

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO 1437 Bannock Street Denver, Colorado 80202</p> <hr/> <p>Plaintiff:</p> <p>WARD CHURCHILL, an individual</p> <p>Defendants:</p> <p>UNIVERSITY OF COLORADO; THE REGENTS OF THE UNIVERSITY OF COLORADO, a body corporate;</p> <p>Patrick T. O'Rourke, #26195 Office of University Counsel 1800 Grant Street, Suite 700 Denver, Colorado 80203 (303) 860-5691 Patrick.orourke@cu.edu</p>	<hr/> <p>Case Number:</p> <p>2006 CV 11473</p> <p>Division 6</p>
<p>AFFIDAVIT OF RHONDA LYNNE KELLY</p>	

The Affiant, Rhonda Lynne Kelly, deposes and states:

1. I am over 18 years of age and understand the obligations of oath when I provide a sworn affidavit.

2. I have personal knowledge of the matters I will describe in this affidavit. Patrick T. O'Rourke of the Office of University Counsel assisted me in preparing the form of the affidavit, but it expresses my opinions, not the University of Colorado's opinions. I have not been compensated in any way for providing my affidavit.

3. I am a member of the Ojibways of Onegaming First Nation in Canada. I have a Bachelor of Social Work Degree and a Bachelor of Laws Degree from the University of Manitoba in Winnipeg. I serve as a justice coordinator and policy analyst for Grand Council Treaty #3, a First Nations political organization representing 28 First Nations of the Treaty #3 nation located in Northwestern Ontario. My responsibilities with the Grand Council Treaty #3 organization pertain to human rights, policing, and justice-related issues that impact the Treaty #3 members. I am deeply motivated to maintain the integrity of scholarship related to indigenous people.

4. I strongly oppose the reinstatement of Ward Churchill as a professor at the University of Colorado, Boulder. My opposition stems from painful personal knowledge I have of the harm Churchill's published writings have done, and will continue to do, to Native communities and families. In particular, I testify about the hurtful ways Churchill has exploited the death of my sister, the late Leah Renae Kelly ("Leah"), who died tragically and unexpectedly on June 1, 2000, after being struck by a vehicle near the house in Boulder, Colorado, she shared with Churchill, her husband at the time of her death.

5. More than a year after Leah's death, Churchill published a book entitled *In My Own Voice*. This book, which contains numerous essays Churchill falsely attributes to Leah, has caused enormous grief to my family, not only for its misrepresentations of the details of Leah's life and death, of my family's history, and of our Ojibway culture, but especially for the false and defamatory allegations and depictions Churchill fabricates in the book's "Preface," denigrating Leah and my father, the late John Kelly.

6. After Leah's death, Churchill informed my parents that he was writing a biography about Leah, but did not ask my parents any questions about their histories or Leah's life. Around November 2001, Churchill provided copies of *In My Own Voice* to my parents. My father was devastated when he read the book and would not speak about what was troubling him.

7. I read the book *In My Own Voice* and felt angry toward Churchill for the inaccuracies and false information he wrote about Leah and my father. In particular,

Churchill strongly insinuates that my father sexually abused Leah, an outrageous allegation that is completely and utterly false. My father did not abuse Leah, me, or any of my siblings, either sexually or physically.

8. In his book *In My Own Voice*, Churchill speaks to the pain and suffering First Nation children suffered in the Canadian residential schools. Yet Churchill's outrageous fabrications in *In My Own Voice* inflicted the same pain and suffering upon my father, making false and cruel allegations that my father could not defend himself against. Leah was deceased when *In My Own Voice* was published, and could not counter Churchill's false accusations against my father. In the book, Churchill acknowledges that Leah never disclosed to him she had been sexually abused; yet Churchill makes these allegations anyway.

9. In July 2004, the Assembly of First Nations, the political organization representing more than a half million First Nation people across Canada, issued a resolution denouncing Churchill's book *In My Own Voice* for its "false allegations and insinuations" against Leah and my family. The resolution further explains that an attempt to inform the publisher that there were many inaccuracies in the book was "met with threats" by Churchill. While my family and I are grateful for the Assembly's courageous resolution denouncing Churchill's book *In My Own Voice* (and a related screenplay Churchill was planning), we continue to suffer emotional harm and reputational injury as a result of the book's continuing publication and circulation.

10. I shudder when I think about my children, and my children's children, being victimized over and over, far into the future, when they read the defamatory fabrications and falsehoods about Leah, our family, and our First Nation history and culture in Churchill's book *In My Own Voice*. I implore the Denver District Court not to allow Churchill to regain a position on the faculty of the University of Colorado, where he will continue to use his prestigious academic appointment to inflict cruel pain on Native families and communities by publishing his hurtful and damaging lies.