

ACLU to Regents: Don't Fire Ward Churchill

The Executive Directors of the National ACLU and the ACLU of Colorado write:

To the members of the University of Colorado Board of Regents:

Later this month, the Board of Regents will meet to consider a recommendation, made by University of Colorado President Hank Brown, that Professor Ward Churchill's employment be terminated.

We write on behalf of the American Civil Liberties Union—an organization long dedicated to preserving the principles of the First Amendment and academic freedom—to urge you to reject this recommendation.

The investigation of Professor Churchill's scholarship is the result of widespread publicity in early 2005 about certain unpopular views Professor Churchill expressed several years earlier in an essay about the terrorist attacks of September 11, 2001. Prominent public officials, including members of the legislature and the then-Governor of Colorado, quickly called for Professor Churchill's termination. The Board of Regents called an emergency meeting, at which the Chancellor announced his plan for an immediate investigation of all of Professor Churchill's writing and speeches to determine whether they provided any grounds for dismissal.

It is undisputed, however, that Professor Churchill's views are protected by the First Amendment and cannot serve as a legal basis for any adverse employment action. Nevertheless, the University soon launched the investigation of Professor Churchill's scholarship in an effort to find more defensible grounds for sanctioning him.

The investigative committee found six charges of research misconduct to be sustained. The Appeals Panel of the Privilege and Tenure Committee concluded that only three of those were valid. Only one member of the five-member investigative committee believed that dismissal was an appropriate sanction, and a majority of the appeals panel concluded that termination was not warranted. Despite these conclusions, the University President has recommended termination, thus urging the same result as the elected officials who publicly called for Professor Churchill's termination in 2005. The current Governor of Colorado has now added his voice to those clamoring for Professor Churchill to be fired.

We believe the poisoned atmosphere in which this investigation was launched, and the circumstances under which it was initiated, have irretrievably tainted the process. The investigation of Professor Churchill's scholarship cannot be separated from the indefensible lynch-mob furor that generated the initial calls for his termination. Firing Professor Churchill in these circumstances does not send a message about academic rigor and standards of professional integrity. On the contrary, it sends a warning to the academic community that politically unpopular dissenters speak out at their peril.

Accepting President Brown's recommendation in these circumstances poses too great a risk that other members of the academic community will respond by choosing to silence themselves or temper the public expression of their views out of fear that they, too, will be subjected to detailed fishing expeditions and censure. Such a result not only undermines academic freedom, it also diminishes the range and breadth of public debate that is vital to a flourishing democracy. We urge you to reject President Brown's recommendation.

Sincerely,
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