

Law Professor Derrick Bell, a Founder of Critical Race Theory, Writes:

Dear University of Colorado Regents:

From the start, I have been a staunch defender of Professor Ward Churchill's constitutionally protected right to speak and have urged University of Colorado officials to dismiss the charges against him. I continue to hold to this position despite the University President Hank Brown's recommendation to you that Professor Churchill be dismissed. I can imagine the tremendous political and perhaps financial pressures being exerted to get rid of Churchill, but such action will have precisely the opposite effect. I urge you to listen to the lawyers who know the law and not to those motivated by unthinking retaliation and perceived political advantage.

Even a conservative court will find it difficult to ignore that the charges brought against Churchill because of alleged academic failings are spurious and an all too obvious pretext for quite severe punishment because of statements about the 9/11 attacks made out of context to the lengthy study out of which they were made. And whatever the district court's decision, this case will likely be taken on appeal, perhaps as far as the U.S. Supreme Court. At every step, views will be divided as to whether the University or Churchill are in the right. The controversy will cost you students and faculty that you really want to have. In a competitive market for both the best students and faculty, is this a risk you want to take in order to satisfy the political benefits of dismissing Churchill?

I have been on the faculties of Harvard and NYU for 36 years and was dean of the University of Oregon for five years. I can tell you that dismissals for any cause can shake the confidence of faculty for whom tenure reflects a much desired security for which they have worked for many years. This includes those who supported his dismissal and those who remained silent. You should solicit the views of academic deans about the negative outcome of the University's governing body dismissing a tenured professor whose published views outraged a substantial number of people.

As I indicated at the outset, I am a supporter of Ward Churchill. His academic output speaks for itself as does the range of students who loved his classes, gained from his writings, and support his retention. And yet here, I call on my long years as a faculty member and a law school dean. The relationship between a university and its tenured faculty is a sensitive one easily bruised by actions that even when they are seen as

appropriate, are unsettling and destructive of the calm and order that are the necessary foundations for quality research and writing and effective teaching.

I predict that dismissing the charges against Professor Churchill will cause howls of protest from those outside the University, but will bring quiet sighs of relief from those faculty whose careers and lives are founded on peace and order so necessary to live the life of the mind.

Sincerely,

Derrick Bell
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University of New York
School of Law.