

Ward Churchill wins wrongful termination suit

Jury finds Colorado professor was fired for political views

Patrick Martin
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In a verdict that suggests a definite growth in political understanding on the part of the American population, a Denver, Colorado jury ruled April 2 in favor of a university professor fired after writing an article that suggested that US government policies had brought on the 9/11 terrorist attacks.

The six-member jury found that Ward L. Churchill, 61, was the victim of political retaliation, not discharged for academic misconduct, as the Colorado University administration claimed. The jurors found that his political views had been a “substantial or motivating” factor in his dismissal.

The jury awarded him only \$1 in damages, but Churchill dismissed the amount as irrelevant, saying, “I didn’t ask for money. I asked for justice.” David Lane, his lawyer, said the jury’s action was a victory “for the First Amendment and academic freedom.”

Whether Churchill is restored to his position as a professor of ethnic studies at the CU Boulder campus will be decided by Chief Denver District Judge Larry Naves, who heard the case with the jury. The judge will also decide whether to award attorney’s fees.

Churchill is a long-time advocate of Native American rights who has published more than a hundred articles and a dozen books. An article he wrote shortly after the 9/11 attacks, under the title, “Some People Push Back: On the Justice of Roosting Chickens,” made the perfectly reasonable assertion that the terrorist attacks were a byproduct of US foreign policy in the Middle East.

He went further, however, and in an offensive and unwarranted slur on the victims in the World Trade Center, described them as “little Eichmanns” (after the

Nazi functionary who played a key role in the Holocaust) because in their jobs at financial firms they were contributing to the destruction of people in the Third World.

This comment demonstrated the essentially reactionary character of the identity politics espoused by Churchill, which makes no class distinction between the billionaires and CEOs who direct the predatory activities of Wall Street, and the thousands of workers, both professional and clerical, employed in the financial industry.

Four years later, the right-wing media and capitalist politicians whipped up a firestorm over Churchill’s reference to “little Eichmanns” after it was publicized by a college newspaper. Colorado Governor Bill Owens demanded that Colorado University fire him, and when the university’s president, Elizabeth Hoffman, declined to do so, she was forced out of office.

Since Churchill was a tenured professor and could not be discharged except for cause, his enemies set about manufacturing the necessary pretext. After a year-long right-wing campaign, CU launched an investigation into Churchill’s academic work and three faculty committees, acting under the pressure of what the professor called “a howling mob,” ruled that he had committed plagiarism, fabrication and research misconduct in his writings on Native American history, his specialty.

The concocted character of the charges against Churchill is well described by Stanley Fish, a law professor who blogs regularly for the *New York Times* online. In a recent posting, Fish (who is politically conservative and no fan of Churchill’s views) writes: “I had read the committee’s report and found it less an

indictment of Churchill than an example of a perfectly ordinary squabble about research methods and the handling of evidence. The accusations that fill its pages are the kind scholars regularly hurl at their polemical opponents. It's part of the game. But in most cases, after you've trashed the guy's work in a book or a review, you don't get to fire him. Which is good, because if the standards for dismissal adopted by the Churchill committee were generally in force, hardly any of us professors would have jobs."

Churchill took the stand on his own behalf in the course of the lawsuit, and sought to explain the basis of his comments on 9/11. "I'm not in favor of terror," he told the jury, but reiterated his indictment of American foreign policy. "If you make it a practice of killing other people's babies for personal gain," he argued, "eventually they're going to give you a taste of the same thing."

The jurors were clearly able to overcome any lingering prejudice against the ponytailed former professor, engendered by the rabid media campaign led by right-wing TV pundits like Bill O'Reilly. Their decision demonstrates a willingness to stand up for basic democratic rights that is both courageous and encouraging.



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