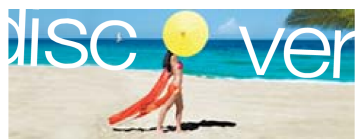


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CU News

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# Suit could end in settlement

By [Brittany Anas](#) (Contact)  
Wednesday, July 25, 2007

## Photo Gallery

### WARD CHURCHILL REGENTS HEARING

University of Colorado Professor Ward Churchill reacts after hearing by a vote of 8-1 that he will be dismissed as a professor at the University of Colorado during a regents meeting at University Memorial Center July 24, 2007.



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When Ward Churchill takes his dismissal case to court, he will have difficulty shifting a jury's focus away from the academic-misconduct findings in his research, the president of a national watchdog group for free speech on college campuses said Tuesday.

But the timing of the University of Colorado's academic-misconduct investigation into Churchill's work could be a hole in the school's defense, said Greg Lukianoff, who heads the Foundation for Individual Rights in Education, based in Philadelphia.

Churchill — freshly fired from CU — is expected to file a First Amendment lawsuit against the university this morning in Denver District Court. The regents Tuesday evening voted 8-1 to dismiss him from the university, where he has worked since

1978.

He will receive one year's salary as a tenured professor but will be immediately relieved of his faculty post and responsibilities.

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The former professor and his attorney plan to argue in court that the university fired the professor in retaliation for the Sept. 11 essay he authored that ignited a national furor in 2005. Then-Gov. Bill Owens, a Republican, called for Churchill's immediate dismissal.

CU officials determined the First Amendment protected his controversial speech, but they launched an investigation into Churchill's body of work.

Lukianoff said he expects that the First Amendment case could survive summary judgment and conclude with the university entering a settlement with Churchill.

"I think that overall, it's going to be an interesting, but difficult, lawsuit," he said.

Scholars in American Indian studies had long complained about Churchill's research, but those claims were not investigated until after the professor sparked controversy with his essay — which could be a key argument against the university, Lukianoff said.

Specific scholarly arguments will not likely arise in court, he said, but the academic-misconduct findings, due process and confidentiality rules will

likely be defining elements.

Churchill will have a "tough time" defending the plagiarism and fabrication findings, which are legitimate reasons to fire a tenured professor, Lukianoff said.

CU's top leaders said they could not estimate how much a lawsuit would cost, but they are braced for it.

"I don't think a great university can be intimidated by threats of legal action," CU President Hank Brownsaid.

## New Video



David Lane and Ward Churchill Respond

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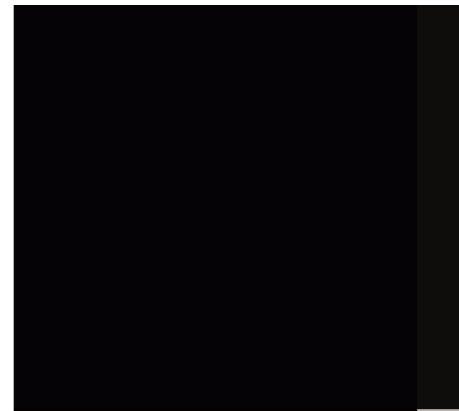
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University officials say their review of Churchill's case has focused on his professional activities, not his statements about victims of Sept. 11. Churchill has the right to make controversial political statements, according to the university.

Churchill's academic-misconduct case has played out for 2 ½ years.

"There isn't anybody that can look you in the eye and say that this case hasn't had due process," Brown said.

David Lane and Ward Churchill speak out about the University of Colorado Board of Regents voting to close the meeting on Churchill's dismissal case.

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### New Video



#### CU Regents Dismiss Churchill

The University of Colorado Board of Regents voted 8-1 to follow CU president Hank Brown's recommendation to dismiss Ward Churchill.

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CU Regent Pat Hayes said she and her colleagues on the board did not take into consideration the potential for a lawsuit while they were deliberating.

Churchill's attorney, David Lane, has described the university's proceedings and hearings as a "kangaroo court," and he said he believes his client will have a fairer shake in front of a jury.

Lane said he is filing his client's case in Denver District Court instead of federal court because it will move with "lightning speed" there.

Churchill and his supporters say the dismissal will have a chilling effect on speech that will shake college classrooms.

"This fight has an importance way beyond Ward Churchill," Churchill said.

Contact Camera Staff Writer Brittany Anas at 303-473-1132 or [anasb@dailycamera.com](mailto:anasb@dailycamera.com).

### Comments

Posted by [jtpicker](#) on July 25, 2007 at 6:35 a.m. ([Suggest removal](#))

Churchill's attorney will file in Denver District Court instead of federal court because it will move with "lightning speed". That's a laugh. It has been over two years since this all started and he thinks it will now move with lightning speed. Lets hope it will so we can get rid of Churchill. The sooner the better. He can always make a good living as guest speaker at other colleges polluting the minds of young students. Perhaps the ALCU and other big time supporters will pay for his new legal endeavors. The regents did the right thing. Congratulations CU!

Posted by [EnlightenedProf](#) on July 25, 2007 at 7:09 a.m. ([Suggest removal](#))

"Suit could end in settlement"

Yes, lets hope that Churchill has to pay CU for the damage that his lies and liberal hate speech did to the once fine university.

Posted by [chartguy](#) on July 25, 2007 at 7:43 a.m. ([Suggest removal](#))

When the head of the Foundation for Individual Rights in Education says he expects it to be a difficult case, it doesn't sound like Churchill has much of a chance. The reason is simple: academic misconduct. Churchill can argue that his 9/11 piece prompted the school to dig, but he can't argue about what they found when they dug. Essentially, Churchill is hoping the University will pay him to go away. With an 8-1 vote on the Board of Regents, I think that's unlikely.

Posted by [xman2000](#) on July 25, 2007 at 8:51 a.m. ([Suggest removal](#))

The regents are a bunch of liars except of course Cindy Carlisle. The only one who did not buy into the lies. Anyone who believes that this had anything to do with academic misconduct is fooling themselves. This was about politics and about the loss of donations from right wing conservatives. I am sure if the university scrutinized more professors as much as they did with Ward Churchill they would find a lot more "academic misconduct". Of course they will just ignore it as long as it does not endanger their donations. "I don't think a great university can be intimidated by threats of legal action," CU President Hank Brown said. I guess since CU is not a "great" university they will be intimidated. Hank Brown is such a hypocrite. He has no integrity. He proved that when he was a senator. He voted to confirm Clarence Thomas to the Supreme Court despite the allegations of sexual harassment by Anita Hill. He talks a good game about integrity, but it's all talk. He pretends to hold people to a high standard yet he voted to allow someone like Thomas onto the United States Supreme court. I for one believe that Anita Hill was harassed by Thomas. I remember the way Hill was treated by Brown during his questioning of her during the senate hearings on Hill's allegations against Thomas and it proves that Brown has no integrity. Someone with integrity does not treat someone the way Brown treated Anita Hill.

Posted by [Marikken](#) on July 25, 2007 at 9:03 a.m. ([Suggest removal](#))

Let us also not forget that Hank Brown, for all his talk about diversity, gained his position in a closed process that excluded women and minorities. Yes, he's a hypocrite - BIG TIME!!

Posted by [P1isher](#) on July 25, 2007 at 9:32 a.m. ([Suggest removal](#))

Wow X! Anita Hill? Clarence Thomas? Way to divert. So, the Wardo firing had nothing to do academic misconduct? I agree that the timing is suspect, but come on, did he or did he not plagiarize? Did he or

did he not cheat? The reasoning behind the investigation aside, this guy is a cheater.

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**Posted by Xenu on July 25, 2007 at 10:38 a.m. (Suggest removal)**

Perhaps all the rich CU Republican alumni should foot the bill for CU's defense.

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**Posted by olokun on July 25, 2007 at 10:48 a.m. (Suggest removal)**

Wow. Interesting diversion indeed. IMHO, Anita Hill was a man-hating fraud and her testimony should have been ignored. I knew someone at OU where she was teaching when this went down and she was a well known feminazi on campus.

And no, I don't recall them ever proving a case of plagiarism to my satisfaction. I read the committee report right after it came out (I need to find it and read it again), and they were very creative with their definition of 'plagiarism' in some cases and ignored common sense in others.

In one case they admitted that he correctly cited a work he included (one he wrote incidentally) in a previous paper but concluded that his that was irrelevant and his subsequent failure to cite the same work in a different paper was more than a mere oversight as he claimed. Sorry, but that makes no sense. As he stated, what would he have to gain by citing it in one and not the other? His claim that it was merely an oversight is by far the more credible argument. But the coup de grace, how can you plagiarize something YOU wrote in the first place, citation or not. Duh! Sloppy, yes. Fraud, or plagiarism, no.

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**Posted by Reader1 on July 25, 2007 at 11:55 a.m. (Suggest removal)**

If CU has to give some money to Churchill to just slink away into the dust, then fine. Perhaps that is the penance they must pay for allowing him to be hired in the first place, and installed as the head of a department in the second place.

Maybe now other academic institutions (can anyone say Duke?) will wake up from their decades-long PC haze and start to look at these so-called "academic departments" with a bit of clarity. There are plenty of other academic frauds out there hiding behind the miracle cloak of ethnicity to launch their racist and sexist tirades. I'm glad CU is now in the vanguard of lifting the rock and exposing these slimy creatures for what they are: parasites that could not survive anywhere else but within the safe confines of the ivory tower.

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**Posted by mondoboulder on July 25, 2007 at 3:17 p.m. (Suggest removal)**

"(I need to find it and read it again)"

Yes, I think you do.

---

**Posted by olokun on July 25, 2007 at 4:53 p.m. (Suggest removal)**

"Yes, I think you do."

What is that supposed to mean. If you are disputing some assertion I made, you should state it explicitly rather than make some vague attempt at a sound-bite. Otherwise you just begging the question.

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