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Monday, July 30, 2007

A POX ON BOTH THEIR HOUSES: WARD CHURCHILL AND UC-BOULDER

For critics of higher education, few campus controversies have been as illuminating as the ongoing saga of Professor [Ward Churchill](#). His case has uniquely intertwined all of the higher education issues *du jour* – Academic freedom, plagiarism, affirmative action, liberal bias, degraded campus culture – into one messy cloud of controversy that just will not go away. And now that [Churchill has sued](#) his former employer, University of Colorado-Boulder, for defamation, more unflattering facts about standard operating procedure on campus may soon be revealed.

A brief recap: Shortly after the September 11, 2001 terrorist attacks, Churchill, then the tenured chair of the UC-Boulder's ethnic studies department, published an essay titled "Some People Push Back: On the Justice of Roosting Chickens," in which he called the civilian victims of the 9/11 attacks "little Eichmanns" and wrote that they were appropriate targets for retaliatory violence. Serious readers of the essay understood that Churchill's critique was directed toward a capitalist society that enlisted a large number of faceless citizens to turn the wheels of industry. It was a cheap and simple-minded critique masquerading as a profound social and economic analysis of both the American society and the context in which the terrorist attack landed – the sort of nonsense for which post-modern leftist academics have become famous and (in some quarters) popular, and which makes a mockery of serious liberal criticism.

In any event, Churchill's scathing critique of the 9/11 victims went completely unnoticed until 2005, when the professor agreed to give a lecture at Hamilton College. An article in Hamilton's student newspaper about Churchill caught the eye of a staffer at "The O'Reilly Factor," which unsurprisingly exploited this delicious bit of *faux*-liberal lunacy. A media firestorm ensued, followed by calls for Churchill's head. Of course, casual observers of the story forgot about a little matter called academic freedom. His essay was completely protected – a fact pointed out by very few observers, including, I'm proud to say, [The Foundation for Individual Rights in Education](#), a non-profit organization that I co-founded in 1998.

As a result of [FIRE's letter](#) and other calls to protect Churchill's academic freedom, the university kept him on the faculty, although he gave up his chairmanship of the department. But Churchill's critics were not satisfied, and they initiated an investigation into allegations that suddenly arose that he was involved in academic and research fraud. A university-appointed committee completed the investigation last year and found Churchill guilty of the fraud charges, but disagreed over an appropriate punishment. The issue went before the Board of Regents, which voted 8 to 1 in favor of the university president's decision to terminate Churchill.

The problem in the case is this: It is clear that Churchill was protected by academic freedom in the writing and publishing of his essay, which one can fairly criticize as anything from odious to simple-minded. It's equally clear that he leaves much to be desired as a scholar, since the lapses found by the Committee appear well-documented and real. But had Churchill not provoked a national firestorm with his highly unpopular essay, including calls by state legislators for lowering financial support for the University and its pampered faculty (nearly all university faculties, it seems, are pampered), an investigation into his academic honesty would never have been undertaken. In other words, the investigation and his dismissal can be seen as pretextual.

Churchill has sued. The difficult question posed by the lawsuit is this: Should a state university have the right and the power to dismiss a tenured professor for good and sufficient academic fraud reasons, where the investigation, and the desire to dismiss him, are a pretext for the real reason he was investigated in the first place – his political views that have become inconvenient to this oh-so-politically-correct nest of vipers and incompetents running a major state university? (They did, after all, make Churchill a departmental chair in the first place.) One is tempted to borrow Mercutio's solution in *Romeo and Juliet*: "a pox on both their houses."

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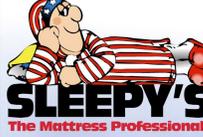
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My prediction: Churchill and the University will settle. Churchill will not want to shine more of a spotlight on his shoddy scholarship and lack of credentials for the position he holds. (Churchill does not hold an advanced degree. He got his start in academia as an affirmative action officer, leading many to question whether Churchill himself was an affirmative action hire. Even this is complicated because his claimed Native American ancestry has since been questioned.) The University will not want to disclose the contents of communications and meetings that would show that its expressed concern for academic honesty is really a cover for its lack of concern for academic freedom. Neither side is going to want the intrusive process of pre-trial "discovery," in which each side has access to the other side's documents and testimony-under-oath, to demonstrate to the public precisely how sausages are made in our hallowed institutions of "higher" education.

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