

## SUMMARY

VIOLATIONS OF STANDARD SCHOLARLY PRACTICE in the document:  
“Report of the Investigative Committee on Research Misconduct at CU-  
Boulder concerning Allegations of Academic Misconduct against Prof.  
Churchill”  
May 9, 2006. 124 pages

### VIOLATION #1. Relying on a single biased and flawed source (LaVelle) for major arguments; importing LaVelle’s errors of source misrepresentation into Report

The report uses John LaVelle’s two essays as the basis for the report’s major findings of misconduct in the first two allegations, A and B. As the first two paragraphs of LaVelle’s 1996 review essay of Churchill’s *Indians Are Us?* show in their *ad hominem*, unsupported attacks on Churchill’s identity and work, LaVelle’s work is clearly biased before the fact against professor Churchill and contains substantial errors in its understanding of Native history (General Allotment Act, the Indian Arts and Crafts Act and the legal construction of Native identity through blood quantum) and in its misreading of two of Professor Churchill’s sources: Limerick and Thornton, misreadings that the Investigative Committee affirms and imports into the Report. For example, on page 266 of his 1999 essay in *Wicazo-sa Review*, LaVelle asserts: “But in fact, Thornton makes no such prediction about the demise of Indians in the twenty-first century—not within the range of pages cited by Churchill nor anywhere else in Thornton’s book.” And yet we find such “predictions” not only within the pages that Churchill cites (see 180 in *American Indian Holocaust and Survival*) but elsewhere in the book (239). As for LaVelle’s assertion that Churchill is quoting Limerick out of context on the effects of quarter-blood quantum, the context of the Limerick (see 338 in *The Legacy of Conquest*) appears to affirm Churchill’s use of it and calls into question LaVelle’s reading in his 1996 “Review Essay” in *American Indian Quarterly* (111). Further, other scholars have used this quote from Limerick in precisely the same way that Churchill uses it (see Cheyfitz, *The Columbia Guide to American Indian Literatures of the United States Since 1945*, p 25). Relying on one source (LaVelle’s work) as the basis for one’s major arguments despite its being clearly biased and flawed, constitutes a serious violation of standard scholarly practice.

### VIOLATION #2. Artificial exclusion of independent sources representing alternate views; and, misrepresentation of a Supreme Court case to create false appearance of authoritativeness.

Following Lavelle, the Report misreads Churchill on Allotment and does not bring any evidence to support its claim that Churchill is wrong on the blood fraction of one-half or more used to issue allotments, a number that is supported by at least one other reputable scholar.(See Circe Sturm in *Blood Politics* 2002, 78). This matter of how tribal rolls were constituted by the Interior Department, using blood fractions—the department was empowered by the 1887 Gen. Allotment Act to constitute these rolls (sec.3 of the Act)—needs further research but it is clear, as Churchill and other scholars assert, that blood quantum was used in one fraction or another (Angela Gonzales in “The (Re)Articulation of American Indian Identity” [1998]). Further, the Report’s reading of *US v. Rogers* in

order to discredit Churchill's historical sense of when blood quantum was formally instituted is at best debatable and at worst simply wrong, for Taney does not define race in his decision in terms of either blood or blood quantum (see 45 U.S. at 573) as the Report insists. By relying on the artificial exclusion of reputable independent sources (Gonzalez and Sturm) that contradict the thesis of the investigative report in order to make the case against Churchill and by creating the false appearance of authoritativeness by referencing a Supreme Court case (US v Rogers) in support of its argument in spite of the fact that the case in question is at best debatably relevant to the thesis—in these ways, the report violates standard scholarly practice.

VIOLATION #3 Importing factual error or distortion from LaVelle; and turning a scholarly debate into an indictment by arbitrarily limiting scope of interpretation when such limitation is not justified given the unresolved debate over such scope

The Report charges Churchill with falsifying the Indian Arts and Crafts Act of 1990. While Churchill's account of the Act is not entirely accurate in *Indians Are Us*, it is not "egregiously" inaccurate as LaVelle claims on page 174 of his 1999 essay in *Wicazo Sa Review*, which does not get the Act entirely right either, omitting state recognition of a tribe as granting its members recognition as Indians and asserting contra Churchill that "the act [does not] refer to any such thing as 'the Alaska Native Corporation'" (1999; 275). In fact the Act does explicitly include in its purview "Alaska Native village[s]," which, as scholars of federal Indian law know, are indeed organized into corporations. LaVelle, as he does over and over, is either willfully misreading Churchill here or is himself ignorant of the Alaska Native Claims Settlement Act of 1971, as he is of other key points of federal Indian law and Native history. Churchill's statements about the Act's federal standards of one-quarter blood quantum have validity because they are implied in the Act. Though the tribes have varying standards of blood quantum to determine enrollment, Stephan L. Pevar's *The Rights of Indians and Tribes: the Authoritative ACLU Guide to Indian and Tribal Rights* notes that "Many tribes require that a person have at least one-fourth tribal blood to be enrolled" (Third edition; 19). Thus, the Report's and LaVelle's description of the Act as not including those standards is at best debatable and arguably wrong. As with the Allotment Act issue, what we have here is a scholarly debate about the extent of particular acts, and what is or is not included in them; and it seems that Churchill's *extensive* readings make much more sense than the Report's and LaVelle's limited readings, which do not take into account the actual coverage and implementation of these acts. Further, the Report notes that Churchill also wrote a later essay (2003) on the Indian Arts and Crafts Act in which he cited it accurately and thus modified his description of it. But instead of giving him credit for scholarly revision, something the Report takes him to task for not doing in his Allotment formulations, it uses this revision to damn the earlier one (see page 30), noting "that in his 1994 essay, 'Nobody's Pet Poodle,' Professor Churchill seriously and deliberately misrepresented the specification of a blood quantum requirement of one-quarter of Indian blood in the Indian Arts and Crafts Act of 1990" (31). This statement is not only inaccurate in charging Churchill with "*seriously and deliberately* [having] misrepresented the specification of blood quantum" but also exhibits in bad faith given the earlier demand of revision and so raises the question of intent. If Professor Churchill were "deliberately" misrepresenting the Act in his earlier characterization, why would he

revise that characterization in a later essay, which he clearly calls attention to the earlier work?

VIOLATION #4. Suppressing text from cited source that contradicts the Report's argument

In the matter of John Smith and smallpox, the Report leaves out crucial quotes from Salisbury that Churchill cites as support for his speculation that there is circumstantial evidence implicating Smith's involvement in a smallpox epidemic in New England in 1616. The Report claims that Churchill fabricated Salisbury, a serious charge. In fact, the Report's assertion that "The pages referenced by Professor Churchill in the Salisbury book do not contain the words "Wampanoags" and have no discussion of any disease or epidemic (including smallpox)" (34) is completely incorrect. The Salisbury passage in question contains a sustained discussion of epidemic (101) and on p.102 refers to a tribe of the Wampanoags, the Pokanoket.

VIOLATION #5. Suppressing text from cited source that contradict the Report's argument; and distortion to bolster weakness of argument

The Report finds Churchill's account of the Ft. Clark epidemic supported by Native oral history. Further, in charging Churchill with misrepresenting Thornton on the epidemic, the Report leaves out Thornton's citing of the speech of Four Bears (*American Indian Holocaust and Survival*, (98-99), which supports Churchill's reading of the epidemic. But why spend almost one-third of the Report investigating a charge that is substantially dismissed unless one wants to make it look as if there is something to the charge in order to prejudice the reader against Churchill, even as one basically concedes his interpretation? This again strikes us as an act of bad faith, an act of deliberate distortion.

CONCLUSION

In sum, the Report turns what is a debate about controversial issues of identity and genocide in Indian studies into an indictment of one position in that debate. Further, while it is normative to interpret acts of Congress or any legal document for that matter to include both their implementation and effects, the Report, following LaVelle, insists on violating this standard and confining the acts under investigation to their literal language, which makes no sense if one wants to understand their actual political and historical force. By following this method, the Report restricts interpretation of the acts in a way that privileges its own understanding of them and excludes alternative explanations that it may find challenging to this understanding. This approach clearly runs counter to the accepted procedures of scholarly and critical interpretation, the purpose of which is to encourage a range of interpretations so long as plausible evidence can be produced in their support. Professor Churchill has provided such evidence in his interpretations but because of the manufactured limits of interpretation set by LaVelle's scholarship and the Report, Churchill's interpretations have been substantially excluded from reasonable consideration. Such arbitrary exclusion fails the scholarly standards of the profession.