

## THE BRUCE FRANKLIN CASE (CHRONOLOGY)

The attempt by Stanford University to strip Professor H. Bruce Franklin of his tenure and dismiss him from the faculty represents a serious attack on academic freedom and a threat to divergent thought and intellectual activity in the academic community...If successful, it could undermine the principle of tenure in colleges and universities across the country and set a precedent for getting rid of professors whose political advocacy and opinions as citizens are unpopular and offensive to members of the society.

Since 1964 Professor Franklin has publicly argued and worked against the war in Vietnam. The Stanford Administration, which for years has been under alumni and community pressure to fire Professor Franklin because of his long-standing activist position to the war and his avowedly revolutionary Marxist-Leninist principles, seeks to abrogate his tenure by charging him with "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." These are grounds for dismissal in the Stanford "Statement of Policy on Appointment and Tenure."

None of the specific allegations lodged against him, however, has anything to do with his performance as a scholar (he is a nationally recognized authority on Melville and on utopian and science fiction) or teacher, his classroom behavior his work in his department or the other activities which are generally considered normal duties and appropriate functions within an academic community. In these areas he has performed effectively since receiving tenure in 1965. In fact, just last year, the full Professors in his Department voted without dissent to recommend him to a full Professorship, a proposal turned down by the Administration.

The Administration has temporarily barred and wishes permanently to bar Professor Franklin from the classroom, and cancel his courses, because of extra-curricular conduct which is either legal, or if illegal, should properly be a matter for civil jurisdiction. Professor Franklin's current suspension and possible dismissal have not brought and will not bring peace to the troubled campus community, but they have meant and will mean that his particular Marxist-Leninist interpretation of literature, which he has presented in free and open courses, will no longer be available, since no one else in the English Department is disposed or qualified to present it.

Regardless of what one thinks about Professor Franklin, the effective suppression in the academic curriculum of a legitimate, coherent, intellectually important, if controversial, approach to a recognized subject ought to be a cause for dismay. Even more crucial and ominous are the possible consequences of this action; if the clause covering grounds for abrogating tenure--"manifest neglect of duty or personal conduct substantially impairing the individual's performance of his appropriate functions within the University community"--can be interpreted so broadly and loosely, there can be no guarantee even by the best-willed spokesman for the administration that a similar threat to the principles of tenure and academic freedom will not occur again. This point is particularly crucial in a time when the April 8, 1971, statement by Deputy Secretary of Defense, David Packard, (formerly a leading member of the Stanford Board of Trustees) that pacifist and anti-war leaders should be regarded by the establishment as "deadly enemies," indicates the growing political repression on the universities.

The chronology of events in Bruce Franklin's case is as follows:

Jan. 11-- About 150 people, Franklin among them, heckle Ambassador Henry Cabot Lodge at his opening address to a three-day conference on the U. N. sponsored

by the Hoover Institution at Stanford. Some of these people clap and chant anti-war slogans. The speech is called off by Glenn Campbell, Director of Hoover, claiming it cannot be continued. It is then delivered by Lodge to a smaller audience in another auditorium.

At a press conference before the speech, Lodge had refused to answer questions about Southeast Asia. Franklin's purpose in heckling was, he says, "not to silence Lodge but to embarrass him and the rest of the government and if possible, to pressure him to say something about the situation in Indochina." (Franklin affidavit, 24 February 1971).

Jan. 18-- President Lyman informs Franklin that he may have violated Paragraph 15 of the Statement of Policy on Appointment and Tenure (see page 1) by deliberately contributing to the disturbance and cancellation of the Lodge speech; that his case should be heard by the Advisory Board, a seven-man panel of full Professors elected by the Academic Council; and that the violation is punishable by anything from reduction in salary to dismissal. Franklin replies that he wants his case heard by the Student Judicial Council, a nine-man student-faculty group currently trying eight students involved in the Lodge incident. He subsequently acts as counsel for one of the eight.

Jan. 26-- Lyman informs Franklin he will ask the Advisory Board for a one-quarter suspension without pay, as punishment for the violation.

Feb. 9-- Land invasion of Laos announced in papers. Stanford Daily article of a computer program (GAMUT-H) run at the Stanford Computation Center for Stanford Research Institute, analyzing helicopter operations in an amphibious assault. SRI's study is funded under a Defense Department contract.

Nighttime meeting to discuss the invasion of Laos. The point at issue is whether to concentrate on anti-war work in the community or to attempt to build a strike on campus like the University-wide moratorium last Spring against the invasion of Cambodia. Franklin, among others, argues that Stanford is the correct focus for anti-war activity, because of the University's involvement in the war. The meeting votes for a mobile strike the next day, and ends by marching to the Computation Center.

Feb. 10-- At a noon rally, attended by 750 people, opinion is still divided as to what to do. The Stanford News Service reports (and Lyman later charges) that Franklin urged "shutting down the most obvious machinery of the war, such as the computer center." The main argument of his speech is that the separation between on- and off-campus anti-war activity is a false one; because anti-war work and support come from the community; that workers will join in a strike, though they risk more in doing so than students and faculty; that students should do as they did last Spring and strike (as voted the night before) in order to "begin to shut down the machinery of the war. I think that the suggested target of the computer center is as good a place to begin as any." (Franklin affidavit).

After the rally, Stanford Computation Center is occupied for nearly three hours by about 150 demonstrators. Franklin is not among those sitting in. Shortly after 4 P.M., 80 to 100 Sheriff's deputies arrive and the facility is vacated without incident. The police declare the group of people outside the Center (which includes protestors, faculty observers, employees, and counter-demonstrators) to be an illegal assembly. Franklin argues that it is not illegal, and that he intends to remain as a faculty observer. A quick police sweep clears the area and results in four arrests, but charges in those arrests are later dropped. Damage to the Computation Center, reported by the Provost as "slight", consists of a door broken in to enter, and a broken mirror in a men's room.

---About 350 demonstrators attend an 8:00 P.M. rally. They debate what demands the strike should make. Franklin argues that the demand to free all political prisoners should be retained. Police are present at the rally. Several speakers propose going back to the dorms to discuss police on campus and the war in S.E. Asia. Franklin suggests that students must learn from the peoples of S.E. Asia and use the basic principle of people's war--that is, "merging with the people." They should "go back to the dormitories, organize people into small groups, and talk with them, or play football [to distract and disperse the police], or whatever, as late into the night as possible" in order to defend against "police occupation." (Franklin affidavit). Later that night beatings of both conservative and radical students occur, and a high school student is shot in the thigh. Lyman's charge in this instance reads: "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."

Feb. 11-- Provost Miller claims that the SRI GAMUT-H work order at the Computation Center had been stopped two days before the occupation, but the facts are in doubt.

Feb. 12-- Because of what Lyman alleges to be Franklin's "important role" in the "tragic events" of Feb. 10, he suspends him immediately from his professorial duties: "continuance in his regular duties," Lyman says, "threatens harm to himself and others." Lyman says he will ask for Franklin's dismissal from the University because of what has happened.

The English Department takes responsibility for Franklin's courses and students. Franklin goes on teaching informally. Lyman obtains a Temporary Restraining Order barring various allegedly destructive and disruptive acts on campus, and asks the court for an injunction to that effect, which will also bar Franklin and others from campus.

Mar. 1-- Fifty-five faculty members intervene formally as interested parties in the court hearing, expressing their concern that the injunction will limit their rights and effectiveness as faculty members, since parts of it will tend to make the discussion and the act of peaceful demonstration impossible.

(Mar. 4-- The Senate of the Academic Council passes a resolution condemning the war in Vietnam and the invasion into Laos, in that they have a "profoundly damaging" effect upon the University and make it difficult to prevent violence on campus.)

Mar. 10-- The Court grants a preliminary injunction and bars Franklin from campus (except to gather evidence for his defense) until his suspension ends. Lyman later specifies the hours during which Franklin may be on campus.

Apr. 6-- Seventy faculty petition Lyman unsuccessfully to lift Franklin's suspension.

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The only specifically disruptive act of Franklin's which is identified in the charges (Items 5-7) is to have disturbed Lodge's speech. The penalty of dismissal from the University is outrageously disproportionate to that act. In any case, we feel that Franklin's act must be judged in the light of the United States' criminal war in Indochina; and that some way must be found to deal with the fact that, while we theoretically have freedom of speech to oppose the war,

the government has the power to carry on the war despite the expressed opposition of the people of the world and now of the American people.

We regret the nearly tragic events on the night of February 10, but we must insist that they cannot be attributed to Professor Franklin. The charges in Items 8-10 concern speeches by him, not illegal acts or even the cause of illegal actions that occurred "shortly thereafter." in the words of the statement of charges.

The Stanford Administration has unwisely chosen these occasions as a basis for getting rid of Bruce Franklin. The University and much that it stands for are put in jeopardy by the proceeding against him.