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University of Colorado professor Ward Churchill stole the work of others, twisted facts to bolster his own theories and repeatedly violated the most basic standards of scholarly research, the committee assigned to investigate him wrote in a stinging report made public Tuesday.

One of the five committee members recommended Churchill be fired. Two said he should be suspended without pay for two years; the two others recommended a five- year suspension without pay.

The final decision will be left to Provost Susan Avery and arts-and- sciences Dean Todd Gleeson, and it is not expected until mid-June.

Churchill, who infuriated people across the nation with an essay about the Sept. 11 terrorist attacks, did not respond to a *Rocky Mountain News* request for comment. However, he told The Associated Press the committee's findings were "a travesty."

"Some of this I see as being transparently ridiculous, laughable," he told The Associated Press. "I feel, in a weird way, actually sort of validated they would put themselves through such contortions" to condemn his work.

Gov. Bill Owens, upon receiving the report, again called on Churchill to resign.

Research misconduct is considered one of the most serious offenses a faculty member can commit. And the investigative committee concluded that Churchill had consistently committed it.

"Some of the allegations that we have discussed in this report could plausibly have been characterized as not serious had they been founded on one instance, a singular departure from an otherwise clean record of scholarship," the report said. "But this is sadly not the case."

On one of the allegations - Churchill's claim that the U.S. Army intentionally spread smallpox among the Mandan Indians in 1837 - the committee concluded that the professor "has created myths under the banner of academic scholarship."

The committee also questioned whether Churchill understood the gravity of the problems in his work.

While the report states Churchill was "civil and collegial" toward the committee, it also says he did not acknowledge any serious wrongdoing.

"Professor Churchill repeatedly claimed in his written submissions and interviews with us that he has been singled out for unfair scrutiny by those who oppose his political views," the report said. "We note, however, that his habit of responding to an accusation by disparaging the accuser rather than addressing the question serves as a way to evade genuine confrontation with the charges."

Concerns over timing

Despite the harsh findings, the committee expressed its concern about the timing and possible motives for the university to bring charges at this time.

Some of the allegations against Churchill had been known for a decade, and the inquiry was launched only after his controversial Sept. 11 essay came to light last year, they noted.

In that essay, Churchill said the attacks were the predictable result of a U.S. foreign policy that caused the deaths of thousands of Iraqi children.

He referred to some of the victims of the attack on the World Trade Center as "little Eichmanns," a reference to Nazi Adolf Eichmann, who helped coordinate the Holocaust. The people who died at the Pentagon, he wrote, weren't innocent victims but "military targets, pure and simple."

After the essay was widely publicized, lawmakers and many in the public called for Churchill to be fired.

While CU officials said Churchill's comments were covered by free speech, they apologized to the nation and ordered a full investigation into his work.

The two committee members who recommended a two-year suspension said they were troubled by those circumstances, and feared sanctions would harm faculty members' ability to conduct research "with due freedom."

The report also notes that CU knew Churchill was a "controversial public intellectual" before the university granted him tenure and promoted him to full professor.

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In his writings and lectures, Churchill - who claims he is part Cherokee - has consistently accused the U.S. government of committing genocide against American Indians.

Russell Thornton, a UCLA professor whose work was misrepresented by Churchill, according to the report, said the committee's findings made it clear that Churchill should be fired.

"I don't see how the University of Colorado can keep him with a straight face," said Thornton, a member of the Cherokee Nation. "They might as well close the doors."

Thornton, author of *American Indian Holocaust and Survival: A Population History Since 1492*, said the committee did a "very thorough" job, but a two-year suspension would be "too lenient."

"These are really serious findings, and that is gross, gross scholarly misconduct. And it makes me angry they didn't recommend stronger sanctions," Thornton said. "The fact that they didn't recommend stronger sanctions seems to indicate a lack of respect for scholarship on American Indians."

Similarly surprised was Thomas Brown, a sociology professor at Lamar University in Texas who has extensively studied Churchill's writings on smallpox.

"What degree of malfeasance would you have to rise to to warrant dismissal, if not this?" he asked.

He also noted that more than a year ago Churchill challenged critics to examine his work.

"As I've said before," Brown said, "Churchill put the noose around his own neck and urged somebody to kick the chair out from underneath him, so this was inevitable."

John LaVelle, a law professor at the University of New Mexico who has dissected Churchill's work, declined to comment Tuesday. Canadian professor Fay G. Cohen, who accused Churchill of stealing some of her work, could not be reached for comment.

But Tom Mayer, a CU sociology professor who has known Churchill for many years, defended his colleague.

Scrutiny 'politically inspired'

Mayer said he believes the investigation was "politically inspired" and that Churchill has had "a very constructive effect upon the university and upon the profession."

"I wonder what would have happened to anyone who had been subjected to the same kind of detailed investigation that Ward Churchill has been," Mayer said.

The investigative committee's report delved extensively into seven specific accusations of research misconduct against Churchill.

Committee members were unanimous in their findings:

- That Churchill falsified claims that the General Allotment Act of 1887 created a "blood quantum" standard allowing Indian tribes to admit members only if they had at least half native blood, and that he failed to properly credit sources.
- That Churchill falsified claims that the Indian Arts and Crafts Act of 1990 imposed a "blood quantum" requiring artists to be one-quarter Indian by blood, and that he failed to properly credit sources.
- That Churchill falsified and fabricated assertions that Capt. John Smith introduced smallpox to the Wampanoag Indians in the early 1600s.
- That Churchill falsified and fabricated accusations that the U.S. Army committed genocide by intentionally infesting the Mandan Indians with smallpox in 1837, and that he failed to properly credit sources and deviated from accepted practices in reporting results from research.
- That Churchill plagiarized a 1972 pamphlet about a water-diversion scheme in Canada titled *The Water Plot*.
- That Churchill plagiarized Cohen's writings in a 1992 essay.
- That Churchill committed research misconduct in publishing part of an essay written by Rebecca L. Robbins in a 1993 book.

Committee members each spent about 400 hours during the past four months investigating the allegations, committee chairperson Marianne "Mimi" Wesson said during a press conference Tuesday afternoon.

They interviewed six witnesses. Of those, two were selected by the committee and interviewed by phone; the remaining four were recommended by Churchill and interviewed in person.

Churchill was present for each interview, Wesson said. While he was not allowed to address the witnesses, he could suggest questions, which he did by e-mailing Wesson during the proceedings.

According to the report, Wesson did not reject any questions Churchill suggested, although she at times rephrased the question for clarity. On one occasion, she advised the witness he did not have to answer a question she deemed "inflammatory and irrelevant."

Resolution may take months

Committee members then compiled their findings, outlining specific areas where misconduct may have occurred and submitting a conclusion for each allegation.

For example, the committee found numerous problems with Churchill's claims about smallpox - specifically that Capt. John Smith may have intentionally spread it in New England in the early 1600s and that the Army did it in the Upper Missouri River Valley in the late 1830s.

In one case, the committee found, simply, that "there is no evidence that John Smith introduced any disease" and that Churchill "misrepresented his sources in two essays when describing Capt. John Smith and smallpox, a form of falsification."

"We conclude also that he fabricated his account, because no evidence - not even circumstantial evidence - supports his claim."

As for what happened at Fort Clark in 1837, the committee concluded that some early accounts of Indians and some oral traditions "provide some basis" for Churchill's claims.

"Professor Churchill has not, however, respected those Indian traditions," the committee found.

The committee also found that Churchill cited sources to back up his claims that actually contradicted them; the committee said that he engaged in a "pattern of deliberate academic misconduct involving falsification, fabrication, and serious deviation from accepted practices in reporting results from research."

Churchill will now get time to respond to the report. Just how long that will take has not been determined, although CU spokesman Barrie Hartman said he expects it to be about two weeks.

Once the standing committee receives Churchill's response, it will make a recommendation to Avery and Gleeson on what action should be taken.

Churchill may appeal any decision to CU's Committee on Privilege and Tenure and CU President Hank Brown. If the decision is to fire Churchill, the Board of Regents also would have to approve the firing.

In all, the process could take several more months to resolve. Churchill and his attorney, David Lane, have indicated that they could take CU to federal court, further prolonging the case.

Brown declined to comment on the report Tuesday because he may be asked to weigh in on Churchill's future.

Findings

The conclusions of the investigative committee that examined seven allegations of research misconduct against University of Colorado ethnic-studies professor Ward Churchill:

- Charge A: That Churchill misrepresented the General Allotment Act of 1887 in his writings by incorrectly writing that it created a "blood quantum" standard that allowed tribes to admit members only if they had at least half native blood.

Finding: Falsification and failure to comply with established standards regarding author names on publications.

- Charge B: That Churchill misrepresented the Indian Arts and Crafts Act of 1990 by incorrectly writing that the act imposed a "blood quantum" requiring artists to prove they were one-quarter Indian by blood.

Finding: Falsification and failure to comply with established standards regarding author names on publications.

- Charge C: That Churchill incorrectly claimed there was "some pretty strong circumstantial evidence" that Capt. John Smith introduced smallpox among the Wampanoag Indians between 1614 and 1618.

Finding: Falsification and fabrication.

- Charge D: That in several writings Churchill falsely accused the U.S. Army of committing genocide by distributing blankets infested with smallpox to Mandan Indians in the Upper Missouri River Valley in 1837.

Finding: Falsification, fabrication, failure to comply with established standards regarding author names on publications and serious deviation from accepted practices in reporting results from research. The committee also found that Churchill was "disrespectful of Indian oral tradition."

- Charge E: That Churchill claimed as his own work a 1972 pamphlet about a water-diversion scheme in Canada titled *The Water Plot*. The work actually was written by a now-defunct environmental group, "Dam the Dams."

Finding: Plagiarism.

- Charge F: That Churchill plagiarized part of an essay written by Rebecca L. Robbins in a book he published in 1993.

Finding: Research misconduct

- Charge G: That Churchill plagiarized the writings of Canadian professor Fay G. Cohen in a 1992 essay.

Finding: Plagiarism. Source: *University Of Colorado Report Of The Investigative Committee*

What's next

- Response: Ward Churchill will get time to respond to the report. CU spokesman Barrie Hartman said the university expects response in two weeks.

- Recommendation: CU's Standing Committee on Research Misconduct will make a recommendation to Provost Susan Avery and Arts and Sciences Dean Todd Gleeson, about what action, if any, should be taken against Churchill.

- Final decision: Avery and Gleeson hope to have a final decision by mid-June.

- Appeal: Churchill can appeal to Privilege and Tenure Committee.

- Termination: If terminated, Churchill, he may appeal to CU president. The Board of Regents must vote

to approve any dismissal.

Under fire: from the beginning

- 1978: The University of Colorado hires Ward Churchill as an administrative assistant in the American Indian Equal Opportunities Program, which counsels Indian students. Over the next 10 years, he also lectures on Indian topics.
- 1991: Churchill receives tenure and is appointed an associate professor in CU's communications department.
- 1994: Students vote Churchill winner of Boulder Faculty Assembly teaching award.
- 1997: Churchill is appointed full professor, and his tenure is transferred to the ethnic-studies department.
- 2002: Churchill named chairman of ethnic-studies department.
- Jan. 21, 2005: In advance of a speaking appearance by Churchill, a reporter at a student newspaper in New York writes a story about a little-known essay the professor wrote Sept. 12, 2001. In it, Churchill referred to some victims of the Sept. 11 terrorist attacks as "little Eichmanns," after Nazi Adolf Eichmann, one of the architects of the Holocaust. In the next few days, the story is picked up by other media and widely publicized.
- Feb. 3, 2005: The CU Board of Regents, under pressure from lawmakers and the public to fire Churchill, apologizes for his "disgraceful comments" and orders an investigation into whether he should be dismissed.
- March 24, 2005: CU Chancellor Phil DiStefano says Churchill's comments about 9/11 were protected by the First Amendment. But he determines allegations of fraud and plagiarism against Churchill warrant further inquiry by CU's Standing Committee on Research Misconduct.
- May 24, 2005: Churchill meets with the committee. His attorney later says Churchill told the committee the investigation was a politically motivated "witch hunt."
- June 4, 2005: The *Rocky Mountain News* publishes an investigation of Churchill's work. In it, the *News* finds problems in all four major areas being reviewed by the CU panel, as well as new allegations of research misconduct. Less than two weeks later, DiStefano announces he will add some of the *News'* findings to his complaint against Churchill.
- Sept. 9, 2005: The standing committee announces it is sending seven of the nine charges of possible research misconduct to an ad hoc investigative committee for further review.
- November 2005: Two members of the five-person investigative committee resign amid criticism that they have expressed support for Churchill in the past and would not be impartial. They are replaced by two scholars from outside CU.
- April 13, 2006: CU informs Churchill it is launching another inquiry into his work. The complaint stems from allegations that Churchill fabricated material in two books.
- May 9, 2006: The five-member panel - which includes three CU professors - completes its investigation and turns its findings over to the standing committee. Churchill's attorney sends a letter to CU, calling the newest inquiry harassment and threatening to sue if it is not dropped.
- May 16, 2006: CU releases the investigative committee's report, which concludes Churchill committed deliberate and serious misconduct, including plagiarism and fabrication of material. One committee member recommends he be fired; the others suggest he be suspended without pay for two or five years. Churchill calls the report "a travesty."

Who's who in the Churchill investigation

STANDING COMMITTEE

This 12-member panel reviewed interim Chancellor Philip DiStefano's complaint and decided it should be sent to an investigative committee for further review:

Members

- Joseph Rosse, chairman, director of Office of Research Integrity
- Russell Moore, professor of kinesiology and applied physiology
- Cortlandt Pierpont, professor of chemistry and biochemistry
- Sanjai Bhagat, professor, Leeds School of Business
- Steven R. Guberman, associate professor, School of Education
- Ron Pak, professor of civil engineering
- Bella Mody, professor, School of Journalism and Mass Communication
- Richard Collins, professor, School of Law
- Judith Glyde, professor, College of Music
- Uriel Nauenberg, professor of physics
- Linda Morris, assistant, Office of Associate Vice Chancellor for Graduate Education/Research
- Tind Shepper Ryen, graduate student, representative of United Government of Graduate Students

INVESTIGATIVE COMMITTEE

The five-member panel that conducted the investigation:

Members

- Marianne "Mimi" Wesson, committee chairwoman, professor, CU School of Law
- Marjorie McIntosh, CU professor of history
- Michael Radelet, CU professor of sociology
- Jose Limon, professor of English, University of Texas at Austin
- Robert N. Clinton, professor of law, Arizona State University *Source: University Of Colorado*

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