been possible. Thanks to Local 399 and organizers Rocio Saenz, Patricia Recino, and Jono Shaffer; to Local 11 and its president, María Elena Durazo; to Local 660 and its former general manager, Gil Cedillo, and to Kathy Ochoa, who were among the earliest supporters; and to the California Faculty Association, the California Teachers' Association, and the American Federation of Teachers. I especially thank Pat Nichelson, president of the CFA and a valued friend; el Congreso students at UCSB, especially Alma, Mike, Lupe, Alicia, and the gang; the Mechista at California State University at Northridge, especially Miguel Pérez, Gabriela Chavira, Ramón Muñiz, and Carlos alias "Herb"; and the

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Ideological Combat: The War over Who Controls History

A definitive analysis of the American paradigm—the dominant paradigm introduced in the last chapter—is beyond the scope of this essay. In its simplest form, the American paradigm is expressed in any eighth-grade U.S. history textbook. It excludes the voices of Chicanos/Latinos and other people of color. The preservation of this paradigm gives the culture warriors a tremendous advantage in the culture war, which is being waged with millions of dollars spent in defense of the most reactionary canons of the paradigm. The strength of the narrative has emboldened the New Right in its attempt to control the curriculum in higher education and the public school system. Strategically, it is taking away legal protection from those who challenge its neoliberal view of the world.

The Political Dimension of History

Those who interpret history, define truth and also define the American paradigm. History, among other things, teaches people about their interests. By controlling historical consciousness, the dominant class weakens the common bonds of working-class people and blurs working-class, racial, and gender identity. Those in control select the common stories that students of all races hear and that are essential to the creation of a historical consciousness.

Presently, the American paradigm merely tolerates gender and ethnic history as a necessary evil that in time, like the evil empire, will go away. The threat of Chicano history is its political

dimension, connected with the growth of the Latino population nationally. Currently, this population numbers about 26 million, more than 18 million of whom are of Mexican extraction. Chicano history is seen as a negative force in national politics, a validation that these numbers are changing the American identity. Right-wing critics say that Chicana/o studies programs obscure the attempt to understand the unified concept of an American national identity and to create a historical consciousness among Americans. The New Right wants to preserve Bob Dole's American paradigm of an America that excludes rather than includes new knowledge about the "other" America.

Theory is supposed to clarify matters, not confuse them. Forming a theory requires making assumptions and generalizations. It is, therefore, essential in forming theory to have all the facts possible. "Theory" comes from the Greek word *theoria*, which means "to see," "to look" at something. Theory allows us to look at related phenomena or facts and give the best explanation possible. Theory takes research beyond hearsay, beyond conjecture, beyond the anecdotal, and beyond indoctrination. Generalizations are credible about specific phenomena; they link events to develop answers to specific problems.

Human beings are historical, and it is their nature to participate in history. They remember their experiences. The acquisition of historical consciousness means learning the "discipline of memory." It means identifying your personal and community interests. Through the content of the people's memories, sovereigns maintain power. A false collective memory facilitates subordination.

The interpretations of history, and the right to define truth, are at the base of the culture war, for history is at the foundation of the social sciences and humanities. It controls the decisions of the courts, which base their decisions on the authority of history, interpreting the intent of past lawmakers. Through history, conscious individuals forge bonds with other individuals to form a communal identity. Historical memory creates a sense of unity; the community learns both from its victories and its defeats how to deal with its crises. The dominant classes control the written

history of society, which in turn influences historical memory and the continuity and perfection of memory. They ignore the role of the individual, who is often left with only his or her experiences or oral traditions for guidance. Written history is distorted to mold a culture of passivity, establishing values and standards of justice and fairness which favor the ruling class.

In relation to the control of history, Chicana/o studies is both epistemologically and politically opposed to the dominant paradigm. Human change through time is historically constructed. The historian and the social scientist determine people's perceptions of themselves and the world around them. Scholars make distinctions between people and in great part determine the threshold of fairness. They frame the questions and thus the answers. In the United States, it rarely occurs to scholars to ask how the experiences and perceptions of Mexicans differ from those of the dominant society. They almost always isolate Mexicans and the "other" from the social relationships which created them. They presume that Mexicans exist in certain ways; in other words, by restricting knowledge of the Mexican in the United States, options are restricted as well as historical consciousness. Yet this knowledge is essential, not only for the sake of developing among Latinos a historical consciousness, providing them with a filter to understand the past, but also in order to show policymakers how to connect the Latino community to the whole.

In the United States, the only sector that recognizes the importance of a historical memory today is the New Right, whose members know that history can strengthen bonds among the so-called "others." Think tanks like the Heritage Foundation crank out literature attempting either to shape the historical memory of the poor or to erase it. In the United States, only the rich have the right to recognize their class interests. If others raise these interests, they are divisive. The legitimacy or authority of the scholar is lessened by publicly raising these interests.

Ordinary people do not control history. Control is in the hands of professional historians and boards of education. The inevitable consequence is a lack of historical consciousness about the interests of the people. Attempts by minorities and women to

take control of their history during the 1960s and 1970s unsettled the New Right, whose response was to make certain that they did not succeed.

Mainstream and right-wing social scientists incorporate the dominant epistemology, which relies excessively on authority. Social scientists create and share meaning and frames of reference. It is logical to conclude that the experience of Third World nations is not like the experience of colonizers. Similarly, the experience of workers is not that of their boss, and the experience of Mexicans in the U.S. is not those of other ethnic and mainstream groups. The challenge of the ethnic scholar is to reclaim these experiences; this is what social history is all about.

Truth and Objectivity in the Culture War

The cornerstone of the New Right's culture war is control of the definitions of truth and objectivity. Objectivity signals to the ordinary person the notion of fairness. Truth is much more of an abstraction, associated with wisdom. The Greek philosopher and mathematician Pythagoras (c. 580–500 B.C.) said that wisdom only belonged to God; the philosopher was a lover, not a possessor, of wisdom. Truth is sometimes evident on its face and at other times, like a cancer, it takes a trained pathologist to find it. The function of the scientific method is to ascertain the truth. The strength of jurists and scholars is their presumption that they possess wisdom, and that through the use of this wisdom in conjunction with the method that ensures objectivity, they arrive at the truth with perfect fairness.

Part of the difficulty in dealing with judges or academics is that they believe in their objectivity and rationalize their fairness. They are not religious or ideological kooks. I would be surprised, for instance, if most members of the National Association of Scholars (NAS) would subscribe to the view of historian Jeffrey Russell of the University of California at Santa Barbara, who, during a deposition in my suit against the UC system, testified that truth could only be found in the mind of God. The members of the NAS who make up the shock troops of the culture war, and whose persistent hacking away at political correctness and multi-

culturalism helped lay the foundation for 209, think of themselves as "defending science and reason against paranoia, superstition, ignorance and politics." They are not part of the religious right. They are neoliberal warriors in the spirit of the cold war. They describe those critical of their version of truth and objectivity in Western culture as "[people who] promote the image of the scientist as evil and talk about myths and conspiracy theories as if they help us understand the world. Someone has to stand up and say this is not only wrong, but dangerous." They openly call for a counterrevolution against those taking over the academy. "It's time to get nasty—to launch a crusade against quackery," declared a biochemist at a recent NAS convention.¹

Social scientists have locked arms with the hard sciences in this culture war, which is fundamentally elitist. According to the NAS, "the truth is, there are ways of understanding the world that are superior and there are people who are simply smarter and better equipped to solve problems." Its research director, Rita Zurcher, says, "We should defend the idea that there are elites. That's what students should strive to be."²

The NAS has brilliantly tied issues such as alternative medicine to multiculturalism, and the attack on science's ability to find solutions for everything from physical to social phenomena, to the criticism of traditional education. Any deviation from authority is labeled as a flight from reason—as a failure to acknowledge the legitimate criticisms of scientific, academic, and technical elites. The defenders of intellectual orthodoxy accuse their critics of attempting to replace truth and objectivity with political analysis. The NAS portrays such critics as extremists and conspiracy theorists. They allege that the critics' success depends, in large measure, on the public's discontent with its leaders and its nation's course. Thus, skepticism is fueled by the failure of big business or big government.

The struggle over science and reason is focused on academia. Pro-science organizations on campuses are becoming more active in their zeal. Meanwhile, cozy relationships between corporations and universities flourish as universities seek to replace government money by signing contracts with companies that can pay for research projects.³ Leonard Minsky, executive director of the

National Coalition of Universities in the Public Interest, says, "We worry when corporations use universities to do their work for them. From our perspective, we worry about the search for truth and the search for profits—they collide somewhere."⁴

Are the culture warriors correct that their opponents, such as those in Chicana/o studies and other such programs, politicize education and substitute politics for truth? Education has always been political, as a visit to any board of education meeting or to any faculty senate or university-wide curriculum committee meeting will prove. It is fair to say that anyone seeking a change in the status quo is politicizing the university. California Governor Pete Wilson and the proponents of 209 have radically politicized the University of California system with their heavy-handed elimination of affirmative action.

In general, scholarship has always lent itself to the political. The doctrine of the historicity of the Gospel narratives was a narrative used to foment anti-Semitism. At one time, it was heresy to suggest that the Gospels were the product of Christian imagination and had little or no foundation in fact. Biblical scholars, under the mantle of scholarly objectivity, used passages from the Gospels to vilify Jews. The nature of these narratives was not only religious but political, and they dominated the discourse between Christians and Jews. For centuries Christian scholars forced Jews to accept their truth, citing their authorities. The paradigm only partially changed as the result of the ideas of Jewish scholars—"truth and objectivity" had a minor role in changing the discourse. Blatant and overt anti-Semitism has also been muted by the growing political power of the Jewish community, not by the pursuit of truth and objectivity.

It should be clear by now that the recent assault on affirmative action and ethnic studies has more to do with the political ideology of the culture warriors than with pure scholarship. Changing demographics in places like California have forced some changes in curricula, much to the displeasure of neoliberals. The rise of ethnic and women's studies has been part of this change. The reaction to this change varies, depending on the ideology of the particular community, but it is safe to say that on most campuses, these programs have been "controlled" and inhibited by the authorities.

If pure scholarly objectivity existed, authorities who disagreed would freely discuss their differences, and relative truth would emerge from the conflict of ideas; that's supposed to be the nature of scholarly inquiry. But this does not happen within the American academy, where scholars arrogantly dismiss dissenting ideas. Chicana/o studies scholars, for example, must take their ideas outside the academy and to the people in order to get a full airing. They will not get it within the closed academy.

In the ongoing culture war, the sides are sharply drawn. Dinesh D'Souza and the National Association of Scholars use words such as "Balkanization" and "irrational" to describe critics of the present paradigm. NAS supporters argue that equal time to everyone is not possible, because not everyone contributed equally to our nation's history. They accuse ethnic studies of diluting what we have in common. The culture warriors claim that ethnic studies scholars and multiculturalists are politicizing the curriculum, when it is their reaction that is politicizing the academy. The struggle is over whose story will be told. The war is important not only for how it will shape educational curricula, but also for how it will shape our definition of what it means to be an American.

The Culture War Ideology

The aggressors in the culture war appear to differ widely in their ideologies. Important among the many thought-control cadets at the national level are William J. Bennett, secretary of education under Ronald Reagan, Allan Bloom, author of *Accuracy in Academia*, and Lynne Cheney, former director of the National Endowment of the Humanities. On the surface, they seem at odds with radical professors in the humanities and social sciences whose political attitudes and historical memory were formed in the protest movements of the 1960s.⁵ One of the more surprising soldiers in this culture war is Eugene Genovese, a Brooklyn-born Sicilian of working-class immigrant origins. A former member of the Communist Party, he was one of the preeminent American historians of the slave-holding master class of the Old South. His seminal work was *Roll, Jordan, Roll*, published in 1974, which showed how slaves, too, shaped this world. In the short space of a decade and

a half he went on to *The Southern Tradition: The Achievement and Limitations of American Conservatism*, where he shows an impatience for critics of Western civilization and the discipline of history; his enemies are postmodernism and political correctness. Genovese and his wife, Elizabeth Fox-Genovese, are on the board of directors of the National Association of Scholars' National Alumni Forum. As Genovese has said, "The Forum is the first organization dedicated entirely to enlisting alumni, trustees, and philanthropists in the battle over ideas."⁶ It is headed by former NAS board member and former governor Richard Lamm, and by Lynne Cheney. It is well funded by the Lynde and Harry Bradley, William H. Donner, Earhart, Jewish Community, John M. Olin, John William Pope, and Smith Richardson foundations, all of which are active in fighting affirmative action, immigration, and social welfare.

The best known leader of the culture war is Pat Buchanan. However, his populism and anti-science biases, for example, his refusal to think of himself as a descendant of a monkey, puts him at odds with the scientists of the National Association of Scholars. Apparently what binds all these disparate forces together is love of country—fundamentally, they are Americans—with all of the arrogance that goes with being a so-called American. Their litmus test for going to their heaven is a belief in the superiority of American people and ipso facto of Western civilization.

In the culture war, this Americanism eclipses other differences in ideology. Thus it is common to see Marxists joining forces with neoliberal scholars to defend Western civilization, which is synonymous with that of western Europe. Claims to truth and objectivity become a defense of the U.S. and of Western civilization. It is amusing to listen to the same rhetoric uttered by Lynne Cheney in her booklet entitled *Telling the Truth*, by liberal Arthur Schlesinger Jr., and by Marxist Eugene Genovese. Cheney's rhetoric is singular in its absurdity. Cheney told a House appropriations subcommittee: "Many academics and artists now see their purpose not as revealing truth or beauty, but as achieving social and political transformations . . . Government should not be funding those whose main interest is promoting an agenda." According to Cheney, critics of Western civilization are attempting

to create a world "where there is no objectivity, there are no standards outside ourselves by which to judge our work, not scholarly ones and not aesthetic ones."⁷ She directly accuses many left-wing scholars of pushing subjectivity under the rubric of multiculturalism.

Joining Cheney on the far right is William Bennett, who also repeats clichés such as "ivory-tower academics, faddish ideologies, and anti-American propaganda crafted to divide."⁸ The Bennett-Cheney strategy is to defund the National Endowment of the Humanities in order to dry up one of the few sources of funding for projects deviating slightly from a reactionary viewpoint. In the process, they have effectively succeeded in privatizing research funding. Indeed, the response of the NEH has been typical of President Clinton's administration. In the case of the NEH, as with affirmative action, Clinton has compromised principle by sacrificing dissident points of view. Liberals have allowed the Cheneys and the Bennetts to define truth and objectivity instead of engaging them on the facts. This lack of response by the so-called left of center ensures that only rightist scholars receive support through a chain of right-wing foundations such as the Heritage Foundation and the American Enterprise Institute. An example of the ineffectiveness of the moderates is the National Humanities Alliance, an assemblage of scholarly groups organized to support the NEH. They have appealed to the bankers, industrialists, higher education executives, and other prominent persons serving on boards of museums, libraries, or other cultural institutions, by the use of the cliché, "something's wrong and we're fixing it." In the end, they have excluded leftists.

The abandonment of important political and ideological space by Chicana/o scholars and other progressives has allowed the Cheneys and the Bennetts to pose as the champions of truth. This may not mean much to intellectuals, but it has a great deal of meaning to the populace. The truth, as we know it, exists only in relation to the knowledge available—and only in academe can one get away with substituting theory for facts. The importance of feminism, ethnic studies, and even postmodernism is that they have generated new knowledge and ways of interpreting it. In the study of the American Southwest, for example, the majority of

scholars in the field have failed to incorporate Mexican sources. There are exceptions: while I take issue with many of the interpretations of Southern Methodist University historian David Weber, for instance, I acknowledge that he is an excellent researcher who uses archival materials on both sides of the border. He is, however, the exception—and the rule stands that if it's not in English, then it's not worth reading.

The Committee of Scholars in Defense of History

The very name "Committee of Scholars in Defense of History" sounds like shades of the 1920s, when the American Legion controlled historical content in the public school textbooks. That so-called liberals such as Arthur Schlesinger Jr. would promote such an association is amazing. Why was this committee formed? Part of the answer is that the good professor and others were reacting to Afrocentricism and generalizing that all ethnic studies and women's studies programs were in league with Afrocentricism to destroy Western civilization as the basis of study. It is this paranoia that puts many former liberals in bed with the NAS types.

Schlesinger and Diane Ravitch, a former undersecretary of education in the Bush Administration, have accused multiculturalists and Afrocentric scholars of substituting "ethnic cheerleading" for scholarship and of engaging in "social and psychological therapy" instead of teaching history. Schlesinger's often shrill criticisms include repeated claims that there is no need for Afrocentricism; changes have taken place, and increased attention is being given to African American and ethnic studies in general. The Committee of Scholars in Defense of History, led by Schlesinger and Ravitch, issued a manifesto on June 29, 1990, entitled, "NY Should Teach History, Not Ethnic Cheerleading," in which they criticized changes in the New York school curriculum, which now officially included Afrocentric materials. This statement was seconded by historians Thomas Bender, John Morton Blum, Jerome Bruner, James MacGregor Burns, Robert Caro, Henry Steele Commager, Marcus Cunliffe, Frances FitzGerald, David Garrow, Henry Graff, Akira Iriye, Michael Kammen, Stanley N. Katz, William Leuchtenburg, Arthur S. Link, William

Manchester, William H. McNeill, Stuart Prall, Richard Sennett, Hans Trefousse, Richard Wade, and C. Vann Woodward:

AS SCHOLARS, we are gravely concerned about the proposed revision of the State of New York's history curriculum. We invite the attention of our fellow citizens both to the task force report of July, 1989, calling for fundamental changes in the state's approach to the teaching of history and to the pending appointment by the Board of Regents of a panel to revise the curriculum along the lines demanded in the report.

The history taught to the children of the state must meet the highest standards of accuracy and integrity. We steadfastly oppose the politicization of history, no matter how worthy the motive. Therefore, we have, as the Committee of Scholars in Defense of History, joined together to inform our fellow citizens what is going on, to monitor the revision process and to assess the projected changes in the teaching and testing of American and world history.

The situation is as follows. In July, 1989, a task force on minorities, appointed by the New York commissioner of education, submitted a report to the Board of Regents calling for revision of the history curriculum. The task force did not include a single historian.

The report, a polemical document, viewed division into racial groups as the basic analytical framework for an understanding of American history. It showed no understanding of the integrity of history as an intellectual discipline based on commonly accepted standards of evidence. It saw history rather as a form of social and psychological therapy whose function is to raise the self-esteem of children from minority groups.

The Regents endorsed the report and authorized the revision of the history curriculum by a panel of 21 persons. Of this group six to eight are to be scholars distributed among seven fields; the panel might well end up with only one historian. "Care will be taken," the Regents add, "to ensure that among the active participants will be scholars and teachers who represent the ethnic and cultural groups under consideration"—which sounds like an invitation to each group to write, or veto, its own history.

The members of the Committee of Scholars, are, we believe, well known for their commitment to equal rights and their rejection of any form of racism in the schools and in society. We are also united in our belief in a pluralistic interpretation of American history and our support for such shamefully neglected fields as the history of women, of immigration and of minorities.

We have an equal commitment to standards of historical scholarship. We condemn the reduction of history to ethnic cheerleading on the demand of pressure groups. And we reject as unfair and insulting the implicit assumption in the task force report that minorities are incapable of absorbing a first-class education.

We have a further concern: The commissioner of education's task force contemptuously dismisses the Western tradition. Recognition of its influence on American culture, the task force declares, has a "terribly damaging effect on the psyche" of children from non-European cultures. No evidence is adduced to support this proposition, and much evidence argues against it.

The Western tradition is the source of ideas of individual freedom and political democracy to which most of the world now aspires. The West has committed its share of crimes against humanity, but the Western democratic philosophy also contains in its essence the means of exposing crimes and producing reforms. This philosophy has included and empowered people of all nations and races. Little can be more damaging to the psyches of young blacks, Hispanics, Asians and Indians than for the State of New York to tell them that the Western democratic tradition is not for them.

And little can have more damaging effect on the republic than the use of the school system to promote the division of our people into antagonistic racial groups. We are after all a nation—as Walt Whitman said, "a teeming Nation of nations"—and history enables us to understand the bonds of cohesion that make for nationhood and a sense of the common good: *unum e pluribus*.

Thus, because of the way this revisionism has come about and because historians have thus far been seriously underrepresented in the revision process, we find it necessary to constitute

ourselves as a professional review committee to monitor and assess the work of the commissioner's panel. We will insist that the state history curriculum reflect honest and conscientious scholarship and accurately portray the forging of this nation from the experiences of many different groups and peoples.

The manifesto's portrayal of Western civilization as the "source of ideas of individual freedom and political democracy" is somewhat cynical, in view of the global restructuring of the world economy. The corruption by the U.S. of the meaning of the "democratic world" makes it even more cynical. The U.S. has historically included many a petty dictator in the "democratic" universe. And one only has to look as far as the signers of the above declaration to find examples of the "ethnic cheerleading" of which they accuse minority scholars.

It is instructive to analyze the five points in the committee's manifesto. First, the committee's goal is that "The history taught to the children of the state must meet the highest standards of accuracy and integrity. We steadfastly oppose the politicization of history, no matter how worthy the motive." In fact, for grades K through 12, textbooks were and continue to be published to satisfy regional markets which reflect the political climate of those markets. The adoption of textbooks is surrounded by political maneuvering by conservatives and liberals. What has always been excluded and included in a text is a political act. Further, this debate is usually a white-on-white affair.

Second, according to the committee signers, the Regent's report "viewed division into racial groups as the basic analytical framework for an understanding of American history . . . It saw history rather as a form of social and psychological therapy whose function is to raise the self-esteem of children from minority groups." I agree with the signers that division based on race is not desirable. However, unity based on a history that glorifies those institutions which have historically perpetuated this division will not bring about a lasting peace. Although history or the social sciences should never be used to inculcate nationalism, the curriculum is a powerful tool in the process of cultural and political empowerment and it should lead students to identify

with accomplishments, not of a nation but of a community of people. In reality, the signers of the manifesto are reacting to the fact that peoples of color will be a majority in the United States in the twenty-first century. Moreover, race is an important variable in the analysis of U.S. history. History as a form of sociological therapy has always been used by the American public schools to "raise the self-esteem of children" from the dominant class.

Third, the committee criticized the Regent's report for stating: "Care will be taken to ensure that among the active participants will be scholars and teachers who represent the ethnic and cultural groups under consideration." The signers interpreted this as an invitation to each group "to write, or veto, its own history." There is a very fundamental inequality here. Most historians come from the dominant class. What makes Schlesinger and company any more objective than members of the "ethnic and cultural groups"? History should not be used as a weapon for one group to exercise power over the other group. Unfortunately, the lack of objectivity on the part of the Schlesingers has forced ethnic and culture groups to defend themselves and use history as a weapon to lessen the power of the dominant groups.

Fourth, the committee states: "We are also united in our belief in a pluralistic interpretation of American history and our support for such shamefully neglected fields as the history of women, of immigration and of minorities." This statement is hypocritical, given the history of avoidance of these fields by the signers. It can be relegated to the "Some of my best friends are Mexicans" universe. It is a lofty statement, which in principle everyone can support. However, in any political analysis the past history of the signers is relevant. In the face of this history, it is difficult to assume good faith.

Fifth, "Western tradition is the source of ideas of individual freedom and political democracy to which most of the world now aspires. The West has committed its share of crimes against humanity, but the Western democratic philosophy also contains in its essence the means of exposing crimes and producing reforms. This philosophy has included and empowered people of all nations and races." The West has committed more than "its share of crimes against humanity." There were 25 million to 38 million indigenous people in what is now Mexico and Central America at

the time of the so-called "discovery," and this number fell to a little over a million in the next eighty years. Many of the great holocausts have been perpetrated by the West. Indeed, one of Schlesinger's icons, Andrew Jackson, committed more than his share of "crimes against humanity." Lastly, the statement that Western philosophy has "included and empowered people of all nations and races" defies history.

The statement of the Committee of Scholars that there has been "progress" is relative to who is counting. The status of people of color has not changed significantly over the past several decades, and there is evidence that the gains made during the 1960s and early 1970s are eroding. In 1992 I spoke at a plenary session of the American Historical Association in Washington, D.C. While the theme was a reevaluation of the profession and the status of minorities, the plenary sessions were poorly attended. More significantly, the program did not list one panel on Chicanos. Very few Chicano or Chicana scholars were in attendance, and the number of black scholars was disproportionately small. What's more revealing, no one seemed to care—the fad had passed.

Even more perplexing is that Schlesinger, Ravitch, and their ilk couch their chauvinism in terms of a sticky liberalism that recognizes that past injustices existed, thus making chauvinism sound reasonable. After issuing this report, they took their political battle to California. They succeeded in getting their point of view adopted in the recently reformed California curricula. (African Americans do not have the political clout in California that they have in New York, and reactionary forces are very much entrenched in California.) Their agenda was used as the basis for the new Houghton-Mifflin social studies textbook series (which part of the cabal was involved in developing, and from which they profited). In its consequences, the campaign launched by objective scholars such as Schlesinger is more political than scholarly.

One of the few reasoned critiques dealing with Schlesinger's defense of history was published in the *Phi Delta Kappan* of December 1994 by Alan Singer, entitled "Reflections on Multiculturalism." Singer argues in reference to the Committee of Scholars in Defense of History,

If educators want to respond to what they feel are historical misrepresentations and prejudices in Afrocentric and other ethnocentric philosophies and if they expect young people to hear them, they must also address what is happening in our society. Silence on societal issues suggests complicity and discredits calls for reason, academic scholarship, and the value of learning.

Singer criticizes statements made by Ministers Louis Farrakhan and Khalid Abdul Muhammed regarding what the Nation of Islam has termed "the secret relationship between blacks and Jews," but he differentiates his concerns from those raised in the media.

For me, the primary issue is not the validity of their claims about Jewish involvement in the subjugation of Africa and African peoples—which I believe are gross historical misrepresentations—or even the Nation of Islam's anti-Semitism. What I am more concerned about are the reasons causing many young African Americans to accept the plausibility of these charges.

A primary reason, for Singer, is the fundamental failure of our society to include African American heritage in the curriculum in the schools.

Singer criticizes the Schlesinger/Ravitch position that, "in their 'objective' view," past injustices are aberrations outside the democratic American consensus and have largely been eliminated. Schlesinger and Ravitch present a "progressive" model of continuing improvement that defines all American people as immigrants and views the United States as a country offering unlimited possibilities. They perpetuate traditional myths about American culture which are fundamentally Eurocentric.

Culture is a dynamic force that is reshaped through experiences generated in political and social struggles and through group interaction. Immigrant groups in the U.S., for example, have continually redefined how they see themselves, sometimes aiming for assimilation into a broader American society and at other times trying to preserve distinct ethnic identities, languages, and communities. They don't practice a "condescension that assumes that some histories are less political than others, that some cultures are healthier than others for the pluribus unum."

It would be foolish to deny that some minority scholars have been excessive in their criticism of American society. However, without their critiques, the American paradigm of the Committee of Scholars in Defense of History would go unchallenged. Schlesinger, Ravitch, and their supporters are promoting their respective ideas about the nature of U.S. history and multicultural education. It is a political war with economic consequences. And, in the last analysis, Schlesinger and Ravitch have a broader access to the media and to audiences at all levels of government than most minority scholars. They are political activists. It is interesting, however, that this has not dismissed them as scholars.

The War and Its Resources

In order to understand the real dimensions of the culture war, it is necessary to follow the money.⁹ The names which are most frequently mentioned in support of this war are the Bradley Foundation, F. M. Kirby Foundation, John M. Olin Foundation, Smith Richardson Foundation, Sarah Scaife Foundation, Alcoa, Henry Salvatori Foundation, and the Wiegrand Foundation. In the area of affirmative action alone, the following think tanks, representing a large investment of money, actively push their line: the Hoover Institution, the Heritage Foundation, Washington Legal Foundation, Center for Individual Rights, Mountain States Legal Foundation, Manhattan Institute for Policy Research, Center for Equal Opportunity, American Enterprise Institute for Public Policy Research, the Cato Institute, Rand Corporation, Hudson Institute, Heartland Institute, Lincoln Institute, Institute for Justice, Independence Institute, and the Pacific Research Institute. These think tanks serve as residences for right-wing scholars who are paid to conduct the "war of position." For example, Frederick R. Lynch, author of *Invisible Victims: White Males and the Crisis of Affirmative Action*, is a Sarah Scaife Scholar at the Salvatori Center at Claremont College. The Heritage Foundation helped fund *The Bell Curve*. The Hoover Institution at Stanford sponsored the work of John Bunzel, one of the intellectual godfathers of the anti-affirmative action movement in academe. Dinesh D'Souza is the recipient of an Olin Research Fellowship for \$98,400 and received another \$20,000 to promote his *Illiberal*

Education while a fellow at the American Enterprise Institute. The list does not stop there.

At the center of the war of position is the NAS. It says that it is reacting to the excesses of the 1960s, but it goes further than that. It is leading the war for control of theory and curriculum. Among its allies is the Madison Center for Educational Affairs (MCEA). MCEA grew out of a merger between the Institute for Educational Affairs (IEA) that was founded in 1978 by Irving Kristol and William Simon, the head of the Olin Foundation, and the Madison Center, founded in 1988 by William Bennett and Allan Bloom, author of *The Closing of the American Mind*. The Smith Richardson, Olin, and Scaife foundations played leading roles in this merger. MCEA has been extremely active in funding right-wing student newspapers and training cadre.

The effectiveness of MCEA and its Collegiate Network, which coordinates its various activities, cannot be overestimated. The Collegiate Network (CN) has a toll-free hotline for writing, editing, or business advice. It places its students in internships with *The New Republic* and NBC News, even publishing a quarterly, *Diversity and Division*, on race and culture. The CN has established conservative campus newspapers such as the *Dartmouth Review*. D'Souza, for example, is a former editor-in-chief of the *Review*. Others fostered by the MCEA bore from within at newspapers such as the *Wall Street Journal*. As Table 1 suggests, MCEA receives wide support from foundations:

Table 1.
Foundations Supporting MCEA, 1992

Bradley Foundation	\$150,396
JM Foundation	25,000
F. M. Kirby Foundation	17,500
John M. Olin Foundation	220,600
Smith Richardson Foundation	195,000
Sarah Scaife Foundation	100,000
Walton Family Foundation	15,000

Source: Data from Jean Stefancic and Richard Delgado, *No Mercy: How Conservative Think Tanks and Foundations Changed America's Social Agenda* (Philadelphia: Temple University Press, 1996), p. 113. Their source is the *Foundation Grants Index* 1995, ed. Ruth Kovacs.

Aside from money raised from these foundations, the Madison Center runs aggressive mail fund-raising campaigns.

The MCEA has established other groups. One of the most active is the Leadership Institute, which offers leadership seminars and trains young conservative organizers. The Coors Foundation played a leading role in establishing the Institute. Its budget of \$1.2 million in 1992 rose to about \$4.2 million in 1994. In 1992, foundations supplied about a quarter (\$263,500) of its budget:

Table 2.
Foundations supporting the Leadership Institute, 1992

M. J. Murdock Charitable Trust	\$115,000
Salvatori Foundation	28,500
Carthage Foundation	65,000
McCamish Foundation	25,000
Kirby Foundation	20,000
DeVos Foundation	10,000

Source: Data from Jean Stefancic and Richard Delgado, *No Mercy: How Conservative Think Tanks and Foundations Changed America's Social Agenda* (Philadelphia: Temple University Press, 1996), p. 115. Their source is the *Foundation Grants Index* 1995, ed. Ruth Kovacs.

The NAS interfaces with these groups as well as a host of other groups. It publishes its own journal, *Academic Questions*, funded in part by a gift of \$100,000 from the Smith Richardson Foundation. The Sarah Scaife Foundation alone gave the NAS \$375,000 in 1992 for general operating expenses and for its accreditation program.

The Center for Individual Rights, founded in 1989, funds litigation in the area of property rights and anti-regulation, challenging speech codes and affirmative action programs. It has close ties to the NAS. It created the Academic Freedom Defense Fund. It has been very active in universities, and led the fight against affirmative action admissions programs in *Hopwood v. Texas*, filed against the University of Texas Law School in 1992. In that year, for example, the Center received \$100,000 from the Smith Richardson Foundation, \$150,000 from the Carthage and Bradley Foundations, and \$125,000 from Olin. It also received \$30,000 from the Pioneer Fund.

The Center for the Study of Popular Culture was established in California in 1988 by David Horowitz and Peter Collier, formerly radicals and publishers of the left-wing *Ramparts*. The culture it "studies" through its conservative journals, such as *Heterodoxy*, includes universities, the public media, and the legal system. It founded the Individual Rights Foundation in 1992 to challenge campus speech codes and fund litigation. In the first two years the Foundation won more than forty cases dealing with First Amendment rights.

These facts and figures are just the tip of the iceberg that is fully exposed in Jean Stefancic's and Richard Delgado's *No Mercy: How Conservative Think Tanks and Foundations Changed America's Social Agenda*. Clearly, as the authors point out, liberals, let alone radicals, have no institutions to equal these lobbying and leadership training groups.

The impact of the right-wing groups is enormous. The money and resources at their disposal¹⁰ dwarf the money and resources available to the Left, including the "clueless" liberals. Their propaganda that minorities and their study programs are politicizing education is a staggering exercise in hypocrisy.

The attack on Chicana/o studies, among other targets, is political. For Chicana/o scholars to accept the myth that the academy is not political, and to accept the concept that Chicanas/os are not victims, is suicidal. The assault on academic freedom is not being led by a cadre of dissidents clamoring for political correctness. It is led by well-funded think tanks and academic organizations claiming to be the gatekeepers to a heaven of "truth and objectivity."

Another Conspiracy Theory

An important concept of historical materialism is that nothing happens by accident; there is always a cause. In the first chapter I explored the concept of affirmative action, hoping to lay out the importance of the question to the ongoing struggle to democratize society. My premise is that the American paradigm has built-in antibodies, for instance, racism and xenophobia, that reject the inclusion of foreign elements and ideas. In the second

chapter I discussed how culture and theory, through a paradigm, determine the questions we ask and the answers to them. In this chapter I introduced the "culture war" in more depth and demonstrated how the paradigm is manipulated to produce the intended answers and preserve the status quo. In concluding this chapter, I return to the issue of affirmative action and posit that, in the light of the activity of the New Right, the passage of 209 was not the result of either an accident or a grassroots effort, but rather was the product of a conspiracy of the right.

The official story is that two quixotic professors in northern California were concerned that the 1964 Civil Rights Act had gone too far and was now discriminating against white males. So they, at personal expense, drafted the Proposition almost singlehandedly and, joined by other unselfish volunteers, pushed through the California Civil Rights Initiative. It was passed above all because of the unselfish work of a black businessman who simply wanted to be measured by the content of his character.

It is too early to discern the whole story. The whole truth may never really be known. But this campaign was just too perfect and too well orchestrated. It needed money and technical knowledge far beyond the capabilities or resources of Thomas Wood and Glynn Custred. The ultraconservative Smith Richardson Foundation gave at least \$25,000 (in 1992) to the California Association of Scholars, of which Wood and Custred are prominent members. How much the CAS received from other right-wing foundations is a subject that deserves study.

The question of money and where that money came from is critical. Publication of *The Bell Curve: Intelligence and Class Structure in America* Life, passage of Proposition 187, and the debate over affirmative action crystallized at about the same time. A common pattern of funding also emerged. The ultraconservative, racist Pioneer Fund, for example, underwrote much of the research for *The Bell Curve*, and has also contributed to the Federation of American Immigration Reform (FAIR), and other right-wing projects. Are events like these, and the pattern of funding, coincidental? Is it McCarthyism to point to a community of interests? Is it wrong to quote FAIR leaders to demonstrate this community of interests? For example, Otis Graham, professor at

UC Santa Barbara and one of the founders of the zealously anti-immigrant FAIR, blamed Latinos shortly after the Rodney King uprisings for the disturbances; he is quoted by the *Arizona Republic* of April 30, 1995, as saying:

We're quickly learning what the Israelis learned about borders and citizenship. We're going to have to get awfully tough, and it's going to be unpleasant. But that's the consequence of living next door to a failed society with a bunch of failed societies below it.

Or is it wrong to dwell on the ranting of Glenn Spencer, founder of Voice of Citizens Together, who was a supporter of 187 and 209 and who accuses Mexico of invading the U.S.?

It is unfortunate that the arguments of many of the opponents of Proposition 209 were weak, adding little to the debate over affirmative action. They were designed not to offend anyone, while attempting to win over white women (which they failed to do). The legal debate was warped by politics. But it has been a political fight from the beginning. Consider the principal actors. Governor Pete Wilson, whose political career has been forged by wedge issues, embraced 209 as a key part of his presidential campaign. He twisted enough arms among the University of California Regents to get them to abolish all race and gender preferences in UC admissions, hiring, and contracting. Republican majorities in Congress seized the issue; they held hearings and threatened to attach prohibitions against race preferences to every appropriation bill in sight. Ward Connerly, a black businessman with ties to Wilson, pushed the issue, making him the darling of the right wing as well as strengthening his own business ties. Another principal actor was Attorney General Daniel Lungren, no champion of minority interests, who determined the title and label of the initiative. What the voters got was false and misleading. Lungren's broadening of the original language was deceptive, presenting an insurmountable problem for courts in interpreting voter intent.

It is ludicrous to claim that the campaign for 209 was a grassroots movement. Connerly encountered problems gathering the 700,000 signatures needed for the proposition to appear on the

ballot. The campaign was forced to pay commercial signature-gatherers at premium prices to complete the petitions. Then there was the question of the ballot description created by Lungren. For supporters of proposals that would end race- and gender-based preferences in public programs to call their measure the California Civil Rights Initiative, and for them to quote Martin Luther King, especially when his closest family members opposed the measure, was repugnant as well as hypocritical. Opponents went both to the legislative analyst's office and to court, asking that language about the possible discriminatory effects of the clause be included on the ballot. They lost both times. If the measure was about affirmative action, why were the proponents so vehement about not calling it what it was?

The reality is that the New Right is waging the affirmative action war at the ballot box rather than in the courts. It has won the war of position and is now going on to the war of maneuver. And it is masterfully manipulating language. For example, Section (a) of Proposition 209 says:

The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.

What does "preferential treatment" mean? There is a long case history on the meaning of discrimination, but there is no precedent on the meaning of "preferential treatment." Even the California Court of Appeals refused to say anything other than they were words of "common understanding." Not so! Discrimination and preferential treatment are not synonymous. They are not interchangeable. The words are wrought with possibilities, like the term "reverse racism," which the right has so adroitly exploited. You can bet that the meaning of "preferential treatment" will be one of those code words for limiting remedies and opening the door for litigation. The wording of the initiative is well thought out. (Why isn't the category of religion included?)

The supporters of 209 have specific targets in mind. For example, the views of Connerly regarding ethnic studies are well known. After I spoke at a Chicano graduation at the University of

California at Santa Barbara in June 1996, he called the UCSB administration and asked why they were having Chicano graduation.¹² Connerly has been persistent in his criticism of diversity courses as having little academic or professional value. Glenn Spencer told me that the issue of ethnic studies would be settled by 209, and he wrote letters to this effect to the administration of the California State University at Northridge. Thomas Wood, one of the framers, wants to eliminate employment outreach programs. Under the vague language of 209, programs commemorating the Holocaust or a holiday such as Cinco de Mayo may be prohibited under "preferential treatment." The lack of precision functions to evoke confusion.

It is clear that Section (a) has threatening implications for academe. Chicana/o studies and African American studies courses fall outside the federal protection of Title VI of the Civil Rights Act of 1964 and the Fourteenth Amendment as presently interpreted. California law is therefore controlling. People of color are far from paranoid in predicting that opponents will use 209 as a launching pad to eliminate these programs.¹³

Section (c) of Proposition 209 states,

Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex which are reasonably necessary to the normal operation of public employment, public education, or public contracting.

This language evoked the bitterest exchanges during the campaign. For the proponents the clause is a legal safeguard. Proponents contend that they borrowed the terminology from similar language in the Civil Rights Act of 1964. Section (c) was included to allow sex-based distinctions in narrow circumstances that nearly everyone supports. The state constitution should not require the state to let male prison guards conduct body searches of female inmates, for example, nor should it forbid single-sex sports teams in public universities. Neither should it mandate unisex bathrooms or sanction men working in girls' locker rooms.

Such harmless interpretations of Section (c) are, at best, naive. Everyone knows that the California Supreme Court is a Deukmejian-Wilson court and that this clause would supersede

California's current equal protection clause. The California Supreme Court has construed the state's equal protection clause to mean that sex discrimination should be treated just as suspiciously as race discrimination. In general, California's standards of proof in race and gender cases are better from the standpoint of plaintiffs than those imposed by the federal government. It is not farfetched to speculate that Wilson-appointed courts would alter and undermine "highest scrutiny" protection against race and gender discrimination under the state constitution, supplanting it with a flimsy "reasonableness test" operative in federal cases. Thus, as sterile and harmless as Section (c) may sound, it signals the erosion of all the hard-fought gains of women and of ethnic groups who have historically suffered discrimination.

The proponents of 209 got just what they wanted. They won the election and established the will of the electorate. What was once an extreme position is now the "vital center." Proposition 209 also opens the door, at the very least, to an assumption that California's model discrimination laws no longer control. Most important, the right is much better prepared for the war of maneuver than the left.