

Ex-Stanford professor fights for a hearing

By Mary Madison
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STANFORD — H. Bruce Franklin, a Stanford professor who was fired in 1972 after the university claimed he incited riots during anti-war demonstrations, is locked in a new clash with Stanford — this time over a hearing before the Faculty Advisory Board.

Franklin, 46, now a member of the faculty at Rutgers University, is one of the few tenured professors to be fired by a university.

He fought the dismissal for years in the courts, and now that Stanford has been ordered to reconsider the case, Franklin and the university are feuding over how his case should be heard.

Franklin wants to plead in person before the Faculty Advisory Board and is prepared to fight in court to do so. Stanford's administration is opposed to an appearance by Franklin, while the faculty board hasn't decided how the hearing will be conducted.

The seven-member faculty board is compelled by court order to reconsider whether Franklin's dismissal was too harsh a penalty for his participation in the anti-war protests, which resulted in injuries, heavy property damage and hundreds of arrests on the Stanford campus.

By a 5-2 vote, the original Faculty Advisory Board found Franklin guilty of three charges, and he subsequently was fired by President Richard Lyman and the Board of Trustees.

But Franklin took the case to court, where Santa Clara County Superior Judge John Flaherty found him guilty of two instead of three charges. Flaherty then asked the Faculty Advisory Board to reconsider the firing because he was charged with one less offense. Lyman has proposed that the board look at the penalty only through written documents, including a



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H. Bruce Franklin manages a smile in 1972 despite his dismissal from a tenured teaching job at Stanford.

statement from Franklin, two written statements from the administration and a review of the 1972 advisory-board report.

Franklin, represented by the American Civil Liberties Union, insists that the faculty board hold another full hearing, including verbal testimony from Franklin himself.

Margaret Crosby, Franklin's ACLU lawyer, this week formally called on the faculty board for an open hearing to include both testimony and evidence from Franklin's original hearing in 1972 plus additional evidence since then.

"If the advisory board decides not to have a full and fair hearing, we intend to take the issue to Judge Flaherty," Crosby said.

"This hearing is under the jurisdiction of the court by court order," Crosby said. "We think the judge should decide what the appropriate procedures are if the parties can't come to some agreement."

Crosby declared, "Bruce feels it is important for the board to hear him. He wants the board to hear his own statements of his views and how he feels he has already suffered a substantial punishment. He wants to return to the Stanford faculty."

Crosby's requests were detailed in a letter this week to Religious Studies Professor William Clebsch, who now is head of the Faculty Advisory Board.

In her letter, Crosby said the board should allow Franklin to introduce "new evidence" that would include "the penalties inflicted since 1972 on other tenured members of the Stanford faculty found to have engaged in professional misconduct. ..."

Clebsch is out of town this week and unavailable for comment.

Robert Rosenzweig, Stanford vice president for public affairs, said, "I am confident that we will resist an effort to reopen and hear testimony on the facts of the case. The board is being asked to reconsider the penalty."

"How the board will decide to approach the question of the penalty is a separate question. It may choose to hear arguments from counsel on both sides and certainly written arguments."

Rosenzweig said that the "president brought the charges to the advisory board and prosecutes them. The board stands as a judge."