

## **Storm Diaries: One Chronological Account of the 2005 Eastern Washington University Academic Freedom Crisis**

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*Adversity is like a strong wind. It tears away from us all but the things that cannot be torn, so that we see ourselves as we really are.* Arthur Golden, *Memoirs of a Geisha*

Many eloquent and influential others can tell the story of Eastern Washington University's Academic Freedom Crisis of 2005. In fact, one of the positive outcomes of the crisis was the bonding of hundreds of faculty, students and staff who—together—shepherded the university through the turmoil.

Since that time, two and a half years ago, almost all of the key administrators have left their positions and the campus. Most of the students have graduated now, too, though the bonds we forged back then will surely endure. We have built new alliances across the campus and the state, and we gained a healthy respect for the importance of Academic Freedom on our campus. It was, in hindsight, a valuable experience. It may even have been necessary, as one colleague so succinctly remarked:

*"Anything that restores us to a sense of national purpose and our fundamental values on this campus makes this campus a better place."*

Tony Flinn, 02/22/05 *Easterner*

As with all storms, ours eventually weakened and passed. It is important to remember, though, no one was assured it would finally dissipate without significant disruption, even destruction left in its wake. In the moment, nothing seemed inevitable. We did not know the outcome. We were only assured that our actions on those heady days of

conflict and chaos would eventually be held up to the light of scrutiny when the clouds had cleared.

Yet, I hesitate to tell the story. The rhetorical act of “punctuating” it, deciding when it began and when it ended, confounds me still. I had initially resisted dwelling on either the chronology or the mechanics of the crisis, preferring instead to take a sabbatical immediately following my year as president of the Faculty Organization and chair of the Academic Senate. I went far, far away to Finland to study their world-renowned education system, but not before taking an unexpected detour to work in Baton Rouge with the Red Cross on Hurricane Katrina relief.

Now, *that* was a storm. The political maelstrom continues to this day, as do the consequences for millions of Gulf Coast Americans for whom “recovery” is still a future prospect. In contrast, Eastern’s Academic Freedom crisis lacked the intensity and duration, scale and scope to even merit figurative comparison. Yet, we do share the opportunity left by all adversity, that of learning “who we really are” once the wind subsides. It is for that reason, and with all students in mind — past, present and future, that the remaining faculty and staff who lived that winter of discontent tell the story and must promote the lessons we learned from it.

## **Defining Academic Freedom**

The first lesson might very well be that “Academic Freedom” was not well understood on our campus back in February of 2005, so I did a little searching around for a clear and comprehensive description. Rather than relying upon the AAUP standard, I sought a definition that reveals the complexities of Academic Freedom in interesting ways. A year ago, in an op-ed piece for the *New York Times*, Florida International University Law Professor Stanley Fish, well known for his extensive writing on the politics of the university, attempted to define just what academic freedom is — and is not. His impetus for writing on this subject, he tells us, was that “...a lecturer at the University of Wisconsin at Madison has now taken his place alongside Ward Churchill of the University of Colorado as

a college teacher whose views on 9/11 have led politicians and ordinary citizens to demand that he be fired.” The issue, Fish says, is that both the Wisconsin lecturer’s supporters and his critics misunderstand the nature of Academic Freedom:

*Both sides get it wrong. The problem is that each assumes that academic freedom is about protecting the content of a professor’s speech; one side thinks that no content should be ruled out in advance; while the other would draw the line at propositions (like the denial of the Holocaust or the flatness of the world) considered by almost everyone to be crazy or dangerous.*

*But in fact, academic freedom has nothing to do with content. It is not a subset of the general freedom of Americans to say anything they like (so long as it is not an incitement to violence or is treasonous or libelous). Rather, academic freedom is the freedom of academics to study anything they like; the freedom, that is, to subject any body of material, however unpromising it might seem, to academic interrogation and analysis.*

*Conspiracy Theories 101 July 23 2006*

So that I do not “get it wrong,” *this* story of the Academic Freedom crisis of 2005 is founded upon the underlying premise that a member of Eastern’s faculty, Dr. Deidre Almeida, was denied the opportunity to “subject any body of material, however unpromising it might seem, to academic interrogation and analysis.” The body of material included an on-campus speech and visit by Colorado Professor Ward Churchill; Almeida had invited Churchill to Eastern nearly a year before the crisis arose. The rest, as they say, is *academic*.

## **The Timeline**

*From the far north they heard a low wail of the wind, and Uncle Henry and Dorothy could see where the long grass bowed in waves before the coming storm.*

What follows is a selective series of dates and details I experienced as “important” to the crisis. I was not a disinterested observer of events.

Mid-morning, Thursday, February 3 – I’m called to the President’s office for what I’m told is “an emergency.” Thinking something horrible has happened to my family (the only “emergency” I readily understand), I rush to Showalter Hall from across campus. Dr. Stephen Jordan greets me, quickly ushers me into his office and tells me he has cancelled Ward Churchill’s April invitation to speak on campus. He tells me the security risk is too high to honor the American Indian Studies Program’s nearly year-old invitation. I am given brief details about Churchill’s “little Eichmanns” comment, but I admit I don’t know very much about the controversy. I’m told about Hamilton College in New York — where, just hours before and after an intense week of what Hamilton’s president described as “credible threats of violence” against the college and the panel of speakers that included Churchill, she cancelled the speaking event “in the interest of protecting those at risk.” After this briefing, I leave to conduct a meeting of the Faculty Organization Executive Council. I give the members a synopsis of what I was told and task us all to research the issue before the Senate meeting the following Monday. I fly to Olympia that afternoon to prepare to testify on an unrelated issue at a Senate Higher Education Committee hearing with the Provost on Friday morning. I’ve already arranged with Sally Winkle, Vice President of the Faculty Organization, to give my regular monthly report to the Board of Trustees meeting the next morning in my stead, but I did not know that was when Jordan would announce the decision to cancel Churchill’s visit. I thought we had more time.

9 a.m. Friday, February 4 - [As I was not there, I have relied upon the public record for this part in the story.] The Board of Trustees meeting began with the President’s statement canceling the Churchill visit to campus while sustaining an upcoming speaking engagement by pornography star Ron Jeremy. Seven students and three faculty then offered commentary on the president’s decision, none of whom appeared to be in favor of

it. One alumnus seemed to prefer canceling both speaking engagements for safety reasons. Many noted the threat to Academic Freedom implied by the decision to cancel the Churchill speech. The following passage arrives verbatim from the minutes of the meeting:

*Dr. Deidre Almeida, Director of the American Indian [sic] programs, thanked the board for hearing this debate and allowing open discussion. She said she made the arrangements to bring Ward Churchill to campus, and uses his materials in her class. She requested reconsideration to allow Professor Churchill to come to campus."*

Public comment was followed by comments from the Board. Seven of the eight Trustees present support the president's decision to cancel the speech based on "safety issues," noting it was his responsibility to "evaluate the safety on campus" and keep "safety as the highest priority." The board, they add, had "to trust and believe in the authority and discretion of the president;" their only role in the crisis was to "make sure the appropriate policies are in place." This decision, one Trustee proclaimed, demonstrated "the right balance between assuring the safety of the campus and assuring freedom of speech." While several trustees made note of "freedom of speech" in their comments, only one cautioned that the framing of the situation as a "security threat" might be overstating the case at Eastern; she also identified the protection of Academic Freedom as the Board's responsibility:

*Jo Ann Kauffman thanked the speakers, and noted the themes of freedom of speech and the responsibility of institutions of higher education to protect freedom of speech. She placed her trust in President Jordan that in fact there are clear threats to the university, and asked that he please provide them in executive session. She said it appears the cancellation is related to media hype, and if so we are shirking our responsibility to academic freedom.*

Chair of the Board then thanked those who spoke and reminded those present that "the Board is not making any decision; they're leaving that up to President Jordan."

Wednesday, February 9 – United Faculty of Eastern president Tony Flinn and I send, via email, a co-signed three-page letter to all EWU faculty arguing that the cancellation endangers free speech and compromises academic freedom; we request that Jordan and the Board of Trustees publicly condemn any terrorists who threatened our campus with violence. An *Easterner* staff member then sends our letter to journalists at *The Spokesman-Review*; Tony and I and Native American Student Association (NASA) members are interviewed by phone before an article appears in the weekend edition.

Thursday, February 10 - We receive our first “anonymous” hate mail from an untraceable email address. Attached to the email is our own letter, adapted on the sender’s computer to include our contact information. The email condemns our misreading of “free speech [sic]” issues, our “liberal” perspective, our academic disciplines, and our tenured status. It is signed with a fictitious name and copied to Dr. Jordan and an email address at the Fox News’ *O’Reilly Factor* program. Within mere seconds of receiving the email, a quick back-trace of the attachment reveals the name of the person whose computer adapted the document: a College of Business program director, one of our own colleagues. Apparently, he could only trust the protections of free speech on our campus if thought he could not be identified. The irony was not lost on us.

3p.m. Monday, February 14 – Student Marcus Wallace speaks at the Academic Senate, arguing “if security is the only issue keeping Churchill from speaking on campus, then the college needs to get better security.” The Senate votes unanimously (one abstaining from the vote) to request that Jordan reinvite Churchill in order to preserve Academic Freedom and protect First Amendment rights for all.

Tuesday, February 15 – In a letter copied to faculty leadership, the ACLU urges Jordan to allow Churchill to speak on campus. Faculty Organization Administrative Assistant Sharon Wilson begins to field phoned-in death threats and a fair volume of hate mail targeting faculty.

Afternoon Wednesday, February 16 – Jordan calls my home to tell me that Fox News is seeking faculty to come on the *O'Reilly Factor* to discuss our decision to reinvite Churchill. I initially decline, with the President's support, but am asked to reconsider when one of his staff, on speaker phone, warns "Patty, if you don't do this, someone else will." The president arranges for a brief media training session the next morning. Ron Jeremy lectures on law and sex this evening.

4 p.m. Thursday, February 17 – EWU Young Republicans president and senior Josh Fahrnkopf and I appear on the Fox News channel's *O'Reilly Factor* to discuss the controversy on our campus. Sally Winkle stands beside my youngest daughter to offer moral support from the wings during the interview. Toward the end of our 7.5 minutes, Josh reiterates President Jordan's rationale of canceling the speech because of "the safety issue," but was interrupted by the host's "That's what they always say, but you know what the reason was..." Our interview closes with the host's prediction that Churchill won't come to Eastern, and he promises to keep viewers updated. He then introduces the next segment: "*Brainwashing students, can it be done? Can we turn young American students into ideological zombies on both the left and the right?*"

Friday, February 18 – EWU Staff Union Local 931 submits a non-binding resolution to President Jordan showing their support for the faculty decision to reinvite Churchill. Hundreds of letters, emails and phone calls come in from Fox News viewers, some threatening, most condemning, a few commending faculty efforts.

3:35 p.m. Saturday, February 19 – A letter from EWU alumnus David Brookbank to "EWU president and staff" is posted online at the Sound Politics website. Brookbank denounces the cancellation and argues that he "refuse[s] to be associated with a University engaged in censorship regarding the most important issues of our time." Brookbank asks to have his name removed from the plaque for an award he received while a student at Eastern. "I am embarrassed to have to go through the remainder of my life stating that I graduated from EWU."

Late afternoon, somewhere near February 25 – Faculty leadership meets with the provost and the president to discuss possible solutions to the crisis. Both administrators express their understanding that the faculty “could not rightfully react in any other way” than we did. Also during this week, faculty meet with student leaders of ASEWU and the Graduate Student Association to discuss and coordinate strategies for responding to the ongoing concerns.

3 p.m. Monday, February 28 – Another meeting of the Academic Senate provides a second opportunity for students to express their views and request additional assistance. A resolution from The Evergreen State College, citing their support of the faculty at Eastern, is read into the minutes. The senators engage in debate about how to move forward while still waiting for Jordan’s response to our request, many of them offering some of the most passionate and compelling arguments ever to echo through the halls of the Pence Union Building.

Thursday, March 3 – Jordan responds in a campuswide e-mail that he cannot abide by the faculty request to reinvite Churchill and reiterates his concerns about school safety.

Thursday, March 10 – Organized by NASA students, a campus rally is held to protest the president’s decision. Students announce their intent to ensure “Churchill was coming, no matter what.”

[Note: the 25 days between March 10 and April 5 comprise a blur of open meetings and backroom discussions, especially as it becomes obvious that Churchill would indeed arrive on campus as originally scheduled. Funding of Churchill’s visit, for example, required complex machinations to ensure the dollars came from private, predominantly student-raised, sources. I spend most evenings responding to hate-filled e-mail from across the nation with the same generic answer to all: “Thank you for your thoughtful reply.” We can call this period the “eye of the storm,” as it was characterized by relative calm in anticipation of the next blow. We also held two more (quieter) Senate meetings during

which I became increasingly in awe of my faculty colleagues. I did not lead them so much as heed them. Their collective wisdom breathed life into the *Faculty Values Statement* even as their student-centered appeals rang with an authenticity matched by few other stakeholders in the crisis. Never in the history of this university....]

Tuesday, April 5 – Ward Churchill delivers classroom lectures on Native American activism as part of Native American Awareness Week on campus, but not before he joined two EWU students and a Cheney citizen in the filing of a federal injunction against EWU claiming that Jordan and the Board of Trustees committed an unconstitutional prior restraint on free speech and assembly when they canceled Churchill's scheduled speech. The case also claimed Jordan and the board violated Churchill's and students' civil rights. Key university administrators arranged to be off-campus for the day. A second rally is held in the mall, with Churchill as the keynote speaker. History professor and senator Bill Youngs, who had served as liaison between students and faculty throughout the ordeal, hosts a dinner for Churchill and guests at his home that evening.

Wednesday, April 6 – A campuswide e-mail announces that Metro State College in Denver, Colorado has selected Stephen M. Jordan as their next president. Provost Brian Levin-Stankevich was made Acting President by the Board of Trustees, effective at the time of Jordan's departure mid-June.

Sunday, June 5 – the local paper contains an interview with Jordan who admits “his handling of the Churchill affair [was] a mistake, in that he should have had a broader, more open discussion about the issues before making his decision. But he still thinks canceling the speech was the right thing to do, given that Churchill had been the subject of death threats.” The interview contains a quote from Jordan: “We made our decision based on safety considerations for our students and faculty.”

## Epilogue

1:15 p.m. Wednesday, March 14, 2007 – Evergreen State College faculty member Sarah Ryan opens an all-faculty governance meeting by reading my letter thanking Evergreen faculty for their support during the [2005] crisis. I had worked with Dr. Ryan on the Council of Faculty Representatives and with the United Faculty of Washington State this last year. At one point in a discussion about cross-campus support systems, I realized the Academic Senate of 2005 had never formally responded to the gift of Evergreen’s support. I attempted to correct that oversight with a brief and belated note to Dr. Ryan.

8:00 p.m. Tuesday, July 24 – *Colorado Prof Fired After 9-11 Remarks*

By Dan Elliott, Associated Press Writer. Boulder, Colo. – “The University of Colorado’s governing board on Tuesday fired a professor whose essay likening some Sept. 11 victims to a Nazi leader provoked national outrage and led to an investigation of research misconduct. Ward Churchill, who had vowed to sue if the Board of Regents took action against him, said immediately after the 8-1 vote was announced: ‘New game, new game.’”

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The last entry above, regarding the firing of Ward Churchill from the University of Colorado, is not intended to suggest the end of the story. Rather, it is meant to remind us that the story of Academic Freedom on Eastern Washington University’s campus does not begin or end with the crisis we faced in 2005. In fact, for many of us, we could not record Eastern’s long history without identifying Academic Freedom as an “essential liberty” without which we could neither celebrate our past nor commend our future.

Still, this crisis was, in many ways, a transformative event. My own understanding of what constitutes a crisis has been radically altered. I now understand that well-meaning people can frame the same problem in such disparate, even incompatible ways that barriers to mutually acceptable solutions seem insurmountable. This crisis also made clear how context-sensitive any given event might be, such that what happened at Hamilton College is not *necessarily* instructive to those of us at Eastern Washington University. Crises take many forms, and the responses we explore should be those most likely to address the particular crisis we're attempting to manage. Further, we can create our own crises, though not everyone will recognize his or her responsibility when a crisis erupts.

We learned, too, that "safety [was] the highest priority" for our Board of Trustees and President Jordan. This was not something I understood before the crisis, as neither the Board's Mission Statement nor Jordan's *Vision 2010* statement mention safety at all, not as their "highest priority," their prime responsibility or their essential obligation to the institution. To be fair, it is not uncommon to react to real or perceived threats by reprioritizing the promise of safety. A theory about human motivation proposed by Abraham Maslow in 1943 and taught to every first-year student on campus asserts that only "physiological" or "survival needs" are more fundamental than concerns for safety. If, therefore, a crisis is framed as a threat to safety, seemingly abstract values like "academic freedom" and "free speech" are often abandoned as we take refuge behind the gates.

On the other hand, if Academic Freedom and Free Speech are understood as "essential" to our identity, as a constitutive and fundamental feature of how we relate to the world, the promise of security is not motivation enough to forsake it. In that sense, the *Faculty Values Statement* we adopted in 2004 proved enormously helpful as a touchstone during the crisis of 2005. Without it, I would have been less confident that I was acting in the best interests of my colleagues.

So, while the story continues, we can acknowledge that the storm has now passed, the debris cleared. Those who menaced the university with threats of violence have long

since scuttled back into the shadows and pockets of obscurity. They have proven their irrelevance, their disconnection to the enduring qualities and character of this institution. Academic Freedom is alive and well and not for sale at Eastern Washington University, no matter how much security is offered in trade. It is clearly one of those “things that cannot be torn” in a strong wind. Indeed, protecting and defending it is *who we really are*.

Baum, L. Frank. *The Wonderful Wizard of Oz*

Eliot, Dan. [Colorado Prof Fired After 9-11 Remarks](#), AP, *Washington Post*. July 24 2007.

Fish, Stanley, [Conspiracy Theories 101](#), *New York Times*, July 23 2006.

Tony Flinn, *Easterner*, February 22 2005.

Arthur Golden, *Memoirs of a Geisha*