

The Report On Ward Churchill

by Tom Mayer

[Ed. Professor Mayer of the University of Colorado at Boulder wrote this text before going on a trip. He sent it "to several local newspapers, but they all rejected it because it was too long." Our thanks to Louis Proyect and David Anderson who brought this valuable contribution to our attention.]

(Swans – June 19, 2006) I have finally finished a careful reading of the 124 page report about the alleged academic misconduct of Ward Churchill. Often, but not always, I have been able to compare the statements in the report with the relevant writings of Professor Churchill. Although the report by the committee on research misconduct clearly entailed prodigious labor, it is a flawed document requiring careful analysis. The central flaw in the report is grotesque exaggeration about the magnitude and gravity of the improprieties committed by Ward Churchill. The sanctions recommended by the investigating committee are entirely out of whack with those imposed upon such luminaries as Stephen Ambrose, Doris Kearns Goodwin, and Lawrence Tribe, all of whom committed plagiarisms far more egregious than anything attributed to Professor Churchill.

The text of the report suggests that the committee's judgments about the seriousness of Churchill's misconduct were contaminated by political considerations. This becomes evident on page 97 where the committee acknowledges that "damage done to the reputation of ... the University of Colorado as an academic institution is a consideration in our assessment of the seriousness of Professor Churchill's conduct." Whatever damage the University may have sustained by employing Ward Churchill derives from his controversial political statements and certainly not from the obscure footnoting practices nor disputed authorship issues investigated by the committee. Indeed, the two plagiarism charges refer to publications that are now fourteen years old. Although these charges had been made years earlier, they were not considered worthy of investigation until Ward Churchill became a political cause célèbre. Using institutional reputation to measure misconduct severity amounts to importing politics through the back door.

The report claims that Professor Churchill engaged in fabrication and falsification. To make these claims it stretches the meaning of these words almost beyond recognition. Fabrication implies an intent to deceive. There is not a shred of evidence that the writings of Ward Churchill contain any assertion that he himself did not believe. The language used in the report repeatedly drifts in an inflammatory direction:

disagreement becomes misinterpretation, misinterpretation becomes misrepresentation, misinterpretation becomes falsification. Ward may be wrong about who was considered an Indian under the General Allotment Act of 1887 or about the origins of the 1837–1840 smallpox epidemic among the Indians of the northern plains, but the report does not establish that only a lunatic or a liar could reach his conclusions on the basis of available evidence.

The charges of fabrication and falsification all derive from short fragments within much longer articles. The report devotes 44 pages to discussing the 1837–1840 smallpox epidemic. One might think that Ward had written an entire book on this subject. In fact this issue occupies no more than three paragraphs in any of his writings. In each of the six essays cited in the report, all reference to this epidemic could have been dropped without substantially weakening the argument. To be sure, the account given by Ward is not identical to that found in any of his sources, but it is a recognizable composite of information contained within them. The committee peremptorily dismisses Churchill's contention that his interpretation of the epidemic was influenced by the Native American oral tradition. This is treated as no more than an ex post facto defense against the allegation of misconduct. The committee also discounts Native American witnesses who

support Churchill's interpretations as well as his fidelity to oral accounts. The centrality of the oral tradition is evident in many of Churchill's writings. His acknowledgments frequently include elders, Indian bands, and the American Indian Movement. He often integrates Native American poetry with his historical analysis. Three of his books with which I am familiar, *Since Predator Came* (1995), *A Little Matter of Genocide* (1997), and *Struggle for the Land* (2002) all begin with poems. As a thirty-year veteran of the intense political struggles within the American Indian Movement, Ward Churchill could not avoid a deep familiarity with the oral tradition of Native American history.

By addressing only a tiny fragment of his writings, the report implies that Ward tries to overawe and hoodwink his readers with spurious documentation. Anyone who reads an essay like "Nits Make Lice: The Extermination of North American Indians 1607–1996" with its 612 footnotes will get a very different impression. Churchill, they will see, goes far beyond most writers of broad historical overviews in trying to support his claims. He often cites several references in the same footnote. Ward is deeply engaged with the materials he references and frequently comments extensively upon them. He typically mounts a running critique of authors like James Axtell, Steven Katz, and Deborah Lipstadt. Readers will see that

Churchill is familiar with a formidable variety of materials and can engage in a broad range of intellectual discourses.

Ward Churchill is not just another writer about the hardships suffered by American Indians. He offers a very distinctive vision of what David Stannard calls the "American Holocaust." According to Churchill, the extermination of Native Americans was neither accidental, nor inadvertent, nor unwelcome among the invading Europeans. On the contrary, it was largely deliberate, often planned (sometimes by the highest political authorities), and frequently applauded within the mainstream media. "[A] hemispheric population estimated to have been as great as 125 million was reduced by something over 90 percent....and in an unknown number of instances deliberately infected with epidemic diseases" (*A Little Matter of Genocide*, p. 1). Moreover, Ward maintains that the American Holocaust continues to this day. He thinks it is fully comparable to, and even more extensive than, the Nazi genocide of the Jewish people during World War Two. The endemic chauvinism and Manichaeian sensibility this process has induced within our political culture helps explain Hiroshima, Vietnam, Iraq, and other American exercises in technological murder.

"If there is one crucial pattern that most affects our assessment," writes the committee, "it is a pattern of failure to

understand the difference between scholarship and polemic, or at least of behaving as though that difference does not matter" (p. 95). Taking away the negative imputation, I can agree with the latter observation. Ward believes we are all in a race against time. Thus the main point of historical scholarship is not to recount the past, but rather to provide intellectual ammunition for preventing future genocides now in the making.

Like most scholars, Churchill practices an implicitly Bayesian (a statistical term) form of analysis. That is, he evaluates the plausibility of assertions and the credibility of evidence partly on the basis of his prior beliefs. That government officials connived in generating the 1837–40 smallpox epidemic seems far more plausible to Ward than to the investigating committee precisely because he thinks this is what American governments are inclined to do. He discounts many of the so-called primary sources cited in the report because their authors despise Indians or wish to conceal their own culpability in spreading the epidemic. And contrary to what the report says (p. 96), many first rate scholars focus on proving their own hypotheses rather than considering all available evidence even-handedly. Einstein, for example, spent the last three decades of his life trying to disprove quantum mechanics while largely disregarding evidence in its favor. This is not research misconduct.

Virtually all the mass exterminations of recent times have evoked amazingly divergent historical assessments and numerical estimates. This is true of the Armenian genocide, Stalin's collectivization campaign and purges, the Nazi holocaust, Hiroshima and Nagasaki, the Great Leap Forward, Vietnam, Cambodia, and Rwanda. In some cases there is dispute about whether the extermination even happened, and even when mass killing is acknowledged, numerical estimates sometimes differ by a factor of ten or even more. These differing interpretations are almost never politically innocent but, when honestly advanced, they do not constitute research misconduct. Neither do Ward Churchill's assessments of genocidal activities by John Smith or by the U.S. Army at Fort Clark.

The operational definition of academic misconduct used by the investigating committee is so broad that virtually anyone who writes anything might be found guilty. Not footnoting an empirical claim is misconduct. Citing a book without giving a page number is misconduct. Referencing a source that only partially supports an assertion is misconduct. Referencing contradictory sources without detailing their contradictions is misconduct. Citing a work considered by some to be unserious or inadequate is misconduct. Footnoting an erroneous claim without acknowledging the error is misconduct. Interpreting a

text differently than does its author is misconduct. Ghost writing an article is misconduct. Referencing a paper one has ghost written without acknowledging authorship is misconduct. No doubt this list of transgressions could be greatly expanded. I strongly suspect that many people who vociferously support the report have read neither it nor any book or essay Ward Churchill has ever written. Perhaps this should be deemed a form of academic misconduct.

If any of the sanctions recommended by the investigating committee are put into effect, it will constitute a stunning blow to academic freedom. Such punishment will show that a prolific, provocative, and highly influential thinker can be singled out for entirely political reasons; subjected to an arduous interrogation virtually guaranteed to find problems; and then severed from academic employment. It will indicate that public controversy is dangerous and that genuine intellectual heresy could easily be lethal to an academic career. It will demonstrate that tenured professors serve at the pleasure of governors, political columnists, media moguls, and talk show hosts. Most faculty members never say anything that requires protection. The true locus of academic freedom has always been defined by the intellectual outliers. The chilling effect of Ward Churchill's academic crucifixion upon the energy and boldness of these freedom-defining heretics will be immediate and profound.

The authors of the report on Ward Churchill present themselves as stalwart defenders of academic integrity. I have a quite different perspective. I see them as collaborators in the erosion of academic freedom, an erosion all too consonant with the wider assault upon civil liberties currently underway. The authors of the report claim to uphold the intellectual credibility of ethnic studies. I wonder how many ethnic studies scholars will see it that way. I certainly do not. Notwithstanding their protestations to the contrary, I see committee members as gendarmes of methodological and interpretive orthodoxy, quite literally "warding" off a vigorous challenge to mainstream understandings of American history. Confronted by the evidence presented in this report, the appropriate response might be to write a paper critiquing the work of Ward Churchill. Excluding him, either permanently or temporarily, from the University of Colorado is singularly inappropriate.

Ward Churchill is one of the most brilliant persons I have encountered during my 37 years at this university. His brilliance is not immediately evident due to his combative manner and propensity for long monologues. Whenever reading one of his essays I feel in the presence of a powerful though hyperbolic intellect. The permanent or temporary expulsion of Ward Churchill would be an immense loss for CU. In one fell swoop

we would become a more tepid, more timid, and more servile institution. His expulsion would deprive students of contact with a potent challenger of accepted cognitive frameworks. The social sciences desperately need the kind of challenge presented by Ward Churchill. His most strident claims may be rather dubious, but they stimulate our scholarly juices and make us rethink our evidence and assumptions. One of his main objectives, Ward has often said, is "to bring consideration of American Indians into the main currents of global intellectual discourse." In this endeavor he has been a splendid success.