

<p>DISTRICT COURT, DENVER COUNTY, COLORADO</p> <p>Court Address: 1437 Bannock Street Denver, CO 80202 720-865-8301</p> <hr/> <p>Plaintiff(s): WARD CHURCHILL</p> <p>v.</p> <p>Defendant(s):</p> <p>UNIVERSITY OF COLORADO and BOARD OF REGENTS OF THE UNIVERSITY OF COLORADO, a body corporate</p> <hr/> <p>Patrick T. O'Rourke #26195 Special Assistant Attorney General Office of University Counsel 1800 Grant Street, Suite 700 Denver, Colorado 80203 303-860-5691 303-860-5650 – fax Patrick.orourke@cu.edu</p>	<hr/> <p>Case Number: 06 CV 11473</p>
<p align="center">AFFIDAVIT OF SUZAN SHOWN HARJO</p>	

The Affiant, Suzan Shown Harjo, deposes and states:

1. I am over 18 years of age and have personal knowledge of the matters I will describe in this affidavit.
2. I have been assisted in the form of this affidavit by Patrick O'Rourke of the Office of University Counsel. The opinions expressed in the affidavit are my own. I have not been compensated in any way for providing this affidavit.

3. I understand that the Court is going to make a determination as to whether to reinstate Ward Churchill to his position as a professor at the University of Colorado. For the reasons I will describe, I would ask the Court to deny Ward Churchill reinstatement.

4. My name is Suzan Shown Harjo. I am Cheyenne and Hodulgee Muscogee, and an enrolled member of the Cheyenne & Arapaho Tribes in Oklahoma. I was born in El Reno, Oklahoma, in 1945, and I live and work in Washington, DC, where I am President of The Morning Star Institute, a national Indian rights organization devoted to cultural and traditional work. I am a mother and grandmother, a writer and curator, and have helped Native American peoples recover more than one million acres of land.

5. I was chosen to run the oldest and largest national intertribal organization, the National Congress of American Indians, which I served as Executive Director, as a member of its Administrative Board and as its sole spokesperson for nearly six years, from early 1984 to late-1989. I am a founder of the National Museum of the American Indian and was part of the coalition that began work in 1967 that led to the American Indian Religious Freedom Act of 1978, the National Museum of the American Indian Act of 1989 and the Native American Graves Protection and Repatriation Act of 1990.

6. Because of my work on these and many other Acts involving child welfare, tribal sovereignty and heritage languages, and because of my longstanding service to Native American peoples, I am deeply interested in the scholarship performed by those who profess to speak on behalf of Native American peoples.

7. Ward Churchill attempted to harm and did harm me in his classroom lectures at the University of Colorado, attacking my reputation and my family's good name and falsely asserting that I am not an American Indian, Native American or tribal person. Churchill also attempted to harm and did harm me by publishing these falsehoods about me in his books, which were required reading in his courses and which appear to have CU's stamp of approval because the books identify him as a CU professor. Because of Churchill's slander in the classroom and libel palmed off as scholarship, some of his cult followers echo his vicious remarks about my family and me. I have received death threats referencing his statements about me and I fear for my safety in Boulder or any city where he may be, and I avoid those travel destinations or exercise great caution in them. If Churchill returns to the CU classroom and continues to publish his libel as a CU professor, he will continue to inflict injury on me, and I am concerned that one of the people he has invited to hate me could act on these threats of physical injury.

8. Churchill attacks me because I do not validate his verbal and written fabrications as an Indian or tribal person. I do not validate them because no Native nation or Native family he claims has claimed him. I understand that Churchill's representations about his Native American identity are not matters currently before

the Court. Consequently, I will not address those representations in detail, other than to note that Churchill also attacked Sen. Ben Nighthorse Campbell (Cheyenne), Artist David Bradley (White Earth Chippewa) and others who do not validate him as a Native American person.

9. Churchill also singles out Campbell, Bradley and myself because we are closely associated with the Indian Arts and Crafts Act (IACA). Churchill has misrepresented that federal law as imposing federal standards for who is an Indian. In fact, the IACA bows to tribal decisions about who is and who is not an Indian, stating clearly that an Indian is a member (citizen) of a federally recognized tribe or a state recognized tribe. Churchill has created a fiction about the IACA that it is a censorship law, when a plain reading of the law and its legislative history instructs otherwise.

10. The IACA does not address content of an Indian artwork or product, let alone censor or otherwise impose restrictions on content. Under the IACA, anyone can paint, draw, sculpt or fashion any kind of arts and crafts he/she may choose. Essentially, it is a truth in advertising law that promotes authenticity in the marketplace, as with its counterpart Federal Trade Commission statute that is intended to protect the consumer against fraud. The IACA provides that a person or promoter may only claim that a work is an Indian product if it is actually made by an Indian artist or craftsman. Churchill would like to market his paintings as Indian products, but he cannot because no tribe has claimed him as a member and no one will promote his work as made by an Indian artist. Therefore, he misrepresents and rails against the IACA and all persons he thinks are responsible for it, with the goal of overturning it for his own personal gain. Some of Churchill's former CU students have told me that he has devoted whole lectures to attacking IACA and those who follow the law, always ending with the false accusations that I and others are not Indian or tribal people and that we censor and oppress him.

11. Before continuing, I must point out that I only met Churchill once and have no relationship of any kind with him.

12. Churchill has a public and classroom history of attacking Native nations and people, and passing off as his own the ideas, statements and histories of those he attacks. While I fear Churchill's stepped up attacks against me and other Native peoples if he were to be reinstated, I also fear the fabrications, misrepresentations and twisted logic that he would inflict on another generation of students. To avoid these harms, I respectfully request that the Court deny Professor Churchill reinstatement.