

STATEMENT OF THE AAUP CHAPTER AT THE UNIVERSITY OF COLORADO AT BOULDER REGARDING THE INVESTIGATION AND RECOMMENDED TERMINATION OF PROFESSOR WARD CHURCHILL

The American Association of University Professors has been fighting to protect academic freedom, faculty governance, and due process in higher education since 1915. The newly constituted University of Colorado-Boulder chapter of the AAUP is deeply concerned over the University of Colorado administration's handling of the "Ward Churchill affair." We recognize that Professor Churchill's statements are often inflammatory and that serious questions have been raised about his scholarship. Nevertheless, we believe that academic freedom and due process must be accorded to all faculty members, regardless of their personalities or politics.

CU-B AAUP recognizes that the University's credibility depends on sound scholarship, and our membership strongly supports the maintenance of rigorous research standards. However, faculty members whose research results in unpopular conclusions should not be held to a higher standard than scholars whose work is popular or uncontroversial. CU-B AAUP also believes that serious charges of misconduct leveled against faculty should be investigated. However, the credibility of those charges should be investigated as well, in order to protect faculty against politically motivated witch hunts. Finally, we believe that a central mission of the University should be defending academic freedom by protecting faculty members from vindictive attacks and maintaining a presumption of innocence for faculty members who are accused of misconduct until investigations are concluded. This was not done in the Churchill case.

The membership of CU-B AAUP takes no position on whether or not any of the substantive charges of research misconduct leveled against Professor Churchill are justified. Our areas of expertise are different from Churchill's and we are not able to assess independently the conclusions of the two CU-B Committees that have investigated Churchill's work. We have chosen not to compare the rigor of Churchill's work with that of other highly esteemed scholars in the field of Native American Studies, such as the late Vine Deloria. However, several aspects of the investigation raise questions about the fairness of the ad hoc Investigating Committee's conclusions and the proportionality of the punishment recommended by the Administration. They also raise more general worries about the investigation's chilling effect on critical scholarship.

No one doubts that the original charges against Professor Churchill were

politically motivated. In February, 2005, the Colorado House of Representatives unanimously adopted a resolution condemning Churchill, and State Governor Bill Owens called publicly for him to resign for statements he made regarding the World Trade Tower disaster. These resolutions violated Professor Churchill's First Amendment right to free speech, as a University-appointed committee rightly ruled. However, charges of academic misconduct immediately surfaced--from the same and similar sources--despite the fact that similar charges had been raised at least two years earlier, and were never followed up by the University. In this highly politicized context, many assert that no investigation of Professor's Churchill's work should ever have been undertaken, and others argue that, in such a context, a fair investigation was impossible. Notwithstanding, an inquiry was conducted, in circumstances marked by constant inflammatory, ad hominem, and even obscene attacks, on and off the CU campus, against Professor Churchill, anyone who appeared to support him, and even against some members of the ad hoc Investigating Committee, two of whom resigned soon after the investigation began.

CU-B AAUP recognizes that the initial inquiry initiated by Interim Chancellor Distefano was an attempt to keep the investigation of Professor Churchill in the hands of the CU-B faculty and administrators, in the face of extraordinary pressures to cede control to Regents, legislators, or other outside bodies. We appreciate the service of our colleagues on the Standing Committee on Research Misconduct and especially on the sub-committee that investigated Churchill, who endured months of unrelenting pressure. While we do not question the integrity or acuity of these colleagues, nevertheless, we believe that the investigation now is widely perceived to be a pretext for firing Churchill when the real reason for dismissal is his politics. Our questions and concerns about the investigation include the following:

1. The lack of an uninvolved arbiter is troubling. It appears to be a violation of due process that the Interim Chancellor acted both as plaintiff, in bringing the charges against Churchill, and as judge, recommending dismissal. In making his recommendation, Professor Distefano acted on the most stringent recommendations of the two committees, even though half of the members recommended a lesser penalty.
2. The absence of peer investigators is also troubling. Professor Churchill is a specialist in Native American scholarship and has focused on historical issues regarding relationships between Native peoples and European-Americans. However, the final investigative committee included no scholars from Native American Studies. Thus, there was no expertise present in Professor Churchill's specific areas of study. We do not believe that a mathematician, physicist, physician or lawyer would have been investigated without disciplinary peers to evaluate the quality of his or her scholarship.

3. The hostile climate posed serious problems for the Churchill investigation and surely contributed to the absence on the sub-committee of scholarly peers in Professor Churchill's field. For example, one faculty member was pressured to resign from the Committee on Research Misconduct because he had signed the February 2005 faculty petition supporting academic freedom in general at CU, and thus was viewed by some as supportive of Churchill himself. In addition, the two Native American historians originally asked to serve on the Investigatory Committee were so intimidated by the "toxic" atmosphere at CU and so pressured by outsiders that both resigned almost upon appointment.

4. Some scholars argue that the standards of research misconduct used in Professor Churchill's case were elastic and that they were applied to his work with special stringency. Others consider the recommended punishment disproportionate. From a record of more than twenty books and hundreds of articles, chapters, speeches, and electronic communications, the committee investigating Churchill's work isolated six pages, in which they claimed to find examples of plagiarism and one example of fabrication. If these charges are justified, they certainly show that Professor Churchill sometimes failed to adhere to the most rigorous standards of scholarship, but they seem relatively small in light of Churchill's vast opus. All scholars have points of view, and even distinguished scholars make occasional mistakes; however, it is highly unusual for the discovery of such errors to end in dismissal.

The investigation into Professor Churchill's work has been undertaken in the context of extensive well-organized and well-funded activity to discredit scholarship by faculty members perceived as liberal or left-leaning and to undermine the autonomy of institutions of higher education across the country. The University of Colorado has been a special target of such efforts, and scholars around the country are watching carefully to see what happens here. Insofar as the investigation inappropriately casts aspersions on Professor Churchill's controversial conclusions regarding relationships between Native Americans and the United States, it also will weaken academic freedom across the United States. The freedom of faculty to interpret their own data, regardless of these interpretations' conformity to conventional wisdom, lies at the heart of the scholarly enterprise.

In these circumstances, it is vital for the University of Colorado to defend not only the integrity of scholarly research but also the interlinked principles of academic freedom for its faculty and autonomy for itself. Failure to do this will be extremely damaging to the University of Colorado. It will injure faculty morale, diminish the University's ability to recruit qualified faculty, especially in disciplines where controversies over interpretation are commonplace, impugn the University's scholarly reputation, and reduce our ability to represent the best of scholarly work in research, the classroom and the community at large.

1. For these reasons, CU-B chapter of AAUP calls on the University of Colorado's administration to reverse the decision to dismiss Professor Churchill. The problems that beset the Churchill inquiry, especially its highly politicized origin and context, bring into question both the objectivity of the inquiry and the proportionality of the recommended penalty. We recognize the possibility that lesser sanctions may be justified for some specific acts described in the report.

2. More generally, we call on the University to renew its commitment to academic freedom. This requires that the administration and the faculty exist in a reciprocal relationship, whereby faculty engage in resolute and rigorous scholarship in accordance with the canons of their discipline and the administration protects this scholarship and instruction against external political pressures. The recent "Report of the First Global Colloquium of University Presidents," held at Columbia University in January 2005 and attended by U.N. Secretary General Kofi Anan, stated clearly: "The autonomy of the universities is the guarantor of academic freedom in the performance of scholars' professional duties."