



March 28

Churchill Wars Continue

Both Ward Churchill and one of his legislative critics compared the University of Colorado to an asylum this weekend — showing that the debate over the controversial professor has not been put to rest by a university [review](#) released Thursday.

Churchill says that the new investigation requested by the review — this time an inquiry into whether he engaged in plagiarism and other forms of research misconduct — is unfair. In a speech in San Francisco Friday night, he said that the new investigation at Colorado, which will examine among other things his claims of being an American Indian, was befitting to a “lunatic asylum,” and he vowed not to cooperate with the investigation, according to a [report](#) in *The Rocky Mountain News*.

Meanwhile, some Colorado officials who have been demanding that Churchill be fired complained that the new investigation was biased in Churchill’s favor because many professors who will consider the charges have said that they opposed taking action against Churchill because of his essays. *The Denver Post* [reported](#) that 3 of the 12 members of the faculty committee that reviews misconduct allegations have publicly stated that they did not think Churchill should be fired for his essay about September 11.

That prompted State Rep. Ted Harvey, a Republican, to tell the newspaper: “The patients are in charge of the asylum.”

University officials defended the investigation, noting that the professors who had come to Churchill’s defense did so on First Amendment grounds, and that none of the committee members had taken a stand on the research misconduct charges Churchill faces. Indeed, if there is a foregone conclusion among many in Colorado about the new investigation, it may be the view of politicians that the inquiry needs to lead to Churchill’s dismissal.

Churchill and his writings have been under scrutiny since January, when he was scheduled to speak at Hamilton College. Critics there questioned the appropriateness of a scholar whose [essay](#) on 9/11 said that many of those killed in the World Trade Center were “little Eichmanns.” Hamilton eventually called off the talk, citing security issues, and Churchill issued a [statement](#) saying that his ideas were being distorted.

As the controversy over Churchill’s 9/11 comments grew, many Colorado politicians demanded that the university fire him from his tenured position in the ethnic studies department of its Boulder campus. Instead, the university created the review panel that reported on Thursday. That panel said that Churchill’s statements about September 11, however offensive to many, were protected by his First Amendment rights, and that he could not be fired for them.

However, the panel also noted that it has received several allegations of plagiarism and research misconduct against Churchill, and that it would refer those charges to a faculty committee on misconduct that could recommend that Churchill be dismissed.

The review panel’s approach won praise from many experts on academic freedom — even some who opposed the

creation of the panel — for strongly making the case that professors at public colleges cannot be fired for taking unpopular public stands.

As for Churchill, the focus of his arguments since the panel released its findings has been that since the review panel should never have been created, all of its recommendations — including that he be investigated for research misconduct — are tainted.

In an e-mail interview on Friday, Churchill's lawyer, David Lane, said that the panel had never attempted to talk to Churchill, and that this failure undercut the entire process.

“The university understood that they could not fire him for his free speech. By the same token, they knew that if they contacted Professor Churchill, he would have been able to refute the remaining allegations,” Lane said. But, he added, the university could not do this because “politically, the university cannot afford to have the inquiry ended at this juncture, haven taken no punitive actions.”

Some of the faculty members nationwide who have been backing Churchill also reject the legitimacy of the Colorado investigation. Ruth Y. Hsu, associate professor of English at the University of Hawaii at Manoa, helped organize a petition drive on Churchill's behalf, and is now inviting academics who feel that they have been punished for their political stands, post-9/11, to [contact her](#). She called the new investigation at Colorado “the latest phase in the ongoing witch hunt of Professor Churchill.”

Some experts on academic freedom had more praise for the Colorado review. Robert M. O'Neil, director of the Thomas Jefferson Center for the Protection of Free Expression, at the University of Virginia, said that he was “pleasantly surprised” by the review's conclusion that Churchill could not be fired for the things he wrote and said.

O'Neil said that even though the original essay should not have been investigated as possible grounds for dismissal, he was not bothered by the way the review has led to the investigation of Churchill's scholarship. O'Neil said that it was clear that some of the allegations about Churchill predate the controversy over his 9/11 essay, so these allegations cannot be viewed simply as an outgrowth of the public furor of the last two months.

“This is a serious question of plagiarism and it needs to be investigated thoroughly and carefully,” he said.

O'Neil, who formerly was head of the academic freedom committee of the American Association of University Professors, said that he has reviewed the procedures used by Colorado to review alleged research misconduct. And he said that the rules that will be used by a faculty committee at Colorado conform with AAUP guidelines on due process.

The Foundation for Individual Rights in Education also reviewed the Colorado report on Friday and issued an [analysis](#) of it. The analysis agreed with the review that plagiarism charges deserve investigation and that controversial speech should not lead to professors being fired. But the FIRE analysis was tougher on Colorado for undertaking the investigation in the way it did.

“At the time that the Board of Regents began its investigation, it was plain that none of Churchill's controversial statements — including his ‘little Eichmanns’ comment — were outside the bounds of protected speech. An ‘investigation’ of protected speech is itself improper and has a chilling effect on the free exchange of ideas. It is also improper to use clearly protected — though controversial — expression as a pretext to begin scouring the public record in hopes of finding examples of public statements that do not enjoy full First Amendment protection,” the analysis said.

Many academics have found the entire Churchill controversy distasteful, saying that it has reinforced unfair views held by many in the public that professors are unpatriotic, off-the-charts leftists. But (with thanks to [Cliopatria](#) for the tip), these academics may take comfort in the analysis of Chris Bray in [Histori-blogography](#):

He notes that if Churchill eventually loses his job, it will be because professors lodged plagiarism charges against him and a university is taking those charges seriously enough to investigate. Bray writes that there's no better way to refute the charges of conservative critics that higher education is one big "academic monoculture," where the views of Ward Churchills go unchallenged.

"If a bunch of professors are trying to get another professor fired as a liar and a lousy researcher, well — that just proves that all these people think alike, doesn't it? I mean, they all *totally* stand up for each other, right?" Bray wrote.

— [Scott Jaschik](#)

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