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FOR IMMEDIATE RELEASE

STANFORD—

Dismissal remains the appropriate penalty for former Stanford Prof. H. Bruce Franklin, the Advisory Board has unanimously decided.

Franklin was dismissed from Stanford in February 1972, following 33 days of open hearings and a 5-2 Advisory Board vote. He now has tenure at Rutgers University.

An elected group of tenured faculty, the Advisory Board was asked by University President Richard W. Lyman to review the appropriateness of this penalty after the Superior Court of Santa Clara County found Franklin not guilty on one of three charges of incitement arising from campus events Feb. 10, 1971.

"We do not believe that the question of penalty is much affected by whether Prof. Franklin incited and precipitated dangerous and disruptive activities on three occasions on the same day or only on two, or even one," the Board said in a 6-0 decision.

"His purpose on each occasion, according to the findings of the 1972 [Advisory] Board, was to disrupt the normal functioning of Stanford University because of its supposed responsibility for imperialism and the Vietnam War, and to do whatever he could to encourage disruptive and destructive conduct while safeguarding his own position as a tenured professor.

"In calmer circumstances, he might have had little chance of success, but in the superexcited atmosphere of February 1971, he was able to have a substantial destructive influence.

"We consider that the actions of Prof. Franklin at the noon rally at White Plaza, in particular, constituted an inexcusable abandonment of his duties as a faculty member and merit dismissal even in the absence of other related misconduct."

Headed by Prof. William Glebsch, religious studies, the Board includes Profs. James L. Adams, mechanical engineering; Robert A. Chase, surgery, Sidney D. Drell, Stanford Linear Accelerator Center; Calvin F. Quate, applied physics; Eugene J. Webb, Graduate School of Business; and Albert Hastorf, human biology and psychology. Hastorf withdrew on his own motion from the review because he had been involved with Franklin and the case as a dean in 1971.

"This case raises important questions of academic freedom—on both sides," the six faculty signing the decision declared. "As professors at Stanford University, we are keenly aware of the enormous importance of protecting the freedom of faculty members to speak and publish their views, and to engage in activity which may be resented by persons in positions of authority.

"As tenured members of the Stanford faculty, and as elected representatives of the faculty as a whole, we appreciate the critical role of tenure in protecting academic freedom.

"But the politically active professor is not the only member of the University community who is entitled to the protection of academic freedom. Those who wish to engage in research, teaching, and learning, with or without the assistance of computers, have a right to be protected from lawless and destructive attacks, and from those who abuse their position with the University by inciting students and others to such activity.

"Protection of the freedom of the individual faculty member is ensured not by a total refusal to punish incitement, but rather by a guarantee that the conduct will be judged by the professor's academic peers, on the basis of calm deliberation after a fair hearing. . . . The dismissal of Prof. Franklin should be reaffirmed."

Signed May 30, the decision was delivered to University President Richard W. Lyman in New York, then released by him Wednesday, June 4. A copy was delivered by the University to the American Civil Liberties Union of Northern California in San Francisco that afternoon, prior to public release. The ACLU has represented Franklin, who is now a tenured professor at Rutgers University in New Jersey.

Lyman had no immediate comment on the decision.

The Advisory Board rejected ACLU proposals for new and far-ranging factual hearings in the case, saying this would go "far beyond" what was contemplated in the court order remanding the case to the University on the issue of penalty alone.

"It would be inappropriate for us to base a decision on matters which have occurred since 1972, or which were not before the 1972 Board, or to relitigate the corrections of the findings which were made by Board and sustained by the Court," the Board said.

"In our opinion, academic freedom at Stanford remains in a healthy state."

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