

Franklin vs. Stanford is a legal marathon

By Mary Madison
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STANFORD — Nine years after H. Bruce Franklin was fired from the Stanford University faculty, his case seeking reinstatement has been returned to the courts for what could be a landmark legal battle.

The next round of legal arguments in the case will begin with a hearing March 13 at 9 a.m. in Santa Clara County Superior Court in San Jose.

At issue, from Franklin's point of view, are constitutional questions of freedom of speech and academic freedom.

Stanford officials, on the other hand, claim that Franklin was ousted because his actions allegedly incited a crowd to disrupt university operations.

Franklin, 46, is now a tenured faculty member at Rutgers University in New Jersey. He was a Stanford English professor when he was ousted for allegedly inciting an anti-Vietnam War rally crowd to shut down Stanford's computer center.

Franklin has denied that his speech in White Plaza touched off the action at the computer center.

Stanford and Franklin have been legally maneuvering against each other for the past eight years.

Last year, Stanford's Faculty Advisory Board again ruled that the correct punishment for Franklin's alleged action was dismissal, and the Board of Trustees concurred.

Now the case is headed back to court for what could be a showdown over constitutional issues that have been raised by Franklin.

Presiding over the legal clash on March 13 will be Judge John Flaherty, who will hear arguments on a variety of motions.

Flaherty has already found Franklin guilty of two of the three original Stanford charges concerning disruption of university functions. It is the remaining charge that is still at issue in superior court.

Franklin will be represented by the American Civil Liberties Union and Stanford's lawyer is David Heilbron, partner in the San Francisco firm of McCutchen, Doyle, Brown & Enersen.

Stanford has filed a motion asking a judgment be rendered in its favor, which would in effect affirm that firing Franklin was the correct punishment for his actions.

Margaret Crosby, Franklin's ACLU lawyer, has filed a motion opposing Stanford's motion and has cross-filed

for a judgment in Franklin's favor.

She also filed a motion adding new defendants to the case, to include the members of the 1980 Faculty Advisory Board at Stanford and new members of the Stanford Board of Trustees since 1972.

"We want to make sure that all parties are before the court, so that if any relief is ordered by the judge we will have the parties with the authority to reinstate Bruce," she explained.

If Judge Flaherty rules against Franklin, Crosby said, an appeal will be filed in the First District Court of Appeal and then in the state Supreme Court, if necessary. She said the ACLU will carry Franklin's case to the U.S. Supreme Court, if necessary.

Speaking by telephone from his home in New Jersey, Franklin said today that he "is sure that we'll win. We've been convinced all along that we'll win in the state Supreme Court."

If he does win the right to return to the Stanford faculty, will he come back?

"That's so iffy," Franklin said. "It's impossible to answer now if I'd go back to Stanford. We probably have six to eight more years of litigation ahead of us."

Meanwhile, at Rutgers, Franklin has been promoted to the rank of "distinguished professor" and has written a new book titled "Robert A. Heinlein, America as Science Fiction."

Franklin said his basic philosophy supporting Marxism-Leninism remains unchanged. This semester he is teaching a course at Rutgers called "Vietnam and America."

"In this course I am teaching just what I got fired for saying at Stanford," Franklin said.

The course is in the American Studies Department and is not a requirement for any major, yet 50 persons have enrolled in it, he reported.

Commenting on the current national scene, Franklin said the election of Ronald Reagan as president is "alarming, and his cabinet is like the cabinet of Dr. Caligari — quite a freak show."

"But I really don't think there is any substantial difference between the powers that are running the country now and the powers that were running it a couple of weeks ago," he declared.

"The people who created the hostage crisis and profited from it are still running the show," he charged. "They deliberately set that up so they could freeze the Iranian assets and could raise the price of gas and heating oil."