

## **It's Just a Farce: Ward Churchill and the Research Misconduct Inquisition**

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On May 16<sup>th</sup>, 2006, an Investigative Committee of the Standing Committee on Research Misconduct at the University of Colorado, Boulder, released its report concerning allegations of research misconduct leveled at Ward L. Churchill, a tenured professor of Native American Studies at the University, and a prolific writer, public speaker, and Native American activist. In the report, the committee stated that it had unanimously found Ward L. Churchill guilty of “*serious*” and “*deliberate*” research misconduct.

The report was the culmination of a lengthy year and a half long inquisition initiated against Ward Churchill in retaliation for comments he made in an essay entitled “Some People Push Back”<sup>1</sup> and the follow-up book, *On the Justice of Roosting Chickens*,<sup>2</sup> both of which concerned the events of 9-11. In the essay, Churchill argued against the popular public belief in the innocence of the World Trade Center victims by labeling them a “*technocratic corps*” that functioned as the organizers and facilitators of U.S. empire, and comparing them to Adolf Eichmann, the architect of the Nazi perpetuated holocaust during World War II.

Immediately, a well coordinated media inquisition began. Headed by Fox News commentator Bill O’Reilly, a chorus of moral outrage that spanned the political spectrum grew throughout the country. The goal of this media witch hunt was to force the University of Colorado to fire Ward Churchill for his remarks about 9-11.

The hypocrisy of these witch hunters was immediately evident as media outlets and politicians all over the country, including Colorado Governor Bill Owens and the Senate of Colorado, clamored to defend America against Ward Churchill’s statements by demanding that he be fired for his “anti-American sentiments.”<sup>3</sup> Apparently they did not notice that in advocating for the firing of Professor Churchill (based solely on his political opinions) they were themselves attacking “American Values” – in the form of the 1<sup>st</sup> amendment of the United States Bill of Rights. When the initial frenzy cooled, the inquisitors realized their tactical error and immediately initiated a new campaign to discredit and marginalize Professor Churchill. This time the defenders of America

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<sup>1</sup> For this essay along with an archive of other relevant media documents concerning the media lynching of Ward Churchill see; [www.kersplebedeb.com/mystuff/s11/churchill.html](http://www.kersplebedeb.com/mystuff/s11/churchill.html); accessed September 27, 2006.

<sup>2</sup> Churchill, Ward. *On the Justice of Roosting Chickens: Reflections on the consequences of U.S. imperial arrogance and criminality*. Oakland: A.K. Press, 2003.

<sup>3</sup> Gov. of Colorado Bill Owens public statement against Ward Churchill. February 1, 2005; [www.colorado.gov/governor/press/february05/churchill.pdf](http://www.colorado.gov/governor/press/february05/churchill.pdf); accessed September 26, 2006. For a review of the Colorado Senate resolution calling for the firing of Churchill see; <http://www.cu.edu/silverandgold/messages/4203.html>; accessed September 27, 2006.

disingenuously sought to question the factual basis of Ward Churchill's scholarship and have him fired for research misconduct. This is the point where the real farce began.

Accusations of research misconduct against Ward Churchill, some of which were rehashed from ones made nearly a decade ago, began to flow into Interim Chancellor Phil DiStefano's office at the University of Colorado. Chancellor DiStefano lost no time condemning Ward Churchill's scholarship calling it "*profoundly repugnant*" in public statements and vowed to fully investigate the claims of research misconduct.<sup>4</sup> Not surprisingly, on March 24, 2005, DiStefano issued a statement concerning the accusations of research misconduct against Professor Churchill in which he concluded that "*the allegations of research misconduct, related to plagiarism, misuse of other's work and fabrication, have sufficient merit to warrant further inquiry.*"<sup>5</sup> This was the starting point for a process that would take longer than a year and eventually lead to the formation of a committee to investigate the accusations of research misconduct against Ward Churchill. On May 16<sup>th</sup>, 2006, the five member committee assigned to investigate Professor Churchill found him guilty of "*serious*" and "*deliberate*" research misconduct.

For many in the media this was end game. A jury of Professor Churchill's peers had thoroughly investigated the allegations against him and found him guilty – end of story. However, despite the trite glee of personalities like Bill O'Reilly and others who rejoiced in Professor Churchill's downfall, there is more to the story than a simple verdict of guilty. In fact, a thorough investigation of the Investigative Committee's report, in which they found Churchill guilty, shows that the reality is much more complex. There are often two sides to a story, and in this case, it is obvious that Professor Churchill has been the victim of a political witch hunt – not a perpetrator of deliberate research misconduct and fraud.

The investigative committee was comprised of five members who were charged with investigating four accusations of research misconduct and three accusations of plagiarism against Professor Churchill. Right away, this should have sent up red flags to the media and other public commentators. A quick review of Professor Churchill's publications shows that he is an extremely prolific author and has written and edited over twenty books in addition to a large number of scholarly and popular articles. In all of this vast published material, Churchill's critics and enemies, of whom he has a large number, could only find *four* instances of alleged research misconduct. This alone should have been suspect to observers. How could Ward Churchill be guilty of "*serious*" and "*deliberate*" research misconduct when only four very minor instances of research misconduct were even investigated in the first place?

In one of the allegations Churchill is accused of misrepresenting the General Allotment Act of 1887 by inferring that it contained a "*blood-quantum*" qualification – that it set up a system by which Native Americans would only be granted land allotments

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<sup>4</sup> Remarks by Chancellor Phil DiStefano at the Board Of Regents Special Meeting. Feb. 3, 2005; <http://www.colorado.edu/news/releases/2005/49.html>; accessed September 27, 2006.

<sup>5</sup> Statement by Chancellor Phil DiStefano. March 24, 2005; <http://www.colorado.edu/news/reports/churchill/distefanostatement.html>; accessed September 27, 2006.

if they could prove their Native American ancestry. The committee's complaint against Churchill is that there was no mention of a racially based allotment system in the original Act.<sup>6</sup> A read of the text of the General Allotment Act of 1887 shows this to be true, but it also brings up a very telling indicator of the absurdity of this particular accusation against Churchill.

The general Allotment Act of 1887 was arguably *the* most important component of United States Indian policy in the nineteenth century and its contents are universally known to any scholar or teacher of U.S. history or Native American Studies. The idea that Professor Churchill deliberately fabricated a false version of the General Allotment act (an act whose text is readily available at the click of a button on-line) is laughable. Anyone who has ever studied U.S. Indian policy, including Professor Churchill, knows that the General Allotment Act did not contain direct wording of a "blood-quantum" requirement. Are we to believe that Professor Churchill was so stupid as to actually deliberately falsify a reading of the General Allotment Act? It makes no sense at all.

The reality is that a close reading of Churchill's statements regarding the matter shows that he never outright said that the wording about blood quantum was in the act<sup>7</sup> – he only inferred what he believed was the *intent* of the Act and that U.S government allotment agents did in fact issue allotments only to those who could prove that they were members of a federally recognized tribe. Furthermore, in a 1917 amendment to the General Allotment Act, these racially based qualifications for allotments *were* formally made a part of the Act. Regarding this accusation, the committee itself stated in their report that they were "*not claiming that Professor Churchill fabricated his general conclusions*" and yet they still found him guilty of misrepresentation.<sup>8</sup>

In another accusation concerning the spreading of smallpox by one Captain John Smith, the committee found that Professor Churchill had not only "misrepresented" but also "fabricated" his account. Professor Churchill claimed that Captain John Smith had deliberately spread smallpox to the Wampanoags in the early seventeenth century by means of infected blankets. In this case the committee faulted Churchill merely for a vague footnote citation for this information (his citation did not contain the exact information that he was claiming but rather was a general account of the context surrounding John Smith's travels).<sup>9</sup>

There is no question that Captain Smith did in fact "visit" the Wampanoags in the early seventeenth century and that an epidemic did in fact break out in the aftermath of the visit. Churchill gives evidence for this through other citations – citations that the

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<sup>6</sup> General Allotment Act of 1887; <http://wsu.edu/~dee/NATION/DAWESACT.HTM>; accessed October 9, 2006.

<sup>7</sup> Report of the Investigative Committee of the Standing Committee on Research Misconduct at the University of Colorado at Boulder concerning Allegations of Academic Misconduct against Professor Ward Churchill. pp.117-121; [www.colorado.edu/news/reports/churchill/churchillreport051606.html](http://www.colorado.edu/news/reports/churchill/churchillreport051606.html); accessed October 2, 2006.

<sup>8</sup> *Ibid.*, p.24.

<sup>9</sup> *Ibid.*, p.34.

committee found to be “*appropriate*.”<sup>10</sup> Nevertheless, the committee persisted in their obsession with the *one* single footnote that it had originally been charged to investigate. In all their searching, the committee *could not disprove* Churchill’s original statement – a statement that Churchill himself reiterated was based on “*circumstantial*”<sup>11</sup> and not direct evidence. So in this case Churchill is found guilty of serious and deliberate research misconduct merely for *one* sloppy footnote in *one*<sup>12</sup> of the several publications in which he made statements about Captain Smith and his spreading of smallpox. Where is the fraud here? All I see is one minor mistake in a single footnote.

In another accusation concerning the U.S Army’s intentional spread of smallpox to the Mandan Tribe at Fort Clark, Churchill was found guilty of “*falsification*,” “*fabrication*” and an additional charge of “*considerable disrespect for Native oral tradition*.”<sup>13</sup> This accusation, despite the fact that the investigation took up forty three pages of the committee report, is the weakest of weak charges against Churchill. After a *very* thorough investigation of every primary source that the committee could get their hands on, they determined that Ward Churchill had *not* committed “*academic misconduct with respect to his general claim that the U.S. Army deliberately spread smallpox to Mandan Indians at Fort Clark in 1837...*”<sup>14</sup> So what’s the problem here?

The problem, according to the committee, is again only with Churchill’s footnoting. As evidence for his statement about the Fort Clark incident, Churchill cited sources that provided historical accounts concerned specifically with the smallpox epidemic among the plains tribes. Again, the committee felt that Churchill’s account did not match closely enough with his sources despite the fact that Churchill cited his sources merely as context for the incident and not as direct evidence for his specific claims. The committee itself found that there *was* in fact significant evidence to be found in Native American oral tradition that backs up Professor Churchill’s version of a deliberate spreading of smallpox.<sup>15</sup> The committee could not and did not find that Churchill had fabricated his account, only that he had used improper footnoting methods. As for the committee charge that Churchill disrespected Native American oral traditions, this is nothing more than opinion on their part. Since Churchill did not cite Native American oral tradition as a source for his claim in his original publications, the committee felt that he had disrespected Native American oral tradition. This is quite an odd accusation, considering that all the works that were subject to the committee inquisition were written to support and argue *for* Native American rights and tribal sovereignty.

As has been shown, each accusation of fraud and misconduct was based entirely on a microscopic examination of just one or two statements and footnotes. There is no possible way to legitimately judge someone’s cannon of works by only looking at a microscopic portion of it. Having just completed researching and writing a Masters

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<sup>10</sup> Ibid., p.34-5.

<sup>11</sup> Ibid., p.33.

<sup>12</sup> Churchill, Ward. “An American Holocaust? The Structure of Denial.” *Socialism and Democracy*, Vol.17, No.1 (2003).

<sup>13</sup> Ibid., p.81.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid., pp.55-58.

thesis in U.S and Native American History, I can tell readers with all truthfulness that if any of the authors I have read were treated to the same microscopic investigation that Ward Churchill was subjected to, they too would be found guilty of research misconduct under the twisted scope of the committee's investigation. The only difference between Ivy League published scholarly works and those of Ward Churchill are the politics that inform them. That has always been the central issue of the Churchill inquisition.

As anyone who has read Churchill's works knows, Churchill is one of the most prolific and well researched scholars out there. His books are not only numerous, but they are also quite long and contain extensive citation. One of the books heavily referenced during the inquisition, *A Little Matter of Genocide*, is 531 pages long and contains 1,409 footnotes. The idea that Churchill could be found guilty of serious and deliberate research misconduct due to a handful of sloppy citations is totally and completely absurd. Two or three mistakes in thousands upon thousands of written pages seems like an *excellent* track record to me – not something that should get a tenured professor fired.

*Teachers for a Democratic Society*, a group of well known professional educators, authored a public statement condemning the inquisition against Churchill. The statement was signed onto by nearly five hundred prominent scholars from Universities across the country. The statement explained in no uncertain terms that the inquisition against Professor Churchill had major substantive problems including “*an unreasonably broad and elastic definition of ‘research misconduct’,*” and “*a near-obsessive interest in dissecting a small number of paragraphs and footnotes from an otherwise ‘impressive’ and ‘unusually high volume’ of academic work, an analysis that virtually guaranteed the discovery of errors, misrepresentations, and inconsistencies...*”<sup>16</sup>

Even the committee that investigated Professor Churchill had to admit that “*the seven allegations considered by this Committee refer to only a small fraction of Professor Churchill’s extensive body of academic work. Allegations A, B, C, and D cite no more than a few paragraphs within much longer essays.*”<sup>17</sup> So again I ask: how is Ward Churchill guilty of deliberate and serious research misconduct?

Throughout the committee's report, they often repeat that they were only doing the job that was asked of them – that they only researched the accusations that were given to them and based their conclusions upon research into those accusations. Importantly, the committee also admitted that there were in fact political ramifications to the original accusations against Professor Churchill, but since they were not told to consider the politics behind the Churchill inquisition, they did not bring such things to bear on their final judgment. The committee wrote:

*As will be discussed in the Summary and Conclusions to the report, the Committee believes that the reasons or motives for the initiation of these allegations are important, and perhaps critical, issues for the University to*

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<sup>16</sup> Teachers for a Democratic Society; <http://www.teachersfordemocracy.org/>; accessed October 9, 2006.

<sup>17</sup> Ibid., p.8.

*consider when deciding upon any possible sanctions, but they were not within the Committee's investigatory charge. Other than as expressly noted in the sanctions section at the end of this report, the origins, background, or motivation surrounding the complaints about Professor Churchill's research as formally submitted by the Interim Chancellor, based upon the allegations made by others, played no role in our deliberations regarding these specific seven allegations.<sup>18</sup>*

Essentially, what the prior statement indicates is that the committee willingly and knowingly aided and abetted a politically based witch hunt against Professor Churchill – a witch hunt that was initiated by a rabid and reactionary fascist element in U.S government and media – one which seeks to suppress dissent. The members of the committee had every opportunity to refuse to serve on the investigation (as two of the original members did) when they realized what the true political ramifications of their work entailed. Instead, they directly participated in a political witch hunt and the repression of Professor Churchill's rights to academic freedom.

On June 26, 2006, the Interim Chancellor Phil DiStefano issued to Professor Churchill a notice of intent to dismiss him from his tenured faculty position at the University of Colorado, Boulder. The Chancellor's decision was based upon the findings of the standing committee.

By the time that this essay is published it is very likely that Ward Churchill will have been fired from his tenured position at the University of Colorado, Boulder. It is overwhelmingly clear that this firing will have been due to Professor Churchill's principled critiques of United States imperialism and his ardent support for Indigenous sovereignty in the Americas.

In the past, Ward Churchill has lent his solidarity to the Green Anarchist movement many times, now it is time to return the favor by publicly supporting Ward Churchill in every way possible. If this inquisition goes unchallenged, there will be dire ramifications for us all.

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<sup>18</sup> Ibid., p.5.