

Dean Saitta

Dear Colleagues,

As President of the University of Denver Faculty Senate—and thus as someone concerned about an administration's adherence to principles of due process and fair play as concerns the evaluation of faculty work—I have been closely following the Ward Churchill case as it has developed at CU. As an anthropologist I am familiar with Churchill's scholarship. I have studied critiques of Churchill's work (especially Professor Thomas Brown's, as published in a recent issue of *Plagiarism*), and consulted about Churchill's work with colleagues who are expert in the field of Native American history. My concerns about the complex contextual, procedural, and substantive issues at play in the Churchill case led me to co-author the Teachers for a Democratic Society (TDS) petition (available at <http://www.teachersfordemocracy.org/>) calling on the CU administration to reverse its decision to fire Professor Churchill. After a summertime of interacting on various internet sites with scholars and citizens who are highly critical of, if not deeply hostile to, both Churchill and the TDS petitioners, I'm now compelled to urge with even greater conviction that Chancellor DiStefano reconsider and reverse his decision to terminate Professor Churchill's employment.

The equivocal review of Churchill's work by the CU Investigative Committee is striking, and speaks volumes about the complexity of the issues at stake in this case. At the end of the day 4 of the 5 scholars on that committee—those most familiar with the quality of Churchill's scholarship—recommended suspension rather than dismissal. This outcome is especially notable given the committee's use of what the TDS petitioners, as well as CU professor Tom Mayer, consider an unreasonably broad and elastic conception of "research misconduct". The conception employed by the CU Investigative Committee could certainly endanger even scrupulously honest scholars if an administration was intent on purging them from a faculty. It seems to me that Vine Deloria—another CU professor who, on the occasion of his death in November 2005, was widely and justifiably eulogized as an important contributor to the study of Native American history and culture—could certainly have been found guilty of research misconduct for work that, though flawed by Western philosophical standards, was quite useful in raising unexamined issues and encouraging new learning about the Native American past.

As noted by CU's Investigative Committee, and as reaffirmed by the TDS petitioners, other contextual and procedural concerns are just as troubling as the substantive scholarly ones. These include (1) highly

inflammatory and deeply prejudicial external political interference in the case right from the start, (2) administrative inaction as concerns much earlier rumors of Churchill's plagiarism, (3) Churchill's widely-known reputation—even at the time of his initial hiring by CU—as a polemicist and provocateur, and (4) the questionable legality of the complainant's position as interim Chancellor of the university. The Standing Committee on Research Misconduct's response to two of these concerns (#'s 1 and 2) is not particularly strong and, indeed, the 6-3 vote by that committee in favor of dismissal means that the 14 scholars involved in the Churchill investigation are absolutely split on the question of sanctions.

Given these numerous concerns and divergent outcomes I do not see how the CU administration can justify, in good conscience, its decision to terminate Professor Churchill. I'm not entirely comfortable about registering this opinion given my inclination to respect the internal governance procedures of other institutions (and I speak only for myself and not the DU Faculty Senate). But this is a very public case, and the current threat to academic freedom on American campuses is very real. There is now a significant and growing list of faculty who have lost, or are threatened with losing, their jobs and/or directorships because of unpopular, but protected, public and classroom speech. I have heard both directly and indirectly from colleagues on Colorado campuses that many faculty, especially junior faculty, will not take a public stand against the CU administration's intent to fire Churchill because they fear the consequences for their own careers. This goes for faculty even at a private institution like my own. This is not a healthy state of affairs, for faculty or for students. The final Churchill decision stands to set a historic precedent that will either erode or preserve academic freedom on our campuses. I hope that you will side with preservation.

Sincerely,

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