

To: Richard Lyman
From: Bruce Franklin

February 25, 1971

Subject: Political repression

Your letter of February 12th, which informs me that you have decided the time is finally ripe for you to suspend me and move overtly to have me fired, is an interesting historical document, though admittedly an extremely minor one. It shows some very typical characteristics of individuals of your social class during times when you see your material interests in jeopardy. You pretend that your own most self-seeking acts, thoughts, and feelings do not exist, that you are merely serving timeless and transcendent ideals and regulations. Yet in your panic and rage you almost completely ignore the letter and spirit of the very regulations you cite, and trample on the ideals you are supposedly upholding.

class privilege

Needless to say, your letter does not mention the genocidal war being waged by U.S. imperialism against the peoples of Southeast Asia. Nor does it mention Stanford University's deep involvement in that war nor the huge profits being raked in from Southeast Asia by the Board of Trustees. From those profits they have given you a handsome salary to live on and a splendid mansion to live in, and you are not about to bite the hand that feeds you. Of course you would like to pretend that you don't know which side your bread is buttered on, so you go on the radio and write other letters to deplore the very war being waged to extend the empire that brings you and your class such luxuries. Do you really think that all that bread and butter falls out of the sky? One part of you is probably that self-deceived. But on some level of your being, you recognize that the existence of conscious revolutionaries on campus is dangerous mainly because of the threat they pose to your oppressive privileges and profits. And that is why you act as you do.

tenure

Academic tenure is also a privilege, a kind that is not available to the great masses of working people in the United States empire. When you want to fire workers at Tressider or in the physical plant, you do not have to write letters and make some slight pretence that those people have any rights which you are legally bound to respect. As a matter of fact, you do not have to write any letters at all, but simply delegate the matter to some of your underlings. So the question arises, Why should a Communist professor insist on maintaining the privilege of tenure? The main answer is that we Communists believe that job tenure should not be a privilege of a small minority, but the right of all working people, as it is today in the People's Republic of China. (To many this statement may sound like more "Communist propaganda," but that is mainly because Henry Cabot Lodge and the rest of the U.S. government have been successful in preventing us from hearing the free speech of several hundred million people who know that China is not just an island in the Pacific Ocean.) Furthermore, I believe that I have a political, moral, and even legal responsibility to the students and workers of Stanford University, present and future, not to allow you to deprive them of the ability to hear my ideas and those of other revolutionaries. It also seems to me important to resist by all means the wave of political repression, the new McCarthyism, now sweeping the campuses of the empire; the only significant difference between the recent firing of nine anti-war professors at Fresno State College and this is that the firing of a tenured professor at Stanford will represent a big breakthrough for the forces of repression everywhere.

Therefore I do indeed assert and defend all my rights under the Statement of Policy on Appointment and Tenure, which is part of my contractual relationship with Stanford University. It is necessary to point out that you already have deprived me of some of the protection afforded by this Statement and are now attempting in civil court to strip away most of the rest.

Paragraph 15 spells out certain procedures which must be followed in the case of a proposed dismissal. It says very clearly that "the individual shall first be notified (confidentially, if possible) of the charges against him and given an opportunity to reply." First a small point. Before I had received a copy of your letter of February 12th, informing me of my suspension and proposed firing, you released the content of that letter to the press. This would be trivial if it were not for the fact that you have been conducting my trial and convicting me in the press, and that almost every day the Stanford News Service, which you control, issues new statements about the case and sends to every faculty member, including each of the individuals who are to try my case, statements laying out your side of it. In fact the head of the News Service, Bob Beyers, is a prime witness in your case against me in civil court, and there is no distinction between the intent of his affidavit there and the "news" releases he sends to the press and the faculty. This is a good example of what your social class means by freedom of the press: you are free to use it any time for whatever purpose you see fit.

Beyers
to the
press

Far more important, your letter does not tell me what the charges against me are, but leaves them to my imagination, and, more pointedly, to the imagination of all those who have been whipped up by the press, which features daily misquotes, misrepresentations, and editorials so blatant that one appearing shortly before your letter was actually entitled "Wipe Him Out Resolutely" (Palo Alto Times, February 2, 1971). You say that you "have been apprised" of my "course of conduct" since the Lodge speech. Then you assert: "You have on several occasions since then urged, incited and led Stanford students and others to interfere with the operations of the University and conduct themselves in an unlawful manner, and have yourself so acted, most notably on Wednesday, February 10, 1971." That, according to you, is supposed to be a statement of charges. You do not name the several occasions, you do not specify what kind of interference with the operations of the University I allegedly "urged, incited and led," and you do not name one unlawful act I have allegedly either advocated or committed. The charge that a person has "on several occasions . . . urged, incited and led Stanford students and others to interfere with the operations of the University" could be accurately made against every single member of the faculty who last spring voted for a strike and participated in it. To accuse someone of encouraging others to behave "in an unlawful manner" and of doing so himself without naming the acts makes a mockery of any form of justice. It is precisely the situation Kafka describes in The Trial. It is the essence of arbitrary rule. How does somebody go about defending himself against the charge that he has behaved "in an unlawful manner"? Have I stolen money from Tressider Union? Have I broken a window? Have I given orders to shoot every man, woman, and child in the village of Pine Hill and pile the bodies and pieces of bodies in a ditch? Have I smoked dope or had illicit sexual relationships with undergraduates or other professors, male or female?

Now these are not frivolous questions, for this is just why an individual is supposed to be given an opportunity to hear the exact charges against him before he decides whether to request a hearing before the Advisory Board. The accusation may be of such shameful acts, given existing taboos, that the individual does not want a hearing, even if the accusation was false. For example, I have known of more than one case where a professor was accused by a college president of homosexual acts and voluntarily gave up his job rather than have a hearing, although the charge was false, because of the morbid and hysterical fear and disgust toward homosexuals in this guilt-ridden society. I suspect, guess, and surmise that this is not the kind of "unlawful manner" you will eventually charge me with acting in, but if it is, I request a public hearing before the Advisory Board in order openly to defend my brothers and sisters in Goy liberation against this kind of attack. Another important reason for hearing the charges first lies in the fact that, as Paragraph 15 states,

charge me with acting in, but if it is, I request a public hearing before the Advisory Board in order openly to defend my brothers and sisters in Gay Liberation against this kind of attack. Another important reason for hearing the charges first lies in the fact that, as Paragraph 15 states,

"technical rules of legal evidence need not be strictly applied" before the Advisory Board, there is no stated provision for challenges, the accused person is not granted the power of subpoena, and the presentation of the prosecution's case is not restricted by statute and case law. Perhaps you are going to charge me with a serious criminal offense, a felony punishable by life imprisonment. It might then be extremely dangerous to have the kind of mock trial represented by an Advisory Board hearing, rather than taking the case first to court, where there are at least some rules and precedents and where the jurors would not be paid employees of the prosecutor. To be "convicted" by the Advisory Board, and of course in the press, prior to a criminal trial would hardly improve one's chances of being acquitted in court. Now this possibility is not so fantastical. After all, here is your only stated justification for suspending me: "because of the important role which you played in the tragic events of Wednesday, February 10." I'm not certain which tragic events you mean, but I suspect that you are trying here to connect me by implication and innuendo with the shooting which occurred on campus that night. If you are going to allege that the "unlawful" acts I have "urged, incited and led" include attempted murder then you better say so before asking me whether I'd like a hearing before the Advisory Board on this charge.

But meanwhile you didn't wait for my reply before starting other proceedings against me, proceedings directly calculated to prevent my having any kind of reasonable opportunity for a defense before the Advisory Board. Even before you sent your letter of February 12, you had the University's lawyers go into court to request that I be prevented from coming onto the campus except to attend my own disciplinary proceeding and to gather "evidence" when and only when either you or the court sees fit. Paragraph 15 is quite clear about the accused individual's right "to prepare his defense," and that includes a good deal more than gathering evidence whenever his adversary gives permission, particularly in a highly political case. The proposed injunction would also bar from the proceedings many of my witnesses, if the case concerns, as I think it may, the anti-war movement at Stanford and Stanford's involvement in the war. One clear purpose of the proposed injunction is to prevent me from presenting a political case before the Advisory Board. But there is hardly any point anyhow in trying to keep my job at Stanford if a court, following your request, effectively fires me by permanently banishing me from the campus.

There is another, even more insidious purpose in your procedure. On one hand, you have made no specific charges against me, but merely thrown out the broadest and vaguest possible general accusation. On the other hand, you have gone into court armed with twenty-one affidavits concerning nine separate series of events. In order not to be fired by injunction, I have to present a very detailed defense in that court. You then can read my defense before you have made any specific charges! This is a wonderfully inventive addition to Catch-22 and through the Looking Glass. First the sentence, then the defense, and finally the charges.

I have delayed writing this letter until I had a chance to study the allegations made in those twenty-one affidavits and to prepare my defense. What I have discovered is that nowhere in these affidavits am I even alleged to have engaged in any unlawful act, nor am I alleged to have made any unlawful speech. The entire case is nothing more than a tissue of insinuations and innuendos built upon phrases quoted out of context and juxtaposed to acts, most of which I am not even alleged to have been present at. I have written a detailed defense which exposes this travesty, and you will be able to get a copy from your lawyers.

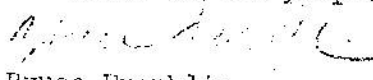
Undoubtedly you will study my defense to see precisely what charges you can bring. I think you may have to find some new ones, and it seems that you may have already reached that conclusion. That is probably the best explanation for Dean Hastorf's recent fishing expedition, in which he tries to get some evidence from Ian Watt that I have been irresponsible in the performance of my academic duties, a charge that I answered in last Friday's Daily. Almost every day you and your lackeys try to open up a new front in your counter-insurgency campaign. The trivial depths to which you are willing to descend in attempting to whip up the witch-hunting hysteria are shown in Ian Watt's letter to the Palo Alto Times, February 16, editorially entitled "Free U listing wholly improper," and Glenn Campbell's recent speech to the local Republican ladies.

Before you demand that I inform you whether I want a hearing before the Advisory Board, a question to which I responded on January 21, I demand that you inform me what precisely are the charges you are making against me--other than being a revolutionary wholly dedicated to destroying the political, economic, and cultural power of your entire class and replacing it with

To: Richard Lyman


From: Bruce Franklin

All power to the people!


Bruce Franklin
Central Committee, VENCEREMOS

I have just read this morning's Daily, which reports that your legal advisor, James Sims, has said that "anything Professor Franklin does today that could be reasonably interpreted as a request for a hearing we will construe as such." Let me then make one point of my letter of reply very clear: I am ~~not~~ requesting a hearing before the Advisory Board because you as yet have not told me what I am charged with. I reserve the right to request such a hearing after you present me with precise charges, not before.

Death to all fascist pigs!


Bruce Franklin