would hear cases not involving penalties within the range set forth under Paragraph 15 of the tenure policy. Indeed, it could hardly be otherwise as far as these interim hearing bodies were concerned unless the Senate were to have placed in jeopardy faculty rights that have been protected by the tenure policy.

Professor Franklin's case has then come along. I tried to follow the prescriptions in the tenure policy to the letter in writing Professor Franklin, first, a letter which he could and did release but which, had he preferred and had circumstances been different, he could have treated in confidence. Allowing that option is stated to be desirable in the tenure policy. This letter informed him that, on the facts as then alleged and as then known to me, it seemed likely to me that a penalty within the range set forth in the tenure policy under Paragraph 3 and, therefore, reserved for hearing before the Advisory Board and no other body, would be appropriate. That first letter reminded him further of his rights under the tenure policy: first, to attempt a settlement offhand or out of court, if you like, and secondly, to demand a hearing, open or private according to his wish, before the Advisory Board. His response was in some ways ambiguous. He did demand a hearing, I think in no uncertain terms, and he made it clear that he preferred to be heard before the SJC and not before the Advisory Board. Incidentally, of course, his representation that he was being charged with heckling was not and is not true, and my response, which was again made public, was that the SJC is simply impossible as the locus of this hearing since only the Advisory Board has standing under the tenure policy in cases where the penalty may involve discriminatory loss of salary. Had we attempted to accede to his demand to be tried by SJC, I believe, and I have been so advised, that we would be vulnerable to the charge of having bypassed or ignored procedures established under the tenure policy. And I think again, looking to the fact that while this is one case, it is a case which might be described as of constitutional importance to this university, it is important for every faculty member to consider what he is dealing with, if and when he moves blithely to undermine such safeguards as these regarding behavior in the tenure policy. The tenure policy was after all designed first and foremost to protect the faculty and I think no fair reading of that policy can come to any other conclusion than that is its essentially underlying purpose. I recognize that the overriding concern in Professor Franklin's response is his demand for a hearing—an open one—and to that end, formal charges are being prepared for mission to the Advisory Board.

I have been asked why, in the second letter, I proposed a penalty before the hearing. My reasons basically are two. First, it seemed unfair to me not to give the respondent the best estimate that I could make—again on the facts as known to me at this time—as to what the penalty might most probably be, since knowledge of this would inevitably constitute a factor in his consideration of the next steps. It seemed desirable in my view to leave as little ambiguity, as little room for rumor mongering and panic, as possible on this subject. I would emphasize the importance of clarity and as much calm judgment as the extraordinary circumstances will allow. Obviously I am giving myself advice, but I am giving everybody who will hear it and heed it advice too. I think we are at a very crucial point in the history of this university. The time for rhetoric about the means for protecting essential rights while enforcing essential responsibilities is over, because the task is upon us. I think it is important not to become enamored of analysis with civil or criminal procedures because all such analogies break down and the effort to patch them up only leads to more confusion, and that in turn to feelings of paranoia and mutual suspicions. It is perfectly obvious that many things are unspecified in the tenure policy. To take one clear example—how the admissibility of evidence is to be determined in an Advisory Board hearing. But other crucial points are covered and ought not be overlooked, and, as I say, they operate principally for the protection of the faculty. Now it has been and doubtless will continue to be very difficult to be adequately and accurately informed on this procedure. I would cite the story in one of the metropolitan S.F. newspapers which managed to get two screaming errors about jurisdictional bodies into one sentence by printing the following:

"Franklin contended that his case should be heard by SJC, a student group, rather than by the Stanford Advisory Board which is made up of faculty and administrative members." As you all know the SJC consists of a chairman from the Law School faculty and half faculty and half students, and the Advisory Board you elect—the Council elects every year—from the faculty, and there are no administrative members.

Everyone has an obligation to be informed and to think in terms of long perspective. I believe fundamentally that protection of free speech is in everybody's interest, including that of the demonstrators against Ambassador Lodge. Their rights have long been protected and will continue to be in the face of widespread indignation at the abuses to which these rights have sometimes been put. And the rights of others will likewise be protected to the best of my ability as long as I am responsible for maintaining a free campus at Stanford.

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