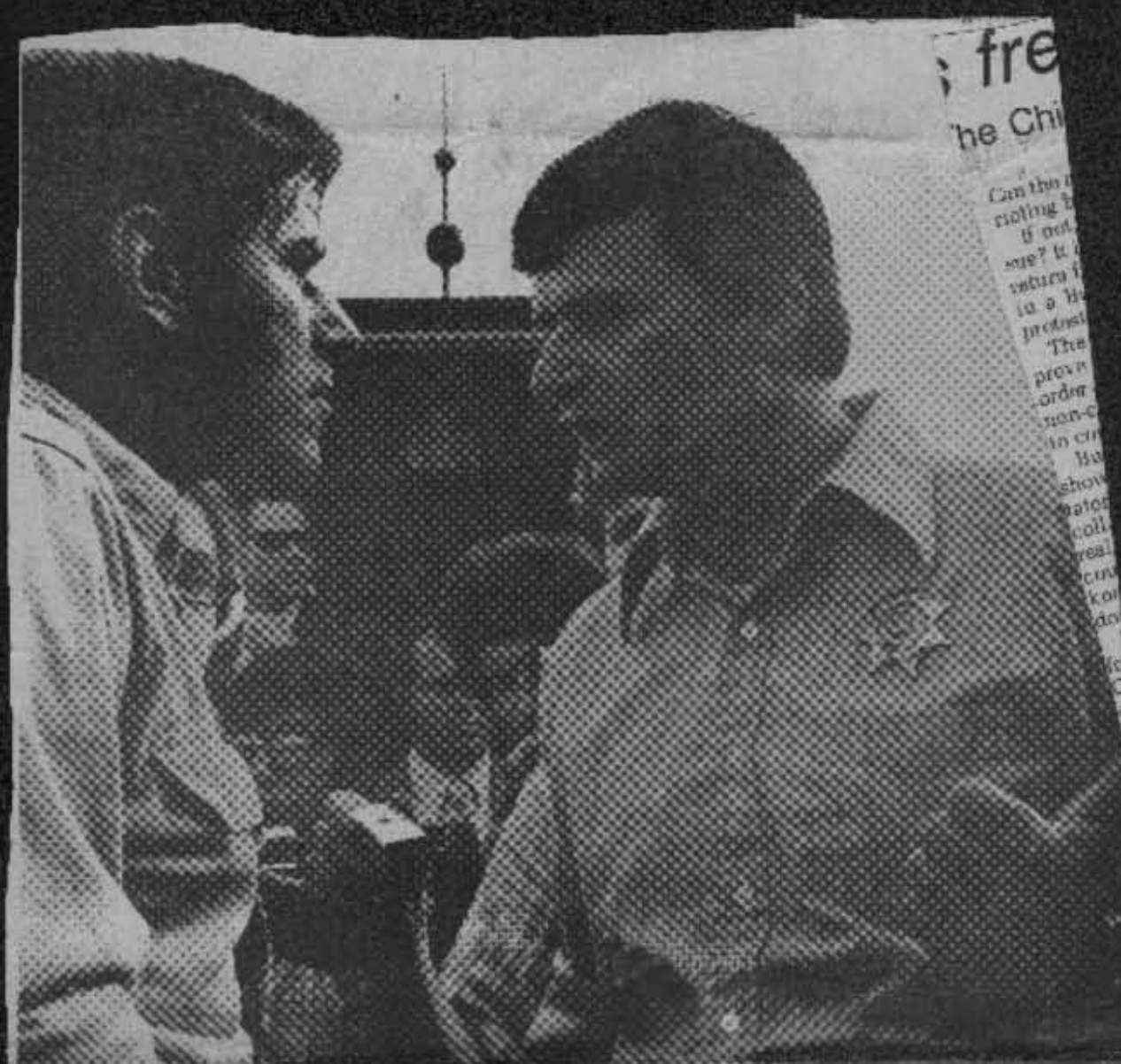


The Stanford Daily

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Franklin

(Continued from front page)

(Franklin and his wife) in that direction was the FBI harassment they were giving us," he said.

Court of Appeals

In his suit against the University of Colorado Board of Regents, currently in the 10th Circuit Court of Appeals, Franklin is asking the Board to reconsider its decision not to hire him. Franklin's appointment had been approved by the English Department there, 26 to 5, and was supported by the Dean, Provost and President, Franklin claimed.

In the lower court, the judge ruled that some of the reasons cited by the regents for not hiring Franklin were constitutionally impermissible. However, the court ruled that the regents' primary reason, their fear that there might be violence if Franklin were hired, was not constitutionally impermissible, Franklin explained.

Atty. Renzo said no damages were being asked in the case. He added that for them to deny Franklin the appointment on the grounds that his actions could lead to violence is an abridgment of Franklin's First Amendment rights.

Under consideration

The American Association of University Professors has also filed an *amicus curiae* brief in the case which, should the regents decide to stand by their decision not to hire Franklin, would compel them to demonstrate that their reasons were constitutionally permissible.

Franklin's attorney in the case against Stanford, Charles Merzon, said that the Stanford case is presently in the Superior Court of Santa Clara County, and that he intends to move for summary judgment. "This means the judge would review the decision of the Advisory Board and decide whether Franklin was wrongly dismissed. Franklin has asked only back wages less his actual earnings while on suspension in this case. The court says it can only review the record."

An important point in the entire legal argument is that the Advisory Board contended that Franklin had "incited" students to violence.

The difference between "incitement of" and "advocacy of" violence is a slight but important one, Franklin said.

Franklin contends he was fired for engaging in type of constitutionally protected speech.

If the Advisory Board's use of the term "incitement" was incorrect, dismissal decision would be overturned.

Face-off

Former English Prof. H. Bruce Franklin squared off against a policeman near Pine Hall on Feb. 10, 1970. A

majority of the board which later recommended firing Franklin said he was "intentionally urging and inciting" persons to disregard a police order to dispersa.

—Daily photo by Downey

Franklin contemplates legal action

By Elizabeth Pollock

Former Stanford English Prof. H. Bruce Franklin said he will probably sue the FBI and CIA in order to gain full access to the files they kept on him for the last decade.

Franklin, formerly a tenured professor here, was dismissed early in 1971 as a result of his involvement in the disruption of a speech given here by Henry Cabot Lodge.

University President Richard Lyman and the Advisory Board, an elected group of faculty members, said Franklin's activities had violated Paragraph 15 of the Statement of Policy on Appointment and Tenure.

According to the statement, "personal conduct substantially impairing the individual's performance of his appropriate functions within the University community" are grounds for dismissal.

Franklin already has two suits pending, one against Stanford's Board of Trustees and another against the University of Colorado Board of Regents.

The FBI and CIA suits would compel the agencies to comply fully with the Freedom of Information

Act, Franklin said. So far, the FBI has handed over about 600 pages of documentation to Franklin, but "the CIA is just refusing to answer anything," Franklin said.

He said there are "whole periods for which there are no documents," and "we have a lot of other evidence, (of agency actions against me)...that they don't mention."

Administrative appeals have proved inadequate, thus, Franklin said he will probably sue.

The American Civil Liberties Union (ACLU), which has provided counsel in his other two cases, has advised Franklin that he may have to go to court to obtain the material and the ACLU would probably pursue the case.

"Eventually, I plan to sue both agencies for the damage they have done to me," Franklin said. The immediate suits, however, would ask only access to the files, some of which detail harassment tactics used against him, he said.

"He (Franklin) has a strong case against the FBI" both on invasion of privacy and First Amendment grounds," said Franklin's attorney, Tony Renzo.

Franklin traces the FBI's interest in him back to

1966, when he began to actively oppose the Vietnam war.

'Unacceptable' politics

According to Franklin, the FBI decided that his politics were unacceptable to them and for the subsequent decade, have tried to "neutralize" him.

"Neutralization means getting them (political undesirables) out of action any way you can," Franklin said. In Franklin's case, the FBI has been trying "to indict me under any criminal charges they can, trying to entrap me," he said.

Failing to pin criminal charges on him, the FBI started sending falsified letters and documents to people in an effort to have him fired from Stanford, Franklin said.

Franklin alleges that not only his extracurricular activities were an issue. He teaches literature from a Marxist perspective, which is "understanding literature as a product of social classes in struggle with each other throughout human history," he explained. Franklin said he became a Marxist in mid-1967.

"One of the things that really pushed us (Please turn to back page)

Briefly . . .

Correction

In yesterday's Daily, it was incorrectly reported that the faculty Advisory Board which recommended dismissal of former Assoc. English Prof. H. Bruce Franklin sustained the charge against Franklin for his involvement in the disruption of a speech given here by Henry Cabot Lodge.

In fact, the board unanimously found that Franklin had not "significantly contributed" to the disruption of that speech. However, the board unanimously agreed that Franklin should be punished for a Feb. 10, 1971 speech in White Plaza.

A majority of the board also said Franklin should be disciplined for encouraging resistance to police dispersal order at the Computation Center the same day and for inciting confrontation d-