

## James Craven to University of Colorado President Hank Brown, July 29, 2006

To: President, University of Colorado, Boulder Subject: Strong Protest  
Against Treatment of and Decision to Fire Professor Ward Churchill

In his play "The White Plague", Sean O'Casey's character notes: "Nothing is so passionate as a vested interest disguised as an intellectual conviction." That axiom is certainly quite evident in this case of UC Boulder Administration versus Professor Ward Churchill.

One need only read two paragraphs of the "Report of the Investigative Committee of the Standing Committee on Research Misconduct at the University of Colorado at Boulder Concerning Allegations of Academic Misconduct Against Professor Ward Churchill" [Report] to see the extent to which those who set up and conducted this "investigation" have self-revealed/impeached themselves to be utterly ignorant and/or contemptuous of not only of basic academic freedom and due process, but, also, of the U.S. Constitution, basic Law and elementary logic.

From page 3 para 2 of this Report: [Stipulating that complaints against Professor Churchill's scholarship were likely, or might well have been, prompted by objections to the content of his writing on a particular piece that was protected free speech and thus the complaint was basically another way to get at him]:

"Nevertheless, serious claims of academic misconduct have been lodged and they require full investigation and responsible and fair treatment. The Committee has attempted to provide that investigation, keeping the background and origins of this particular dispute out of our consideration of the particular allegations. To use an analogy, a motorist who is stopped and ticketed for speeding because the police officer was offended by the content of her bumper sticker, and who otherwise would have been sent away with a warning, is still guilty of speeding, even if the officer's motive for punishing the speeder was the offense taken to the speeder's exercise of her right to free speech. No court would consider the improper motive of the police officer a defense to speeding, however protected by legal free speech guarantees the contents of the bumper sticker might be."

For openers, let's take this analogy [compound metaphor] as if it accurately represents the basic facts and nuances in this case—it does not, not even close.

First of all there is the contemptuous analogy being made between a

speeding ticket and the usual penalty that goes with it, and/vs a career/life's-work-destroying charge of academic misconduct and the extreme penalty being ordered for that. The analogy itself reveals the arrogance, ignorance, malice and insensitivity of those making it.

Secondly, speeding tickets and all sorts of offenses are routinely kicked when it is apparent that demonstrable animus and other bad motives and disparate treatment by a police officer and/or supporting witnesses, call into question that police officer's or supporting witness's basic integrity, motives and veracity in testimony or even the likely merits of the charge itself. In this case, the original and clearly animus/malice-driven complainants, their animus and malice clearly demonstrable from their own utterances and previous conduct, had the status of citizens eliciting the assistance of a police officer, while the police officer with the authority to "ticket" is the UC Boulder Administration. Further, if it can be shown that the "citizens" that elicited the assistance of the public resources of the "police" did so to execute a private agenda tangential to the charges they made, they can be charged with Filing of False Charges and Misuse of Police and Public Resources; and the police who allowed themselves to be used, without having seriously vetted the complaints, or having previously investigated like-complaints and found them unsubstantiated, can be charged with Abuse of Police Powers and Misuse of Public Resources.

Next, the police officer, having taken an "Oath" (like a "Loyalty Oath") to uphold the laws and the U.S. Constitution, which includes equal protection and treatment under the law, has just committed the felony of Abuse of Power Under Color of Badge as he/she cannot, or is not supposed to, apply disparate criteria and standards against citizens otherwise exercising basic protected rights on other matters—even when the personal proclivities or views of the police officer might be offended.

Next, the charge of speeding does not require proving any intent to speed, whereas, charges related to academic misconduct do require a showing and proving of mens rea; no patterns, or even any clear instances of academic misconduct (that is the difference between inevitable human error to be corrected by academic debate versus actual misconduct which is about intent) that would reveal intent to commit, profit from and/or cover-up any form of academic misconduct have been shown and documented anywhere in Professor Churchill's case.

Now let us change this metaphor or analogy to better incorporate the apparent real facts of this case:

Person A is an investigator who, in the past, has not only uncovered

wrongdoing on the part of Person B and his relations, but has testified against person B on several occasions, his own work has been used by other investigators against person B and his relations, and further, the basic work of person B sits, unrefuted, awaiting further use in future cases against person B and his relations.

Officer C is a police officer who, for ideological and other reasons, perhaps covert associations, perhaps career ambitions, perhaps returning some favors, has no use for the likes of person A and his views and his work but has been unable to get to him because person A basically follows the rules knowing he is under surveillance and any excuse will be used to get him. But person A is also respected by some of the colleagues of Officer C and even the work of person A has brought credit and new recruits to the police force on which Officer C sits. So Officer C must be careful how to get person A.

Person B tells Officer C which route to work person A takes each day. So Officer C, seeing a mutuality of interests with person B, redirects his traffic surveillance. Next, although those not more than five-miles-an-hour over the speed limit are routinely not bothered with, person A will be held to five miles-an-hour under the speed limit. But since person A has been set up before and knows the game and has been careful, Officer C takes the additional step of situationally “recalibrating” the speed detector (like structuring a committee for preordained conclusions which is done all the time in academia) so that when person A is doing 35 miles-an-hour in a 40 miles-an-hour zone, the speed detector shows him doing 50 miles-an-hour.

That analogy or narrow simile is much more “like” what is really going on in this case.

The next paragraph (page 4 para 3) suggests that although some of the complaints against Professor Churchill are clearly the result of his public work and positions taken in non-academic as well as academic venues, as any public person, who has “volunteered” to become a public person, this is to be expected. This is like telling the rape victim in the park that in going to the public park, a place with remote areas favorable for rapists, she made herself a target, and thus “invited it” by going to a venue that more likely “invites” predatory rapists to go after her.

The only people who should be fired from UC Colorado are the Interim Chancellor who has indicated an intention to fire Professor Churchill and the members of that bogus committee that made that shameful and intellectually dishonest/incompetent report.

I am frequently asked for my advice on institutions for further study. If Professor Churchill is terminated, or not restored to his duties and made as whole as anyone can be so made who has suffered so much in this case, I and many colleagues I know will consider UC Boulder to be unfit to be considered any kind of real university or institution of "higher" learning and will so advise all students who seek our counsel.

Finally, Sir, to extend the compound metaphor above: What if it can be shown that person A was/is a serious scholar documenting not only the true dimensions and causes of the Nazi Holocaust, but, also, the true dimensions and causes of other genocides, including against Indigenous Peoples? And what if it can be shown that person B is part of a group known not only for covering up the true dimensions and causes of the Nazi Holocaust, perhaps person B even had relations complicit in it, and, also, person B can be shown to have vested interests in continuing cover-up of other genocides and that person B and his group have long track records of using pretexts of concern for one thing to hide other interests and real agenda? In that case, the "police officer", UC Boulder would be acting as a "useful idiot" for some very nefarious forces with some very ugly agenda in addition to being complicit in genocide cover-up.

Think carefully about it Sir.

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