

## **Ward Churchill Response to CU Pres. Hank Brown's Recommendation to Dismiss**

President Hank Brown has quite predictably recommended that the Regents of the University of Colorado (CU) fire me – not, he claims, because of my constitutionally protected statements about 9/11 but because of my scholarship. However, as hundreds of academics around the country have pointed out, CU's "investigation" has all along been merely a pretext, transparently catering to the political and financial interests which dictate "educational" policy at CU.

### Key Facts

1. The evidence has established that the University had received *no* formal or written complaints about my scholarship when it initiated this "investigation." *All* of the allegations investigated were either solicited or brought directly by University administrators.
2. Brown relies on the Investigative Committee's Report of May 9, 2006, the product of a deeply flawed process conducted by a biased panel which included *no* American Indians or experts in American Indian Studies. Ironically, the Report itself contains falsifications and fabrications of evidence of exactly the sort it claims I engaged in. A number of these are highlighted in formal complaints filed against its authors by both CU and other professors. The Report simply does not stand up to serious scholarly scrutiny.
3. Even the Investigative Committee did not agree that their conclusions warranted revocation of tenure and dismissal. Only one of the five members of the Investigative Committee actually recommended dismissal. Further, a majority of the Privilege & Tenure (P&T) Appeal Panel recommended only a 1-year suspension and demotion. Yet, Brown disregards the results of CU's own process to advocate the most severe sanction available.

### The P&T Appeal Panel's Conclusions (April 11, 2007):

The P&T Appeal Panel *rejected* the Investigative Committee's conclusions that I "fabricated" evidence concerning the General Allotment Act, the Indian Arts & Crafts Act, John Smith's role in spreading smallpox, and the Army's intention spreading of smallpox to the Mandan in 1837.

The Panel acknowledged that:

1. The standards allegedly applied to my work were *never* clarified, before or during the investigation.
2. It could point to *no evidence* that ghostwriting is explicitly prohibited by *any* standards in any discipline.
3. The Investigative Committee charged with conducting a "fact-finding, nonadversarial" investigation was chaired by law professor Mimi Wesson, who - in February 2005 - had compared me to "charismatic male celebrity wrongdoers" like O.J. Simpson, Michael Jackson and Bill Clinton, and had already come up with the faulty "traffic stop" analogy the Committee used to justify its conclusions.

### The Charges are Evaporating:

According to the Appeal Panel, the *only* remaining grounds for sanction are:

1. Not providing sufficient evidence that smallpox blankets were taken from an *infirmary* in 1837, that *an Army doctor or post surgeon* told the Mandans to scatter; and that *400,000* rather than 300,000 people may have been killed;

2. Citing to material I have consistently acknowledged to have ghostwritten; and

3. Publishing an article in *Z Magazine* from which the editors deleted my insertion of “Dam the Dams” as a co-author; and copyediting an article (in a book edited by a third party) which, unbeknownst to me, may have plagiarized another author.

*Even if* these charges were true – which they are not – to pretend that they constitute grounds for revocation of tenure and dismissal is ludicrous. No scholar’s work could withstand such fine-tooth combing, and other professors certainly have not been held to similar “standards” by CU.

The Bottom Line:

Long before this investigation, all of my work was reviewed in the tenure and promotion processes of the University. I had published more than 4,000 pages (including over 12,000 footnotes) of scholarly work, and received the University’s top awards and recognitions for teaching, service and scholarship

Everyone agrees that this “investigation” would not have occurred but for my First Amendment-protected speech. To use minor factual disagreements, citation of ghostwritten material, and editors’ errors as the pretext for firing me simply illustrates that the administrators of the University of Colorado take political and financial pressures far more seriously than academic freedom or the Constitution’s guarantees of freedom of speech, equal protection and due process.

None of this is a surprise, of course. University administrators have been faithfully working to comply with then-Governor Bill Owens’ February 2005 demand that I be fired. President Brown, his new VP Michael Poliakoff, and Regent Tom Lucero, like Bill Owens, are key players in Lynne Cheney’s American Council of Trustees and Alumni (ACTA). ACTA and similar neoconservative groups have received generous funding from Castle Rock (Coors), Scaife, Bradley and Olin foundations to eliminate Ethnic, Gender and Peace Studies Programs and to purge higher education of those who think critically, challenge historical orthodoxy, or otherwise threaten the status quo.

We’ll see if the Regents will allow political and financial pressure to trump academic freedom.

Ward Churchill  
Professor of Ethnic Studies  
University of Colorado at Boulder  
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