

EDITORS: In view of the fact that several regular News Service staff members have been called as witnesses in the Advisory Board hearings, Leonard Milliman, a retired veteran wire service reporter, has been employed to cover testimony in the Franklin case on a daily basis.

FOR IMMEDIATE RELEASE
STANFORD —

Thirty-eight members of the Stanford Academic Council have called on the Faculty Advisory Board in its forthcoming decision on dismissal charges against suspended Associate Prof. H. Bruce Franklin to "refuse to make political conformity a condition of employment at the University."

Their 22-page brief, filed as amicus curiae, urged the board to advise University President Richard Lyman to drop the charges he brought against the communist English professor last February and to "reinstate him at once."

"We are disturbed at the possible precedent for dismissal of an effective teacher and able scholar for the advocacy of unpopular ideas," the brief said.

"So weak a case can only encourage the suspicion that Franklin is in reality being punished for ideological and political reasons. We therefore see this case as an academic freedom matter in the fullest sense."

The 38 signers include the Nobel Prize winner, chemistry Prof. Linus Pauling. Two others of the 1,000-member Academic Council joined in "the main thrust" of the brief filed Monday, Nov. 8.

Another brief, in behalf of the American Civil Liberties Union, has been promised by Harvard law Prof. Alan Dershowitz. It would spell out what the ACLU considers appropriate civil rights guidelines for the board to apply.

Professor Dershowitz, visiting this year at the Center for Advanced Study in the Behavioral Sciences, said he would disregard an "unreasonable and unprecedented" request from the board to disclose any contacts with either side during the 28-day hearing which ended Friday, Nov. 5. He said he would submit an ACLU brief by Monday, Nov. 15, and let the Board do what it wanted to with the document.

Dershowitz said the brief would deal with three points in principle, without going specifically into the Franklin case. They are:

1. The issue of fair warning, noting that the Constitution and fair play require a fair warning before disciplinary action.
2. Deal "in a very balanced way" with cancellation of a speech last Jan. 11 by Ambassador Henry Cabot Lodge, "supporting the right to heckle but under no circumstances to disrupt" a speech. Franklin is accused of contributing to disruption. He said he heckled.
3. Draw on prior ACLU briefs to suggest proper standards to apply to events of Feb. 10, during campus protests against the Laos invasion, when Franklin is accused of inciting occupation of the University's Computation Center, a confrontation with sheriff's officers, and violence that night.

"The eyes of many universities will focus on the results reached in this case and the rules laid down," Dershowitz said.

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The brief of the 38 professors noted that "the situation on the campuses of this country reflects disorders throughout the world in which our government has participated prominently and to which university research has also contributed. The prosecution of the case has sought to obscure the role of the Indochina war and its makers and abettors."

Their brief raised "a question whether the University's involvement in programs contributing to the devastation of Southeast Asia permit the moral authority that would appear necessary to anchor the position of the prosecution in this case."

Specifically, it referred to Lodge as "a top policy-maker in Vietnam, and the use of the University computer for military research—a project that may also have violated University policy."

The brief proposed that the board consider only two things as warranting dismissal of a tenured professor—1) failure to perform the duties for which one was hired, or 2) only after the faculty member has been convicted of a criminal act by the courts. They noted neither criteria fits in this case.

The professors had a series of specific criticism of conduct of the hearing, first of its kind at Stanford, including:

1. "The highly legalistic nature of the hearing is objectionable."
2. "Failure of the university to provide financial aid for the defense."
3. "Refusal of the administration to grant immunity to defense witnesses. . . . The across-the-board refusal exhibited in this hearing is unconscionable."

"Members of the board have had an excellent opportunity to observe the increasing isolation of the Stanford Administration from large segments of faculty, staff, and students," the brief said, and then suggested:

"With plans for a faculty self-discipline committee in the offing, it might be appropriate for the board to give some thought to devices for better faculty control of administrative officers."

In its opening remarks the professorial brief said critical examination of knowledge in search for new meanings and values "requires a soil in which the unfashionable and the unorthodox can be nourished. It is never enough to permit dissent from the prevailing ideas and modes of thought; that dissent must be actively encouraged."

In their conclusion, they said: "As Stanford faculty members we have a duty to protect the traditions of freedom that are crucial to the community of teachers and students and the development of knowledge and wisdom, and a duty to dedicate the university to those pursuits that will enhance the quality of life for all people."