

Brett de Bary

October 2, 2006

Dear Chancellor DiStefano,

I am writing to you as a Cornell faculty supporter of the "Resolution on Issues of Academic Freedom and Due Process Raised in the Case of Professor Ward Churchill" issued by the Arts and Sciences Council of the University of Colorado at Boulder in March, 2005. At the time this statement was issued, I and a number of other Cornell faculty wrote letters to your Board of Regents and local Colorado newspapers expressing our grave concern about the Churchill matter. In addition, we placed the ASC Resolution before our own Faculty Senate, which regarded it as highly worthy of discussion and prepared to vote on a formal endorsement of it. However, before our next scheduled Senate meeting, the University of Colorado rescinded its proposal to reinvestigate, specifically, the decision to tenure Professor Churchill. At this point, we did not move forward with the vote on the ASC's Resolution, since the new development technically rendered its description of the case inaccurate. We learned shortly after that University of Colorado had shifted the grounds for its investigation to those of academic misconduct.

I write today to express my dismay over learning that the investigation of Professor Churchill for academic misconduct has resulted in the same result intended by the original call to overturn his tenure decision. The administrative tactic of de-coupling the Churchill case from the issue of tenure (which, as we saw at Cornell's Faculty Senate meeting, would have provoked unequivocal condemnation by university faculty around the country), and of rerouting it through a less controversial procedure that would end with a similar result, is all too familiar. Moreover, by removing the issue of tenure as a basis for the university's action, the University of Colorado has shrewdly sought to deflect in advance the most plausible and powerful charges that might be brought against it for compromising academic freedom.

I urge you in the strongest possible terms to reverse your recommendation to fire Professor Ward Churchill. While the administrative strategy pursued by the U of C may have temporarily deflected attention from the more powerful interests involved in this case, I do not believe it will do so forever. What is at stake are matters of procedure within the university, matters which have implications far wider than those that affect Ward Churchill as an individual. It is imperative that you recognize this situation as such. It is incontrovertible that your university has undertaken

an unprecedented investigation of Churchill's scholarship in the wake of a patently orchestrated media campaign attacking Churchill, precisely, on political issues of patriotism. This will be the context of the event that history will clarify long after the passions and fears deliberately ignited by this controversy have faded. For the University of Colorado to proceed with its punitive policy while obfuscating, rather than making completely transparent, this context, and the political factors that so blatantly led to its investigations, will serve the future of all universities poorly. I can tell you that ACTA's fear-mongering question "How Many Ward Churchills?" is already being somberly echoed within scholarly communities themselves. While some might argue that Churchill's case is an exception or an "extreme," as scholars, we know well that it is through the exceptional cases that the parameters for freedom of expression are set. It is through the exceptional cases, and the subtle intimidation they effect, that the limits of what can and cannot be said are redrawn, and all too often reduced.

On a visit to Berlin in 1964, Hannah Arendt recalled the surprising rapidity with which collegial support for Jewish academics who were being forced to leave their posts in the early 1930's appeared to vanish. This experience, she said, left her permanently disenchanted with intellectuals and the academy. At the same time, in her brilliant study, *The Origins of Totalitarianism*, Arendt lucidly analyzed how subtle intimidation, when carried out by political forces in the realm of social and cultural life, led inevitably to conformity and passivity. While the parallels are not exact, Arendt's insights should give us much to ponder. My own reflections upon them, among other things, has compelled me to ask you to reconsider your recommendations.

Sincerely,

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