

DEFROCKING THE INSTITUTE

Last week the University of California announced that it was cancelling its rental of a University conference center to the Institute for Historical Review. Therein lies an instructive case study in social action.

You will recall that the Institute for Historical Review is a bogus front for the professional anti-semitic, Willis Carto. For several years it has held annual conferences, with scholarly pretense, to "prove" that the holocaust never took place.

Carto's object has been to hold the conferences in academic settings so that the proceedings would have a scholarly gloss. A few months ago, his Institute applied for the rental of Arrowhead lodge, a private facility given to the University to rent out for "educational purposes." Neither Carto's name nor the exact purpose of the conference was included in the request; and the University's leasing office routinely signed the rental contract for next November.

The whistle was quickly blown by outraged faculty members and a Jewish community aghast. On advice of counsel, the President of the University said that, although he genuinely abhorred everything the Institute for Historical Review stood for, a legal contract had been signed and there was no legal basis for revoking it.

But since this seemed to be a rather crass commercial note for such a lofty institution, the University went on with a Constitutional and Voltairean defense of the contract: the University being a marketplace of ideas, it had no right to reject a renter organization just because of its offensive ideas.

It was around that philosophical line that the first discussions were held. As an official communication from the San Francisco JCRC to the University President pointed out: we were not arguing with the constitutional right of the Institute to hold a meeting; we were arguing with its constitutional right to hold a meeting at facilities *owned by the*

*University of California.* The Institute wanted to specifically use the name of the University in order to get a scholarly gloss it did not deserve. The University was not under constitutional mandate to lend itself to such manipulation.

It should be noted, importantly, that this and subsequent actions were conducted by allies in close conjunction. The statewide offices of the Anti-Defamation League were deeply involved from the beginning. So was the American Jewish Committee. And the JCRCs brought the weight of the total Jewish community to bear. History departments and faculty committees organized themselves on every California campus. These opponents were in constant touch with each other and meshed their independent efforts, a fact not unconnected with the eventual victory.

The University persisted in its legal and constitutional argument that the contract could not be breached. Meanwhile, the opponents were variously raising other questions, including "misrepresentation" as a basis for cancelling the contract. At first, the University said that it could not pinpoint any misrepresentation. The ADL and others continued to come up with interesting information on that score. The person who had signed the contract did not seem to exist, and the Institute's office of record, when securing the contact, seemed to be closed. But there was some resistance to the thought that the use of a pseudonym constitutes legal misrepresentation.

However, the pressure on the administration continued to build. Faculty committees grew; and Regents approached by the various allies reasoned with the administration. Finally the administration, suddenly finding itself in need of a document not forthcoming from the closed Institute office, discovered that it was in a position to legally cancel the contract.

There are a number of lessons in this little vignette, including the efficacy of social action when sensibly and cooperatively pursued.