

Research Misconduct Complaint

Submitted to Professor Joseph Rosse, Chair
Standing Committee on Research Misconduct
University of Colorado at Boulder

by Professor Ward Churchill
July 18, 2007

In accordance with the Laws of the Regents of the University of Colorado and the policies issuing therefrom, I am hereby submitting a complaint on grounds of research misconduct against University of Colorado/Boulder (UCB) Distinguished Professor Emeritus of History Marjorie K. McIntosh and four collaborators.¹ The basis of the complaint is plagiarism, committed serially and in multiple forms. Said offenses occur in a document titled *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* (May 9, 2006). Insofar as it has been posted on an official University website for purposes of broad public distribution and consumption under the University's imprimatur, the document constitutes published scholarship.² Although the document was nominally coauthored by Professor McIntosh, UCB Professor of Law Marianne Wesson, UCB Professor of Sociology Michael Radelet, Arizona State University Professor of Law Robert Clinton, and University of Texas Professor of English José Limón—who, together with Professor McIntosh, comprised the so-called Investigative Committee—Professor McIntosh confirmed her primary authorship of the material specifically at issue in this complaint during her testimony before the University of Colorado's Committee on Privilege and Tenure (P&T) on January 10, 2007.³

¹ Most specifically at issue are the University of Colorado System, *Administrative Policy Statement Concerning Misconduct in Research and Authorship* (available at <http://www.cusys.edu/policies/Academic/misconduct.html>), and University of Colorado at Boulder, *Administrative Policy Statement on Misconduct in Research and Authorship, as Cited on Research Misconduct Rules, Operating Rules and Procedures of the Standing Committee on Research Misconduct* (available at http://www.colorado.edu/Academic/research_misconduct_rules.html). Insofar as the definition of misconduct advanced in the System Statement invokes "current federal regulations regarding scientific research misconduct, for example those promulgated by the National Science Foundation (NSF)," and further provides that these "policies and procedures...apply to University members on all campuses who are conducting research under different circumstances, regardless of whether or not it is in the field of science," the NSF regulations, as codified at 45 CFR, § 689.1 may be seen to apply (available at <http://www.nsf.gov/oig/resmisreg.pdf>). Insofar as Prof. McIntosh is a professional academic historian, the applicable standards are those set forth in the American Historical Association's *Statement on Standards of Professional Conduct* (available at <http://www.historians.org/pubs/Free/ProfessionalStandards.cfm?pv=y>); hereinafter referenced as *AHA Statement on Standards*.

² Publication occurred at the explicit request of UCB Law Prof. Marianne "Mimi" Wesson, who chaired the so-called Investigative Committee, apparently with the concurrence of the other committee members/coauthors. As Prof. Wesson explained in an e-mail communication to Prof. Fay G. Cohen of Dalhousie University on Mar. 23, 2006, "I have secured a commitment from the University administration that our report, unedited by any University officer, will be made public (copy on file). In addition to the *Report of the Investigative Committee Report* (hereinafter cited as *Report*), a audio download of a press conference featuring Prof. Wesson at the time the *Report* was released, and a press summary of the findings contained in the *Report*, are all posted under the University of Colorado imprimatur on an institutional website (all are available at <http://www.colorado.edu/news/reports/churchill/churchillreport051606.html>.) Unless the University wishes to acknowledge that the scholarship of one a senior faculty member was officially-assessed in something *other than* a scholarly fashion, the Investigative Committee's published *Report* must be treated as a work of scholarship, subject to the definitions, rules, and standards set forth in Note 1.

³ At p. 116 of the *Report*, Prof. Marjorie McIntosh is credited, in addition to writing her own section—which constitutes approximately half the page-length therein (sans appendices)—with having "integrated" the sections submitted by each of her coauthors, then "edit[ing] and format[ing] the final document." Prof. McIntosh must thus be seen as having served as lead author of the over *Report*, bearing primary responsibility for its contents. Her coauthors, however, apart from whatever offenses may be reflected in such material as they themselves drafted, must, by virtue of their approval of the "final product" crafted by Prof. McIntosh, must be seen as having been complicit in Prof. McIntosh's research

Allegation 1: Plagiarism of Dr. Thomas Brown

In a recent article published in the journal *Plagiarism*, Lamar University Assistant Professor of Sociology Thomas Brown, commenting on the above-referenced document, observes that, “The CU committee’s report (Wesson et al, 2006) bears some striking parallels to this *Plagiarism* article. This is probably explained by the fact that I submitted a working draft to CU’s Standing Committee on Research Misconduct in September 2005, before the investigative committee was formed. I would also note that this article was submitted to *Plagiarism* and accepted for publication before the CU report was made public. References herein to Wesson et al. were added during the final revision.”⁴ In substance, Dr. Brown expresses concern that portions of the Investigative Committee’s *Report* so closely resemble his submission to the SCRM—and subsequently provided to the investigative panel by the SCRM—that readers might conclude that *he* is plagiarizing *them*.

A comparison of the “working draft” Dr. Brown submitted to the SCRM to the material contained under the heading “Allegation D: Smallpox Epidemic at Fort Clark and Beyond, 1837-1840” (pages 39-82) and elsewhere in Professor McIntosh’s section of the *Report* reveals that his concerns were amply justified. The material at issue was written, by her own admission, by Professor McIntosh. As concerns the nature of the similarities involved, consider the following juxtaposition of quotes, beginning with an argument appearing in Dr. Brown’s draft:

[I]t is possible for Churchill’s accusations of genocide to be entirely valid, and yet still constitute misconduct. What is relevant to a determination of misconduct is not the validity of Churchill’s history, but whether or not he was honest in his use of the evidence available to him.⁵

Now, Professor McIntosh:

We do not find academic misconduct with respect to [Professor Churchill’s] general claim that the U.S. Army deliberately spread smallpox to Mandan Indians at Fort Clark in 1837, using infected blankets [since] there is some basis for that interpretation.... [But, b]ecause Professor Churchill misrepresented some of the published sources he cites, which do not in fact support his claim, we...find by a preponderance of the evidence a pattern of deliberate academic misconduct involving falsification, fabrication, and serious deviation from accepted practices in reporting results from research.⁶

Rephrased? Yes. Embellished? Certainly. Conceptually different? Not in the least. On the contrary, the two passages are conceptually identical. This is cause for an at least tentative alarm, since the *Statement on Standards of Professional Conduct* of the American Historical Association (AHA)—and Professor McIntosh *does* purport to being a professional academic historian—adheres closely to the definition of plagiarism advanced in *Black’s Law Dictionary* (6th ed. at page 1150), i.e.: “The act of appropriating the literary composition of another, or parts or passages of his writing, or *the ideas* or the language of the same, and passing them off as the product

misconduct. As they themselves put it at p. 10 of the *Report*, other than the discussion at pp. 99-103—which is not at issue in this complaint—“what follows represents a unanimous finding or conclusion of the Committee.”

⁴ Thomas Brown, “Did the U.S. Army Distribute Smallpox Blankets to Indians? Fabrication and Falsification in Ward Churchill’s Genocide Rhetoric,” *Plagiarism*, Vol. 1, No. 9 (available at <http://www.plagiarism.org>) p. 28n3.

⁵ Thomas Brown, “Did Ward Churchill Commit Research Misconduct in Accusing the U.S. Army of Committing Smallpox Blanket Genocide in 1837?,” submission to the SCRM (Sept. 2005) p. 2. Dr. Brown’s Sept. submission was in some ways duplicative of material he’d posted on his Lamar University website, all or most of which was available to Prof. McIntosh (see Note 33, below).

⁶ *Report*, pp. 81, 82.

of one's own mind [emphasis added].”⁷ Moreover, as University of Georgia historian Peter Charles Hoffer, a member of the AHA's Professional Division, has emphasized, while “[o]ther disciplines’ definitions of plagiarism involve the offender’s seeking an advantage of some kind from the use of another’s work, or include an ‘intent to deceive,’ [for] professional historians...plagiarism is a strict liability offense, like going through a stoplight.”⁸ Indeed, to be in compliance with the AHA Standards, “not only must one acknowledge [the] sources” relied upon anything claimed as original work, but “the writer must reveal the *full* extent of the work’s indebtedness [emphasis added]” to those sources.⁹

In the instance at hand, Professor McIntosh neither cited Dr. Brown’s draft nor revealed any debt to it whatever. It might be that Professor McIntosh’s having arrived at the same rather peculiar conclusions as Dr. Brown was in this case purely coincidental, were it not for the nagging facts that it is known both that she was in possession of his draft material, and that she read it. More importantly, the example thus far deployed is hardly the only one in which her material parallels his so closely as to be virtually interchangeable. Indeed, she often fails to try to disguise the fact so thoroughly as she did above, instead offering not only his ideas but close paraphrases of the language with which he presented them, without attribution, as if they were her own. At page 12 of his draft, for example, amidst a partial survey of the literature concerning the origins of the 1837 smallpox pandemic, Dr. Brown observes that :

In 1884, Hubert Howe Bancroft wrote of a smallpox outbreak in 1836 [*sic*], commenting in a footnote: [that] “Beckwourth [also spelled Beckwith], the negro, was accused, I do not know justly, of wilfully sowing smallpox among the pestiferous Blackfeet, by disposing to them of certain infected articles brought from St. Louis” (citing Bancroft, H.H., *History of the Northwest Coast, Vol. II: 1800-1846, Vol. 28, The Works of Hubert Howe Bancroft* [A.L. Bancroft: San Francisco, 1884] p. 602, note 3).¹⁰

Here is Professor McIntosh’s rendering of the same information.

Beckwourth’s possible act was mentioned also in a footnote to H.H. Bancroft’s *History of the Northwest Coast, Vol. 2* (San Francisco: A.L. Bancroft, 1884), p. 602 and note 3. Under 1836, Bancroft notes that “the small-pox made its appearance” that year, “attacking natives with all its early virulence.” A note says: “Beckwourth, the negro, was accused, I do not know how justly, of wilfully sowing small-pox among the pestiferous Blackfeet, by disposing to them of certain infected articles brought from St. Louis.”¹¹

In the same vein, Dr. Brown recounts at page 13 of his draft how, “Beckwourth’s scholarly biographers argue that the accusations appear to be malicious rumors, planted by people who were either competitors of Beckwourth in the fur trade...or by racist whites who objected to the

⁷ At p. 10 of the *AHA Statement on Standards*, it is observed that plagiarism “takes many forms [including] the limited borrowing, without attribution, of another person’s distinctive and significant research findings.” Plainly, these may include the other person’s ideas and conclusions. Equally plainly, Dr. Brown’s assertion that the validity of what is stated is irrelevant to questions of misconduct centering upon “fabrication” is both quite “distinctive” and—at least to the extent that it might serve to establish any sort of precedent—“significant.”

⁸ Peter Charles Hoffer, *Past Imperfect: Facts, Fictions, Fraud—American History from Bancroft and Parkman to Ambrose, Bellesiles, Ellis, and Goodwin* (New York: PublicAffairs, 2004) p. 174.

⁹ *Ibid.*, p. 175.

¹⁰ The misspelling of the word “wilfully” is Dr. Brown’s. It should also be noted that Bancroft’s text reads “small-pox” rather than “smallpox.” The citational information will be found at pp. 45 and 47 of his draft.

¹¹ *Report*, p. 54n133.

prominence of an African American trader.”¹² Professor McIntosh recycles this observation at page 54 of the *Investigative Committee Report*, remarking that the “charge...may have been malicious, stemming in part from racially based mistrust of Beckwourth, who was commonly termed a ‘Negro,’ or even ‘a mongrel,’”¹³ before concluding on the next page, as Dr. Brown clearly hoped his readers would, that the Beckwith “rumor” was “perhaps [an] example of the desire to find a racial ‘other’ on whom to blame the epidemic.”¹⁴

Professor McIntosh seeks to mask the extent to which she “borrowed” from Dr. Brown’s analysis by briefly summarizing material drawn from three other sources squarely in the middle of her discussion of Beckwith, as though she’d engaged in independent research.¹⁵ These, however, do not bear directly upon the Beckwith/Blackfeet issue, and therefore fail to alter her reliance upon Dr. Brown in that regard.¹⁶ The first of them, moreover, is lifted from material I myself provided on March 21, 2005, which Professor McIntosh cites without the least attribution, as if she herself had found it on her own.¹⁷ The second and third, consist of a statement appearing to

¹² It is unclear who Dr. Brown considers to be “Beckwourth’s scholarly biographers,” since he cites no sources in support of this assertion, and the only actual “biographer” of Beckwourth he references more generally is Elinor Wilson, whose work hardly qualifies as “scholarly” (even in her own estimation). His performance in this regard is peculiar, to say the least, since, as Dr. Brown, himself remarks at p. 44 of his draft, “A charge so serious as [fabrication of a] genocide demands to be substantiated by significant evidence, presented and analyzed with utmost care in sourcing.” As is abundantly reflected not only in the draft submitted to the SCRM but in several earlier iterations and the finished piece ultimately published by *Plagiary*, Dr. Brown is far better at enunciating such dicta than adhering to them.

¹³ Prof. McIntosh attributes the charge against Beckwourth to the mountain man Jim Bridger, as repeated by Bridger’s associate, Joe Meek. For this, she relies on a quote in Elinor Wilson’s *Jim Beckwourth: Black Mountain Man and War Chief of the Crows* (Norman: Univ. of Oklahoma Press, 1972) p. 80, rather going to the original source, Francis Fuller Victor’s *River of the West* (Long’s College, 1950), first published in 1870, wherein, at pp. 231-2, Meek’s account first appeared in print. Similarly, she ignores Stanley Vestal’s biography, *Joe Meek, the Merry Mountain Man* (Caxton, ID: Caxton Press, 1952) where, at pp. 68-9, the story is also analyzed. That Prof. McIntosh accepted Ms. Wilson’s third-generation iteration without further examination of the background attending Meek’s account is telling, since, elsewhere in the *Report*, while seeking to discredit a source she found inconvenient to her argument, she traced its citational lineage all the way back to an 1833 account by Maximilian, Prince of Weid; *Report*, p. 76n199 (also see Note 243, below). Such different degrees of scrutiny hardly suggest that Prof. McIntosh was conducting herself in the manner of an “impartial” or even “nonadversarial” investigator, as she and her coauthors claimed. In any case, it should be noted that the Wilson book alone among the relevant sources is referenced by Dr. Brown. Hence, it appears that Prof. McIntosh simply duplicated his approach.

¹⁴ For use of the word “rumor” to describe the accounts of Beckwith infecting the Blackfeet, see Brown, “Did Ward Churchill Commit Research Misconduct?,” p. 12. Prof. McIntosh’s phrasing will be found in the *Report* at p. 55.

¹⁵ See Allegation 2, below.

¹⁶ Both observations affirm the fact that the person who first displayed symptoms of smallpox aboard the *St. Peter’s* on its way upriver in 1837, never further identified than as a “mulatto deckhand” in early participant accounts, was actually Jim Beckwith. That several of the people whose accounts are at issue—notably Maj. Joshua Pilcher and François Chardon, commander of Fort Clark—knew Beckwith personally, and thus appear to have deliberately concealed his identity, is a matter of obvious significance left entirely unaddressed by Prof. McIntosh. This problem is compounded by the fact that the biographer upon whom Prof. McIntosh, following Dr. Brown, relied exclusively with regard to the Beckwith/Blackfeet issue (see Note 12, above), asserts that Pratte, Chouteau, the fur company involved in all this, made a “decision not to make a ‘satisfactory’ agreement with Jim Beckwourth in 1837,” and that he was therefore not employed by them; Wilson, *Beckwith*, pp. 79, 83. In his autobiography, however, Beckwith himself states that he was paid the then huge sum of \$5000 by Francis Chouteau to undertake a special mission on the upper Missouri during the summer of 1837; *The Life and Adventures of James P. Beckwith as told to Thomas D. Bonner* (Lincoln: University of Nebraska Press, 1972 reprint of 1856 original) p. 394. This glaring discrepancy, too, is glossed by Prof. McIntosh, who, citing pp. 394-5 of the memoir, observes merely that “Beckwourth’s own narrative...seems to indicate that...he was in a great hurry that summer”; *Report*, pp. 54-5n135.

¹⁷ Prof. McIntosh quotes an interview conducted more than 40 years after the fact with by-then Gen. Bernard Pratte, Jr., who had captained the *St. Peter’s* in 1837, to the effect that Beckwith had used as a pillow a bundle of infected items placed aboard the boat by another man and “contracted, in consequence, the small-pox.” Her citation reads, “Interview on November 24, 1879, from the O.W. Collet Scrapbook, Vol. A, pp. 122-3, Missouri Historical Society, St. Louis.” There is, however, considerable indication that Prof. McIntosh has never laid eyes on the Collet Scrapbook. The lan-

corroborate the information in the first, which she gleaned from the relevant page of a source referenced by Dr. Brown, as well as another pilfered from my submission.¹⁸ Ultimately, Professor McIntosh's attempt to hide her plagiarism of Dr. Brown served only to add an additional layer of plagiarism, this time of me—or, more precisely, of my researcher, Dr. Joseph Wenzel—to the serious misconduct in which she was already engaged.¹⁹

This is by no means the end of it. At page 23 of his draft, Dr. Brown seeks to discredit one of the books I've cited, Evan Connell's *Son of the Morning Star*, arguing that "[b]ecause of his lack of sourcing, Connell is of no use to a serious scholar in assessing the epidemic of 1837."²⁰ To the same end, Prof. McIntosh observes at page 64 of the *Report* that, "Connell provides no notes to the sources of his information, and it is possible that parts of his book are slightly fictionalized. Thus, it is not a scholarly source for the events Professor Churchill is describing." At page 75 of the *Report*, she returns to the theme, observing that, "Professor Churchill's choice of Connell as a scholarly source is problematic. Connell's description does not agree with primary evidence and the accounts provided by other historians." Not only does this last formulation embody a second plagiarism of Dr. Brown's evaluation of Connell—this time both incorporating and broadening the substance of his assertion at page 25 of the draft that "no historian has ever accused the War Department of bio-warfare genocide"²¹—but it is demonstrably, even gratuitously, false.²² Among other matters Professor McIntosh leaves dangling in this connection is whether she considers it equally "problematic" when other scholars rely upon cite-free sources, as, for example, does UCB Distinguished Professor of Law Charles Wilkinson when, in his recent *Blood Struggle*,

guage she quotes, as well as the citation she provides, appear in an extract from the Pratte interview included as Exhibit 7 in an annotated compilation of documents I submitted to the Investigative Committee on March 21, 2005; *Report*, p. 41n81. The implications of this will be fully addressed in Allegation 2, below.

¹⁸ The reference reads: "Rev'd. Samuel Allis, 'Forty Years among the Indians....,' *Nebraska State Historical Society Collections*, vol. II (1887), p. 149, as cited by Wilson, *Jim Beckwourth*, pp. 81-2. For Pilcher's account, see section B above"; *Report*, p. 54n81. The two accounts by Pilcher referenced by Prof. McIntosh in section B of the *Report*—at p. 44n89 and p. 44n90—are both contained in the compilation of primary documents discussed in Note 16. As is indicated therein, Prof. McIntosh's repetitive failures to make proper attribution in this regard will be addressed in Allegation 2.

¹⁹ For details and discussion, see Allegation 2.

²⁰ The book at issue is Evan S. Connell's *Son of the Morning Star: Custer and the Little Big Horn* (San Francisco: North Point Press, 1984).

²¹ The full sentence reads, "No historian has ever accused the War Department of bio-warfare genocide in carrying out the 1832 vaccination program." Not only is Dr. Brown's assertion inaccurate in its own right, but Prof. McIntosh has plainly recast it far more broadly than he originally intended. Although she does not employ the term "bio-war genocide," a recent example of an historian doing exactly what Dr. Brown claims "no historian" has done will be found in J. Diane Pearson's "Lewis Cass and the Politics of Disease: The Indian Vaccination Act of 1832," *Wicazo Sa Review*, Vol. 18, No. 2 (Spring 2003).

²² Among other things, Prof. McIntosh neglects to mention that the interpretations of primary evidence offered by the two experts she herself selected to testify on such matters—Dr. Michael Trimble and Mr. Mark J. Timbrook—were often in flat contradiction to one another, e.g.: Dr. Trimble testified that only variolation, not vaccination, would have been practiced on the upper Missouri in 1837, while Mr. Timbrook asserted exactly the opposite; *Investigative Committee Transcript*, Feb. 18, 2006, pp. 14-5, 153. How one might be expected to "agree with primary evidence" when the acknowledged experts can't themselves agree even on what it is, is left unaddressed in Prof. McIntosh's brief but nonetheless sweeping dismissal of Connell. Indeed, any claim to such agreement, such as Prof. McIntosh advances in behalf of her own material, would of necessity be anchored in the active misrepresentation of the testimony of one, the other, or both expert witnesses. That Prof. McIntosh engaged in *precisely* such misrepresentation will be demonstrated in Allegations 12 and 13, below. Meanwhile, as concerns Connell's supposed failure to agree with "other historians," the fact is that the elements of interpretation—including his estimate of fatalities—will be found in standard sources beginning at least as far back as John James Audubon's journals, compiled during the early 1840s; see Maria R. Audubon, ed., *Audubon and His Journals*, 2 vols. (New York: Dover, 1994 reprint of 1897 original) Vol. II, pp. 42-8.

he references acclaimed UCLA physiologist Jared Diamond's Pulitzer Prize-winning *Guns, Germs, and Steel*.²³

In his draft, Dr. Brown seeks to undermine the idea that I might have relied upon traditional American Indian understandings—i.e., “oral history”—of how the 1837 pandemic originated when framing my own interpretation(s) of the matter. His means to that end is to repeatedly observe that I “fail[ed] to cite ‘interviews with Indians and other [such] research.’”²⁴ With utter predictability, Professor McIntosh follows suit, belaboring on multiple occasions the “considerable disrespect” I supposedly displayed “for native oral tradition [by] failing to...acknowledge it in [my] published scholarship.”²⁵ This preoccupation with whether I gave “proper credit” to a roster of imaginary “interviewees”—an “issue” she extends into the form in which I “should” have cited them²⁶—is especially revealing in terms of the extent to which she was merely parroting Dr. Brown, given that his draft was the *only* source from which she might reasonably be seen to have derived the notion that I had conducted interviews in the first place.

Although Professor McIntosh contended during a colloquy on February 18, 2005, that I'd previously informed the SCRM Committee of Inquiry in a written submission that I'd interviewed Mandan, Arikara, and Hidatsa traditionals about the 1837 pandemic, and could provide tapes or transcripts of the results, my written submissions to the Inquiry Committee reveal that I said nothing of the sort.²⁷ On page 16 of his draft, however, Dr. Brown quotes an article published in the *Denver Post* on March 31, 2005, wherein my conversations with Indians over a 40-

²³ “On smallpox and other epidemics that devastated Native Americans, see generally Jared Diamond, *Guns, Germs, and Steel: The Fates of Human Societies* (New York: W.W. Norton and Co., 1997)”; Charles Wilkinson, *Blood Struggle: The Rise of Modern Indian Nations* (New York: W.W. Norton, 2005) p. 393n29. This is especially interesting in the context at hand, since, at p. 199, Diamond states without equivocation that “U.S. whites bent on wiping out ‘belligerent’ Native Americans sent them gifts of blankets previously used by smallpox patients.” Somehow, neither Diamond nor Prof. Wilkinson, whose reference clearly implies endorsement of the statement, have been charged with research misconduct, or even “sloppy scholarship,” for advancing this vague and to all appearances unsubstantiated accusation as fact. Their only defense, according to Prof. McIntosh, would be that their “interpretation [is] in accordance with established academic accounts”; *Report*, p. 10. In the *Report*, however, she concedes such scholarly establishment in only *one* instance—occurring in 1763, well before the U.S. had come into existence—where American Indians were deliberately infected through the distribution of smallpox-infested blankets (p. 55).

²⁴ Brown, “Did Ward Churchill Commit Research Misconduct?,” pp. 16-7; also see p. 33.

²⁵ *Report*, p. 81; similar/related formulations will be found at pp. 66, 67, 68.

²⁶ At p. 46n102 of the *Report*, the “conventions of the American Psychological Association” are recommended. At p. 66n178, referring back to this recommendation and attendant discussion, Prof. McIntosh observes that, “Although the standard scholarly format for describing an interview requires the names of the interviewee and interviewer, the date, and the location of the conversation, we would—as discussed above—have accepted less precise documentation.”

²⁷ The following exchange appears in the *Investigative Committee Transcript* for Feb. 18, 2006, at pp. 92-4.

DR. McINTOSH: ... [Y]ou said in your rebuttal [to the allegations before the SCRM Committee of Inquiry] that your evidence—in several places in which you suggested that perhaps the written evidence did not support your claim...you referred to interviews. The assumption that I had from your work was that you had done the interviews.

PROFESSOR CHURCHILL: No, ma'am... I never said that I did interviews with people. What I said was, I grew up in and [have been] associated for a very long time now with people who grew up in the cultures at issue. All right? I grew up with this understanding and that's what's being put out in [my work].

DR. McINTOSH: You did refer to interviews, I think, in your rebuttal...

At some point, Prof. McIntosh was disabused of this obviously faulty idea. Thereupon, without a hint that she'd gotten it from Dr. Brown's draft, she reversed field completely, claiming—with what can only be described as “knowing falsity”—that, “The possibility that Professor Churchill might have drawn upon oral evidence when writing his essays emerged for the first time in an interview with our Committee on January 28, 2006.” As “evidence,” she points to the fact that “oral sources are not mentioned at all in his Submission B, written in May 2005,” which is of course the very “rebuttal” wherein she'd insisted on Feb. 18 that I *had* referred to it.

odd-year period were mischaracterized as “interviews.”²⁸ That Professor McIntosh might simply have run across this on her own, once she’d begun her research in my case, is infinitely unlikely, since, as Dr. Brown points out in his bibliographic entry for the article, the portion containing the relevant passage was deleted from the piece when the posted on the newspaper’s website (perhaps because I’d immediately complained about the inaccuracy).²⁹ This occurred on April 1, 2005, roughly nine months before Professor McIntosh’s research commenced.

Similarly, at page 13 of his draft, Dr. Brown characterizes my handling of the 1837 outbreak of smallpox among American Indians along the upper Missouri River as being one of “the most crucial components of Churchill’s charge if genocide against the Army.” At page 12 of the *Report*, Professor McIntosh echoes that, “The 1837 situation is of considerable...importance, for Professor Churchill’s accounts of what happened there constitute the *primary example* he adduces in support of his argument concerning intentional genocide against Indians by the U.S. Army [emphasis added].” Given the striking similarity between his phrasing and Prof. McIntosh’s, it appears that this is yet another unattributed “borrowing” on her part. So, too, her employment of the curiously redundant term “intentional genocide,” which bears a more than passing resemblance to Dr. Brown’s formulation of “deliberate genocide” at page 27 of his draft.³⁰ Since “intent” is integral to the crime, an “unintentional” or “accidental” genocide would be a definitional impossibility.³¹ The repetition of such gaffes is a standard method of detecting plagiarism.³²

Once again, at page 28 of his draft, Dr. Brown states that, “None of Churchill’s cited sources make any mention of a post surgeon.... Churchill’s assertion that there was a ‘the [sic] post surgeon’ is a fabrication.”³³ Professor McIntosh’s paraphrase, at page 73 of the *Report*, that she “found no evidence to support [Professor Churchill’s] claim that [t]here was a military doctor/surgeon (or indeed anyone with medical training) at Fort Clark or Fort Union.... We therefore conclude that Professor Churchill fabricated this element of his account.” Not only does Professor McIntosh’s prose exhibit an obvious similarity to Dr. Brown’s, the two passages are conceptually identical. More tellingly still, perhaps, also display identical inaccuracies. As is recounted in one of the sources I cited, a fur company employee named Edwin Denig, “had picked up a bit of

²⁸ “Churchill says he believes the Army intentionally spread the disease based on his interviews of Indians and other research”; Amy Herdy, “CU prof plans tough defense,” *Denver Post*, Mar. 31, 2005.

²⁹ Brown, “Did Ward Churchill Commit Research Misconduct?,” p. 46.

³⁰ Since the words “intentional,” “deliberate,” and “premeditated” are listed as synonyms in my MS Word thesaurus, there can be no question as to whether Prof. McIntosh’s formulation duplicates Dr. Brown’s. It is also clear how little either Dr. Brown or Prof. McIntosh actually knows—or bothered to find out—about the topic both elected to address in the most “authoritative” manner imaginable.

³¹ Genocide is defined in Article II of the 1948 Convention declaring it a crime as “any of the following acts undertaken with *intent* to destroy, in whole or in part, a national, ethnical, racial or religious group, as such [emphasis added].” Five types of activity are then delineated. For text, see Burns H. Weston, Richard A. Falk, and Anthony D’Amato, eds., *Basic Documents in International Law and World Order* (St. Paul, MN: West, [2nd ed.] 1990) p. 297.

³² In fairness, it should be observed that R.G. Robertson—whose work Prof. McIntosh admits to having read—employs a virtually identical redundancy—“premeditated genocide”—at p. 303 of his book, *Rotting Face: Smallpox and the American Indian* (Caldwell, ID: Caxton Press, 2001). It is thus possible that Prof. McIntosh “borrowed” without attribution from Robertson rather than Dr. Brown in this instance. The prospect of Prof. McIntosh’s having plagiarized Robertson is amusingly ironic, since she is elsewhere on record disparaging the integrity of his work.

³³ Also see Dr. Brown’s “The Genocide That Wasn’t: Ward Churchill’s Research Fraud” (Feb. 8, 2005; available at <http://freerepublic.com/focus/f-news/1338607/posts>) p. 3; “Assessing Ward Churchill’s Version of the 1837 Smallpox Epidemic” (Feb. 13, 2005 update; available at <http://hal.lamar.edu/~browntf/Churchill1.htm>) p. 4; Thomas Brown, “The Genocide That Wasn’t” (Feb. 11, 2005; available at FrontPageMagazine.com) p. 3. Since some—or all—of these were included as exhibits attached to Interim Chancellor DiStefano’s original complaint, and thereafter included in the file passed along to the Investigative Committee by the SCRM subcommittee which handled the inquiry in this matter, the material was necessarily available to Prof. McIntosh during her “investigation.”

medical insight from his physician-father, so the Fort Union personnel looked to Denig to treat their illnesses and accidents.”³⁴ Other sources confirm that Denig was endowed with a certain degree of “surgical skill.”³⁵

There are numerous other instances in which Professor McIntosh simply repeats Dr. Brown’s points in close paraphrase. At page 39 of his draft, for example, while discussing my attribution of a mortality estimate to “the Smithsonian” in a 2003 essay, “An American Holocaust?,” Dr. Brown observes that my “footnote...does not reference any Smithsonian publication.”³⁶ At page 79 of the *Report*, Professor McIntosh, discussing exactly the same passage, observes that, “Professor Churchill provides no reference for the Smithsonian number.” And so it goes, right down to her covering Dr. Brown’s concluding assertion that I’ve engaged in “fantastic speculation” regarding the origin of the 1837 pandemic with the more genteel patina of my having instead “created myths under the banner of academic scholarship,” a turn of the phrase easily construed as meaning exactly the same thing.³⁷

Any or even all of this *might* have been ethically permissible under AHA standards—although the Professional Division’s Peter Charles Hoffer can be seen to have raised serious questions on the matter³⁸—had Professor McIntosh been painstakingly scrupulous about citing Dr. Brown’s draft each and every time she echoed it. The reality, however, is that she *never* cited it. Not once. Instead, the record reflects the fact that she vigorously denied relying on it in any way at all, seeking with equal vigor to convince me that I should simply disregard it in the course of formulating my responses to the allegations contained therein.³⁹ Such behavior transcends the

³⁴ Robertson, *Rotting Face*, pp. 145, 152, 252; Charles Larpenteur, *Forty Years a Fur Trader on the Upper Missouri: The Personal Narrative of Charles Larpenteur, 1833-1872* (Lincoln: University of Nebraska Press, 1989) p. 102.

³⁵ See, e.g., Barton H. Barbour, *Fort Union and the Upper Missouri Fur Trade* (Norman: University of Oklahoma Press, 2001) p. 136.

³⁶ The essay at issue is “An American Holocaust? The Structure of Denial,” *Socialism and Democracy*, Vol. 17, No. 1 (Winter-Spring 2003).

³⁷ Brown, “Did Ward Churchill Commit Research Misconduct?,” p. 44; *Report*, p. 81. It’s worth noting that Dr. Brown made similar statements in several earlier postings on his Lamar University website, at least 2 of which were part of the SCRM record to which Prof. McIntosh had access. See Thomas Brown, “The Genocide That Wasn’t: Ward Churchill’s Research Fraud” (Feb. 8, 2005), and “Assessing Ward Churchill’s Version of the 1837 Smallpox Epidemic” (Feb. 13, 2005); both were available at <http://hal.lamar.edu/~browntf/Churchill1.html>.

³⁸ According the AHA *Statement on Standards* (p. 10), “extended borrowing even with attribution...of another person’s distinctive and significant research findings” may constitute a form of plagiarism; Hoffer, *Past Imperfect*, p. 174; citing also, among other sources, *Black’s Law Dictionary*, 7th ed., p. 1170; Joseph Gibaldi, *MLA Handbook for Writers of Research Papers*, 6th ed. (New York: Modern Language Association, 2003) p. 66.

³⁹ The following exchange, condensed here for reasons of length, appears in the *Investigative Committee Transcript* for Feb. 18, 2006, at pp. 243-5.

PROFESSOR CHURCHILL: ... Can I have a look at this September submission from Thomas Brown?

DR. McINTOSH: We’ve not given—as we said this morning, we’re not giving that credence as any sort of formal evidence.

PROFESSOR CHURCHILL: I’d still like to have a copy of it...it is three times the length of the longest thing I’ve seen, 78 footnotes, which is three times the number of footnotes.

PROFESSOR WESSON: ... I think you’re entitled to take it and look at it.

DR. McINTOSH: But may I encourage you not to spend any time going through and answering grounds according to allegations.

It should be noted that several items extracted from Dr. Brown’s September submission—i.e., the document he refers to as his “draft,” referenced herein as “Did Ward Churchill Commit Research Misconduct?”—had *already* been framed as questions for me to answer and transmitted by letter to my attorney by Mr. Eric Elliff, legal counsel to the Investigative Committee. Mr. Elliff confirms this at p. 243 of the Feb. 18 *Transcript*. It should also be noted that Prof. McIntosh

boundaries of mere plagiarism—although, as has been demonstrated, Professor McIntosh is certainly guilty of *that*—entering into a realm of malevolence and sheer duplicity the customary vernacular of research misconduct was never designed or intended to describe.

Allegation 2: Plagiarism of Dr. Joseph Wenzel

At page 43n87 of the *Report*, Professor McIntosh offers the following citation: “Pilcher to William Clark, St. Louis, February 5, 1838, in ‘Letters Received by the Office of Indian Affairs, 1824-1880,’ Microcopy no. 234, National Archives Microfilm Publications (Washington: National Archives and Records Service, 1966), Records of the Upper Missouri Agency, reel 884, 1836-51 (hereafter cited as *Letters Received*, reel 884), frame 273.” At page 44n89, her citation reads, “Papers of the St. Louis Fur Trade, reels 24-5 (Chouteau Family Collection, Missouri Historical Society, Bethesda, MD: Univ. Publs. of America, 1991, microform, hereafter cited as ‘Chouteau Family Collection’) Part 1, Pilcher to Halsey.” At first glance, both references are impeccable in form. They are also plainly designed to convey the impression that the author has herself engaged in the tedious archival research, albeit using microfilms of primary documents rather than physically examining the documents themselves, necessary to find these important items. The underlying message is that only a truly “serious” historian would have expended the time and energy required to do this, one who has by virtue of having thus immersed herself in “the records,” become a bona fide “expert” on the topic under discussion.

Cracks begin to appear in this impressive façade, however, when, on second glance, it is noticed that, as regards a single brief letter, not to one but *two* reels of microfilm are cited in Note 89. Still more curiously, both notes quoted in the preceding paragraph end with a sentence declaring that, “All items in this set have been *checked against* the microfilm printouts included by Joseph Wenzel in his report to Professor Churchill [emphasis added].” This facially-obscure caveat refers to a passage in the text of the *Report* at page 41, where it is explained that “Joseph H. Wenzel of Phoenix, AZ, a retired engineer and paralegal, volunteered in March 2005 to do pro bono research in support of Professor Churchill’s claims. Wenzel continued his work through February 2006, and Professor Churchill subsequently submitted Wenzel’s report to our Committee.” An attendant footnote (81) further explains that, “The materials sent by Wenzel (who has a PhD in Electrical and Computer Engineering) to Professor Churchill on February 28, 2006 and submitted to our Committee by Professor Churchill on March 21, 2006 included microfilm printouts of some early sources.”⁴⁰

It will first be observed that Professor McIntosh consistently fails to accord “Wenzel” the basic courtesy of referring to him as “Mr. Wenzel,” to say less of “Dr. Wenzel,” a gesture of respect to which his earned PhD unquestionably entitles him, and a scholarly protocol to which she unflinching adheres when referring to other doctorates (unless they are also professors, in which case she follows the convention of using *that* title). Similarly, and in stark contrast to her handling of other unpublished material,⁴¹ Professor McIntosh fails to dignify Dr. Wenzel’s report with refer-

became visibly agitated when she realized that I was not only aware of Dr. Brown’s submission, but was exercising my right to receive a copy of it. Also see Note 27, above.

⁴⁰ It is worth noting that the final item in Dr. Wenzel’s report, an errata sheet submitted post hoc, is dated Feb. 20, 2006, not “February 28,” as Prof. McIntosh states. The report itself, as was clearly indicated by the notary who sealed the affidavit with which it is prefaced, was submitted on Feb. 3 (Dr. Wenzel’s signature is dated Jan. 26, 2006).

⁴¹ See, e.g., the description of items submitted at Prof. McIntosh’s request by Marilyn Hudson, Director of the Fort Berthold Museum. The relevant citation reads, “An unpublished paper titled ‘The Three Affiliated Tribes and Smallpox: A Brief Historical Review,’ February 17, 2003, and an unpublished text of an undated speech, both kindly sent to our Committee by Ms. Hudson (and furnished by us to Professor Churchill)”; *Report*, p. 57n147. It should be mentioned, however, that Ms. Hudson actually provided Prof. McIntosh with a *third* item, that being a copy of testimony given before Congress in 1949 by Jefferson B. Smith, a delegate of the Three Affiliated Tribes. At p. 57n145, Prof.

ence to its title—*A Revisionist History of the “High Plains Smallpox Epidemic of 1837-38”*—or by acknowledging that it consists of anything more than “materials.”⁴² As to the materials themselves, in only one instance—at page 52n127—does Professor McIntosh actually credit Dr. Wenzel with having “supplied [a] photocopy” of a document she’d not come up with on her own, and even then, by neglecting to mention that the document was part of his broader compilation, she contrives to make it appear as if this were a unique circumstance.⁴³

That the precise opposite is true is readily demonstrated by the compendium of primary documents lodged by Professor McIntosh in the evidentiary archive of the Investigative Committee.⁴⁴ Like her footnotes, the file is packaged in such a way as to cast the impression, at least at first glance, that the material therein is the product of her own research (and might thus be construed as consisting of the documents she claims to have “checked against” Dr. Wenzel’s). Indeed, the first page presented is the title page of *Letters Received by the Office of Indian Affairs, 1824-1881*, National Archives Microcopy No. 234 (1956), as if she herself had obtained and printed out the microfilm set. The attentive reader will already have detected certain problems, however: In her initial citation of *Letters Received*, quoted at the outset of the present allegation, Professor McIntosh has the last year mentioned in the title wrong. She also has the microcopy itself dating from 1966 rather than 1956.

Juxtaposing such sloppiness with the ostentatiously “scholarly” manner in which Professor McIntosh delivers the resulting misinformation might be simply a source of mirth, were it not for the fact that identical errors appear in Dr. Wenzel’s citation of *Letters Received*, at page 1 of his *Revisionist History*.⁴⁵ From there, things get steadily worse. An inspection of the documents contained in Professor McIntosh’s compendium reveals that they in large part do *not* consist of material from the *Letters Received* microfilm set, as is plainly implied by the manner in which she deployed its title-page. Rather, while most of the documents found in *Letters Received* are absent, several from the *Chouteau Family Papers* are included, along with one that appears in *neither*

McIntosh cites this document as if she herself had found it, making no reference to Ms. Hudson’s having provided it. Given that discussion/annotation concerning all three items occurs on the same page of the *Report*, and the evident care taken by Prof. McIntosh to distinguish the two items credited to Ms. Hudson from the third, for which Prof. McIntosh implicitly awards herself “research” credit, this could hardly have been “accidental.”

⁴² At only one point does Prof. McIntosh deign to acknowledge that “Wenzel’s” report consisted of anything more than a pile of documents, albeit only because it seems she couldn’t resist the urge to “debunk” his argument. Even then, she fails to properly cite his report, once again omitting mention of its title, and refers to it in her text as having been submitted in “March 2006.” Since she’d already referenced it, correctly, as having been sent to me in Feb. 2006, this makes it appear as though two separate reports might be at issue; *Report*, p. 66n175. Whether all this was deliberate or merely sloppy is perhaps clarified by the fact that Prof. McIntosh undertakes to rejoin Dr. Wenzel in the footnote as a means of supporting a serious misrepresentation of fact in her text at p. 66. There, in an effort to undermine my steadily-evolving description of the 1837 scenario, she asserts that I only belatedly “became interested in Beckwourth through the report [I] received from Joseph Wenzel.” This is demonstrably false. Beckwith, as I prefer to spell his name, has been discussed in both my lectures and my published articles since the early-80s (actually, I first delivered a lecture on him at a teachers workshop sponsored by the Boulder Valley School District in Nov. 1977). For an easily-accessible example of my discussing Beckwith in print well before Mar. 2006, see my essay, “The Crucible of American Indian Identity: Native Tradition versus Colonial Imposition in Postconquest North America,” *American Indian Culture and Research Journal*, Vol. 23, No. 1 (Spring 1999) p. 45.

⁴³ This is the item discussed in Note 17, above.

⁴⁴ This material and much else was obtained under the Colorado Open Records Act during the fall of 2006. It is therefore stamped with a university serial number on the lower right hand corner of each page.

⁴⁵ Actually, Dr. Wenzel does not formulate a citation of his own for *Letters Received*. Rather, he quotes—with proper attribution—that provided by the late Clyde D. Dollar at p. 16n6 of “The High Plains Smallpox Epidemic of 1837-38,” *Western Historical Quarterly*, Vol. 8, No. 1 (Jan. 1977). Since Prof. McIntosh discusses/cites Dollar’s article at pp. 41n82, 49n114, 51n121, 60, 60n155, and 60n156 of the *Report*, it is possible that she lifted the citation, errors and all, from Mr. Dollar rather than Dr. Wenzel. Either way, as will be shortly demonstrated, what is clear is that Dr. Wenzel actually obtained and studied the microfilm while Prof. McIntosh only pretended to.

microfilm set (so, too, a pair of typed transcriptions which do not appear in the microfilms, one of them translated from the French). In the Investigative Committee file, Professor McIntosh offers no explanation as to what prompted her to misrepresent the material in this manner.

A perusal of the documents presented as exhibits in Dr. Wenzel's *Revisionist History* immediately resolves such questions, however. Not only does each of the documents included in Professor McIntosh's compendium appear in Dr. Wenzel's *History*, his *handwriting* appears on every page. Far from providing "some early sources [emphasis added]," as Professor McIntosh put it, Dr. Wenzel provided *every* primary document she cites in the entire *Report*. By the same token, documents discovered independently by Professor McIntosh during her research could not have been "checked against" those provided by Dr. Wenzel, as she claims, since there is absolutely nothing to indicate that she herself came up with a single document, or, for that matter, that she actually engaged in any archival research at all.

The matter demands side-by-side comparison.⁴⁶ To this end, I have attached Dr. Wenzel's *Revisionist History* in its entirety as Appendix 1. As Appendix 2, I have attached in its entirety Professor McIntosh's file of primary documents. With respect to Professor McIntosh's appropriation of Dr. Wenzel's research in her footnotes, the following itemization will be seen to pertain:

- The document cited by Professor McIntosh at page 43n87 of the *Investigative Committee Report* appears as Exhibit 5a (pages 8-9) in Dr. Wenzel's *History*.⁴⁷
- The document cited by Professor McIntosh at page 44n89 of the *Report* appears as Exhibit 6 (page 13) in Dr. Wenzel's *History*.⁴⁸
- The document cited by Professor McIntosh at page 44n90 of the *Report* appears as Exhibit 5c (pages 10-1) in Dr. Wenzel's *History*.
- The document cited by Professor McIntosh at page 51n122 of the *Report* appears as Exhibit 10 (pages 19-20) in Dr. Wenzel's *History*.
- The document cited by Professor McIntosh at page 51n123 of the *Report* appears as Exhibit 13 (pages 26-7) in Dr. Wenzel's *History*.
- The document cited by Professor McIntosh at page 51n124 of the *Report* appears as Exhibit 13 (pages 26-7) in Dr. Wenzel's *History*.
- The document cited by Professor McIntosh at page 52n125 of the *Report* appears as Exhibit 5a (pages 8-9) in Dr. Wenzel's *History*.

⁴⁶ On the need for "parallel text comparison" in cases such as this, see Hoffer, *Past Imperfect*, pp. 181-2. The procedure is perfectly illustrated by Norman Finkelstein's extensive juxtaposing of text samples from Alan Dershowitz's *The Case for Israel* (New York: John Wiley and Sons, 2003) to corresponding blocks of text appearing in Joan Peters' *Since Time Immemorial: The Origins of the Arab-Jewish Conflict over Palestine* (New York: Harper and Row, 1984). See Norman Finkelstein, *Beyond Chutzpah: On the Misuse of Anti-Semitism and the Abuse of History* (Berkeley: University of California Press, 2005) pp. 229-54.

⁴⁷ The ingredients for the full "scholarly" citation employed by Prof. McIntosh in this note, which seemingly distinguishes it from the abbreviated form employed by Dr. Wenzel in conjunction with the exhibit itself, will be found at p. 1 of *Revisionist History*. Thereafter, Prof. McIntosh adopts the same convention as he, referencing the document set as *Letters Received*. Her explanation of this procedure is presented as a parenthetical in the note itself, his on p. 1. They are identical other than that Dr. Wenzel uses the word "herein," which Prof. McIntosh changes to "hereafter."

⁴⁸ Unlike Prof. McIntosh, Dr. Wenzel correctly cites only Reel 24, Part 1, and indicates that the letter appears on an unnumbered frame. With regard to this document set Dr. Wenzel never provides a full citation, instead employing from the outset the abbreviated form—adopted by from this point on by Prof. McIntosh—of citing to the "Chouteau Family Papers." No doubt with an eye towards maintaining "scholarly appearances," Prof. McIntosh seems to have troubled herself to look up the full cite on said papers, thereby inadvertently incorporating the telltale error of referencing two microfilm reels for a single-page document.

- The document cited by Professor McIntosh at page 54n132 of the *Report* appears as Exhibit 1 (pages 3-4) in Dr. Wenzel's *History*.⁴⁹
- The document cited by Professor McIntosh at page 54n134 of the *Report* appears as Exhibit 7 (pages 14-5) in Dr. Wenzel's *History*.
- The document cited by Professor McIntosh at page 63n162 of the *Report* appears as Exhibit 3 (page 6) in Dr. Wenzel's *History*.
- The document cited by Professor McIntosh at page 65n168 of the *Report* appears as Exhibit 3 (page 6) in Dr. Wenzel's *History*.
- The document cited by Professor McIntosh at page 65n171 of the *Report* appears as Exhibit 15 (pages 29-30) in Dr. Wenzel's *History*.

It would be patently absurd to suggest that, as a result of her own independent examination of the several hundred documents comprising the basic archival record in this case, Professor McIntosh might have just “happened” to reach conclusions identical to those already arrived at by Dr. Wenzel in terms of which were significant. Limits constrain any such argument to coincidence, beyond which the argument itself becomes fraudulent. Professor McIntosh's pretense that she was merely “checking” her own documentary discoveries “against” those provided by Dr. Wenzel is precisely that: a pretense. What she *was* doing—and transparently so⁵⁰—was “source mining” Dr. Wenzel's material, an especially insidious form of plagiarism the AHA Profession Division's Peter Charles Hoffer has aptly described as “pillaging” secondary sources for quotes and/or primary source citations so that “the reader [gets] the impression that [the pillager], not the secondary source author, found the primary source.”⁵¹

Allegation 3: Plagiarism of Ms. Marilyn Hudson

At page 57 of the *Report*, Professor McIntosh refers to “written pieces...sent to us” by “Marilyn Hudson, Director of the Fort Berthold Museum and a member of one of the Three Affiliated Tribes.” In a footnote on the same page (147), Professor McIntosh explains that these items included, “An unpublished paper titled ‘The Three Affiliated Tribes and Smallpox: A Brief Historical Review,’ February 17, 2003, and an unpublished text of an undated speech, both kindly sent to our Committee by Ms. Hudson (and furnished by us to Professor Churchill).” The problem

⁴⁹ Here, another telltale gaffe by Prof. McIntosh will be detected. Since Dr. Wenzel neglects to provide a citation in this instance, Prof. McIntosh is unable to copy it. She therefore once again cites *both* reels of the Chouteau Family Collection, with regard to a single frame of microfilm. Prof. McIntosh does refer to “Wenzel” in this footnote, but not as the source of the document.

⁵⁰ “Transparently” is probably not the best word choice, since Prof. McIntosh's lie about what she was doing is only transparent when the reader is in a position to match her citations up with the documents presented in Dr. Wenzel's *Revisionist History*. This of course requires that the *History* be publicly available, as Prof. McIntosh had every reason to expect it would *never* be. The same pertains, at least to in principle, to her plagiarism of Dr. Brown's draft.

⁵¹ Hoffer, *Past Imperfect*, pp. 182-4. As Hoffer explains at p. 183—and as most undergrads have learned by the time they reach upper division—“the proper way to cite a primary source found in a secondary source” is “‘A—the primary source’ as quoted [or cited, or, in this case, reproduced] in ‘B—the secondary source.’” Any possibility that Prof. McIntosh, despite her considerable seniority, was nonetheless unaware of or confused about this procedure is eliminated by her occasional adherence to it, e.g., p. 47n103, where Prof. McIntosh's citation reads, “Cass, ‘Indians of North America,’ *North American Review* 24 (1826): 391, microfilm 3299, reel 270, as cited by J. Diane Pearson, “Lewis Cass and the Politics of Disease.” The difference in handling, as is suggested in Note 41, may be accounted for by the fact that Pearson's material is published. Be that as it may, however, it is obvious that Prof. McIntosh knew *exactly* what she was doing when she plundered the material provided by “Wenzel.” For further discussion, see Peter Charles Hoffer, “Reflections on Plagiarism,” *Perspectives of the American Historical Association* (Pt. 1, Feb. 2004; Pt. II, Mar. 2004).

is that the material furnished to me included a third “written piece” provided to the Committee by Ms. Hudson. This is described by Professor McIntosh, again at page 79 of the Report but in a section separate from that devoted to Ms. Hudson, as being the testimony of “Jefferson B. Smith, an official delegate of the Tribal Business Council of the Three Affiliated Tribes” given during hearings held by “the U.S. House of Representatives’ Subcommittee on Indian Affairs” in 1949. Indeed, Professor cites the item as follows (page 57n145).

Hearings before the Subcommittee on Indian Affairs of the Committee on Public Lands, House of Representatives, Eighty-First Congress, First Session, on H. J. Res. 33, April 29, 30, May 2 and 3, 1949 (Washington, D.C.: U.S. Government Printing Office, 1949), pp. 69-70. Jefferson was a member of the Gros Ventre tribe.

Setting aside the fact that the Gros Ventre are *not* one of the Three Affiliated Tribes, Professor McIntosh obviously offered no indication that a copy of Mr. Jefferson’s testimony had been provided by Ms. Hudson. Instead, in a variation upon her performance vis-à-vis the material provided by Dr. Wenzel, Professor McIntosh quite straightforwardly awards *herself* “research” credit for having ferreted out the primary document involved. Hence, she is once again guilty of source-mining of the crudest possible sort.⁵² That a supposedly “distinguished” historian might have stooped to this level of petty self-aggrandizement is no less egregious a violation of professional ethics for all the sadness it bespeaks in terms of the no doubt abysmal degree of scholarly insecurity she must suffer. Nor does the commentary her behavior implies with regard to the “standards” of the institution that bestowed her present exalted status upon her in any way lessen the gravity of her offense.

Conclusion

There can be no reasonable question but that Professor McIntosh engaged quite systematically in plagiarizing at least three sources, amassing a total of at least 24 examples—by the most conservative possible count⁵³—in slightly less than 43 pages of text. Overall, her conduct and techniques have in the present instance been reminiscent of those associated with the late Steven Ambrose.⁵⁴ As concerns Professor McIntosh’s four coauthors, their collective “agreement about every section of this report apart from the final question addressed in its Conclusion [i.e., page 102]” places them in the position of sharing Professor McIntosh’s culpability. Insofar as each lent the weight of his/her name and scholarly reputation to the purpose of rendering Professor McIntosh’s material appear more credible than might otherwise have been the case, each is now equally accountable for the fact of her flagrant research misconduct.

⁵² It appears that a second member of the Investigative Committee was actively involved in this. As Prof. McIntosh observes at p. 57n146 of the *Report*, Prof. Clinton contacted Ms. Hudson by telephone on Feb. 9, 2006. Given the nature of the conversation described by Prof. McIntosh in the text, also at p. 57. There is reason to believe that Prof. Clinton was not only aware that Ms. Hudson would be sending “written pieces,” but may in fact have solicited her to do so. He should thus have been aware that Ms. Hudson, *not* Prof. McIntosh, “discovered” the Jefferson testimony.

⁵³ As regards the Wenzel documents in particular, Prof. McIntosh sometimes cited repetitively, a matter which could serve to raise the tally of her individual offenses substantially.

⁵⁴ See Hoffer, *Past Imperfect*, pp. 180-97. Also see Ron Robin, *Scandals and Scoundrels: Seven Cases that Shook the Academy* (Berkeley: University of California Press, 2004) pp. 45-53; John Wiener, *Historians in Trouble: Plagiarism, Fraud, and Politics in the Ivory Tower* (New York: New Press, 2005) pp. 186-95.