

CRITIQUE OF THE FIRST DRAFT
OF BRIAN MARTIN'S ARTICLE ENTITLED "THE SPAUTE CASE"

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A. Major themes that could at least be mentioned:

1. The Orr-like smear campaign against me, and my counter-campaign.
2. The wholesale violation of Section 23 of the Act, & my reluctance to blow the whistle on Jager & Lindgren for their illegal sub-delegations to Williams.
3. The closing of ranks, suppression of evidence, distortion of the issues, & conspiracy to pervert the course of justice engineered by Don George. (See the enclosed letter dated 11 Apr 79 & document C.109:79).
4. My so-called obsession with the ethical, social & political implications of the thesis, esp. the banks' supposed use of Williams' unvalidated tests. (Aspects of this were only hinted at in my rebuttals & in Maxwell's letters.)
5. The consternation amongst my colleagues & myself (not to mention students!) over the disrepute of our MBA program as a result of the widespread knowledge of Williams' incompetence, well before I found out about it. (E.g. at AGSM.)
6. The role of Curthoys, and the Staff Association's resulting reluctance to come to my aid, even at the expense of discrediting their own Constitution. (Also no doubt because of their campaign to get by-law changes, which was inconsistent with my charges that the existing by-laws, while adequate, were not properly followed.)
7. The complex legal, political, social & diplomatic aftermath of the railroading.
8. The likely ultimate resolution of this ruddy fiasco, and the long term fallout.

B. Specific comments & suggestions:

Page 1, second para: Readers might be interested to know that my specialty is ethicology, and that I've been writing my magnam opus for six years. (You're welcome to inspect the manuscript, which was about 80% complete when I got involved in what has now become a research program into corrupt Australian institutions.)

Page 2, second para: Maybe Section 23 of the Act should be quoted here, to explain my refusal to accept Williams' right to organize my teaching & exams.

Page 2, third para: Would it not be fair to note that my so-called campaign was at least partly a counter-campaign against a campaign of harassment being waged by Williams & a few bootlickers? (See enclosed samples, dated 6 & 7 Sep 79.)

Page 3, first para: My counter-campaign was eventually enlarged to involve so-called attacks against other conspirators, esp. George, Carter et al., Kirby et al.

Page 3, second para: Instead of the term "obsession", how about the less clinical-sounding "powerful commitment", "persistence", "tenacity", etc.? It should be noted that my counter-campaign started on 1 Nov 78, in reaction to Williams' diatribe against me (which is recounted in watered-down form in his enclosed letter to the Don, dated 8 Mar 79.) And what's so obsessive about persisting in trying to clear my name of the widely-published libel that my conduct was such as to render me unfit to continue to hold my office?

Page 4: The first sentence overlooks the fact that Dowling & Guilhaus raised the issue to me, and that Prof. Yetton at AGSM supposedly was the first to discover the spuriousness of the statistics. (Maybe you should contact Yetton about this.)

Page 5: Perhaps it should be noted that my rebuttals had to be done without the benefit of the raw data, and that they probably could not be published anywhere in Australian media irrespective of their scholarlyness, or alleged lack thereof.

Page 6, third para: Would it be fair to point out that the supposed incobriety of the later stages of my campaign was a calculated part of the research design?

Page 7, second para: Statements in the thesis lead me to suspect that Williams knew that the direction of causality had been inverted. Also, if he wasn't guilty of a "venal academic sin", why does he deny being in error--esp. since he privately admitted to me in Oct 78 that the stats were wrong, and that he would publish a correction? (That's why I didn't do so myself, and why I didn't demand the return of my copy of the thesis, which I would have needed to do so.)

→ Page 8, second para: If it's true that the banks were using his questionnaire to help them decide on the fate of loan applicants, wouldn't that constitute proof that the thesis and subsequent publications had "some influence"? Besides, what's so "old" about a line of research that Williams' claims is ongoing?

Am 6-8-81 r 12-8-81

Pages 9 & 10: I tried to put on a seminar to present my critique of the thesis, but Tippet, the seminar Coordinator, threatened to organize a boycott of it if I so much as mentioned the thesis. So I ended up with a different sort of seminar (see enclosed notice dated 7 Sep 79). Also, I did in fact circulate a working paper dated 18 May 79, but got no response at all, despite sending it to every professor on campus, plus several others. Ted Burke testified at the Kirby hearings that it would be almost impossible to publish any such rebuttals, and had discouraged me from attempting to do so almost from the beginning. As a result of the responses from Rydges and R.E. '1. I decided that it would be futile to continue such efforts. Besides, I really didn't want to publish at all, preferring to contain the scandal.

Page 10, third para: You might also want to quote Blacks on plagiarism & fraud-- see enclosed memo dated 15 Aug 79.

Page 12, first para: Here are several other bits of evidence that strengthen the suspicion of plagiarism in this case:

- a. Some of the suspect passages include the same list of citations, sometimes even in the same order, as appears in the putative uncredited secondary sources.
- b. The culprit confiscated & refused to return the evidence, thereby temporarily preventing me from writing a rebuttal or proving anything.
- c. In reply to my Dec 78 request to return it so I could look up some of his references, he said, with a startled look on his face: "Not if that's what you want it for!"
- d. The suspect passages do not appear in a lengthy summary of the thesis published in a book of readings, where they could be detected by overseas readers.
- e. He apparently violated several General Regulations for the preparation of theses some of which relate to originality. (The V-C of UWA refused to investigate.)

Page 14: The significance of the plagiarism is also to be assessed in the context of the above facts.

Page 17, second para: In the last sentence, suggest you insert "Council" after "University".

Page 17, third para: In the first sentence, suggest you substitute "Vice-Chancellor" for "University". (Or would that be libelous?)

Page 18, second para: How about inserting "partly" before "responsible"?

Page 20, third para: Readers might be interested to learn that Lindgren was on the Carter committee, the report of which asserts that the legitimacy of Williams' roles as Section Head & MBA Course Coordinator was "beyond question".

* Page 20, fourth para: In fact, that letter left out two important clauses in the resolution, apparently because of their illegality. (See pages 8 to 11 of the Kirby rpt.)

Page 21, second para: How about referring to it as my alleged campaign against Wms. If it was a campaign against anyone, it was just as much against the other conspirators and their bootlickers as against him. Better yet, let's call it a counter-campaign against their campaign, or even a crusade for justice!

Page 21, midpage: How about inserting "alleged" before "lack of obedience"? After all, the 17 Dec 79 letter from Alexander was deceitful and ambiguous, and I deny any lack of obedience. I see no evidence of disobedience anywhere, including the Kirby hearing transcript, which you're welcome to inspect.

Page 21, last para: In view of what you've learned since writing the draft, do you still consider the Staff Association's report to be a good one?

Page 22, midpage: Is the term "betray" appropriate in this context?

Page 22, last para: How about inserting "supposedly" after "Council"? In its present form the statement appears to be prejudicial in favor of the Council, to my detriment.

Page 23, third para: How about inserting "ostensibly" after "The Carter Committee was"? Have you seen any evidence that they were set up for such a purpose? My reading of the resolution that set it up, and all the other evidence, was that they were set up to suppress the dispute, not to resolve it! It might also be pointed out that they in fact judged my behavior, adversely and libelously, and failed to report on the substance of the dispute, which they were charged to do. (See enclosed 19 Oct 79 minutes.)

Page 23, last sentence: I hope that readers don't get the wrong impression or conclude from the wording that I was guilty of disorderly conduct--which has never been charged against me or proven. If I was in fact disorderly, what about justification? And what about the disorderly conduct of the conspirators & bootlickers?

Page 24, first para: How about inserting "allegedly" before "seriously"? Alternatively, how about mentioning the justification for the alleged disruption?

Page 24, second para: Again, the wording seems to indict me, and only me, for disorderly conduct.

Page 14, third para: Again, how about inserting "alleged" before "disruption"?

Page 24, third para: It should be noted that the Uni administration was also failing to respond to a lot of other complaints. By late 1979 the cover-up and conspiracy to obstruct justice had replaced the thesis inadequacies, the abuse of testing, the illegal sub-delegations, etc., as the most important aspects of my campaign.

Page 25, first para: How about replacing "is not necessarily wrong" with "might not be seen as necessarily wrong". I in fact do see it as necessarily wrong, a priori, in view of the essential nature of my campaign, its etiology, the way it developed, and the circumstances surrounding it.

Page 25, first para: Again, there's an unfortunate implication that my, and only my, conduct was disorderly--and even apparently without sufficient cause.

Page 26, last para: How about citing some of my so-called intemperate words, e.g. those in para 34 of the Kirby report. Otherwise readers might get the wrong idea that I was using crude obscenities. I consider them to be comically pseudo-intemperate at worst.

Page 26, last para: Again, the way it's worded, the last sentence seems to imply that my typical style is "very colloquial", which is not at all the case. (See my SDR article which I sent earlier for my typical style. If you're interested, I'll be happy to show you some of my other publications, and esp. the draft of my magnum opus.)

Page 27, second para: From my viewpoint, the real problem that the Uni administration had to cope with was none of those you mention, but the threat to their own positions and reputations. By mid-1979 I was challenging the abuse of power by numerous people, catching them in an assortment of illegal and unprofessional acts, accusing them of covering up and conspiring to obstruct justice, pointing out their bungling, etc. To me, the terms of the Kirby committee seem little more than a school of red herrings!

Page 27, last para: Not only don't they need publicity, they dread it!

Pages 28 to 29 & 32: Why don't you mention the traditional professorial "close ranks" pseudo-ethic--which Jager himself predicted would be implemented in 1978, and then proceeded to facilitate?

* Page 31, midpage: You use the expression "official grounds". In fact, one of my main complaints, which is supported by the Staff Association, is that there were no official grounds for the alleged dismissal. (See my 7 Apr 81 essay on Natural Justice.)

Pages 33 to 35: In view of the above, comments on your conclusions would seem extraneous.

Page 36: Carter & Kirby should be happy with the complimentary expression "best sources of information" to describe their works. (How come my essay on Natural Justice missed out?)

* Page 37: Footnote 8 might mention that the subject of the thesis was raised on several occasions during the Kirby committee hearings--which you can verify from the transcript.

Page 41: For footnote 44 you might wish to cite the letters from the Don dated 6 Mar 79 & 13 Aug 79, and paras 14, 38 & 39 of his document C.109:79, all enclosed.

Page 41: For footnote 49 you might wish to cite the enclosed letter from Street, dated 11 Feb 81 (attached to mine of 16 Feb 81(a)).

Page 42: For footnote 66 you might also wish to cite the last sentence of para 36 of the Kirby report.

Page 46: Would it not be fair to note that Appendix 2 is not really a reprint of my memo, but that the original, which was hand-written, was retyped by the OPUS staff, who are responsible for the errors and for the omission of my motto from the top. (See enclosed copy, dated 21 May, 1980.)

IN VITA VERITAS

2 August, 1981(a)

Dear Brian:

Thanks for the draft and for the opportunity to comment on it. Looks like it would take a monograph to put across all the salient facts. Care to be my Eddy?

I hope you've received the other stuff sent recently. Enclosed are copies of the Summonses I've just personally served on Big Al & The Don, & 6 short memos dated 26 to 31 July, 1981.

I understand that Ko Doeleman is also commenting on your first draft. I wonder if any of the others are sending commentaries--my guess is that most people will steer clear. I also wonder if Ted Burke and John De Castro Lopo have contacted you yet.

Do you think it would be wise to pass around my commentary, and those of others, if any? I have not shown anyone mine yet, just in case you might have reason to object.

Thanks again for a job well done. Maybe I can return the favor some day.

Yours truly,

Mike