

FREEDOM WATCH

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Warding off attack

Attempts to stifle one professor's notorious opinions showcase the hypocrisy of American academe

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IT WOULD BE tempting to pity Ward Churchill, if he were a more sympathetic character. It seems that whenever he opens his mouth these days, someone gets upset. Churchill, a professor of ethnic studies at the University of Colorado at Boulder, became engulfed in national controversy in early January, when an essay he wrote three years ago came to light. In the essay, he compared victims of the September 11 attacks to Nazi functionaries who were appropriate targets for retaliatory violence. Since then, there have been cries from politicians (including Colorado's governor), academics, and pundits (led by Fox News's Bill O'Reilly), demanding that Churchill be fired. Colleges where he was scheduled to speak have cited "security threats" as reasons to cancel his engagements; commentators and politicians have called him "vile" and a "bigoted terrorist supporter" whose speech should not be protected by the First Amendment.

Unsurprisingly, given the two-decades-long deterioration of free speech on American college campuses, the University of Colorado is taking the safest route. Rather than fire the tenured professor, the board of regents proposed that the university conduct a 30-day investigation of Churchill's scholarship to determine whether he should be dismissed for academic failures (in contrast to obnoxious opinions). One regent went so far as to ask "whether or not it is necessary to eliminate courses and departments of questionable academic merit." Passed off as a reasonable, if shrewd,



FREE RADICAL: Ward Churchill's academic credentials may be thin, and his opinions loathsome, but as this photo from his faculty bio demonstrates, he has a specific style -- one that saw him rise to tenured professor and departmental chair at a public university.

compromise, the sudden investigation into the merits of Professor Churchill's academic work is in truth a flimsy excuse for an unconstitutional witch-hunt. And ironically, the academic left — of which Churchill is obviously a part — is at least partly to blame, with its own decades-long witch-hunts against conservatives in the name of "multiculturalism," "diversity," and "progressive" political values. Now, the academic left's politically motivated censorship campaign and the abject administrative cowardice that has allowed it to flourish have come home to roost. And given the even longer history of right-wing witch-hunts in this country, it should come as no shock that patriotism would become one of those values over which it's okay to persecute a dissenter.

CHURCHILL, a militant quasi-Marxist and Native American-rights activist, is not a terrorist. He's just one of many careerist radicals whose politics are sufficiently provocative to earn him the praise of clueless leftist academics on the one hand, and the fury of gutless university administrators on the other. Moreover, while officials at the University of Colorado claim not to have been aware of Churchill's politics, it is abundantly clear that his advancement to the position of full professor (with only a master's degree, mind you) was not hindered by his radicalism, and may even have depended on it, regardless of the quality of his academic work. Churchill may or may not be an idiot, but a whole bevy of idiots ensured his success in academe.

Indeed, the "bevy of idiots" explanation for Churchill's meteoric rise was confirmed this past Tuesday by Colorado law professor Paul Campos, who wrote in the Rocky Mountain News that the hiring and promoting of Churchill was a "grotesque fraud — a white man pretending to be an Indian, an intellectual charlatan spewing polemical garbage festooned with phony footnotes, a shameless demagogue." Campos, a political liberal who supports affirmative action, decried the way campus administrators perverted the doctrine to reward a shallow grandstander.

The controversy over Churchill has been simmering for more than three years, but has only now come to full boil. On September 12, 2001, Churchill wrote an essay, published informally on various Web sites, titled "Some People Push Back: On the Justice of Roosting Chickens," in which he characterized the victims of the World Trade Center as "little Eichmanns," a reference to Adolf Eichmann, the Nazi bureaucrat who helped maintain the machinery of death during the Holocaust. In Churchill's estimation, the victims of the attack were complicit in the imperialist foreign policy of the United States, and therefore should be condemned. He wrote, "If there was a better, more effective, or in fact any other way of visiting some penalty befitting their participation upon the little Eichmanns inhabiting the sterile sanctuary of the twin towers, I'd really be interested in hearing about it." The essay goes on to praise the "gallant sacrifices" of the "combat teams" who attacked the World Trade Center.

Churchill's post-9/11 essay lingered in relative obscurity for more than three years until December 2004, when he was invited to speak at Hamilton College, in Clinton, New York. At the time, Hamilton was reeling from another public-relations disaster, which had taken place just weeks before, stemming from its decision to hire Susan Rosenberg, a convicted felon and former leftist radical, to teach a one-month writing course.

Rosenberg eventually declined the offer, but the controversy earned Hamilton both the ire of conservative political pundits and nationwide scrutiny. Wary of another scandal, a professor at Hamilton did some research on Churchill and discovered the essay. The flurry of death threats directed at the college, administrators claimed, prompted the school to cancel the speech. From there, it didn't take long for the scandal to wend its way back to Churchill's academic home at UC-Boulder, which quickly began considering ways to silence him.

The problem, of course, is that the University of Colorado, a public university, would have violated the First Amendment had it dismissed a tenured professor merely for making odious statements. However, there is ample legal precedent to suggest that the university would have been justified in dismissing Churchill from his *administrative* post as chair of the ethnic-studies department.

Churchill may have been anticipating this sort of legally supportable retaliation from the university when he abruptly announced his resignation as ethnic-studies chair on January 31: "It is my considered view that the present political climate has rendered me a liability in terms of representing either my department, the college or the university in this or any other administrative capacity." But he remained defiant about keeping his tenured academic position despite the growing clamor for his head. Back at Hamilton College, the scandal had metastasized to the point that Nancy Rabinowitz, program director for the Kirkland Project, the campus organization that invited Churchill to speak, resigned her administrative post, too.

But Churchill, warts and all, should stand firm: any effort by the university to strip him of his professorship reeks of hypocrisy, even if his academic background is thin (to say the least). After all, he was promoted to head the ethnic-studies department two-and-a-half years ago — *after* his now-controversial essay on the 9/11 attacks was published. Given the extensive professional and academic evaluations that accompany, or should accompany, such an appointment, it seems unlikely that the university was completely ignorant of the quality of Churchill's academic work and the nature of his politics.

The disingenuousness of UC-Boulder's position was on full display when it abruptly canceled a planned February 8 on-campus lecture by Churchill. Like Hamilton College, UC-Boulder cited "security threats," reportedly made against students, as grounds for the cancellation. However, student groups protested, and Churchill filed a lawsuit. The university then reversed its decision, supposedly because it determined that the security threats had been overstated. The lecture went ahead as planned, albeit with heightened security. What these events demonstrate is that the modern university is motivated less by principle than by a desire to avoid demonstrations and lawsuits.

The events at Colorado show how a quarter-century of campus censorship by the left against the right is coming full circle, with conservatives and liberals alike now stifling provocative speech. It was just a year ago that the University of Colorado sought to prevent campus Republicans from holding an "affirmative-action bake sale," which parodied affirmative action in college admissions. The essence of the bake sale was that white students would pay more for baked goods than black students would. The

university backed down only when threatened with litigation by a lawyer working with the Foundation for Individual Rights in Education (FIRE), the same organization that has now formally protested the threats against Churchill's tenure. (Disclosure: Harvey A. Silverglate is a co-founder of FIRE and a member of its board of directors.)

The hypocrisy runs rampant. At Hamilton College, where the Churchill contretemps began, President Joan Hinde Stewart told the *New York Times* that Churchill's then-scheduled lecture at Hamilton would be "a real test of freedom of expression here." Yet the college canceled the lecture with the convenient claim that public safety was endangered — in effect legitimating the unconstitutional "heckler's veto," by which the angriest and loudest member of an audience is allowed to silence a speaker. Indeed, one such heckler was New York governor George Pataki, who sent a formal letter of protest to Hamilton making the absurd claim that "there's a difference between freedom of speech and inviting a bigoted terrorist supporter." Of course, there is absolutely *no* difference; the First Amendment is in place precisely to protect the least-popular speaker. That's not obvious, though, to people such as Wisconsin state representative Steve Nass, who is protesting Churchill's scheduled March 1 lecture at the University of Wisconsin at Whitewater. While the university still plans to hold the lecture, Nass is circulating a petition that condemns UW-Whitewater chancellor Jack Miller for allowing Churchill on campus; Nass, wielding the censorship club, claims Churchill's writings amount to anti-American "hate speech." And at the University of Colorado, the administration, having tenured an apparently unqualified radical and elevated him to departmental chair, is looking into his résumé to find a basis for firing him altogether.

Cathryn Hazouri, executive director of the ACLU of Colorado, released a statement chiding the university administration. "The ACLU of Colorado," the statement concluded, "agrees with Adlai Stevenson, Jr. when he said in 1952, 'My definition of a free society is a society where it is safe to be unpopular.'" Sadly, as long as spineless educational leaders continue to value a quiet campus over academic freedom, and to protect the sensibilities of those who think they have a right not to be offended, it may never be safe — for liberals or conservatives — to be unpopular.

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