


STANFORD UNIVERSITY  
STANFORD, CALIFORNIA 94305

  
ADVISORY BOARD  
c/o The Academic Secretary  
Building 10A, Room 115  
Telephone: (415) 321-2300, Ext. 4991

May 31, 1971

President Richard W. Lyman  
Building 10  
Stanford University  
Stanford, California 94305

Professor H. Bruce Franklin  
1060 Ringwood Avenue  
Menlo Park, California 94025

Gentlemen:

Re: Statement of the Advisory Board in the matter of Professor  
H. Bruce Franklin

On Wednesday, May 26, 1971, the Advisory Board met with the parties to this proceeding to determine the earliest feasible time for the start of the hearing requested by Professor Franklin. Present, in addition to the members of the Board, were Professor Jan Vetter, counsel to the Board, Professor Franklin and Mr. Joseph Rhine representing Professor Franklin, Messrs. William Norris and Raymond Fisher, counsel for the Administration, and Mr. James Siena, legal advisor to the President. Also present by consent of the parties was Dean Thelton Henderson, counsel for certain Stanford faculty members who have requested permission to intervene in the proceeding.

Professor Franklin's position is that the hearing should be postponed to the Autumn Quarter, 1971. Indeed, he stated categorically that he would not participate in a hearing before September since he believes that such a hearing would be unfair to him. The grounds advanced for postponement are essentially as follows: (1) he and his counsel require additional time to prepare; (2) the counsel of his choice to represent him at the hearing, Mr. Michael Kennedy, will be unavailable until August; (3) witnesses important to the presentation of his case will not be available during the summer months; and (4) a "public hearing" within the meaning of Section 15 of the Statement of Policy on Appointment and Tenure is a hearing conducted when the full academic-year complement of faculty, staff and students is present on the campus.

The Administration states that it is prepared to proceed within a week and is willing and able to present its case at any time during the summer. It opposes a postponement to the Autumn on the grounds that the significance of the case to the parties and to the University community demands its prompt resolution and on the further ground that the need for accurate recollection of the events underlying the charges makes imperative as early a hearing as possible. In response to Professor Franklin, the Administration argues that he has had adequate time to prepare, that the Board should not give undue weight to the availability of particular counsel, that no adequate showing has been made that the testimony of important witnesses could not be procured, and that "public hearing" means only that sufficient representatives of the relevant community be present to observe that fair procedure has been followed.

President Richard W. Lyman  
and  
Professor H. Bruce Franklin

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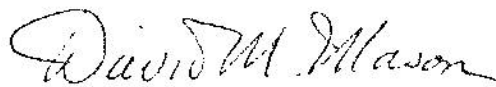
The majority of the Board believes that both parties have had adequate time to prepare for an early hearing, that the changing commitments of counsel do not justify postponement of the hearing, and that prompt commencement of the hearing is highly desirable. Nonetheless, given that dismissal has been proposed and given the importance of the issues involved for the entire academic community, the Board is reluctant to override Professor Franklin's position. The Board is also concerned that certain witnesses expected to be available in the Autumn will not be present during the summer, and gives more weight to this factor than to the problem posed by some blurring of recollection with the passage of time.

Thus the Board has voted five to two to postpone the hearing to the onset of the Autumn quarter.

Having reached this decision, the Board notes the change in its membership that will take place on September 1, 1971, and invited the three newly elected members (Professors Robert McAfee Brown, Sanford M. Dornbusch, and Wolfgang Panofsky) to consult in the setting of a date for the start of the hearing. The date so fixed is September 28, 1971, at a location later to be specified. The time of the hearing will be 1 to 6 p.m. daily including Saturday.

Both Professor Franklin and counsel for the Administration have assured us that they will be prepared to proceed with a hearing in the early Autumn, and that they will participate in pre-hearing discussions during the summer. Given these assurances and its acceptance of delays in the case during the present quarter, the Board will grant no further postponements.

Sincerely yours,



David M. Mason, Chairman  
Robert W. Ackerman  
Lee J. Cronbach  
George L. Bach  
William R. Rambo  
David A. Hamburg  
Donald Kennedy

cc: Mr. Raymond C. Fisher  
Mr. Michael Kennedy  
Professor Jan Vetter