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BEFORE THE ADVISORY BOARD
OF THE ACADEMIC COUNCIL,
STANFORD UNIVERSITY

IN THE MATTER OF ASSOCIATE PROFESSOR
HOWARD BRUCE FRANKLIN

3/26/71

STATEMENT OF CHARGES

1. I, Richard W. Lyman, am President of Stanford University and have at all times material hereto acted in that capacity.

2. Howard Bruce Franklin is an Associate Professor of English, employed (except for the academic year 1964-65) by Stanford University since October 1, 1961. Professor Franklin received tenure on September 1, 1965.

3. Beginning on or about January 11, 1971, Professor Franklin has engaged in activities which have constituted a substantial and manifest neglect of duty and a substantial impairment of his performance of his appropriate functions within this University community, all in violation of Paragraph 3(a) of the "Statement of Policy on Appointment and Tenure at

Stanford University," adopted by the Board of Trustees September 21, 1967 (hereinafter the "Statement of Policy on Tenure"). Professor Franklin has conducted himself in ways which have threatened injury to persons and property, which have denied others their right of free speech and peaceful assembly, and which have significantly impeded the functions of this University. In addition, such conduct, which is more particularly described in paragraphs 5 through 10 herein, has on several occasions been in violation of the "Stanford Policy on Campus Disruption," adopted by the Senate of the Academic Council as binding on the faculty on October 10, 1968, and which provides in relevant part as follows:

"Because the rights of free speech and peaceable assembly are fundamental to the democratic process, Stanford firmly supports the rights of all members of the University community to express their views or to protest against actions and opinions with which they disagree.

All members of the University also share a concurrent obligation to maintain on the campus an atmosphere conducive to scholarly pursuits; to preserve the dignity and seriousness of University ceremonies and public exercises; and to respect the rights of all individuals.

The following regulations are intended to reconcile these objectives:

It is a violation of University policy for a member of the faculty, staff, or student body

to (1) prevent or disrupt the effective carrying out of a University function or approved activity, such as lectures, meetings, interviews, ceremonies, the conduct of University business in a University office, and public events; (2) obstruct the legitimate movement of any person about the campus or in any University building or facility.

Members of the faculty, staff, and student body have an obligation to leave a University building or facility when asked to do so in the furtherance of the above regulations by a member of the University community acting in an official role, and identifying himself as such"

4. Pursuant to the "Statement of Policy on Tenure"

I have proposed that Professor Franklin be dismissed from the Stanford University faculty because of his conduct as alleged herein.

5. During the period from January 11 through January 13, 1971 the Hoover Institution of War, Revolution and Peace sponsored a United Nations Conference, and in connection therewith scheduled a public program for January 11, 1971 in Dinkelspiel Auditorium and invited Ambassador Henry Cabot Lodge to speak. Dr. W. Glenn Campbell is Director of the Hoover Institution. Dr. E. Berkeley Tompkins is a Senior Fellow of the Hoover Institution and was Chairman of the Institution's United Nations Conference.

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6. On January 11, 1971 Drs. Campbell and Tompkins and Ambassador Lodge attempted to proceed with the scheduled program at Dinkelspiel Auditorium but were prevented from doing so by disruptive conduct by various people in the audience. The disruptive conduct included, among other things, loud shouting, chanting and clapping. As a result of such conduct the audience was often unable to hear the words of the speakers, Ambassador Lodge was prevented from delivering his speech, and the scheduled program had to be cancelled.

7. Professor Franklin was in the audience and knowingly and intentionally participated in the disruptive conduct specified in paragraph 6, significantly contributing thereby to the disruption which prevented Ambassador Lodge from speaking and which forced the cancellation of the program. Ambassador Lodge and Drs. Campbell and Tompkins were thus denied their rightful opportunity to be heard, and members of the audience were denied their rightful opportunity to hear and to assemble peacefully.

8. On February 10, 1971, beginning at about 12:00 p.m., a rally was held at White Memorial Plaza to protest developments in the war in Indochina and to discuss methods of

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communicating that protest. Over 500 students and other persons attended. During the course of the rally two principal courses of action were discussed, one being to work in the non-University community to bring about changes in government policy, the other being to disrupt University functions and business. Professor Franklin intentionally urged and incited students and other persons present at the rally to follow the latter course of action and specifically to shut down a University computer facility known as the Computation Center. Shortly thereafter a large number of students and others left the rally and went to the Computation Center whereupon many of these persons did in fact occupy the Computation Center, prevent its operation and obstruct movement in and out of the building for several hours, terminating this unlawful activity only when ordered to leave the building by the police.

9. Further, on February 10, 1971 and in connection with the activity at the Computation Center described in paragraph 8, students and other persons were arrested for failure to disperse after orders had been given to clear an area around the Computation Center. Professor Franklin significantly interfered with orderly dispersal by intentionally urging and inciting students and other persons present at the Computation Center to disregard or disobey such orders to disperse.

10. On the evening of February 10, 1971, beginning at approximately 8:00 p.m., a rally was held in the Old Union Courtyard to continue the protest against the war in Indochina. Over 200 students and other persons attended the rally. During the course of the rally Professor Franklin intentionally urged and incited students and other persons present to engage in conduct calculated to disrupt University functions and business and which threatened injury to individuals and property. Shortly thereafter students and other persons were assaulted by persons present at the rally, and later that evening other acts of violence occurred.

11. Having determined that Professor Franklin's conduct as alleged in paragraphs 5 through 7 would constitute a violation of Paragraph 3(a) of the "Statement of Policy on Tenure", I duly notified Professor Franklin of the charges against him by a confidential letter dated January 18, 1971, a copy of which letter is attached hereto as Exhibit A. On or about January 21, 1971 Professor Franklin replied to the charges in writing, contesting the charges and demanding a hearing. Professor Franklin's letter is attached hereto as Exhibit B. By letter dated January 26, 1971, a copy of which is attached hereto as Exhibit C. I further advised Professor Franklin as to

the nature of the charges against him and the penalty I proposed to seek at that time.

12. Subsequently, having determined that Professor Franklin's conduct as alleged in paragraphs 8 through 10 would constitute a violation of both Paragraphs 3(a) and 17 of the "Statement of Policy on Tenure", I duly notified Professor Franklin of my determination and the additional charges against him by letter dated February 12, 1971, a copy of which letter is attached hereto as Exhibit D. In accordance with my determination under Paragraph 17 that Professor Franklin's continuance in his regular duties constituted a threat of immediate harm to others, I suspended Professor Franklin with pay effective February 12, 1971, which suspension remains in effect. On or about February 25, 1971 Professor Franklin replied to these additional charges in writing. Professor Franklin's letter is attached hereto as Exhibit E.

13. Jurisdiction of this Board is invoked under Paragraph 15 of the "Statement of Policy on Tenure."

It is respectfully requested that the Chairman of the Advisory Board set a time and place for a hearing of these charges.

Richard W. Lyman