

TRANSCRIPT OF THE 20 MAY 1980 SPECIAL MEETING  
OF THE COUNCIL OF THE UNIVERSITY OF NEWCASTLE  
AT WHICH I WAS (ALLEGEDLY) DISMISSED  
FOR EXPOSING THE FRAUDULENCE OF A.J. WILLIAMS

by M.E. Spautz, Ph.D.

Senior Lecturer in Management Studies

This is a practically verbatim transcript of the tape recordings that I made at the meeting. It is not an exact or complete transcript for several reasons: 1) A few statements went unrecorded during changes of tape cassettes and at the end, when the tapes were depleted; 2) Many statements were inaudible because my single microphone was placed directly in front of myself, hence couldn't pick up voices from the other end of the room; 3) I deleted numerous superfluous speech mannerisms, such as "ah", "you know", "alright", "see", for ease of reading; 4) I corrected a few minor grammatical errors (which are characteristic of extemporaneous speeches, especially those made under pressure). However, in no instance was the original meaning of a statement altered in an appreciable way as a result of these deletions and corrections. I am fully prepared to have this transcript notarized as a true record, if necessary.

Speakers are identified by their initials, which are to be translated as follows: AM = A. Morris; AO = A. Oliver; BC = B. Callaghan; GC = G. Curthoys; MC = M. Carter; MK = M. Kirby; MS = M. Spautz; SD = S. Date; ?? = ?. ?????.

This transcript constitutes a rebuttal of about half of the Kirby committee report, Council document C.55:80. Therefore it can be seen as a second annexure to my partial commentary, document C.60:80, which was before Council at the special meeting of 20 May 80, but which was not discussed. Note that commentary in this transcript is largely confined to paras 8 to 44 of the Kirby report, as I was not allowed to comment on the remainder, paras 45 to 72 (including the important and defamatory Conclusions section), because of time limits arbitrarily imposed by the Chancellor.

---

Copyright 1981 by M.E. Spautz. Any part or all of this transcript may be duplicated, distributed, quoted, or otherwise used, without express permission, provided that it is manifestly in the interest of justice. Otherwise, please request permission in writing, stating your purposes clearly and in detail.

MS: OK, I'm ready now, thank you.

BC: Thank you, Dr. Spautz. This, as you know, is a special meeting of the Council of the University. The meeting has been called to consider the report of the committee of enquiry appointed by Council pursuant to by-law 3.6.1.6 to conduct a proper enquiry into your conduct. The report of that committee has been completed and is before the Council. You have been given a copy. Having heard what you have about any matter that relates to the report and about any matter that Council may take under by-law 3.6.1.6, Council will proceed to a decision. As I say, you have been given a copy of the report and from your commentary on the report, which members of the Council have been given, that's document C.60:80 and the annexure to it, we know you've read the report. This is of course consistent with the desire of Council that you receive the report and be aware of all matters put before this meeting of Council in relation to you, that you should have an opportunity to test those matters, and also an opportunity to offer your own comments in reply, and to put before Council any material that is relevant. At this stage, as I say, the only material before Council is the report of the committee plus document C.60:80 and the annexure. I think you've met Mr. Ferguson of Minter, Simpson & Co., the University's solicitors. Now, on behalf of Council I'll invite you in a moment to address Council in respect to the report; but first I ask the chairman of the committee, the Deputy Chancellor, to introduce the report.

MK: Mr. Chancellor, I formally present the report of the Committee of Enquiry into the conduct of Dr. Spautz. As indicated in paragraph one, the committee had a number of sessions, on the 26th of March, 1980, the 28th of March, 1980, the 30th of March, 1980, 18th of April, 1980, & the 24th of April, 1980. The resolution establishing the committee asked the committee certain questions, which are set out in paragraph two of the report. The answers given by the Committee, set out in paragraph 70 of the report, are on page 38. I ask that the Council receive the report and I formally table as well the exhibits which were presented before the committee, and the transcript of the proceedings.

BC: Council will receive the report--is that agreed?

?: Aye.

BC: Dr. Spautz?

MS: Yes, thank you. I gather that everybody has received a copy of my partial commentary and the annex thereto--is that right? And you've had a chance to read it, I hope.

BC: Those documents?

MS: Yes. Also, of course, there's the transcript here, which comprises four volumes. I'm wondering how many people have had a chance to read it, because I think that in order to understand the report and its limitations and strengths, --

BC: Well, the matter --

MS: -- we ought to ... have studied the transcript as well, and perhaps even listened to the tapes.

BC: The matter that's before the Council is the report (inaudible).

MS: Yeah, OK. Well, as far as I'm concerned, if everybody has read this C.60:80 and the annex, it's up to you whether you'd like me to go over it, so you can clarify any points on it.

BC: I don't think--unless somebody, a member of Council has any questions arising from C.60:80 and the annexure--I think we've all read it (inaudible).

MS: Huh?

BC: Any questions of Dr. Spautz? Thank you, go ahead.

MS: No questions, eh?

BC: No.

MS: Well in that case, inasmuch as this is a partial commentary and I've not had a chance to complete it--. In fact, if I were to do the scholarly job that everyone expects in a university, it would probably take weeks or perhaps months to do, because I think an analysis of the report, in terms not only of its contents, but omissions, its strengths & limits, would require a thorough, scholarly analysis of the transcript and the tapes from which the report was made up. So, I think that what I'd like to do, if it's OK by you, is to go beyond this partial commentary and present an oral commentary on the rest of the report. Now, I --

MK: (Barely audible, asking whether I had received the letter of 1 May from Alexander)

MS: Oh yes.

BC: That has been circulated to all members of the Council (inaudible).

MS: OK, so would it be alright if I gave an oral presentation on the remainder?

BC: Yes.

MS: OK, thanks.

BC: We'll just identify that as document C1, is it?

MS: Oh, as long as we're about calling attention to other documents, I think I wrote a letter to Mr. Alexander, with copies to the members of the tribunal and Gloria, the lady who typed my commentary, and selected others; but I haven't had a chance yet to give that to the members of the tribunal, so there are four copies here. I don't think I made enough copies for everybody to get one, but everybody's welcome to look at it. So, could I submit these as part of-- all it really is, is a letter of transmittal for annex one, & I like to give people copies of letters in which I mention their names. (Inaudible)

BC: Let us look at it first, before we--

MS: Yeah--just to the four tribunal members, and you're welcome to pass it along.

?: (inaudible--something about tribunal)

MK: I think that Dr. Spautz is inclined to call the committee of enquiry a tribunal. We, of course, were a committee of the Council (inaudible).

MS: OK, I don't know if that's an important distinction; in my mind, I can't seem to see any particular significance. I think the reason I'm using that term is my, one of my legal advisers, Mr. Flick (he doesn't know he's my legal adviser, but I've been using his book as a source of information, and the whole thing I think has to do with the conduct of tribunals;) and the way he defined it there, it took it to mean that this committee, as you call it, is in fact a tribunal. I don't want to argue that point, if you want to call it a committee--

BC: We'll just circulate what you've handed in; this can be circulated and we'll identify it, I think, as C2?

MS: OK, thank you. Well, OK, I think the partial commentary went up to paragraph 7 only, so if everybody would take your reports and go to paragraph 8, I'll continue with my commentary. And these are only selected passages out of the various paragraphs which I think need to be commented on. So, Paragraph 8: there's a statement in there, and I quote (I'm leaving off a part of it, having to do with Williams): "And he" (that's me) "specifically asked to question Williams." OK, that's about ten lines or so down. Now, my comment is: in fact I invited Williams to attend, and only later did I discover that he had asked to attend and his request had been granted, no doubt on the grounds of natural justice. This bit is on my tape and can be verified on page one of the transcript. So, I just wanted to clarify that point; it made it look as if I was asking to question him only, but in fact I had asked him to attend. OK, the second quote I'd like to point out is further down a few lines: "Dr. Spautz asked for a number of other witnesses to be called, including the Chancellor, Vice Chancellor, and members of Council." So, my comments are: Why not? George, Carter, Lindgren, Curthoys, & Boettcher had been identified as possible witnesses. Ref. page C of the compilation sent to me on 12 March 80, which later became Exhibit A. Now, I spent a lot of time preparing to cross-examine them, and then they didn't even show up! Was I faked out of my shoes, as they call it in basketball? I wanted to ask the Chancellor about the significant discrepancy between exhibit A45 (a letter from him to me, in the compilation), and the minutes of the Council meeting of June 1979 (which I think are in the compilation someplace--if not, they should be). I wanted to question George about his document C.109:79 (which is in the compilation); and I wanted to question Carter et al. about C.128:79 (which is in the compilation); and I wanted to question Boettcher about his letter, which is exhibit A183. I also wanted to question other Councillors about various documents, especially exhibit A165 (which was the letter I got from Mr. Alexander after the December Council meeting, telling me, in effect, "Mikey, cut it out!" And I wanted to ask what some of those phrases meant to you Councillors). I also wanted to question you on the document, exhibit A243, which was the letter I got from Mr. Alexander after the February meeting, which presented a list of terms of reference for this just-concluded hearing. So I wanted to ask Councillors what you meant by that. None of you showed up, despite my specific request several times. Any questions on that, as to my reasons for wanting to have people? I mean, you're welcome to interrupt me with questions anytime you want.

BC: Perhaps I could say, Dr. Spautz, that before you go any further, we don't want to constrain you in any way, but the purpose of this meeting is to consider the report of the committee. At its February meeting, Council resolved that a committee of enquiry be appointed to conduct a proper enquiry into your conduct, and in particular to report on seven issues. You're aware of the findings of the committee, and it is to those findings that Council will be directing its attention. After it's heard what you have to say about them and (inaudible--something about by-law 3.6.1.6(1)). We know in your partial commentary you said you'd come to the meeting today and "expatiate at length" was your phrase.

MS: Yeah.

BC: I think you'd understand that it would be--I don't think we could allow any sort of unrestrained wandering, and I think that if you can speak to the issues to which Council will be directing its attention, if you can make your points as briefly as you can, I think we'll be all better served.

MS: Well, are you suggesting, in effect, that I skip over some of these paragraphs and get down to the nitty-gritty--terms of reference, terms of reference?

BC: I think the nitty-gritty would be--

MS: I would like to go on record as saying that to the extent that this report includes all sorts of information--general background, letter of instruction, procedural matters--all of these things are germane, and I think that sometime, someplace I should be entitled to comment on these things before you make any decisions. Like the reconciliation, for example. I think that's a very important one because it brings into question--put it, it's like Pandora's box, isn't it? All kinds of things will come out of that! And I think that those things are germane; they're in the report, I think I'm entitled to comment on the report; and I know, if I were to do an adequate job it would take weeks to prepare and at least days to deliver. Now, supposing I were to jump down to the nitty-gritty; like to page 15, which is the first reference, paragraph 27: what about all the stuff in between? When am I going to have a chance to comment and in some cases rebut statements made in there, many of which I think have to be commented on and rebutted before you can make an intelligent decision on any kind of motions put?

BC: Please take your own course, but bear in mind, be as brief as you can, and as I say, the essential features.

MS: Well, to me they're all essential, otherwise they wouldn't be in this report. Now, unless maybe you can short-circuit this whole thing, if you want to propose a motion and have somebody second it and vote on it, to gag me, or something; or tell me to jump ahead to the nitty-gritty, I'll do that.

BC: No, no; go, as I said, take your own course (inaudible)--briefly.

MS: I've already done that, I've only selected out certain things to comment on, not the entire thing, word for word, which I could have done, if I were really going to be scholarly about it. OK. In paragraph 8, in relation to Smyrk, Dunlop & Dickenson, I quote: "It did not appear to the committee that it was necessary to call their evidence." My comments: In the first place, Dunlop had been listed also as a "possible witness" by Mr. Farrell, and I had spent considerable time preparing questions on his notorious, defamatory letter to the Chancellor, Exhibit 128--only to be frustrated. As for the others, I wanted to show them up for the reprehensible boot-lickers that they are, as proven by various documents, including Exhibits A129 & A74. (All of those are in the compilation; I think you've received copies, they're dated some months ago.) And it might be pointed out that Smyrk, one of the witnesses that I requested, refused to appear, and that his refusal was witnessed by Mr. Farrell (see the transcript somewhere--I can't find the page offhand, but it's in there). And that's despite Council's instructions that witnesses should come! I understand that Mr. Smyrk has taken a job elsewhere, and so maybe he feels that he can defy Council; which is unfortunate, in the interest of justice, because I think that Smyrk would have some very interesting things to say to this hearing, and I wanted to cross-examine him on some very defamatory documents which I accused him of having sent to me, postings on my door, etc. And I wanted to have his testimony on those damaging, defamatory, false statements. OK, another quote from that same paragraph: "Likewise, the request to call three additional students (Mr. Pope, Mr. Rennie & Miss Joliffe) was either not pressed or not shown to the committee to be sufficiently relevant to the terms of reference and the matters seriously in dispute." My comment: Hogwash! At various times I argued forcefully that I needed those witnesses to: counteract Vanvalen's false testimony (and that was Rennie--I wanted him for that purpose); tell about what happened in summer school (Pope--one of the tribunal's own "possible witnesses"--that's what I wanted him for); corroborate a damaging, scuttlebutty statement made in a document signed by a University administrator (and that was Miss Joliffe--who could also serve to counter-balance Vanvalen's false, boot-licking testimony). So much for paragraph 8. Any questions on that one? Well, paragraph 9: this is in re the general background of this ruddy fiasco. I quote: "Dr. Spautz was an applicant for the Chair on the first two occasions. He was not appointed." OK, in the first place, I wonder what the relevance of that is. In fact, it seems to me that somebody is violating a confidential relationship that I have with the University! I have not gone around broadcasting that fact, and in fact somebody else has interjected that as some false insinuation as to my motivation on this campaign for justice. Alright, I want to make that very plain, that I wonder if that's "normal academic practice", or is that "normal administrative practice" in this University? If so, I say: "Shame!" OK, comments: Yes, I was a candidate for that same chair, on the first two occasions. But Prof. Jager, the Head of the Department on the first occasion (that was 1974, after I'd only been here for a few months)--Prof. Jager told me that I had finished second (on the first occasion); but that someone on the selection committee (and he named Prof. King) had suggested (because of my impressive qualifications, perhaps?--and that's in parens, that's not what he said, that's my question, in parens), I might be given Associate Professorship--which I ignored. Nothing came of it; I never applied, I never pressed the issue. But I would like to call that fact--I allege it's a fact--to your attention, and if you doubt it you can bring in Prof. Jager, and I'll question him on it in your presence. See, I don't like to allege things about what people said unless they're here to rebut, or to agree, see? Now, after the second episode (in 1975, and that is the second application that I made for the chair), Prof. Watts, who was on the committee at that time and who was at that time, I think, Chairman of the Department as well, he came to me privately and told me: "forget about it, Mike; you don't have a chance because you're not broad enough in business; in other words, you have not studied or had experience in accounting, marketing, production, finance, etc. To which I agreed! Alright, I'm a psychologist and an ethicologist. My background is mainly in the arts and sciences, and only by way of avocation in the field of business. I see it's my job to apply what I know from the arts & sciences in the field of business



and thereby help educate other people; my students, my colleagues, the public, in business management, organizational behavior, ethics, etc.--which will round out their education and transcend their narrow vocational experience, studies in things like finance, marketing, production. OK, the second thing that Watts said was wrong was: I don't have enough publications in top-rate journals. Which is true, but I ask: Who does? Prof. Jager told me much the same. Now, in 1976, the third time this chair was advertised, near the deadline for applications Prof. Jager (once again I apologize for quoting him in his absence--you can send for him if you wish--or at least I'll allow him to listen to my tapes and read my transcript, and allow him to rebut later)--but anyway, Prof. Jager approached me, in my office, near the deadline, asking me if I was planning to apply again; and he said that he would even support me, believe it or not! Now, I don't know whether he'd studied the applicants, their applications that had been received up until that time; I don't know, he didn't tell me; but I tell you, it was near the deadline, and I gathered from that that he would like to see me be a candidate. Now, I declined, since: a) I had been told of my weaknesses the year before--which I accepted; & b) by that time I was deep into the work on my first book, on ethicology, and preferred to work on that instead of getting involved in administration of the MBA program. So I was not a competitor against Williams. But I told Prof. Jager that I hoped and trusted that he would get a high-quality professor to head up the MBA program--and he said he guaranteed that he would do that. OK, the next quote: "Dr. Spautz suggested to the committee that during the initial phase of his relationship with Williams, there was nothing amiss." (Now, going on to say, of course, that Williams denied it.) Now, my comment: The two people best qualified to judge this matter--Prof. Jager & Mr. Ted Burke--sided with me on this; and I invite you to study the transcript, pages 220 & 298, respectively. Now, you want me to quote therefrom?

BC: I don't think that's necessary.

MS: Well, I would hope that people would check my allegations here, before you make any decisions. How can anyone seriously take Williams' word for it to the contrary (ref. page 356 of the transcript)? OK, third quotation (and here we're talking about my colleague George Ferris)--in quotes: "...said that Dr. Spautz was disappointed when he saw his chances of being appointed Head of School recede with the appointment of ... Williams." Comments: Baloney! Where does Kirby get the right to report an uncorroborated opinion of George Ferris, as to my motives? Besides, as I said earlier, others have contradicted him: Ted Burke (see page 297 of the transcript). I understood when I went into the hearing that we would be searching for facts, and not bloody scuttle-butt, if you don't mind my saying it. And I question anybody's right to put such personal opinions into a report which is supposed to be getting at factual issues. Now, that's all I've had time to prepare in writing, which I wanted to have typed up, but I ran out of time. But I do have a lot of other notes, which are sort of in rough form, so going to have to bear with me. These comments, quotations and so on will not be as well thought out, well presented as the ones I've just gone through; but continuing with paragraph 9 (and that's on page 6 of the report): I'd like to quote Williams, where he is in effect reporting what happened on the very first day--Sept 25th, 1978. And this is on the tapes and in the transcript, page 356. As it says here, Williams says: "Some very real, nevertheless veiled threats--"

BC: This is in the report, by the way? (Inaudible)

MS: Yes, yes, near the top of page 6: "Some very real, nevertheless veiled threats of what he intended to do with the information he believed he then had. There was a clear implication of (the fact that) he had the means of destroying me, to bring about my dismissal, to disgrace me and things of this kind. And that was right at the very outset" (which of course he meant offset; I mean he really said "offset", but it's been translated to "outset"), "the first discussion we actually had in this matter." Now, I wonder, is Professor Williams paranoid? In fact, when I showed him the evidence, if there were "veiled threats" they were in his mind. OK, my intention was to show to him, to demonstrate to him why I could not accept his promotion to Section Head. I could not in good conscience accept a man whose work is of such questionable validity. And at that time I wasn't even thinking about the possibility of any kind of fraud. This was well before any plagiarism; I had not really analyzed the thing in detail; I had only spent the weekend verifying the allegations I had received from Dowling & Guilhaus, who had tipped me off. And I felt ethically obliged to call it to Williams' attention, and to tell him in no uncertain terms that for this reason I could not accept his promotion, that is, appointment or election, to Section Head. That's my version. Now, the next paragraph says: "At this stage, Dr. Spautz's objection to Professor Williams' thesis appeared to be related to an alleged defect in the model" etc. Well, I see that as a gross understatement, to say the least! It was not a "defect"; it was a question of the validity of the entire thesis and its conclusions. To use the word "defect", I think, is perhaps, you know, unintentionally--but there it is, it's a gross understatement! In the first place, there was a very significant defect (if you want to call it that) in the model--several! The cause & effect happens to be reversed on the two most important variables in the whole thesis. And there are numerous others which I'm not disputing at this point--some of them, yes. But at this point, the main ones: OK, if you want to call that a mere defect--I doubt it. OK, and it says it's "an alleged defect in the model". Well, that phrase in toto is inappropriate, because in fact the main argument wasn't even about the model, it was about the statistics: almost completely spurious! And I've proven that, to the satisfaction not only of myself, but to several

other people who have admitted to me in private. And of course they are afraid to come forth and testify to that effect for fear of the repercussions on their own careers. I'm the only one I know who has the luxury, if you will, the luxury of being able to say what I think, pursue a campaign for justice, and not worry about any possible repercussions. That is, I don't have a family to support, I have tenure, I have my Ph.D., I have two books now in the works (one of which is Corruption in Australian Universities)--and what have I got to lose? I'm the only one who can afford to get railroaded; nobody else has that luxury. Now, jumping down and skipping over a few things which I could challenge, I would like to quote Williams again and comment on that quotation. Talking about my behavior at the time of the confrontation on 25 Sept 78, Williams said: "I found the matter very curious myself, in fact it alarmed me considerably to see his state of agitation on the matter that I believed he had unwittingly or deliberately had grossly misunderstood". Well, the "state of agitation": of course, I would be abnormal on the low side if I had not been agitated, under those circumstances! In fact, it's a mystery to me, a wonder why Williams himself wasn't agitated. I had the impression that he already knew about all this--why would he be "agitated"? He was agitated or upset because he had been caught out! I was agitated because this sort of confrontation I'd never experienced in my life, I hope I never do again, and I hope none of you are in that position ever. In fact, I think that by his own admission, calling me agitated or emotionally involved, I think that that gives lie to the comment made in the bloody, notorious Carter report to the effect that I'm "emotionally trammelled"--whatever in the hell that means! And at this point I may as well call to the attention of people, in case I'm cut off and can't get back to it: ethical people do not entirely suppress their emotions; they use them constructively--that's what they're for! Now, Williams ends up with this quotation, in his quotation, with the word "Misunderstood." Well, nobody ever pointed out to me in what sense I misunderstood what he was doing--he hasn't done it himself, he evaded it. Nobody has shown me in what sense I misunderstood, either "unwittingly or deliberately". And I challenge anybody, I'll debate it. In fact, I'm going to issue a memo to the whole campus, debating this very issue. All comers, any forum, at our mutual convenience. Now, I quote from the report, in the same paragraph: "He voiced his objections to ... Williams orally to his colleagues." (Referring to me.) Alright, that's near the bottom of page 6. Again, I say "hogwash!". During that meeting which is being referred to there, Nov. 1, 1978, I was not allowed to voice any objections. I was cut off after about the fourth or fifth relatively trivial question in my long list thereof--I had about 20--I was not allowed to voice my objections; I was not allowed to bring a tape recorder so I could present them; I was not allowed to have a secretary take minutes; I wasn't allowed to do much at all!

MK: (Inaudible)

MS: Oh, that is to challenge any and all comers to debate on these very issues, where Williams claimed that I misunderstood either ... unwittingly or deliberately. Alright, that is the memo I'm prepared to issue to the whole campus, to take on all comers, debating those very points. After all, they won't let me debate it in the literature. Where else, what forum? Do you want to invite Williams in, and we'll do it here? OK, top of page ...

BC: Before you go on, ...

MS: Yes?

BC: (Inaudible) I find some difficulty with your approach, Of course, as we say, it was an opportunity for you to comment on the findings of the report, on the report and its findings. It is not intended as an opportunity for you to supplement evidence already given to the committee of enquiry, further material, which could have been given to the committee.

MS: It was, it's in there someplace, this is a very selective ...

BC: It's not an opportunity to repeat material given to the Committee, as recorded in the transcript of the hearings and in the report. (Inaudible) Brief it up!

MS: Well, if everybody had studied the transcript I wouldn't have to be doing this, would I? And the exhibits, by the way, numerous, numerous exhibits which were not commented on in the report. And in fact the transcript, vol. 4, wasn't mentioned anywhere! I think the report was prepared before this one was available--I mean I'm not questioning that. But I think that the report ought to be put out in a second edition so as to incorporate the fourth volume of the transcript. And a lot of exhibits which I subsequently submitted, which were given a letter, I think MM--numerous, numerous documents that are not commented on. Now, am I not allowed to comment on those? Where & when can I do so?

BC: On the report, you're saying, do I understand you to say, the report excluded relevant material?

MS: Oh, definitely!

BC: And the relevant material being ... ?

MS: Most of the exhibits--in fact I think I issued a memo recently to that effect, which I don't think has been received officially as a part of the hearing. But I pointed out that only a fraction of any of the exhibits were commented on and I think they were selected for a purpose. I consider them a very biased sample of the exhibits.

BC: Bear in mind, you must use the word relevant.

MS: Yes, relevant, definitely. Ah, they are relevant by definition: they've been accepted as exhibits.

MK: (Inaudible)

MS: Yes, I understand that. I'm not asking for them all, I'm asking for a representative sample. I allege that the report does not include a representative sample, and in fact it leaves out an entire volume of the transcript, which I think is prima facie evidence of that statement.

BC: You say it omits something in particular?

MS: Oh yes, I'm prepared to make a lot of quotations out of the missing transcript volume 4, before I'm finished here today. Top of page 7: ...

BC: I should point out perhaps, Dr. Spautz, that the entire transcript and the exhibits have been available to members of Council, they've been given an opportunity to read them.

MS: Well, they're not very available. I understand that some Councillor tried to borrow them and was told that they are only available in the office. Which I can understand; it would be very expensive to reproduce the entire transcript for all Councillors, to let them study it in their own homes, at their own leisure, sipping on a glass of wine, maybe. But I rather doubt if any more than one Councillor has in fact studied the transcript--is that right? Could I have a show of hands?

BC: No, I don't think we'll do, answer that. I'll merely say that they've been available to members of Council, and I say of myself that I've read the transcript.

MS: The entire transcript?

BC: Yes.

MS: Good show! All right, now, at the top of page 7 there's a comment. I'm not going to read the whole thing but, that the rest of the Management Section gave Williams sort of a vote of confidence. I say, "so what?" By their own admission, at least 2 of the people who signed that statement were ignorant of the facts. I had not been allowed to present my case, and they testified at the hearing that they didn't know the gist of the dispute as it had developed to that point. Two others, namely Dowling and Guilhaus, had their names on that vote of confidence, which I consider fraudulent in view of the fact that they blew the whistle to me! So I wonder how valuable that phony vote of confidence was. I don't know about the likes of Smyrk, Walker, etc., who were present, whether they knew what they were doing. But I'll tell you this, they had been stamped into something in ignorance, and I question the ethical value of such phony votes of confidence, or their validity--especially since this was way back, 1 Nov. 78. I say: "So what?" They didn't even know about the plagiarism; they didn't know about the spurious statistics or the inverted cause & effect. And in fact to this day some of them still don't know because they have not studied the evidence! So I say: "So what?" Now, para 10 talks about the V-C's "detailed course of events" (and that's in doc. C.109:79); I say that was a very selective, very biased account, and I have never had a chance to rebut that. I mean I've done it, but I have not had an official chance, and I haven't had a chance to question the author, which is what I wanted to do at the hearing, especially as he was listed as a possible witness and I had spent a tremendous amount of time preparing for that cross-examination, only to be frustrated. Paragraph 11: on page 380 of the transcript, Williams claims to have sent the plagiarism evidence overseas, along with this exhibit here. Which by the way has never been submitted, so I would like to submit it now. Exhibit NN--is that the next one on the list? It has my comments in it.

BC: Could I just stop there one minute? That's the thesis of Professor Williams, is it?

MS: Yes--my commentary is in it.

BC: Now, I think you are proposing that it be an exhibit ...

MS: To add to the compilation.

BC: For the enquiry, or for the Council?

MS: Well, I don't care, ...

BC: It's too late for that, at any rate.

MS: Well, we accepted two other exhibits earlier today, what's wrong with accepting another one? In fact, this was in the possession of Prof. George for 2 or 3 months, and after a few weeks he came out with his report dated October sometime, to present to Council. That's document C.109:79, in which in commenting on my charges against Williams as to the invalidity, Prof. George says, "Well, as to those charges I'm not very well informed". I can't understand the V-C parading his ignorance like that, for all and sundry to see, in an official Council document, especially since he had the bloody thing in his possession for weeks! OK, para 11. I'm continuing that comment on Williams' saying that he had sent this thing across the ocean; 24 people examined this at his request, and he specifically asked them to question, to examine my comments--which he admitted were not defamatory, not intemperate, nothing. I mean, just comments.

And he alleges that without exception they all gave it a clean bill of health, etc. (I'm paraphrasing). I asked him how many of those people had examined the plagiarism evidence. He said 8. Well, I'm very dubious about that, because the plagiarism evidence hadn't come out until very late. He gave me back this thing in August, and I don't even think I had even finished sending out the evidence! How could it have been circulated around 8 people in England &/or America? You believe it? OK, para 12: and I'm being quoted here from my famous exhibit in the compilation: "Now I say to you Al, why don't you simply resign from your obviously ill-gotten position and prevent a public scandal?" Yes, I don't want a public scandal, I don't want any kind of scandal. All I want is justice! Para 13, page 8, last paragraph in the quotation from the Carter report says: "It is important, however, that Council should not make any pre-judgments, nor should it make any statement which could hamper (attempts) to seek a satisfactory solution of the problem." Well, if that's the case, how come there was a statement which in effect was a communications blackout, which I saw as hampering attempts to seek a satisfactory solution to the problem? Elsewhere in that document, it's not quoted here in detail, ah, there's some statement--or maybe it was in the minutes, I think it was in the minutes where Prof. Carter was expatiating on his report: I think he made some remark to the effect that "we don't want to do anything that would cut off communications with Dr. Spautz". And then he went right ahead and did it anyway! OK, para 14. Well, somewhere in that compilation--I haven't had a chance to figure out all the exact references--but, there's my version of the Carter committee report, which is the subject of this para 14; my version of what happened at what I call the Carter Inquisition was left out of the compilation, apparently considered irrelevant. But later on I presented it, and it was given an exhibit number, letter. I don't know which one it is, but I call it to your attention because now it's an official part of the proceedings in front of us, and I think it has a lot of merit. In fact, I nominated it amongst my top 10 documents in my own defence. I consider it a fairly scholarly transcript, with commentary, of what happened in the sessions I was allowed to attend. Of course it does not include anything having to do with the sessions that I was excluded from, namely, interviews with students. It only includes my version of what happened in the interviews where I was present, which included those with my colleagues, where I might tell you again (it's in writing here someplace) my colleagues, at least some of them, said to the Carter Committee that they would not testify unless I was allowed to be present. (For which I thank them--and they did so on the grounds of natural justice, ethically conceived, if not legally.) Now, students: every one, with one exception, on the way into the Carter hearing said that they would not mind my sitting in. I had specifically requested to sit in, as I had done with my colleagues; but I think I was excluded because they didn't want me to issue a transcript, as I had done with my colleagues. I was told that the reason for being excluded was that I, or my presence, would tend to intimidate the students--which I think is sort of ridiculous under the circumstances. In fact, none of them, to my knowledge, were at that time my students--my students didn't attend. And by the way, neither did any of my colleagues in the Management Section attend those hearings--which I'm very curious about. That is, to my knowledge. If they attended I didn't know about their attendance. I to this day have no idea as to whether a single member from the Management Section, with the exception of Williams, attended any of the Carter inquisition hearings. Isn't that a very curious ...

BC: I must object to the word inquisition. This was a committee of enquiry established by the Council of the University. There is repeated in here part of a report of the committee, and Council took certain decisions, and they are repeated here too in the report. I don't think we can go into your beliefs about matters, taking into account either the Carter committee or the Council.

MS: OK, para 15. At the beginning of the resolution shown there, resolution 299/79, it says "that Council, having considered the Report, C.128:79" etc.--ah, now I don't know if this is an important point, but I can't find in the minutes any evidence that the report had ever even been accepted or received--received or accepted.

BC: (Inaudible)

MS: Yeah, alright; but in fact, if I remember, at the very beginning this morning, when the chairman presented his report, C.55:80, it was received. Alright, and I would gather that'll be in the minutes, it's been received, we're discussing it, and so on. Now, that never happened with the Carter report, and I'm wondering whether that has any significance, legal, ethical, ...

BC: (Inaudible)

MS: Alright, inasmuch as there are apparently no standing orders, as they have in the Senate, or at least in the Faculties that I know of, I guess Council doesn't have to worry about whether or not a document has actually been officially received or accepted--they just go ahead and consider it. Alright, but I tell you I've been studying the minutes to verify this. Now, on the next page, 9, para 4 (and I'm skipping over a lot that I could comment on--in fact I have commented on a lot of this stuff elsewhere, but not this particular set of points)--para 4 says: "That Council inform Dr. Spautz that if he disobeys any direction contained in the foregoing resolutions (etc.)". Now, that's a very curious way of putting it because items 5 & 6 which follow later became terms of reference for the hearing. Now, I say that this is documentary proof that



the terms of reference dealing with the matters in paragraphs 5 & 6 are illegitimate; any discussion in the hearing, as recorded on the tapes, transcript, report having to do with those matters, the substance of paragraphs 5 & 6, all statements contained therein are irrelevant. And I think that this report, C.55:80, should be put out in a second edition, expunging all statements bearing on paragraphs 5 & 6, because I was not on notice! Para 16: near the end, it says "the course was not taken of enclosing the precise terms of the resolution of the Council." Yes, I agree, only parts of it. In fact, I didn't ever see those two paragraphs, 5 & 6, until much later, and I think they were left off (I mean, I have to use my own judgment, I guess, on this, because I can't prove it), but I think that this curious way of presenting this set of instructions and decisions, etc., was designed in a sort of pseudo-legalistic, deceptive, machiavellian fashion because the drafters (and the Council, I would gather) recognized the illegitimacy of what was going on in these paragraphs 5 & 6. That's why I wasn't put on notice of it; that's why those parts were left out. In other words, I don't think Council was in a position to discipline me in any fashion, which would, which is what relocating me or evicting me from my office, and being not required to teach (as it's euphemistically phrased here); in fact, later on that was translated into not allowed to teach--pollution of the English language, 1984-style! Now, I think in retrospect everyone should recognize that those two moves by Council would have been contrary to by-laws, and that's why they were not even conveyed to me. I say the whole god-damned thing is fraudulent! Alright, para 17: going down to the 4th paragraph, it says here, "directed by Council to stop forthwith conducting what you yourself have called your campaign", etc. That's false! I have challenged everybody to verify that statement. Nobody's been able to do it, there's no documentary evidence, and in fact it's completely false. I've never called it my "campaign against Williams". If I've ever said those words, it was in quoting somebody else, or denying it. So once again I say that the 17 December letter is internally fraudulent and I notice from the minutes that that phrase "what you yourself have called", was not in the original proposed resolution. But somebody (it doesn't say in the minutes who), but somebody prevailed on the rest of you to insert that. I would like to know who it was--would you mind identifying yourself, because I consider that a fraudulent statement!

BC: The decision of Council ...

MS: OK, I want to know who proposed that phrase, because it's false and defamatory! OK?

BC: By a decision of Council we will not identify (inaudible).

MS: Well, OK, would you want to volunteer? If you don't have to do it, but would you volunteer? Because I would like to debate this with you, on this topic, if you don't mind. You're not required, but I'd like to find out who did it, because I have a bone to pick with you. (Pause) OK, I pass on para 18. Para 19 I've already done, because it's a very important one--would anybody like to discuss it? This was in my partial commentary. In fact, it was the first one I wrote.

BC: (Inaudible), that was on the 5th of May?

MS: I think it may be in several places, yes. Anybody like to comment on that, or ask questions on it?

SD: (Inaudible)

BC: This is the question of administering an oath.

MK: Well, you're normally limited to giving an oath before a court. We were not a court, we were not a tribunal, we were a committee of the Council, and therefore we were not authorized to administer an oath, and to do so would be to call us to be a court, which we were not. And I think there have been cases in NSW where people were punished for administering an oath, where they were not a court, and I was not minded to submit myself to such punishment.

MS: Well, I've been quoted in the transcript, and I'll say it again, that I did testify under oath, and I'm testifying under oath again today. Maybe I'll swear on ...

MK: Dr. Spautz, if you're an atheist, ...

MS: No, I'm an agnostic, sir.

MK: (Inaudible--something about nonbelievers not being given oaths.)

MS: Well, is that a part of the law too, that agnostics are not allowed to, or that it's invalid if they do?

MK: (Inaudible--something to the effect that taking an oath assumes belief in a deity.)

MS: I have a deity, it's called "Mother Nature". So, God is a woman--how does that grab ya?

MK: It's somewhat unimportant.

MS: It's not to me, it's not to me, because I'm the only one who went on record saying that everything he was saying was under oath. Nobody else did that, so therefore ...

MK: (Inaudible)

MS: I asked, I wanted to put them under oath, and I wasn't allowed to do that either. So, I say everybody who testified might have told lies knowingly, and in fact I'm convinced that some of them did. In fact, they even contradicted themselves. OK, para 20: it says, "He" (meaning me) "objected to the Chairman on additional grounds, particularly the statement of particulars of the general charge which he alleged were additional heads of inquiry, not authorized by the Council." Yes, I alleged it, and it's true! Look in the compilation, you'll see, they're additional terms of reference. They were not authorized by Council; I pointed that out, and "they were not pursued". And before I forget it, in case I didn't impress it upon you earlier, and in case I neglect to do so elsewhere, I'd like to point out that as a result of having been presented with those two new terms of reference on the 14th of March, no the 12th I guess (it was 2 weeks before the hearing started), in effect I was deprived of my right under the by-laws to have the 28-day advance notice of the nature of the enquiry; because those two new terms of reference in fact changed the nature of the enquiry drastically! As I said in writing, and I say it again, those two new terms of reference which were presented to me by themselves were far more serious than the other seven combined. And I spent a lot of time trying to figure out how I could defend myself against two new, unauthorized, illegitimate, trumped-up charges. And in so doing I was deprived of the time that I needed to prepare for the other ones. I say that that's prima facie evidence that I was deprived of those 28 days notice. I was in effect given considerably less than that when you dock the time I was diverting to the two new illegitimate ones. I think I could make a strong case in Court, and if I get railroaded I can assure you I'll do that. I say the by-laws have been violated--not just that one, but others as well. Now, the last sentence in para 20 says: "Its concern was solely the factual material as it existed and as it was proved to the committee." Well, I'm a scientist, and to me the word "factual" apparently means something different from what it means to judges, chairmen of committees, lawyers, etc. I see that the report consists mainly of scuttlebutt, not factual material. Now, it's a fact, for example, that Vanvalen accused me of bribery &/or blackmail (they can't make up their minds on what crime I committed!). OK, it's a fact that he said it, but I say "hogwash!" The fact is that he said it, but it's not a fact that I did it! So, I say that if you want to make this into a bona fide, as opposed to fraudulent, report, C.55:80, it ought to be rewritten entirely to expunge all scuttlebutt, personal opinions. Stick to the nitty-gritty facts! Otherwise it's pseudo-scientific. But maybe that's the way they wanted it? All right, I could expatiate at length on that one because there are a lot of such statements that I take exception to. I did so at the hearing, they're in the transcription, and in a lot of cases I was cut off before I could finish off those rascals! Para 21 talks about the failure of Council (and therefore the committee of enquiry, which consisted of 4 Councillors), failure to abide by Council Resolution 151/70. I say that is reprehensible, to say the least. In fact, I would like, with your permission, to read from the transcript itself, the exchange that I had with the Chairman.

BC: Dr. Spautz, is it worth doing that?

MS: It is to me.

BC: As is pointed out here, that resolution of 1970, ... Council merely noted a submission of the then V-C, concerning the handling of allegations, etc. It merely noted it. It's well within Council's power, and this is brought out in the report, to do other things entirely.

MS: Well, that has surface validity to it, but that's not what the transcript says. I say that the report has been falsified. This is what it says in the transcript, after I had complained about that maneuver, strategic maneuver, on the part of Council.

MK: What page is that?

MS: Page, well, pages 17 & 18. Go to page 18 of the transcript, and I'll quote directly therefrom. The Chairman says (it says "Judge" here, but that was a term of courtesy used throughout), and this is an exact quote: "But the Vice-Chancellor by a hundred letters cannot commit the Council of the University to a particular procedure or course of action. It is for the Council to lay down its procedures and so long as it does so consistent with the Act and consistent with the by-laws, that's it." I said: "Sir, I consider that a fraudulent statement! I consider that the Vice-Chancellor issued me that letter first of all with the intention of following it. I had no reason at the time, and I still don't, to believe that he did not intend to follow Council resolution 151/70. In fact, I gave him the benefit of whatever doubt I had in my mind. I had no reason to suspect that he had any ulterior motives, that he was misleading me or whatever. But as events transpired, it seems as if for one reason or another (and I can well imagine what some of the reasons might be), he saw fit to evade his responsibilities, his commitment. Which is, I take it, not only a moral obligation, a social contract if you will, but it seems to me that being chief executive of the University, he should be held accountable for his commitments and the Council should hold him accountable!" So, Mr. Kirby says: "Dr. Spautz, that is not within our terms of reference. That is not within the terms of reference of this committee." And I said: "All right, that holds true for some of these other arguments of mine, but the fact is that this is an a priori consideration, and I think it has to be settled before we get into the terms of reference; the reason being that his commitment to me was that the composition of any committee of enquiry would include certain, put it like this, roles." (And by the way, excuse me, let me take an aside for a moment. That information is not in the trans-

cript, but it's on my tape, because the transcript ... petered out there, and the girl didn't get that on.) Now, listen to this, Mr. Kirby comes back and says: "Dr. Spautz, it wasn't for the Vice-Chancellor to make commitments to you" (and he's not referring to Auchmuty, he's referring to George--that's an aside, by the way), "wasn't for the Vice-Chancellor to make commitments to you, it's for the Council of the University, with the government of the University under the Statutes to decide its procedures in respect of this matter." (And I'm interpolating here a statement which is not in the transcript, but it's on my tape: "In that case, I hereby accuse him of malfeasance in office." (Alright, I don't know why that was left out of the transcript, but it's on the tape. And I'm going back to the transcript now.) This is the Chairman: "So long as it does so consistent with the Act and the by-laws; that's it, and consistent with the Act and by-laws this committee has been set up. We are really wasting a tremendous amount of time on what appear to me to be meritless procedural objections and we're not getting to the substance of the matter." So I said: "OK, I would like to make this comment on record: I hereby accuse you of malfeasance in office, for allowing the chief executive of the University to mislead me and all of Council into the false belief that he was going to follow Council resolution 151/70. And he didn't do it for whatever reason, and I think that that is prima facie evidence of malfeasance in office on the part of the Council, including yourself, sir!" So, Kirby comes back: "Yes, well I note that submission and I reject it. Now it seems to me to have absolutely nothing whatever to do with the terms of reference before this committee." And I said: "It has to do with the legitimacy of the whole fraudulent hearing, sir!" And Kirby comes back: "The Council has set up this committee to proceed to enquiry, and the committee is doing that. Now, would you get on." And I said: "It is not a proper enquiry, sir, it is not a proper enquiry! It's in violation of the by-laws!" So he says: "Well, you'll be entitled to say that later on. I'd like you to proceed with your next submission." And I said: "I'll be entitled to come back to these things, will I? That's good. As long as they aren't going to be swept under the rug! OK, I have already gone on record as specifying that all Councillors have indicated prejudice by virtue of their not allowing me to rebut the false and defamatory arguments, allegations in the Carter report. And I specify that that holds true for all the present members of the tribunal, including yourself. And I think that the Vice-Chancellor himself has to be called to task for prejudice and in so doing misleading Councillors into constituting a committee wrongfully, to investigate a whistle-blower and leaving the blowee entirely out of consideration. I consider the whole thing prima facie evidence of prejudice on the part of the Vice-Chancellor and all the people that he has misled. For example, look at his ...". And I'm cut off by the Chairman: "We have been through this before, haven't we? Isn't this something that you made a previous submission about in relation to the suggestion that we should disqualify ourselves? It seems to me to be exactly the same argument." So I said: "Well, this is expanding on that. I'm sorry, I guess that it is, more or less, really." And I said ... then I get into a few other procedural matters which also, in most cases, were either postponed until some indefinite "later" time, or dismissed, or declared from, you know, ex cathedra from the chair, to be without merit.

BC: We will note that (inaudible).

MS: I would hope so; I don't know how you can escape it. We can do it either now, or in Court later, or both. Para 22: ah, go down a few lines. I quote: "He complained" (that's me), "He complained that he had not been given a copy of the Carter committee report. (Transcript, page 29) But this did not appear relevant to our inquiry and in any case was something which this committee could not cure." (Which I think is documentary proof that even Mr. Kirby had some reservations, to say the least, about the validity of the bloody Carter report.) Also, failure to get a copy of the Carter report until 14 March 80 prevented me from knowing what the ruddy "ambit" was, that I was forbidden to do anything that was contained therein. In December I was issued with a set of ambiguously pseudo-legalistic decisions, instructions, orders-from-headquarters (if you want to call them that), which featured very prominently the command, the command that I don't do what it says in the "ambit". So, I wondered what in the devil this "ambit" was all about. I had never seen that before. All I knew was that the Carter committee was supposed to find out the substance. So they, as it turned out later, defined "ambit", and they did not define "substance". To this day I have not seen anybody's definition, except my own, of what the "substance" is all about. It says someplace in this report that I knew. Yeah, it's true, I knew. But why didn't they put it in writing? Were they afraid to put it in writing? We all know what the "substance" is: the dispute is whether or not Williams' presence in this University is legitimate, in view of all the evidence about his incompetence. Not necessarily general incompetence, because he's very competent in doing certain things: spelling, punctuation, misleading people, writing secret defamatory letters to the V-C. All right, he's very competent in those things--so's the Mafia! Very competent in finding statements in the literature which he appreciates and incorporating them into his own work, making it look as if it's his own. He's very competent. Big deal! Para 23: it says here, about the Chancellor's deletion of the 8th head of enquiry, which you may recall was authorized by Council as a part of I think Resolution 299/79, as recorded in the minutes. The 8th term of reference was that the committee of enquiry report back two things, two additional things, to Council. Namely, whether or not what I had done (allegedly done, that is), was of such serious nature as to render me unfit to hold my office under the by-laws; and if so, what sort of disciplinary measures might follow

therefrom. Alright, now, it says here that that was "certainly warranted" to exclude that term of reference; and I think that what the writer of this report, Kirby, meant by that, was that in the preamble to the resolution 299/79 it said something to the effect that after consultation with the solicitors and with Mr. Kirby, that the Chancellor would have the authority to determine their final, that is the terms of reference, final expression. Now, I took that to mean that the Council had authorized in principle all of the terms of reference, and that it was a question of how they were to be expressed. It was not a question of adding or deleting any of them--which I think, once again, is distortion of the English language to say "to determine their final expression" means that the Chancellor has the authority to either delete or add to the authorized terms of reference. Now, so we observe the interesting spectacle that we've had one deleted and two added in the course of this ruddy fiasco! I say that it was not "Certainly warranted." Now, going down a few lines, it says: "Dr. Spautz asked for a transcript and even videotape replay of the proceedings." Alright, I admit it. Gawd, I was being sarcastic, and you didn't even realize it! I mean, that's like "casting pearls before swine" or something--you've heard that expression, haven't you? Videotape replay. Of course there was no videotape there; but I tell you this, it would have been real nice to have one. I'd like to see this whole thing on television. By the way, could we have a videotape machine for the rest of the day? (You know, I'm being sarcastic.) In the interest of justice. Para 24--we've already done that. But I would like to emphasize the first sentence is completely, and I suspect maliciously, false. It says: "Dr. Spautz objected to the presence of Mr. Mitchell". I say "hogwash!". If you want to read the transcript, ...

BC: We take the point.

MS: OK

GC: May I ask, Dr. Spautz, a question to the point, on the statement you claim to be incorrect (inaudible)? But I do understand that you objected to the presence of Mr. Pran Chopra representing the Staff Association at the hearing. I would like to know on what grounds you objected to his presence.

MS: Well, I think that's in the transcript someplace; and it's also in writing, I believe, elsewhere, in a letter. It wasn't that I was objecting to any representation from the Staff Association--in fact I welcomed that. I would like to have the whole membership of the Staff Association, you know, the entire University staff in on it. I wanted the whole thing to be open, you know, thrown open. Put the hearings in the Great Hall, alright, and let journalists and everybody come in, television cameras--like they did in the Alger Hiss frameup, right? I'd like to see that. Nixon got to be president on the basis of that frameup--at least some people think it was a frameup.

MK: (Inaudible)

MS: OK, let me clarify. I objected only to the choice of Mr. Chopra, and that wasn't on any personal grounds--I hardly know the man. But I objected on the ground that he had written to me a reply to a letter in which I wanted to get the Staff Association's view on this question: When a Councillor who is also an executive of the Staff Association is in a conflict of interests, which of the two roles, or which of many roles that he might have, would, or should transcend the other. In other words, what I was driving at is, Prof. Curthoys in particular--although it could have also applied to--later--could have applied to Prof. Dutton, because both of them are executives of the Staff Association and Councillors at the same time, wearing two hats, if you will. Now, the point was, I was concerned about the fact that Prof. Curthoys had his name on document C.128:79, the notorious Carter report, and I had rebutted that, I had sent out copies to people whose names are on it, and to Councillors and to selected others; and I saw at that time that Prof. Curthoys was obviously in a conflict of interest situation. Here he was, a Councillor, and on top of that a signatory to the Carter report; and at the same time he was a representative of the Staff Association. Now, I know that's not a proper designation of your role here, but you are here as the elected member of the sub-professorial staff, and I think sort of ex officio, just by acclamation, because of your role in the Staff Association, that gives you visibility and credibility, and the people would like to have a guy like you in the Council. Alright, that's ...

GC: The question I asked you was on what grounds you objected to Mr. Chopra?

MS: Oh, OK, alright, I'm leading up. You see, I have to give you some perspective, background, in order to answer the question intelligently. It's an intelligent question, but it requires a lot of information to answer intelligently.

GC: (Inaudible) It's been put to me that you objected to Mr. Chopra because he's Indian.

MS: No.

GC: And that you consider people who are black in color to be inferior in intelligence.

MS: No.

GC: Would you care to comment on that?

MS: OK, I sure would! First of all, I would like to clarify the reason that I objected to Chopra, and that was because he had written to me that in a well-governed University that kind of a conflict of interest between the role of the Staff Association executive

and the role of Councillor, see, that couldn't happen in a well-governed university. Alright, I took exception to that. Now, in the first place--I'm getting back to your question about my being a racist. No doubt about it, one of the reasons I came to this country was because, having studied the evidence, I arrived at the conclusion that African Americans are, in effect, representatives of an obsolete race.

MK: Do we have to go into this? (Inaudible)

MS: Well, no, wait a minute, I'm answering his question. Now in fact I do not feel that way about Indians, or about Mr. Chopra. And I say that if anybody's been spreading such false rumors, I want to debate that in public, and not behind closed doors! Alright?!

BC: (Inaudible)

MS: You get that point? And in fact I would like to talk to Mr. Chopra about that. I'll tell you, I'm a racist, but I'm also engaged to a Chinese woman--how does that grab ya? Racism is a very selective thing with me. There are a lot of races that are superior to the one I'm in, including the Japanese. The Japanese have been proven to be superior to the Caucasians, alright? There you go.

BC: (Inaudible)

MS: In fact, I want to turn this whole bloody continent over to them some day. I think they'd do a better job of running it! Alright, para 25 has to do with the reconciliation. Alright, page 353 of the transcript is cited here, and since very few of you have been exposed to this information ...

MK: (Inaudible)

MS: Well, I'd like to have it on my tape, and in the transcript, I hope, which is going to come out of this hearing as well.

BC: You could put it in the tape later.

MS: Well, I'd rather do it now. I mean, I'm commenting on this, it's cited there, and I'd like to have it in the record.

BC: Is this going to help?

MS: Yes, it's going to help, because it talks about the reconciliation, and I think it's done in a very selective fashion. I say here, in answer to the question, what am I proposing, I say: "I'm proposing that Williams and I, in order to bring a bit of stability to the scene and contain the scandal (I don't want to have another, you know, Orr book come out of this thing), here's what we could do. Both of us could, at the end of this semester, go on study leave, and just one of us comes back, and that would be determined during the study leave. How does that idea grab you? Make it a completely personal approach, and get you guys off the hook. Nobody wants this. I don't want it." Alright, the judge, Kirby says: "Dr. Spautz, I won't have that said. I'm not on any hook." And I say: "No, no, oh I'm sorry. OK, I'm sorry. It will prevent any more unpleasantness than you've already been exposed to." Now, Mr. Kirby says: "It sounds to me like a misuse of study leave, to be honest." And I say: "Well, yeah, but I'm entitled to it." Mr. Kirby says: "Study leave's for study." I say: "In fact but, yes, but listen. I had a proposal all worked out. I was going to present it to the Head of the Department a year ago, and in fact I asked him for papers to apply. This was more than a year ago, and at that time I didn't have any reason to suspect that this case would develop the way it is. In fact, I thought that the V-C was going to go ahead and do what I felt was his job, and take care of it. I could go off on study leave like I was, I've been here six years, I was entitled to a whole year, at least under the old scheme; and I had a plan all worked out, and I even told Professor Jager. He thought that was a beautiful idea, and I applied to him for papers, & he gave them to me. I studied and thought about it for a week or so, and I went in and says, 'Prof. Jager, I have decided that, in good conscience, I can't leave here until I finish my two jobs that I am engaged in now', because study leave was a different project." Now, those two jobs, of course, were my book on ethicology, which I was about, at that time, 60% completed. And the second one, the second project was my research study into corruption in Australian universities. And I felt in good conscience that I could not apply to go on study leave for yet another project until I had those two completed and out of the way. Alright, now I proposed that as an alternative to continuing with the present very unfortunate circumstances that we are all in. I did it by way of trying to contain any scandal, not to generate one. I did it in the interest of justice, for organizational stability, and for all those things. In fact, the Chairman seemed to appreciate the drift of the discussion at that time, and suggested that we might even turn off the tape when we started to talk about that. But I wanted to continue; and so we finally ended turning off the tape, and for maybe about 20 Minutes we discussed that issue. Two or three others were put up by the Chairman, I think it was, and one or two others. Williams didn't like any of those ideas, especially he didn't like mine; and as he said (and by the way, it's not recorded anyplace, but it's my recollection and in notes that I took), Williams didn't like the gist of that proposition, which you might call a reconciliation attempt, you know, a display of flexibility on my part--he didn't like it because he was worried that in fact I would come back, he would come back, and it would start up all over again, and I would be "refueled" and would escalate even further, and he didn't want to run that risk. So, therefore Williams dug in his heels--entrenched, obdurate, inflexible demand for my capitulation, and no alternative suggestions would be considered after that. Now, I offered to bring it



up again. I said anytime after this, before, during, or after the hearings, we could talk about that, Al, because I don't want any scandals. Alright? To this day, he has not approached me, nobody else has approached me on following up on that idea. I do not consider it a misuse of study leave. In fact, I think when the tape had been turned off, Mr. Kirby admitted that this is the kind of thing that they do quite a bit in industrial law, at least in hearings in industrial relations that he knew about. And it seemed to me that everyone else except Williams was pretty enthusiastic about this idea. Alright, now, subsequently, in the report it's alleged that this was a "misuse". I don't think so. If you think so, alright. I think it's a display of flexibility on my part, and I apologize if it's an abuse or misuse--it certainly is not my intention. Now, granted, it might have been an abuse on the part of Williams, to get study leave, because it would be obvious to everybody that that was the reason for going, namely, to avoid this burgeoning scandal, right? So, in that sense it could be seen as an abuse, and he didn't want to look like he was doing anything unscrupulous, alright? I appreciate that, but from my own point of view I don't see it as an abuse because I'm entitled to study leave, and I feel as if the administration, by its recalcitrance, by its covering up, has prevented me from going on study leave. Because I felt in good conscience I had to get a resolution, then I could apply. I am not going to apply until there's a resolution in sight; it doesn't have to be completely resolved, but we have to have a decent plan to resolve it. Then I'll go on study leave, not before. I would rather get railroaded, because that would be capitulation on my part, to give up my campaign for justice. I'm not going to do it. In fact, nobody has a right to tell me to do that.

BC: At the bottom of page 14 and the top of page 15 of the report, "it is the committee's view that this discussion should not be further referred to and that no inference adverse to any of the parties should be drawn from the fact that it took place."

MS: OK, that's the committee's view. I think that it should be discussed. In fact, I'd be willing to discuss it right now; if you want to bring in Williams, now, this is a matter for the Council to decide. I don't think the committee, Mr. Kirby, or whoever wrote this thing, is in a position to impose on Council a decision. I mean, I would like to discuss that matter further, and we can do it right now. You can shut off the tapes if you want again, like we did, bring in Williams, or whatever you want to do.

BC: I don't think we need to.

MS: Well, I would like to see someone propose a motion that we don't need that. I mean, are you ruling from the Chair that we don't need to discuss that issue?

BC: Well it's a matter we'll consider in light of the report of the committee.

MS: You'll consider that before you make any decisions, is that right?

BC: (Inaudible)

MS: Yeah, OK, before you make any decisions, or after? OK, by the way, there's another reference to that same thing, namely reconciliation, elsewhere in the transcript, pages 236 to 237, which if you really want to consider this, I think we're going to have to find all such references. Now, this is personal reconciliation, and by the way, this is a different one, which was not included. You know, I sort of object to only one alternative so-called reconciliation being included in the report. The other one ought to be considered too. So the Chairman, Mr. Kirby asks me: "What's the just resolution of the dispute?"--and we'd been talking about personal reconciliation, alright? My answer: "The just resolution would be that the person who is being accused is first investigated properly and then if he is cleared, alright. And if he is not cleared, well then whatever disciplinary measures would be appropriate. For example, just supposing that happened, and in order to forestall any such scandal he resigned. I could see that we're not going to be friends again. I mean, I can see that now--see, to me, justice would not prevail if we continued to try to get along together under the circumstances where the Big Question, you know, the dispute, the nitty-gritty thing that Vlaskamp" (by the way, that's one of the students in the hearing) "Vlaskamp said we really should be looking into; you see, unless that's resolved there's no way we can get back to personal terms. And by the way, if we're not conversing it's not my fault; I mean, he cut off communications a long time ago; so I want to communicate with him even now. So it's not really a question of reconciliation in the sense of getting rid of any spiteful, malicious animosity which is unwarranted. No, listen, once this thing's cleared up, I think the emotional tone can go back down, and I could, I could live next door, and we could go fishing and stuff together. I mean, that sounds awful like a funny thing, and maybe I don't really have that kind of courage or whatever it is, and he doesn't either. See, as long as there's that burning dispute still going on unresolved, there's no way. How can we possibly be--it would be ridiculous, it would be a disservice to everyone because it would be a fraud. I couldn't ... ." So the judge says: "The burning dispute you're referring to is the (inaudible) claim that you--so that I understand it--it's the fact that you claim Professor Williams in his thesis failed to acknowledge a number of sources?" And I said: "That's putting it mildly, that's paraphrasing, and I say it's plagiarism." Alright: "Well plagiarism--that's the nitty-gritty, what you call the nitty-gritty?" And I say: "... four or five which have developed. The main one being first of all invalidity. Second, plagiarism. Then all kinds of other, other--I mean it's been documented. You want me to go into them one by one? All my complaints which--I think that they form a whole Gestalt, you know a whole set of issues. And so now the dispute is not just the original one of an invalid thesis, but now on top of it has become what looks to me a

fraudulent thesis. Plus, the dispute has got to be so big that it involves not only the two of us, but involves my allegations of a conspiracy to cover it up, etc. You know, even some of the accusations I've done strategically, you know, I've levied against you. See, all of this stuff now has become the bigger dispute, which started out to be a personal one. And I wanted to keep it personal. I tried to, I think there's plenty of evidence. I didn't tell anybody for weeks, I mean I can prove that. I mean, everybody would, I think, being given a chance they would come here and testify. So look, the dispute now has reached tremendous cataclysmic proportions. As Smyrk himself said yesterday, 'Mike, this place is a shambles, it's like after the Second World War, Cologne--' you know, the British flattened Cologne. Smyrk came to me--it's one of the few times since I've been here that he's come and talked to me, you know. And the guy's really worried. I said, 'Yeah, I know, I know.' But look, don't drop a hydrogen bomb unless you can't make a blockbuster do. Don't use a sledgehammer if a flyswatter will do. So I tried a flyswatter. I swatted, I swatted harder, and nothing happened, you know. I grabbed a newspaper, I swatted ... ." The judge said: "All this, over what you call plagiarism?" I say: "No, it started out first of all on the invalidity; then when the plagiarism happened I didn't even reveal that. I carried that secret around for months, you know, building evidence, and not knowing what to do; I didn't want to club the guy, you know. He'd already been clubbed a lot, he even bled a little." Et cetera. You know, gawd, that goes on page after page after page. You really ought to read and study that stuff, you know, if you really want to get an insight into what's going on here. See, that was my "reconciliation". I couldn't see that it was possible; it would be fraudulent to try and reconcile on interpersonal terms without solving the dispute! To me, it's so obvious--aw, I don't know how you can possibly avoid that one. Para 26: "Dr. Spautz made a specific proposal." Alright, we just got done talking about that. So I don't think we need to belabor that anymore. Para 27: ...

BC: Just a minute, Dr. Spautz.

MC: (Inaudible) I wonder if I could refer to a letter Dr. Spautz wrote to the Vice-Chancellor, the 10th of July, 1979. I quote: "I for one cannot accept this rascal as a colleague in good standing, much less as a leader! Furthermore, I regard the continuing presence of Williams in his present ill-gotten high position as a blatant violation of natural justice. Frankly, in view of my knowledge of his poor character and qualifications, as documented herein and in previous correspondence, I would be satisfied with nothing less than his permanent departure from this University, whether voluntarily or under threat of public exposure." I'm wondering, sir, whether Dr. Spautz now has a different position from what he took in that letter.

MS: No, I haven't changed my mind, and in fact I say if my charges are true, that would be justice. And in fact, Mr. Ted Burke said as much at the hearing. It took a lot of prodding, it took a lot of questioning, but he finally came to grips with it, and admitted that if what I'm saying is true, then Williams should leave. Now, bear in mind, I've never said anyplace that I wanted a scandal; I didn't want him to leave in disgrace or anything like that. All I said is that, in effect, justice would demand that if the guy is guilty, he has no legitimacy in a university. Ted Burke has backed me up on that. I can find that in the transcript here someplace.

BC: (Inaudible)

MS: So, in short, in short, my view hasn't changed. See, we haven't decided the question, whether or not he's guilty. If he is, he's got to leave; if he's not, then I have to leave. OK?

MC: Would Dr. Spautz like to comment (inaudible) whether he would be prepared to accept reconciliation except on the grounds set?

MS: Well, that depends upon whether or not the charges have been investigated and found to be either true or false. To me, reconciliation would be an evasion, and it would be a travesty of justice, alright? Reconciliation has got to solve the burning question.

MK: The letter Prof. Carter read was exhibit A-47.

MS: Bear in mind, justice means that people get what they deserve. And there are different forms of justice--I think I'm an expert on that from an ethical point of view; I've been studying it, I've taught ethics myself, I ah, many years ago, was studying to be a clergyman--but that was my pre-scientific era, if you will. Since then I've gone into the scientific study of ethics, which includes justice. And it's not just a legalistic term. In fact, justice isn't even really much of a legal term, is it? Justice transcends the legal. Sure, there's an overlap, but justice goes beyond, and it's on the high side, right? Look at it in terms of Kohlberg's stages of ethical-moral development, which I think I circulated to everybody.

BC: I think you're getting a bit away from where we should be.

MS: Well, see, justice--I think that we have to, first of all, determine what justice means, and what does it mean in this context. Reconciliation isn't it. Reconciliation would be like Stage 3, you know, oversight of any alleged transgressions, on the grounds of something like mercy. But, you see, there's such a thing as merciful justice, the Tsedek principle. I've come prepared to expatiate on that one, because it features prominently elsewhere in the report. You can wait, if you want, you can wait until we get

to that one, or we can go through it now, the Tsedek principle. I've got here a chapter out of a book which is written by H. Baruk, and the name of the book is Tsedek. He defines it here as in ...

BC: (Inaudible)

MS: OK, merciful justice; but my translation is "don't use any more force than you need." Alright, resignation would do it. Now, reconciliation without any kind of justice wouldn't do it--you see, that is not justice. I mean it might be mercy, but it's not justice. Tsedek is, you might say, the epitome, the synthesis of those two, right? Now, show me where reconciliation without justice is legitimate. Alright, that's what I want to know.

BC: Thank you. (Inaudible)

MS: OK, para 27. Yes--it refers to Exhibit Z, which is my written submission after the third hearing session. And it attached, if I recall, several documents. But the cover letter is the one--well, it's not cover letter, it's the statement focusing upon the individual, specific terms of reference and the general term, that's being cited here, right? And I think that there are certain statements being made here which are not quite accurate. Like it says here, right underneath my first quotation--no, excuse me, I'm down at paragraph 28 (inaudible). Well, let's skip over 27, and go to 28. Right under my quotation there it says: "Who cares about scuttlebutt to the contrary?" Alright? Right under that it says: "He does admit that he has breached one decision of the Council, which was to 'impose a communications blackout on me'." Well, I say that's false. I don't think it was maliciously false, but it's false anyway. I've never admitted that I breached a decision. In fact, I say that if you really understand the English language properly, it's impossible to breach a decision that's been made by somebody else. All you can do is refuse to accept it, ignore it, but you see that was not put in the form of an instruction. Now, I can breach an instruction alright, and I, according to some people, I've done that. But in this case I've not, and I have not admitted having breached this decision. What I have done, in fact, is to complain that Council has put a communications blackout on me (which to this day has not been rescinded, by the way, at least officially). And I have refused to stop writing letters because that would be to capitulate. So I say I was not forbidden to write letters, and Council, perhaps wisely so, didn't forbid me to write because that would be hampering my right to freedom of speech, freedom of press, freedom of expression, freedom to communicate. No, I think what Council did here, and the only thing they could have done, was to say, in fact, we're not going to answer. So how can I have breached that? I tried to force people to breach it, like I tried to get Mr. Alexander to answer letters; but he, apparently thinking that he was authorized not to answer my letters, by that resolution, didn't do it. So he didn't breach it, I didn't breach it. Everybody understand that point? I don't know why we have to belabor it, but I tried to urge that argument over and over and over again, and people ignore it. See, isn't that the very kind of thing that they're supposed to be doing in 1984, you know, distorting the meaning of the language? Brave New World, same way, right? And I think we've already got that. In fact, Orr had the same thing, going back 25 years or so, 30 years, during the Orr case; I think they did the same crap, distorting the language. Anyway, jump down to the other quotation, where I say: "Yes, I vigorously refused to accept such a 1984-style 'decision', which served to undermine my right to adduce evidence ... ." And there you go, you see; "adducing evidence" means for me to present evidence in my own defence. I mean that's what it says in the by-laws, right? Now, I say that the communications blackout, despite what its intentions may have been--I mean, they could have been purely to put a lid on this flow of boring (Kirby called it boring), verbose correspondence. Well, I don't care about that so much. I'm worried about the effects. And, in fact I think as a result of it there are a lot of documents which I requested and I asked information from people who were in a position to give it to me, and they're supposed to, it's their duty, it's their job, you know. They didn't do it, therefore I couldn't relay it up to Council, and thereby in effect I was hampered, held back, from adducing the evidence which is there. It's there someplace, but they won't let me have access to it, so in that sense I have been prevented. Now, Mr. Kirby says that it's the first time in his experience that he's ever heard that argument urged. But so what? Alright, that's what innovation's all about. I think that in fact I have made a very good case that there was information being withheld, and to that extent the by-law, if not being violated, was at least undermined. So I think that if it didn't violate the letter of the by-law, it certainly at least violated the spirit. The final phrase there in that quotation is "add nauseam". I'd like to call it to your attention that that is a typographical error. It should be "ad nauseam". Now, I don't think that was an attempt to make it look like I don't know how to spell or something; but I did study Latin for quite a few years, and if I'm going to be quoted I'd rather have it be in a scholarly fashion, if you don't mind. So, para 29. Ah, it cites the transcript, several pages. Page 8, for example, in which I'm objecting to the conduct of the Council. Oaths, this has to do with the oaths, which someone has preempted my discussion on, which is fine by me. Thanks, Steve, I don't mind your bring in questions like that; in fact you're welcome to do so at any time. About that oath thing: well, let me give you the exact quotations, because I'm not sure that we've come to grips with that one yet. I say: "In the first place, I know that this is not supposedly a legal court proceeding--it's supposed to be kept on a very informal basis. But I would like to propose that all of my testimony be given under oath. In fact, if you don't mind,

I would insist on that." So, Mr. Kirby says: "Well, can I say to you, Dr. Spautz, that there is law on this matter, and that bodies that are not courts are not authorized, unless there is a specific statute to the contrary, to administer an oath, and it would be an unlawful act on the part of this committee to administer oaths." And I said: "May I administer it myself?" To which he replied: "Well, you can make your own actions whatever you please, but I will assume that you are telling the truth." So I said: "Yes." So he said: "But it would be quite wrong and unlawful of the committee to administer an oath, so we can't do it." So I said: "Could I ask all the witnesses, the ones who are called, to volunteer to testify under oath just as I've done?" To which Kirby said: "Well, the committee cannot be a party to a breach of the law, and it is a breach of the law for the committee, for the purposes of its proceedings, it not being a court, to administer an oath." I said: "May I administer it myself?" So he said: "Well, I can't permit you to submit people to an oath, because the committee isn't empowered to submit people to an oath. It's simply unlawful. I suppose there's a reason for it, but whatever the reason, it's the law." So I said: "I'm not asking that they break the law. Quite the contrary, I'm asking people to follow it." In other words, don't lie--at least that's one of the 10 commandments!

MK: (Inaudible)

MS: Well, I ...

BC: I think that Dr. Spautz is making the point, he's telling the truth, and he has earlier criticized, or questioned if others are telling the truth.

MS: Yeah.

BC: But I think we've covered that, really, in earlier discussion.

MS: Oh, alright.

BC: Dr. Spautz, I think it would be a convenient time now to break for lunch. Would you like to press on?

MS: Well, ah, how much more time do we have to go today, because I've got a lot more.

BC: Yeah, well, if you'll give me a sort of estimate of your time--supposing we just take half an hour now.

MS: Yeah, that's all right, OK.

BC: (Inaudible) Will you be finished by half past three, a couple of hours after lunch?

MS: I'll do my best.

BC: OK.

MS: You know, you can't rush justice.

BC: Well, we're very conscious of that.

MS: OK.

BC: I think you would have understood that today you've had more than a fair go.

MS: I've had a fair go.

BC: OK.

MS: Thanks.

BC: Thank you.

MS: Now we shut off the tapes, alright?

BC: Yes please, luncheon is on ...

(Lunch break.)

BC: As we indicated earlier, we'd like to hear your comments. As we pointed out, that you know, we said that you should leave the transcript out, and so on. If you could avoid some of that it might help, especially where it's reported, reported in the report of the committee. And another suggestion made is perhaps that you could deal with each reference and, and the recommendation at the same time. You probably have been intending to do that.

MS: Ah, recommendations--what do you mean? Are you talking about the last two chapters, er, last two paragraphs?

BC: (Inaudible)

MS: Yeah, I took your point on that; I did see them as recommendations, in a way, in a veiled way.

BC: The word I just used was (inaudible).

MS: OK.

MK: I certainly don't regard these comments as in any way advice to Council.

MS: OK.

MK: ' And I'm sure that I speak for the members of the committee on matters before the Council today (inaudible). It's up to the Council what it does.

MS: OK, where were we? We were on para 29, ...

BC: I think on the whole, you can deal with the whole of the first reference (inaudible).

MS: Excuse me? The first ...

BC: The first reference--it's under that heading, isn't it?

MS: Oh, the first term of reference, whether I had disobeyed and refused to accept Council's instructions?

BC: It goes through to 32.

MS: Oh yeah, in other words, deal with them in a block form?

BC: Yes, as far as possible.

MS: O boy! Well, that's not the way I had prepared. It's going to take a lot of fast thinking on my part to condense it down, and do justice at the same time. Ah (inaudible), well I think it's an important matter, as to what the devil the "ambit" of the dispute was all about. I think I started to get into that, and was complaining that I didn't really know what it was, officially, as opposed to my own definition of it, until I got the Carter report in what, mid-March?

MK: What was your definition?

MS: Well, the ambit to me means that the dispute includes all kinds of things. Alright, now, substance means the nitty-gritty. Now, the ambit, to me, would include things like the cover-up, the conspiracy, the communications blackout, all kinds of stuff which sort of went beyond the original dispute, the substance of which was, from my point of view, Williams' legitimacy. Alright, so the ambit goes beyond that. So the ambit is a bigger frame; substance is like in the middle, the target, you know, like the bulls-eye. The substance is right in the middle; the ambit is all these other circles surrounding it, where you can throw the dart and maybe hit on the outer fringes, right? It's like the solar system, right? The sun's in the middle, that's really the substance of it, you know. The rest of it, the planets and everything go around, little things. Well, it looked to me as if they were trying to evade coming to grips with the substance. So that's what the "ambit" means: all these other secondaries, if you will. I mean, they've now become primary, but originally they were more or less side issues. Now they have in fact sort of transcended and taken the place of the original one. As far as I'm concerned if there's a scandal involved here, the biggest part of it is the cover-up and the conspiracy, right? And the violation of the by-laws--all those things, and the original one pales into sort of insignificance ...

MK: Dr. Spautz, when you got the letter, the 17th of December, in paragraph 17 of the report, where it referred to the instruction of the Council, "that no further correspondence shall be entered into with you by the University relating directly or indirectly to any of the matters referred to in the body of the Committee's report as falling within the ambit ... "--that's what you took the "ambit" to mean?

MS: Yeah, in other words, Council was telling me: "Mike, we're not going to answer any more of your letters having to do with what's in the ambit"--right? So, so what? If they want to have a communications blackout on their half of it, I'm not going to subscribe to that. In fact, I have to ethically oppose it. Alright, so that's what the ambit meant to me. But I was trying to find out what other people meant by it; and in fact it says right here, look, in the middle of that first paragraph of para 29 (yeah, there's only one): "It would probably not be fair to fix him with any precise definition of the 'ambit of the dispute' as defined in that report, of which he had no copy nor any notice"--see, there it is. If that's the case, then how can I be held accountable, when you've admitted it yourself? See, why wasn't I forbidden to keep pursuing the campaign having to do with the substance? I was only told that the University wasn't going to answer anything having to do with the ambit. See, this is sort of an evasive, pseudo-legalistic double-talking, which I think was really designed to disguise what they were doing when they wrote that, because they couldn't really come out and tell me: "Mike, stop campaigning for justice"--right? Or: "Stop challenging Williams' thesis", or "Stop accusing him of plagiarism." They couldn't tell me all that, right? So they had to sort of weasel-word it, if you will, and hope that I would get the message that I was being told not to do that. I think that's the interpretation. Now, maybe it takes a Ph.D. in Industrial Psychology and years of experience, maybe it takes expertise in ethics or something to understand all that, but that's the way I understand it. In fact, if that's what Council was telling me to do, to cut out all that stuff, I say Council has no right, because I'm doing a research study into corruption, and I can't see that Council has any authority to interfere with my research. Alright, look, I guess I don't want to belabor that one too much. Ah, para 30: let's see if there's anything in there. Oh yeah, that's a very good point I'd like to comment on there: it's the end of that first little paragraph. It says: "In that letter the V-C provided further detail on the meaning of the ambit of the dispute." I say: "Hogwash!" If you put down the V-C's letter right next to Alexander's letter of the 19th (I guess, was it?)--anyway, both of them say almost exactly the same thing! It doesn't give further detail. Alright, I



don't want you to do that now, it would take too much time; but this evening, when you're sitting in the privacy of your living room, sipping on a glass of wine, you might do that little thing, and see that in fact there was no "further detail"; it was a reiteration, practically verbatim. Now, instructions from headquarters. It says here: "Although we are here dealing with what Dr. Spautz himself described as 'instructions from headquarters' (Tpt. 75)" etc.--well, in fact that's a fallacious statement too! You know, this report is, it's larded thickly with misrepresentations, misquotations. OK, here's my exact quotation; right in the middle of page 75 of the transcript, in which we're talking about the second issue, whatever it is. Let's see: "The second issue, you say you weren't involving them, you were simply giving them information. Very well, I understand that. Now er, too, in relation to his holding the position Section Head, you say the same thing in respect of ..." And listen, this is my comment: "Well, yeah, I mean, this is a complex and wordy thing, and I just deny that I was disobeying any 'orders from headquarters'." Alright, so in what sense can it be said that I myself referred to them, described them as "instructions from headquarters"? In the first place, I used "orders from headquarters", and in the second place I was denying that that was the case! See, I think it's obvious that I was misrepresented. No, I can't find anyplace else on this page where I used that word. Now, if I used it someplace else, that's that term, phrase "instructions from headquarters", I was only using it by way of a sarcastic remark. There's no such thing; to me there were no orders from headquarters. What I got was a set of--now, that is with respect to that one thing, you see. Like, it doesn't say that I'm not supposed to challenge his headship of the section. I defy anybody to show me in any documentation that I was forbidden to do that. No, what I was forbidden to do was to involve other people in doing it. OK, I didn't involve other people, I informed them; and it could very well be said that other people involved themselves. But when they did it was according to normal academic practice, like in meetings, proposing motions, etc.--right? So, in fact what I was doing there, whether it was involving or informing is immaterial. I mean, once again, I can dispute the distortion of the English language in identifying those forms of behavior, right?--involving and informing.

BC: Your view, I think, is clear.

MS: OK, my view is clear there, and I don't think I can be held accountable for violating an instruction I didn't get! Now, para 31--see, I'm skipping over a lot of stuff I could be commenting on. Like the word "vigorously"--these are trivial, minor things that is, but I'll skip over them. OK: "It would be to stretch credulity to assert" etc. Well, I say, go ahead and stretch credulity--what's wrong with that? Just don't break it, you know. So, so what? I'm doing something very innovative, something very unusual; because I rather doubt if anybody's ever had a campaign like this one before, in a university. I mean, it's stifled; if it ever arose in another Australian university it would have been stifled immediately, you know. If it arose in an American university it probably would be settled behind the scenes--that's the way it should have been settled here, you know, like a sort of a quiet investigation--and they would have headed off any such major development as we've got now, headed toward a scandal in the press, and so on. See? So, go ahead, stretch your credulity. I can believe it, why not. Look, I'm the one who's running this campaign, and I believe it. If you don't want to believe it, well that's your problem. Maybe it's because you're not at Stage 6 or something, I don't know. Maybe you have to be at Stage 6 to understand campaigns for justice. Now look, Ted Burke was asked that question, like a lot of other people were asked, and I don't know the exact page right offhand, but in the transcript it says (and I'm quoting to the best of my recollection), when he was asked "Do you think that Dr. Spautz has been campaigning against Williams, or has he had a campaign for justice?"; and Ted Burke came back with a very clever retort and says: "Well, if it weren't for Williams there wouldn't be any campaign, and Spautz is waging his campaign through Williams." I think I can quote him almost verbatim. If you want to look it up in the transcript I'll show you, anybody who wants to. So there, you see, I think that that's a fair interpretation. It's true, if it weren't for Williams' fraudulence, of course I wouldn't be campaigning! But you see I'm campaigning against the fraudulence. And that's--see, if you're concerned about justice you have to be doing that. It's not as if I'm campaigning against a person, and an innocent person, one who is highly qualified, proven himself; there's no question about his competence & integrity; and along comes this malicious, jealous guy with his nose out of joint (which has been alleged), a racist, a guy who's agnostic and all that stuff--see what I mean?

MK: I think that Dr. Spautz can be assured that this Council has no concern whatsoever (inaudible).

MS: Well, Prof. Curthoys brought it up, and George Ferris brought it up, and it is relevant in the sense that my reputation has been sullied, if you will. And all these little things, you know, hundreds, thousands of little back-of-the scenes ...

MK: I don't think it's referred to at all in the report, and I ...

MS: No, but it's in the transcript.

MK: And for my part, I consider it entirely irrelevant.

MS: OK, it's in the transcript, and in fact that would influence other people to take a dim view of me, and see, Stage 3 people, since they don't understand the meaning of

justice, by definition, and they haven't studied the facts of the case, they would tend to jump from the fact that a guy admits to being a racist to the conclusion that therefore he's unethical, and that you must not believe him because you can't trust racists, etc. See, I think that all that stuff is in fact relevant, whether you put it in the report or not; I appreciate it, I thank you for that, it's a courtesy and all that; but I would like to see it in the report. The reason is that if other people think I'm a racist, I want that to be part of the record because I know that in this society being a racist and admitting it means somehow that you wear a black hat, you see; not the white hat, but the black hat. And that sullies your whole reputation and everything you do then is interpreted, misinterpreted, mal-interpreted, just by way of, sort of, what do you call it, ah, unfair stereotype. That a racist, by definition, is a guy you can't trust, he's an evil person, any race is as good as any other. See what I mean? I really resent all that, and I want it to be part of the record. I would like to see that in the report, even if you think it's a courtesy to leave it out--see what I mean? To me that's Stage 3 reasoning, it's not Stage 6.

BC: I think we follow your point.

MS: All right, so stretch your credulity--I don't mind. Para 32 says: "The result has been defined by Dr. Spautz himself. It is to secure the resignation of Williams, to avoid a scandal (p.415)." And I think that deserves to be elaborated on a little bit. Alright, p.415. OK, Williams is saying: "I think in response to your question"--oh, I don't know if I can quickly tell you what that question was, but anyway: "your question, Mr. Chairman, earlier I indicated that no, if Dr. Spautz was right and in fact duty to bring my deficiency to my attention in a manner consistent with courtesy and (inaudible) and I will stand by that statement until the last day I breathe. However, in the manner in which the thing was conducted, the complaints, the untrue statements, the slurs on my integrity, the use of intemperate language, the use of the word 'fraudulent' consistently, almost daily, charges of dishonesty on my part, and so on and so on--couple that in with the 'scrutiny' of my work and allegations of incompetence, that is the substance of my charge." And I say: "OK, ah, look, the note I have here is that I was (inaudible); that to get justice, which meant your dismissal. Would you say that? I've written it down twice here--used the word 'dismissal'?" (In other words, I had written--this is off the side, I had made notes earlier, when Williams was being questioned, so that when I could question him I could refer to my notes, alright? So I had written that down twice here, 'used the word dismissal'.) "That this was my obvious aim, was to force your dismissal, right?" And Judge says: "You say that Dr. Spautz?" No, "You said that, Dr. Spautz; why ask Prof. Williams?" Alright, Mr. Kirby accused me right there; he said: "You said that, Dr. Spautz; why ask Prof. Williams?" Alright, now I say: "I said it?" And Williams said: "You said it several times." And I said: "When?" And Williams said: "Both today and other days." And I said: "Now wait a minute! I'm asking him--he's commenting on what happened during, well, ever since November 1, 1978: and uppermost in my mind (quoting him), to get his dismissal. Now, in fact I challenge anybody to show documentary evidence that I've ever used any such statement. I think I already ... ." So, Mr. Kirby says: "All you want is a friendly resignation?" I say: "Yeah, I think that's a very different thing from a dismissal, which could be very scandalous." Etc. See? Now, I can't find any evidence anyplace; I never said it, I've never wanted Williams to be dismissed, see?

BC: The report doesn't say that, does it?

MS: No, but it, see, but the report isn't even truly representing the transcript properly. I can't find it anyplace. I mean, sure, there are other places in here where I say that what I wanted was to secure his resignation to avoid a scandal. That's true, you know, I've admitted that. Now, look, there could be a problem here, because of the fact that some of my pages, page numbers up in the corner have been changed. Like this one, now that I look at it, originally it said 424, then that two was changed to one. So maybe Kirby's quoting me on another page, I don't know. See, there are all kinds of little problems.

BC: You don't, you don't disagree with what's said (inaudible)?

MS: No, no, what I'm doing here is--there are two things. First of all, I can't corroborate the quotation; and second of all, I accept that I did say that someplace elsewhere, because that was my true intention. It's true, I do not want to .... (Here a part of the conversation is missing because the tape cassette had run out.) Yeah, that quotation is all right, and I hope people will appreciate that I don't want any scandal. Even though elsewhere--that's another thing: Mr. Kirby is saying someplace in the transcript: "Oh, Dr. Spautz, I think you'd really like to have a sensational airing of this in the press", even though I had just been quoting myself from the documents as saying "No, I want to head that off. It's going to happen if we don't head it off." See, so I know he was playing Devil's Advocate, sort of teasing me or something. And I can understand this, this is not a court or something; he's human too, and he's got to let off a little bit of steam once in a while. But in fact, no, that's not what I want. I challenge anyone to prove it. I tell you this: if I get railroaded, that's exactly what you're going to get, I don't know how you can avoid it.

MK: (Inaudible, something about a threat.)

MS: Well I'm sorry, it's a threat.

MK: You are not being railroaded.

MS: I haven't yet, that's it.

MK: (Inaudible) on the merits, and I object (inaudible).

MS: I said, if I'm getting railroaded, alright, if.

?: (Inaudible)

BC: (Inaudible)

MS: Yeah, I said, "if".

?: (Inaudible)

MS: Yeah, I'll make it 4 or 5 or as many as you want, you know. I'll be ethically obliged. By the way, could I have your name, please (inaudible).

?: (Inaudible)

MS: Oh, you're Morris, are you? Pleased to meet you. See, I've never been introduced to most of these guys. Like I don't know the chap next to Prof. Dutton. I mean, I know this is the wrong time to do it, but ...

BC: (Inaudible)

MS: Yeah, see, I'm at a disadvantage if I don't know who's talking. I don't know if he's even a Councillor, do I? I mean, there are a lot of people around here who aren't Councillors.

BC: They're all members of the Council.

MS: No, Mr. Farrell's not. The others are, are they? Everybody else except Dave is?

BC: (Inaudible)

MS: No, of course. Well, look, you see it as a side issue, but the point is that I agree that I want to avoid a scandal. And those other things, the threats, I can understand your feeling resentful toward that, & so on. Well, alright, but I tell you this: I have righteous indignation, righteous indignation over this whole thing, because I think--and I'm not the only one, even the students; Vlaskamp said in the hearing that he thinks the whole hearing was on the wrong thing, and the right thing would be the substance of the dispute, which you've been avoiding. I think the whole bloody Council's been avoiding it. And listen, if you resent what I say, I resent what you guys have done to me, see? Alright, number, paragraph, ah, that same paragraph, 32. I think I've emphasized that one several times, that the word "involved" does not mean "to inform". It's not synonymous, and I think that's just more double-talking. Para 33: I'll pass on that one, it's got to do with intemperate language. Big deal! I've done it intentionally! Now, going down to 34, which is on that same thing, it says, opening statement: "It is true that there is nothing in the Council resolution nor in the letter of instruction to Dr. Spautz (Exhibit A-165) which refers to 'intemperate language'." Well, I say, then let's forget about the whole bloody thing! Look down at the bottom, underlined are some of my statements, some of my words used in the statement: cynical, unscrupulous, desperate, self-serving, con, toadies, foolishly. Well, I gather from that that those are all considered intemperate--is that right? Well, I would like to know, how can you say the same thing and convey the same meaning using what is called "temperate"? Like, what kind of a word would you use for cynical? Alright, a non-intemperate word in place of cynical? Supposing the guy is being cynical? I mean, what are you supposed to do, evade that whole thing? You're supposed to say: "Obviously, this is nothing less than a (censored, censored, censored, censored) attempt by the V-C to (censored) you into rescuing him from ... ." I mean, wouldn't that be ridiculous? Alright, if it's not cynical, what is it? Are you supposed to leave it out altogether? I happen to think it's cynical, and I have a pretty good command of the English language, and I'm using it, you know. And I resent anybody trying to censor my stuff. Besides, what is so bloody intemperate about some of those words? Like "self-serving". Do you know that elsewhere, I think it's here, para 44, Kirby himself uses that word against me, referring to "his admitted campaign, a self-serving description as one for justice, according to his lights." Alright, "self-serving", right? You call it intemperate in one place, and then you use it yourself, and then try to dob me in for using intemperate language. Gawd, what hypocrisy!

BC: I think your point is made.

MS: Alright.

BC: At the bottom of, in the middle of page 19, at the end of the section 36, sums up, doesn't it?

MS: Yeah. OK, you want to forget about the whole intemperate thing?

BC: (Inaudible)

MS: Well, whether you understand it or not, that's fine, but I want to know whether it's going to be counted against me. Listen, I'll tell you this: I've adopted an intemperate strategy (I mean, if you can even call it that, you know!). I mean, "boot-lickers" and stuff like that. In fact, if a guy's a bootlicker, what are you going to do? Avoid the issue? That's not even ethical, is it? I mean, you have to confront bootlickers and creeps and weasels. All right, and I've done it intentionally. I tell

you, I never used to talk like this, and I don't write like that, usually; but I've been radicalized. Alright, that's going to come up later. I've adopted it strategically, and as soon as this whole case is over, and it's settled equitably, I'll go back to my normal style. I've adopted this one intentionally, and see, for example on the next page, on page 18, at the end of the paragraph that we're talking about now--yeah, top of page 18; now go down to the 4th paragraph there: "I have just heard a rumor through the grapevine that the V-C has been trying to plant in your minds the idea that my campaign of recent months to expose Williams' fraud and incompetence" etc. Now, still, we're talking about "intemperate", but in other words, what you're saying here is that I'm not supposed to call him, you know, I'm not supposed to use the words "fraud" & "incompetence"?

BC: We're just talking about a rumor.

MS: No, ...

BC: You're saying that there's a rumor.

MS: No, we're still--I thought we were--OK, we're not talking about "intemperate" there, are we?

BC: No, it's about rumors.

MS: Yeah, alright, now ...

BC: (Inaudible)

MS: OK. Then there's another point, I think the rest of that statement then ought to be noted for the record: "is attributable to some sort of insanity on my part! Hopefully, this rumor is false." Alright, now I have a hunch that this quotation was put in there to plant the seeds of doubt in the minds of Councillors whose minds had not already been prejudiced or poisoned, that maybe there is some sort of insanity on my part. Well, I tell you what: I confess that I have a unique mind, alright? And I'm some sort of nut, there's no doubt about that. But it's a different kind from what you think, alright? I like being a nut, I've designed my own nuttiness, if you don't mind, and I challenge anybody to dispute my right to share my own kind of nuttiness. Alright?

AO: You don't say, Dr. Spautz, that (inaudible) in your own words, referred to "my campaign of recent months ..."?

MS: Oh, I see that too. Yeah, it's a campaign. And it's a campaign for justice, because by exposing fraud and incompetence, that's how you get justice! How can you get justice unless you expose it? Right? Tell me that--can anybody? So, is it being alleged here that this thing is evidence that my campaign has been to expose fraud and incompetence? I'll admit that. Gawd, I've been telling you that for months! Now, the important point is, I have a hunch that this particular quote was not put in for that purpose. I mean, maybe you think it was, ... . Did you write the report, Mr. Oliver?

AO: The committee ...

MS: No, I'm asking, did you write it? You got your name on it, but that's a different point, see? Different point. I want to know who wrote it, and his reason for putting it in, see?

BC: Mr. Oliver just answered you: it's the committee's report.

MS: Well alright, OK. But listen, four guys don't write with the same pen! At least I've never seen it, that's not normal academic practice where I come from. I think some one person decided to put that in there, and I'm wondering whether that person had any ulterior motives, because I think that's exactly the kind of 1984 crap we're all going to have to contend with if they get away with this one! The Staff Association too. See, I'm making a study, corruption in Australian universities, and I'm finding all kinds of corruption in this report too! Alright, enough on that one. Para 35: ...

?: (Inaudible)

MS: Para 35.

BC: Just a minute, Dr. Spautz.

MS: Oh, I'm sorry, I thought you were muttering or something.

SD: (Inaudible--something about my not helping my own cause.)

MS: What do you mean? Bootlickers? Are we back on that intemperate stuff again now?

BC: No, I think that what Mr. Date was referring to, I think it's Dr. Spautz's answer to the final sentence in the middle of page 19: "He claims it is a strategy adopted by him in order to get his message across."

MS: Yeah, what you're saying is that you dispute that that strategy is in my own interest--is that what you're saying?

SD: (Inaudible) that sort of language goes down like a lead balloon.

MS: Well, OK, alright, that's your opinion. OK, I accept it. No, I'm not disputing you. I mean, you want to continue along that line of using intemperate language? I

thought we'd more or less discounted that. In fact, Kirby himself says here several places that he doesn't take much notice of it. I think that's a red herring, if you don't mind my saying so, a red herring. Listen, if you can't get anything more substantial on me than that, you don't have much of a case, do you? I mean, look, why don't you guys get me on something really substantial, like ...

BC: (Inaudible) there are a lot of things.

MS: Well, OK, OK.

?: (Inaudible)

MS: Why don't you ask ...

MK: You continually refer to it as my report; the report is the report of the committee (inaudible).

MS: OK, I didn't mean to insult it or anything there. What I meant was, look: rather than put in terms of reference like whether or not I used terms, you know, intemperate terms, why don't you put in terms of reference which are really substantial? Like, why don't you ask the question: "Whether Dr. Spautz falsely, maliciously, leveled charges against an innocent person", you know, "in a vindictive, jealous rage", or something like that? Why don't you get me on something substantial like that? I think the reason is that you know that I'm right! And the only way you could prove that I did this reprehensible thing is to prove that he's innocent, through some sort of investigation, and then you could get me. Or you could ask the question: "Whether or not Dr. Spautz persisted in attacks which were unwarranted." Alright? No, what you do is phrase it: "Did he persist in intemperate attacks, contrary to normal academic practice". Look, to me that seems to be a relatively minor point, and the reason for doing the intemperate part is that first of all I came to the conclusion that I wasn't forbidden to do it; and I decided I'm going to go ahead and do it, because this is making people sit up and take notice. See, that's my strategy. What's wrong with that? I think it's helped my cause in the one sense that people had actually started to take notice. Up until that time, they were ignoring the whole thing. Alright, I did not use intemperate language up until a certain point, and I started to do it for a strategic purpose, and it met my purpose. Steve, it has helped my cause at least to the extent of making people sit up and take notice. They want to read my stuff now, because they want to know what intemperate language I'm using! And a lot of it is just sort of comical, you know, comical! And when I use "bootlicker" over & over & over again, pretty soon you know, the "intemperate" aspect of it becomes laughable. See, it's a bloody laugh, that's all it is! I was adopting it strategically because I know in the British culture, and now this Australian adaptation of it, when you use a word like "bloody", everybody knows that that's not really a bad term. Lord, I can think of a lot worse ones than that! See what I mean?

BC: (Inaudible)

MS: So I really think that it has helped my cause, it's helped my cause, and I wouldn't have done it if I hadn't thought so. Alright?

BC: The third reference?

MS: Pardon--we're still on the second reference.

BC: No, I thought we'd covered all of it, haven't we?

MS: Ah no, let's see. Para 35 cites--oh, I think this is a very important point in this --it's really a different one, in a sense. "He suggested" (I'm quoting) "He suggested that in using the language he did he was harnessing emotions constructively." Alright? And I think that relates to some other statement in here, that ethics does not involve the suppression of emotions, but the harnessing of them.

BC: (Inaudible)

MS: Oh, I did that one already, did I? OK? Yeah, 35. Now, "Far from accepting the instruction of the Council, Dr. Spautz renewed the intensity of his campaign." Alright, now in fact I question the use of that word "instruction." I think that's another perversion of the facts, and perversion of language in the process. Here we were talking about decisions of the Council, right? And I was not forbidden to campaign for justice, was I? I mean, I was forbidden to carry on a malicious, unwarranted campaign against a person; not even against crimes or alleged crimes or anything, but against a person. Alright, I wasn't instructed to do certain things. You see, I'm questioning the word. There were decisions made, they were conveyed to me, but you see the word "instructions" is inappropriate. Then it refers here to my "famous confetti barrage". Well, does everybody understand what I mean by that? Alright, there's no doubt about that, OK?, because it's really not defined here properly. I'm the innovator of that, you know, and it's my way, you see, of cracking the secrecy code of the bureaucracy. And in fact it sort of takes off from a Lord Haversham's or somebody's quotation in Vestes years ago-- I think I sent it around, an excerpt. He said that the way to (I'm paraphrasing him) the way to come to grips with, to defeat a corrupt bureaucracy or something to that effect, is through publicity. Alright? Well, that's what my confetti barrage was designed to do, to implement that. Cracking this bureaucratic ploy which was designed to allow the bureaucrats to get away with all kinds of misbehaviors, distortions, misrepresentations, violations of by-laws, etc. Because if it's secret, then people can't find



out about it, and they can't do anything about it. So my confetti barrage is an ethical approach to try and combat what I consider to be an unethical use of secrecy. I can understand that secrecy has its uses, but I say there are also abuses, and the confetti barrage was designed to publicize information which I thought had to be publicized in order to win my campaign for justice. That's what it's all about. OK, let's skip to para 36. I would like to quote a few people, because there are references made to the transcript, and references are not adequate. I mean, just to put in parens, like "(Tpt. 221)", I think that's inadequate in the interest of justice. I think a full quotation on that point would be more appropriate.

?: Dr. Spautz, are you intending to repeat or read (inaudible)?

MS: Well, no. You see, it says here that in Jager's view this was a deliberate campaign of personal harassment and vilification, and the reference was to p.221. Alright, so Jager says, immediately thereafter--in other words, what I'm alleging is that this is an accurate statement, but it's a biased sample of what he said. In other words, there's a lot more that he said, and immediately subsequent statement is, ah, Kirby says to Jager: "Why do you put that interpretation on it, Prof. Jager?" And he says: "Well," (that's Jager says), "Well, I've stated this a few times to Dr. Spautz, and his usual reply (I don't think I'm misquoting him) is usually: "No, that is not so; I am in the pursuit of, pursuing justice"; and for there to be a pursuit of justice it would seem to me that there would have to be an injustice, and I don't see an injustice." See, in other words, the reason why Prof. Jager alleges that all it is is a campaign against Williams, is because Prof. Jager says he doesn't see an injustice. Well, I tell you, I can understand that; I believe it; Prof. Jager doesn't see an injustice because he hasn't studied the evidence! See, if you study the transcript you'll see that he admits that he has not studied the evidence! Now, how could he then--see, he doesn't want to see an injustice! See, that's what he says, he even says it in so many words; and then he sort of let the cat out of the bag. He says: "It seems to me that it would have to be an injustice, and I don't want to see an injustice." See, a little "Freudian slip", if you will. Alright, if you understand psychology, a Freudian slip? It came out right there: "I don't want to see an injustice." See, like this, you know: Cover your eyes, cover your ears, cover your mouth. Remember? See no evil, hear no evil, speak no evil? Of course he doesn't see an injustice: he's blinding himself! And I think that's true of everybody. He's maybe the only one in here who came out and said it in such dramatic terms. Sure he doesn't see an injustice. It's for that reason that he doesn't see that my campaign is for justice.

BC: We follow your point there.

MS: Well, I'm glad you do, because I think that wins my case. I mean, if you accept it. Now, in that same paragraph, page 364 of the transcript was referred to, and this is it. Williams, alright? "Williams told the committee that the material which has been disseminated or displayed to an ever-widening circle concerns him because of the fear that in such cases some of the criticisms 'will stick', whatever the truth of the matter." Alright, 364-5. Now, the reason for getting into that point is, the exact quotation was: --now, Williams is expatiating on that, and I think that his statement here is really a misrepresentation, in the sense that it's taken out of context and it's a selected bit, and it's also distorted in the process. And it's laundered. You know what laundered means? It's been cleaned up a bit, to make it look as if Williams is, you know, he wears the white hat and I wear the black hat. Listen to this, it's exactly what he says, Williams: "Well I think, Sir, what has perturbed me of course, are all the things you mentioned, plus of course the explicit assertions that underline the whole of the matter is the question of my integrity, or lack thereof, in relation to his assertions about my research work; very early on came the whole question of fraudulence, and this again has come through documentation right through until the present day in fact. Words such as blackmail, illgotten position, misconduct of myself and my multiple bootlickers, and the whole thing therefore is tinged with this assertion that not only am I incompetent as a researcher and an administrator (I appreciate that these matters are not the direct concern of this body) --nevertheless that information is being disseminated to an ever-widening body of people, or circle of people, of course, I understand to the press as well, although nothing I'm aware of has been written up by the press. Now there's a saying of course, that if there's enough crap thrown around, some will stick, and obviously I'm concerned very much concerned, with my reputation, first and foremost ... ." Etc., right? Now, that's been laundered, see? It doesn't say here that Williams used the word "crap", does it? But he did. And in fact a lot of people are doing that throughout, but mine, my so-called intemperate statements are the only ones being paraded here! Talk about hypocrisy! And the ones that these people use are at least as bad, and in a lot of cases worse than mine; you know, like Smyrk's stuff. See, I think that stuff's a lot worse, and this is a whole hypocritical approach, trying to get me--to ask questions on something so trivial as that, when the other guys are just as bad or worse--and then conceal it in the report! Alright, then there's a reference to page--ah, well that reference to page 423 has to do with Williams' use of the word "cancer" to describe what was going on prior to Nov. 1, 1978. Bear in mind, that was the day that Williams called, had called a meeting, the first meeting of the Management Section. And he read a statement alleging that I was going around--he used my name. In fact I was really amazed to hear him use my name at the very beginning of the tirade, and I thought, how could he be so stupid? He should at least have said "somebody's been doing it", but no, he used my name; and later, of course, he denies it. Mr. Ferris has said that if it came to a

did use the word "cancer", and he was referring to me and he was referring to the alleged campaign of harassment and intimidation, etc., secret phone calls to his home being made in the evening, scaring the dickens out of his wife and kiddies, etc., you know. That's his "cancer"--he used that word. And Kirby says on the transcript there someplace: "Oh, Dr. Spautz, don't you think that's a higher level; you know, it's a lot more powerful." (Than "bootlicker", for example.) "And I say that to you for use in your book." In other words, if I want to use powerful words, I'd better use "cancer", and not "bootlicker"--not that those are interchangeable or anything; but see it is, it's right, I--

BC: (Inaudible)

MS: Well, alright, but --

BC: I think that this section ...

MS: But wait a minute, wait a minute, there's another point to that. If it's a cancer, and he calls it "ever-widening circle"--see, I think that even at that time, when Williams came in and gave that speech in which he used these terms, he knew that there were a lot of people involved in this thing. Alright, it wasn't just one guy, namely me. He said "an ever-widening circle." What he meant by that was that Guilhaus was in it, Dowling was in it, Smyrk or somebody was making obscene phone calls, and sure, the thing was getting bigger and bigger. In that sense it was a cancer, and I don't think he was really referring to me only. I was a part of that "cancer", you know. And that's his "powerful" way of trying to turn the ignorant people present, namely Ferris, Burke, Beaman, Walker--I think those guys were ignorant of what was going on--at least they didn't find out from me. But there were these other four guys who had a conspiracy. Let's face it, there was a conspiracy there to get Williams, and they were using me to be the battering ram because the evidence was there. They tipped me off, and I was going to follow it up because I was the only guy who had that, ah, it wasn't courage, necessarily--gawd, I was scared too! It was--I had the luxury of doing what I thought was right and not worry about the consequences. And then what do they do? As soon as the panic reaction set in, when Williams was attacking me, in, you know, unfairly, making false allegations (which I had never done any of that stuff, I hadn't made any phone calls to his house or anything--if anybody was doing it, it must have been Smyrk; he's that kind of guy, I think. You know, I'm sorry I'm dobbing him in in his absence, but he's welcome to come.) But look, Williams made them panic, and those guys bailed out, bailed out and left me in the lurch. That's what it amounts to--rascals! In fact, Mark Tippet says someplace in the transcript, he thinks that it was Dowling and Guilhaus. Alright, Tippet said that.

?: (Inaudible)

MS: Yeah, there was a campaign there for justice, which was a conspiracy set up by Dowling and Guilhaus, and they didn't want to do it, they put me up to it, to prove that Williams' thesis was invalid. Alright, a campaign for justice; and so using a battering ram in a campaign for justice--what would you use, a toothpick? Gawd! And by the way, I didn't really use a battering ram, that was only a figure of speech. I wasn't even allowed to ask questions, much less use a battering ram!

BC: Will you move on now?

MS: Yeah, alright.

BC: You've taken an hour, you know, Dr. Spautz, on one section.

MS: Well, justice can't be rushed, as far as I'm concerned. You people--have you known all of this stuff before? Are there some new things coming out? Nothing new coming out?

?: (Inaudible)

MS: Well, it's reiterated, and I want it down on the record, and I'd like to have it on my tapes, too.

MC: (Inaudible) third reference (inaudible) number 2: "I tried using normal academic practices but they didn't work because of a conspiracy to obstruct justice!" Would you tell us what these normal academic practices were, that you employed? (Inaudible)

MS: OK, the first normal academic practice, which I thought was normal (at least it's normal with me) was first of all to go to Williams and show him the evidence, and to not tell anyone else. For weeks and weeks thereafter I didn't tell one single person, with the exception of my wife (I was married at that time), and a daughter happened to be at the dinner table, so she heard it too. But I told my wife because if anything happened to me, she should know the reason for it--right? I mean, how was I to know how this thing was going to develop? But I never told anybody in the University; I didn't tell anybody else up until after Williams called that special meeting and falsely accused me in front of my colleagues, and panicked the whole place and caused them to turn against me. Alright, that was my first--does that answer your question?--that was the first step; the first normal thing was to go to Williams only. And I said to him: "Look, I don't want to go to the Chairman of the Department, I don't want to go to the V-C or anybody, I want to go to you personally. Let's talk about it rationally: what are we going to do about it? Here, I've got this information, let's talk about it." Alright, and we tried

having a few rational discussions after that, and it went on for a few weeks. But Williams didn't want really to discuss it. Any time it got right down to the nitty-gritty, he would say: "Dr. Spautz, we're not getting anyplace, would you please leave my office." So I'd leave his office--I mean, that's normal academic practice. I think it should be, that you don't go around blowing the whistle to other people. I never said it to one single person. Alright, now maybe in retrospect I have to admit that was not normal, because anybody else would have done it differently; they would have gone around immediately and created big trouble. Now, that was getting near the end of the year. I did not want to upset the department, students and everything, just before exam time. People were extremely busy with reports; so was I; Williams, everybody was busy. I tried to play it cool, right? And days would go by, I wouldn't do anything. I was just trying to get Williams to talk about it: what are we going to do about it; see, that's all. That's normal academic practice? Alright, it ought to be normal academic practice. Now, I'll continue answering that question, I'm glad you asked. Now, I did not go to Prof. Jager at that time because he wasn't even the Chairman of the Department. The Chairman of the Department happened to be Prof. Colditz. But I had heard that Prof. Colditz had a history of heart attacks, and I thought gee, even if I wanted to go to the Head of the Department, I would feel guilty if I went to Bernie Colditz and this caused him to have a heart attack. So I didn't know what to do, and I said to Williams: "Look, you better tell Jager; if you don't I'll have to do it; if you're not going to do anything I'll have to do it." So he went in and told Jager, and that's when Jager told me to forget about it, nothing would happen, they'd "close ranks", you know. (Inaudible) I recorded all that stuff. See, so that was my normal academic practice. I asked Williams to tell Jager, and Williams did. I don't know what he told him because I wasn't there. But we did have a conversation, the three of us, later, a short one--and that's about it. You know--a few times after. Jager didn't want anymore to do with it; he said: "I'm not the Chairman of the Department, it's not my business." Alright, I said: "Wait till January, when you are." See, he was going to be Chairman in January, so I waited. I did practically nothing from September till January for that reason. Now, I did one thing: I went to Tisdell, Prof. Tisdell--this is normal academic practice; alright, I'm explaining how I did it. Since I didn't want to go to Colditz because of heart attacks, Jager wasn't Chairman yet, I went up one notch further. Prof. Tisdell happened to be the Dean, and we were going to have a Board of Studies meeting, I think it was, in which we were going to be getting into the question of who's going to be the MBA Coordinator. See, it was supposed to be rotating around the different Departments, and I went to Tisdell and I said to him: "Prof. Tisdell, I'm going to have to oppose Williams being appointed or elected, whatever, for this reason." And I explained it to him. And Tisdell already knew! I mean, he'd known from the grapevine, see? And he said to me: "Well, Dr. Spautz, you know things like this take months, months." And he seemed to appreciate that I had a case. I never showed him the evidence, I didn't show him the thesis, because by that time Williams had taken it back, and I didn't have anything to show. All I had to do was tell him, and I said: "I have to in good conscience oppose Williams as MBA Coordinator for this reason: he's the laughing stock down at AGSM." Dowling had told me that, and I thought it was going to be a disservice to our MBA program to allow this sort of thing to go on. I told Tisdell, and Tisdell more or less said: "Well, there's nothing we can do about it now, it's going to take a long time", etc. So there you go, there's another step, one more step in my normal academic practice. OK, ...

BC: (Inaudible)

MS: Wait a minute, I'm answering his question. It's going to take a long ...

BC: (Inaudible)

MS: Yeah, in retrospect though, that, as it turns out, I don't think that was really normal academic practice. I didn't know what was normal around here. See, I had to follow my own lights, if you will. And I did what I thought was right. I didn't tell anybody unless I had to, and then I did it in the normal fashion. In fact, I even told Williams; I didn't ever dob him in, I told him. And I said: "I just had to tell Tisdell everything I knew, because of this reason." And so Williams said: "Alright, in that case I'm going to have to take legal action." And after that he never talked to me again. He kicked me out of his office, see? Because that's the first time I had told anybody. I mean, of course, I didn't want to. But that was in, ah, that was in December, see? December, three months later, two and a half months later. Now, that was the next step in my normal academic practice. So what do I do? My normal academic practice was then to chat with people who already knew. Alright, Ferris, Burke and everything, everybody had been brought into it by that time, you know; so I had to explain that I was not the guy who was making those secret phone calls, I wasn't harassing Williams, I was having rational discussions, etc., see? And so that was my normal academic practice, trying to show that in fact there's a problem here, I'm trying to solve it rationally. I don't want to have any scandals or anything. I'm not even going to the V-C; see, I didn't go to the V-C. But Ted Burke or somebody said Williams or somebody went to the V-C, because he knows. Alright, I think Jager went; I have a hunch Jager went, like in October, when he found out about it, because he was afraid and didn't know what to do. So I think the V-C knew, but I didn't go because I wanted to keep it between Williams and me and within the Management Section. To my knowledge nobody outside the Section knew. See, this is all my normal academic practice. Then, finally, February I think it was, I went to the V-C, and I--in fact I wrote a little note, set

up an appointment; I went in and talked for half an hour, explained it. At the end of it Prof. George says, "Well, Dr. Spautz, I'm not convinced." I says, "Well, I'm going to put it in writing, and I would like to have a meeting with you and Williams--would you please set it up?" And he said yes; and so he set it up. And Lo and Behold: I find Jager's there too! I didn't know that Jager was going to be there; but I think he was brought along for another reason, I don't know what. Jager was there, and Ted Burke had advised me, don't go alone, I'll go with you as a witness. I said alright, if you want to come. So Ted Burke was allowed to come in, we sat around--see, this was all normal academic practice, right? Nobody would do anything about it, through the Chairman, Department or Faculty, see? In other words, Tisdell didn't want to do anything about it, so I went up then to the V-C. I had to go to somebody, so I went to him, and there's where we had an oral discussion. I presented a one-page summary of what my charges were--and by the way I could not prove them because I didn't have my copy yet. I think it was about that time, the end of February, when I finally got my second copy that I'd ordered months before from the library. So then I could start to come up with evidence, right? So the V-C said: "I'm not convinced." Well of course not, I didn't give him the evidence, how could he be convinced? So finally I got that second copy, and I started to analyze it--see all this is normal academic practice. I had been tipped off by Williams himself that there was something wrong with the references, so I began to probe them--all normal academic practice. I went to the library, I spent weeks searching out references. And I could hardly believe my eyes--all the plagiarism and everything! And this was on top of the invalidity! I was really worried, I didn't know what to do. I couldn't tell anybody--I mean, I'd already clobbered the poor guy. See, normal academic practice: don't clobber a guy, you know. So, finally I wrote a --after weeks of this, I wrote a letter, a brief note, to Williams himself, saying: "Al, I've discovered numerous passages that look remarkably like those in certain works which you didn't credit. Let's discuss." He ignored the whole thing. So weeks and weeks went by. I'm accumulating evidence. I finally decided I better write to the V-C--when was that, July, by that time? I don't know, May, June, July, some time like that. And over the next few weeks I gradually, gradually sent him more and more of that evidence. See, to me that was normal academic practice, because there's no way I could get plagiarism evidence published. Oh, and you asked, what other normal academic--. Well, I wrote rebuttals, because the V-C and Prof. Jager had suggested that was the way to do it. And I thought to myself, gee, that's--I rather doubt that they would publish anything like that. So, sure enough: I prepared the rebuttals, I submitted them to two places; they ignored it for months and months. I bugged 'em, wrote 'em letters; they replied: "No, it's defamatory." Or "No, our readers wouldn't remember that" (that was like 1975). Well, I accepted that. Now what am I supposed to do? See, that's normal academic practice?

BC: (Inaudible)

MS: Yeah, alright; but then there's a lot more, see? I did more normal academic practice after that. Then I started to do what's considered abnormal or innovative or hyper-normal academic practices. See, let's face it, the normal academic practice at that point would be to lie down like a rug, right? That would have been normal; I didn't know that at the time. I wasn't about ready to do it, and I'm still not going to do it. In this culture normal academic practice would be to capitulate in the face of a campaign to obstruct justice, a cover-up--that would have been normal, no doubt about that!

?: (Inaudible) ...obstruct justice.

MS: Yeah.

?: In what way was this (inaudible)?

MS: Well, I named 5 people as conspirators, only 5; but later on I think I suggested there may be a few other people in it. Well, I think if you look at, if you study the evidence in documentation, & use your intelligence, you can see that in fact people are not doing things separately and distinct from each other, but they're doing it in a concerted fashion. For example (and this can be proven easily), the Council itself authorized what I consider a campaign, a communications blackout--that's part of the conspiracy. And Mr. Alexander, being the top bureaucrat in this organization, has to do what he's told, whether he likes it or not, and so that's why I had to name him as a conspirator. Because in fact he not only followed the blackout, but he abused it by refusing to answer letters that were not even forbidden by the blackout. So, to me that was prima facie evidence that he had joined the conspiracy. Williams, of course, was conspiring, as it turned out later, by writing false and defamatory, secret letters to the V-C, which I didn't find out about until a year later. So, there you go. To me that's obvious that there are, whenever 2 or 3 or 4 people get together, then there is a conspiracy. Now, I don't know how else you can prove a conspiracy. What you have to do is to take the evidence, piece it together, and show that this stuff could only be accounted for on the basis of concerted action. There you go. I named, ah, who else did I name--Carter, as a conspirator. And I think that's obvious from the letters, the Council minutes, and the output of the, what I consider, the inquisition. Alright, I've got the goods, I've got proof in my mind; I call it a conspiracy. And if there were an objective study of this by people who don't have a vested interest in it, I think they would agree. Now, I don't think anybody present here is in a position to do that job--maybe that includes me, too. It would take an outside team of objective, ethical, informed, intelligent observers to decide whether or not there was a conspiracy. I don't

take anybody's word that there wasn't, because I see it as a conspiracy myself. I don't know if that--does that answer your question?

??: Yes it is, Dr. Spautz, it's satisfactory.

MS: Thanks--you're welcome. Alright, para 37. Did you know that on page 429--this has to do with my campaign. Now we're talking about the third term of reference: a campaign, allegedly against Williams. Did you know that on page 429, which is in the third volume, Williams himself admits that I'm doing a campaign for justice?

BC: Ah, Dr. Spautz, I'd like to just have a break for 5 minutes.

MS: OK, swell, OK.

(Break)

BC: As I say to you, I think you know we've given you very free rein. As I said earlier, you know, this is not an opportunity to supplement the evidence given to the committee, further material of significance. It's not an opportunity to repeat material given to the committee, material which is already recorded in the transcript. Now, is there any way you can speed it up? I certainly hope that we can get through by something like half-past three, and we're getting pretty close.

MS: Well, OK, that's about all the time I have left on my tapes anyway. So I'll try to expedite it and get you out of here by 3:30--without of course obstructing justice in the process. I think there are a few statements in the transcript which ought to be cited. Like I started to tell you just before the break, on page 429--

??: (Inaudible)

MS: Are you trying to tell me that you actually read this statement that I'm going to recite, on page 429? Because Williams himself called it a campaign for justice! Did you know that, Williams himself admitted it? See, there it is.

??: (Inaudible)

MS: Yeah, I'm challenging the report. It says here, third reference here; page 19, right in the middle, third reference: "Campaign against Professor Williams." Now, I say that should say--cross that out, alright? In the second edition I'd like to see that say "Campaign for justice", because Williams himself calls it that. See, on page 429--you don't want me to quote it; all right, I won't quote it, but there it is.

??: (Inaudible)

MS: Yeah, OK. And that holds true, I'll cite page 78, which has some juicy morsels for you to chew on; and page 80, where Mr. Kirby points out that in fact that is the nitty-gritty--he doesn't use that term; but, see, I'm not allowed to quote him exactly, so I have to paraphrase him. But on the bottom of page 80, the gist of what he's saying there is that is our basic issue--whether or not it is a campaign for justice. Alright, I just wanted to make that plain, because all these other little issues, like bootlickers etc., are trivial by comparison. The real question is: what is the characterization of this campaign? That's what the hearing was about. Now, I say that even more important than that, or at least as important as that, is whether or not the campaign is warranted! I have not seen any substantial evidence other than scuttlebutt and personal opinions, that my campaign is unwarranted. Because in order to prove that it's unwarranted you have to show that my charges were false, maliciously false, insubstantial--unwarranted, right? That's my point I'm trying to make in para 37. But in the report itself Kirby says (or the four members of the committee as a group say): "Strictly speaking" (in talking about people's opinions to the contrary), "Strictly speaking, this may have been irrelevant" etc. So there you go. I say, for that reason all personal opinions to the contrary ought to be expunged from the record; there should be a new report put out, expunging all those personal opinions, scuttlebutt remarks. All right, what's wrong with that, because they're not factual. Sure, it's a fact that people say it, but by his own admission he says it's irrelevant--there! Now, paragraphs 38 through 44 in fact are mostly irrelevant scuttlebutt. In para 39, for example, Mr. Kirby had asked Mrs. McIlroy a question--and that's not recorded in the report, but it's in the transcript on page 86--asking leading questions, trying to drag out from her questions, I mean personal opinions, statements, scuttlebutt remarks, which he could then quote. Like this one here, transcript page 93, right? Mrs. McIlroy is quoted as saying that what I was doing had nothing to do with corruption, it was Williams' thesis that I was attacking. Now, see, in her mind she was making a false distinction, saying on one side, she says there was corruption, a campaign against corruption; on the other side there was attacking of a thesis. She couldn't see, or at least she said here that she couldn't see there was any relationship. See, I think that must be the import of what she's saying. She's trying to falsely distinguish these things--I say that's ridiculous. If I'm attacking his thesis, that's part of the substance of the campaign. Now the campaign's much bigger: I'm attacking other things as well, you know; like the conspiracy, false statements made by other people, the Carter report, the Kirby report. I mean, all these reports, I have to campaign against them too; I have to attack them because otherwise I can't get any justice. If I accept them, if I lie down like a rug, then I don't get my justice. So, in her mind she was making a false distinction, and she was put up to that. It's almost as if the questions being asked are eliciting these statements, which are nothing but personal opinions; I think we should exclude them all. It says



here they're strictly irrelevant. Why are we spending so darn much time, in the report, in discussing these things, when they're irrelevant? Is that right? "Strictly speaking"--I mean, that doesn't get a guy off the hook, to say "strictly speaking, they're irrelevant", and then, gawd!, he gives page after page after page of this scuttlebutt! That doesn't get a guy off the hook! Like at the bottom of page 20 there, Jager is quoted as saying it's a smokescreen, or an excuse. But in fact there are a lot of places in this document which prove--that's in the transcript--which prove the opposite. Like for example, Vanvalen, on page 99. Gawd, can't I quote a guy? I mean, you don't know what it says on page 99! But Vanvalen says that in a course that he took from me, that I said to the class that I was writing books--well, "he talked about the way he was going to write books about his--about university corruption in general." Alright, now he's referring to way, way back at the beginning of 1979, because he was a student in my class then. It couldn't have been after that because that class ended at the end of the first term, almost exactly a year ago, right? This was the end of first term, a year ago. So, he says in the first term I had told the class that I was writing a book on corruption in Australian universities. And now Jager comes along and says this interpretation had only been advanced within the last 6 months. Alright, and "a smokescreen", "an excuse". Hogwash! I've got documentary proof, even the students admit it. Why, listen, that's what I--why don't you, when you write a report like this one, why don't you put in stuff like that? What's wrong with it? You had it, didn't you? Why can't you say: "Vanvalen said 'Dr. Spautz claimed to have been writing a book a year ago already, on that stuff'." How come that stuff isn't in there? Look, I know: 500 pages: you were under time pressure, you can't put all the important stuff in there. But look, it seems to me that you could put in a few on my side! See, because there are so many! I mean, if you really search this thing out you'll find lots and lots and lots of testimony that's on my side. Paragraph, ah, let's see, paragraph 40--yeah, we're still on that one. Jager, at the bottom--no, wait a minute. Ted Burke, Ted Burke, on page 290, says something germane to that. Oh boy, this goes on page after page after page, where I'm cross-examining Ted Burke. And if you read that thing, go back and study it, you'll find that in fact he is telling the group that sure, there's a campaign going on, and if it weren't for Williams there wouldn't be a campaign. So, in that sense it can be interpreted--but see, in effect to urge that a campaign for justice is a different thing from a campaign against Williams, I think that's a misrepresentation. In other words, even if I were to say to you, "Alright, I confess, I'm a bad boy"--I'm not doing it, but just for the sake of argument suppose I were to say "Alright, I have been campaigning against Williams"--alright, so what? How could I do that, I mean how could I not do that and still get justice? See, that's what Ted Burke was saying. If you read this thing you'll find that he, he's in an awkward position: Williams is sitting there listening to all this, you know! Not only Williams, but Ferris, Tippet, Dowling, and the whole Committee, and I guess Geoff Gordon & Lionel. Look, there are a lot of people, and Ted Burke is in the center of attraction; and it's very difficult to come right out and say what you want to say under those conditions, knowing that if the whole thing, ah, if I should have to leave the University, that, gawd! he's got to live yet with these guys, he's got to live with Williams, he's got to worry about--even if he wanted to leave the University himself he'd have to worry about getting proper references and all that! So, what I'm saying is that Ted Burke may be the only one who really had come out and said, in the hearing, that he thought that what I'm doing is a campaign for justice. Not all of it, he said some of it's attacking Williams. But how can you separate those two? See what I mean? And then there are a lot of other such quotations. Ah, top of page 21 in the report, Jager says that, in effect, he didn't see any evidence that I was doing any kind of a bona fide study, because if I had been I would have put in for an ARGC grant. Now isn't that ridiculous! Even Rydges will not accept what they claim to be defamatory--and nobody else that I've shown it to says it's defamatory--even a solicitor told me that (free advice, you know). But, in fact it would be sort of silly. In the first place, to get an ARGC grant you'd have to defame the guy by saying that "I'm going to do, I'm going to do this campaign". He would, the guy who's evaluating ARGC grant proposals would ignore the whole thing, or--no, chances are they'd just turn it down; they wouldn't even say why. See, at least the Rydges editor gave me a reasonable excuse, because he in subsequent letters said (that's the Rydges editor said) that "we understand your concern, Dr. Spautz, but we're more or less hamstrung by the defamation laws." See, but the ARGC grant people wouldn't have to do that, they would just turn it down. Listen, I've applied for grants before, for other things, and I don't get reasons for being turned down.

BC: Dr. Spautz, (inaudible).

MS: Excuse me?

BC: (Inaudible)

MS: Oh well, OK. But he's going through this long statement (and there's more in the transcript), in which he's saying there would be signs. But in fact there were signs. I wrote a letter--it's someplace there in the compilation--to Mr. Alexander, sort of half in jest, I knew I wouldn't get anything out of it. But I even said to him, I wonder if there are any funds, AVCC funds, slush funds, something like that, for a research study into corruption in Australian universities. Knowing all the while that first of all Alexander wouldn't even answer, and second of all, there's no--I mean, that's like the chances of a snowball in purgatory--there's no way that a legitimate, you might say, grant could be provided to support a work of this sort. And even if it could be, it

would take a year or so to get it; and all the while, of course, what am I supposed to do, lie down like a rug? And I can't do anything else, waiting for the ARGC to come along and tell me, no, we don't have any money? I think that's a whole specious, and if you don't mind my saying so, even fraudulent argument. I think it was really tongue in cheek, Prof. Jager couldn't have been serious about it. Ted Burke said--I'd like to quote at length from the transcript, except you don't want me to do it; Ted Burke says there's no way that any of this stuff could get published. Now, the most reasonable place, the most prestigious source in Australia, that is outlet, would be the Australian Journal of Psychology. I have what I consider a first-rate article in that journal, and knowing as I know--and Ted Burke told me, I mean he told me behind the scenes, he told me in the hearing, he told the whole committee, etc., that in his view, knowing how conservative the media establishment is, there is no way any of my things, no matter how scholarly, no matter how well done; forget about any intemperate language; no matter what, none of that stuff would ever get published. Alright, certainly not any plagiarism evidence--there's no way, right? Now, within the University there's only two ways that you could do anything, and not get it published; two ways: 1) circulate it yourself in some form; or 2) get it endorsed as a departmental document, with a blue cover on it, with a square hole so you can read the title through it; then it's stapled together and passed around, and that's supposed to be a "publication". Well, let's face it, there's no way they would have allowed that either, especially since I was on the committee that was supposed to decide on what manuscripts were accepted. I would have to abstain myself, and the other two guys who were on the committee told me it won't work. They said: "Mike, that's not the purpose of it, and you know that if you're going to publish it, publish it outside." So look, everybody's telling me, in effect, do it the right way, publish it. You know, "go swimming, Mike, but stay out of the water." -- Ridiculous! So, I think Jager must have a hole in his cheek or something, from sticking his tongue in it, saying all those ridiculous things: "No evidence"! I mean, what kind of evidence do you have to present people?

?: (Inaudible) what other case studies have you looked at?

MS: Well, in the first place, this case started in another university. In other words, the plagiarism was done elsewhere. In fact, that's one of the arguments that people have been trying to urge, that if there's an injustice or crime or anything, it was done elsewhere, and don't get us involved in it. If you've got a case against Williams, write to the Vice-Chancellor of the University of Western Australia, and maybe he'll do something about it. I say, well, wouldn't that be fine and dandy? Here I am, three thousand miles away--I'm supposed to carry on a campaign for justice at that distance? There's no doubt about it, that they would bury it there too. And furthermore, if that were to be done, it should not be done by me, but it should be done by a person who's an executive, like the V-C. He should relay all that information to the University of Western Australia and say: "Here, one of our staff members is making this allegation. We think that it's your problem. Now, would you take care of it?" See, there's no way--I didn't want to do it myself, because then the V-C could say: "Dr. Spautz, by your own action you've taken the whole matter out of my hands." Then he would wash his hands, and from there on have nothing to do with it, see? Then what have I got to do? I've got to carry on a campaign at long range; and let's face it, there's no way they would have gone into this. They would have said: "Dr. Spautz, that guy's gone, he's over there". See, it would be buck-passing, mutual buck-passing. So there you go, it started in another university, and was imported into this one. Furthermore, the scandal has reached out with pseudopods (I mean, take an organic view of this thing). Really, as far as I'm concerned, the scandal, if you will, the information that has developed into the scandal, started at the University of New South Wales. An American professor of industrial psychology told Dowling, who told me. So, in that sense the scandal is in another university--we're a laughing stock down there! Dowling told me himself--I'm paraphrasing him, but that's the gist of it. So, there's that. Williams did some of his work at New England University--and in fact I hear through the grapevine that Prof. Meredith up there was one of his examiners. And Graham Walker worked with him on his thesis, helping him run stuff through the computer, and then subsequently was hired down here through the help of Williams. Williams wrote references for him, and he was on the selection committee. So, in that sense it extends into that university too. Then there's the Orr case in Tasmania: there are a lot of parallels, and I'm going to incorporate that into my book, excerpts therefrom (not plagiarized, but citations, right?). And also from Vestes, right? So there's another university. So we've got Western Australia, New South Wales, New England, Tasmania. Oh, now Prof. O'Neil, from Sydney, right? He was brought in as, supposedly, a witness; and he did a particular job, which I have taken exception to. And I think that's more evidence that there's another university involved. Then there's the Queensland episode, which has got nothing to do with this case, but I could put it in as a separate little chapter. A friend of mine at--well, he wasn't really a friend, he was a guy I was instrumental in hiring. An American who had been at Queensland to do his Ph.D. work--I was instrumental in hiring him at the University of San Francisco while I was there. I was Assistant Dean, and I used to take care of all the correspondence on applicants; and I got that guy hired in because we needed a man in production management. That was his field, he was the best applicant; thanks to my work he was hired. Well, when he came over there--this was just before I came here, that was 1972, ...

BC: Dr., I think you've made your point.

MS: Alright, there you go. That guy had his data pinched from him, up at Queensland. So there you go. And by the way, there's probably a lot more I'm going to dredge out. I'm going to find out what other corruption is going on, in this university, and outside it. And also CAE's and tech colleges, and high schools, if you really want to know it. Alright, where are we at? Para 41: I take exception to any statements put into a report of this sort that's supposed to be a fact, that is a fact-finding report. Fact-reporting. Where an amateur psychologist who testified to my bona fides, with the--if that guy had any expertise, alright, maybe we can pay attention to him. But in fact he's only a bloody amateur psychologist! How would he know what my bona fides are? He's alleging here that my bona fides are pretty bad. In other words, I got mala fides; alright, mala, bad faith, because I did not do all the tests that he says I need to do in order to prove my case against Williams--that is, as to the invalidity of the statistics. It's got nothing to do with the plagiarism, nothing to do with the backward cause-and-effect; just spurious statistics. Well, Tippett is urging me to do things which are irrelevant. Alright, the thing that you really have to do to do a first-rate job of it, would be to test for homoscedasticity. Now, I don't want to get involved in technical discussions, I don't know if anybody here really understands that; maybe some of you do, but if you want to, we'll talk about it. See, Tippett is urging that I do mickeymouse tests, using only data in the thesis, which won't even do the job, see! What you have to do is get the raw data, the same data that Williams had, and prove that what he did is spurious. And in fact it's so bad that I cannot, I just cannot believe that Williams (at this point, looking back), I cannot believe that Williams did that in ignorance. See, especially the cause and effect model. I mean, listen, if he did that in ignorance, then he's -- alright, maybe you wouldn't say that he's crooked, but by gawd he's incompetent, because that stuff's ridiculous! So, what I'm suggesting here is that Tippett is putting himself up as an amateur psychologist, saying that "Dr. Spautz didn't do my tests, the ones I'm urging, and therefore there must be something wrong with his argument; because if he really believed his argument himself, he'd be doing my tests." I say: "Humbug!". Tippett doesn't even know a lot about this branch of statistics. Sure, he's an expert in mathematical models in finance and maybe accounting, but I think I know more than he does about things like correlation theory and multiple correlation and canonical correlation--and certainly about causal models in psychology. So listen, for him to allege that because I don't do what he says I should do--which I can't do anyway because I lack the data; Williams won't give me the data, so how could I do it?--so he & O'Neil are both urging me to do something which I can't do; it's a physical impossibility for me to do it until I get the raw data. Tippett himself came in at the very end of his testimony and said--I mean, this really let the cat out of the bag--he said: "Dr. Spautz has shown me this page out of Williams' thesis, where he says instead of 2 variables being represented on this bivariate scatter diagram, there are really three. And the third one is the difference between the success and failure groups. And that means that what Williams did was illegitimate." Alright, and it's not only illegitimate in some esoteric sense, you know, where it would take a real expert to do--no, it's a very trivial\*thing, that any elementary student, that is elementary statistics student, if he did that he would have to be failed. Now, Mark Tippett himself said (I'm paraphrasing him, but it's in the transcript), he said if Williams did that, then it was wrong. Well, Williams did it--there it is. He did it not only on that one, but he did it throughout! See, it's been alleged that if Williams did things that are wrong, they're trivial. But that's not true, see, it's the whole substance of it, and all the conclusions and everything fall completely down. The way I look at it now, in retrospect, I think he put up the whole thing. I do not believe that Williams did that just from plain ignorance. And if he did, that in itself is damning, because it's so incompetent that there's no way that any--I mean, gawd, he shouldn't pass even a mickeymouse term paper, much less a Ph.D. thesis, and get a professorship out of it! Mark Tippett himself, you know--he testified, in about as courageous a form as he could, saying that if this is what Williams had done, then he's wrong. See, that's it. Now, then he's alleging that I have bad faith, bad faith.

AO: (Barely audible--something about his having to leave soon to catch a train to Sydney.)

MS: Well, I'll see if I can get finished by 3:30, which was your original target, was it? OK, see, I'm making some of these important points, I think, to show that a lot of the testimony given in the report should not have been put in the report, because it's scuttlebutt. And Tippett has no right to make such allegations. In the first place, they're wrong, that I should have done his mickeymouse tests; and in the second place, he has no right to infer from that that therefore, since I'm avoiding doing those things, that I must have some guilt feelings or something and I know that if I really did the job I would be found out and my whole case would collapse. That's ridiculous: he has no right, and I think that there should be a second edition of this report, and all that crap should be scratched out. Now, Williams said in the next paragraph in--under 42, para 42, at the bottom of the page 22 and into the top of the next page--he's accusing me there of grossly unethical behavior, because (listen to this, it's a big laugh!) he says: "Dr. Spautz for a year or so has been doing a scientific study." Alright, which I admit, I'm doing a scientific study. I think I've won my case if you admit that! But he admits it, and then he says, what's unethical is: "Unbeknownst to myself" (that's Williams) "and all the other participants in this, Dr. Spautz has been using them as experimental subjects. Now, what would the American Psychological Association say to that?" See, isn't that unethical?" I say: "Hogwash!" In the first place, I told everybody, this is action research--it's in writing, I was telling everybody. So it's not unethical. In fact, when I pointed out

\*Here I obviously meant basic or elementary, not unimportant.

to him that I had written a letter to him in May a year ago, he recanted. He said: "All right, I was wrong." Alright, where's that in here? See, you didn't put that in. How come you didn't put that in here, when he admitted that he was wrong on that point? Now I wonder, is that fair?

MC: (Inaudible) what do you mean by "action research"?

MS: Action research is that sort in which the experimenter is a participant. It's Lewinian, Kurt Lewin. Kurt Lewin is the, is given credit for systematizing that, and a lot of people in the field of group dynamics have adopted it; and it's one version, my innovative version, of action research. Now, it may not meet with your definition of action research, but by definition universities are places for innovation. And I allege that this is an innovative form of action research. And it's going to be a part of my book too. And sure, it's not, you might say it's not according to normal academic practice, but that's what innovation is all about! Does that answer your question? Alright, ...

MC: (Inaudible)

MS: Well, show me them and I'll examine them and find out. I've got my own ethical code, I've got the APA code. I don't know of any such code that's been provided within Sociology; I think that there are such codes, but I don't know if they cover the details of action research. I'd be very happy to study them. I don't think I've done anything unethical. Williams alleges that, but then later on he recanted. I don't know if that answers your question.

MC: Carry on.

MS: OK, carry on. Oh boy, I've got to skip over so many things! Para 44: let's jump over page, over para 43. That gets into reconciliation again. And in fact in so doing there are a lot of juxtaposed, out-of-place paragraphs, like the one that's on page 23, under new paragraph 43. See, it says here: "Dr. Spautz acknowledged ... "--and then it shows "(Tpt. 419)". I mean, that's far removed from the thing I was acknowledging, you know. I mean, it looks like, as if here I'm supposed to be acknowledging that Williams had said: "Is this ethical?" Now we jump way back down into the future, and I'm acknowledging what Williams said way back there? Well anyway, that's a minor point. Para 44. It says in here that I have adopted--no, "me" (that's me, Spautz) "asserts that the campaign is one 'for justice'. But he has a very fixed and inflexible view, and an uncompromising view, of what is 'justice'." Alright, etc. Now, I say in fact, there is plenty of evidence throughout this whole thing of my flexibility and my willingness to compromise. In fact, that's what that so-called "plea bargaining" or "deal", or whatever you want to call it, was. And Williams is the one: he has been completely inflexible in that he--sure, he talked about it very briefly, but very nervously, and rejected the whole thing: closed-minded rejection. In fact, I have shown what I consider a lot more flexibility in my approach than most people, alright? And innovation, by the way, involves flexibility; because a rigid approach would be to go according to all the old techniques that other people have used and abused. And, see, flexibility and ethics, and ethical point of view are very much consistent--and I've proven that in my own book, that is, my first book, the one I'm writing on ethicology. So I think that in fact I could find plenty of evidence in the transcript to show I'm very flexible. He even goes on to say here, that is, the writer of the report, the writers say: "It would appear to the committee that the nature of the campaign has altered over time." Now I say, that's some inflexibility, isn't it?! See, I admit it, it's altered! I have diverted a lot of my energies from the original nitty-gritty substantive issue of Williams illegitimacy in this scene, to campaigning, to enlarging my campaign, and diverting a lot of my energies into other directions; like to point out and do something about the cover-up and the conspiracy. In fact, Walker, Graham Walker, one of the early witnesses, said that he was happy to see that this was happening, because now Spautz's thrust was being diverted, energies were taken off of Williams, and Williams didn't have the full brunt of it anymore. Now, are you trying to tell me that that's inflexible? To me that's the sign of just the opposite. See, I can go where the evidence is; I can alter my strategy. In fact, I've even said several times, I even said: "Ethical people who've got the ability and have got the information and everything, if they do not use strategic maneuvers in the interest of justice, they are somehow remiss. And Mr. Kirby says: "Well, Dr. Spautz, I'm not in the business of strategic maneuvers." Alright, so I am; strategic maneuvers have an ethical purpose. Now, they also can serve an unethical purpose; I mean, machiavellians are extremely manipulative, and they change course and deceive, etc. But how in the devil, how in the heck can I be alleged to be inflexible? I mean, when all the evidence shows the exact opposite? Oh well, like they say, in 1984 black will be white, war will be peace, truth will be falsehood--so what else is new?

??: Would Dr. Spautz define what he means by justice?

MS: Yes. Well, in one of my letters I quote a dictionary definition, which I consider very inadequate. In fact, I think Mr. Kirby even, more or less was joshing with Ted--not Ted, Mark Tippett--because Mark brought in a definition of scientism which was very inappropriate under the circumstances. There are a lot of definitions; same way with justice. Now, to me justice means that people get what's coming to them. You know, like if you step in front of a steamroller, and you're flattened--that's natural justice in a sort of a physical sense. Same way, in a legal sense, if you violate a law, you must be investigated, and if you're found to have violated it, and if your intentions can be proven to be dishonorable, then you've got to suffer the penalty. Alright, that's

what justice is. And to say that anyone who's caught out and pleads innocent, we must forgive him--you know, Christian forgiveness, mercy--see, that's not justice. Justice means getting what's coming to you as a result of your behavior, and because of your intentions; not your raw behavior. I mean, let's face it, you can do things unconsciously, or for a pure reason, and the outcome is bad. I think the law allows for that kind of stuff, accidents--it's unfortunate. But if a person is malicious and does things that are unscrupulous or damaging, etc., then he's got to suffer the consequences. Like, let me put it like this, this is justice: if I am guilty of an unwarranted attack, campaign against Williams, & there's no substance, it's not for justice, it's just a malicious, spiteful thing, like people are alleging--I say justice would be that I be asked to resign. And I would accept it; but you would first have to prove it to me, right? That's justice. And in fact some people might even say justice would be: "Dr. Spautz, if that's true, you have to be dismissed." I say no, no, because true,--the highest form of justice is leavened with mercy. And that would mean like you ask for a guy's resignation. And if he doesn't give it, then maybe you have to say: "I'm sorry, if you don't resign, then I'll have to go up another notch." Etc. See, I'm glad you asked me that, because...

BC: (Inaudible)

MS: That's Tsedek. I called your attention to that thing earlier. If you studied that thing you'd see what I mean--that's, to me, the highest form of justice, and it's consistent with Stage 6.

AM: (Barely audible, in effect asking me if I believe that the end justifies the means.)

MS: Well, put it like this--and that goes back to Steve Date's question about normal academic practice, and I expatiated at length. I did all the so-called normal--in fact, they were hyper-normal, they were better than normal. And the results did not occur because of what I saw (and I got evidence), that there's a campaign to obstruct justice, to cover up, and so on. Then I have to be flexible and adopt other means. Now, what are the other means I've used? I've used intemperate language; I've accused people, with documentary evidence, of a cover-up, of various things--right? I've adopted means which, according to Stage 3 point of view--you know, stages? Did you get that diagram, I mean Kohlberg's theory, right? It's not just a theory; there's a tremendous body of knowledge and experimental evidence that these stages are just as real as intelligence. Alright, now: means, means & ends: I think the means have to be adapted to the ends. Now, I would like to have anybody show me that any means that I've adopted are inconsistent with the ends, or are illegal or unethical. I would only confess one thing: my, some of my means have been what you might call immoral. But there, you see, "immoral" in that context only means "not according to the dictates of conventional morality". And conventional morality, by definition, is like Stages 3 & 4. And so that, like my writing a letter to Williams, asking for his resignation after many, many, many, many months of getting nowhere with all the other "normal" approaches, writing a letter saying "I'd like to have your resignation, and if you do not give me an adequate response, you don't even talk about this, on 25th of September, the first anniversary of this thing, I predict that copies of this letter will cover the campus like snow." Three weeks hence --I give him three weeks, and he won't even talk about it! I said, if you won't talk about it, I predict that's going to happen. Now, see, in fact, I can turn it the other way around: would you say that the means used by the University were appropriate to their ends, namely: to protect the power of the professoriate, to put in a communications blackout, to stifle discussion, to hoke up a bunch of false terms of reference, to put on a kangaroo court--which I'm alleging, all this, right? Now, as far as I'm concerned, you guys are the ones who have adopted "the end justifies the means" principle. I haven't done that. What I've done is: I've escalated, gradually, gradually, to the point where I have had to adopt innovative means--which were the merciful means, and I'm still following the Tsedek principle. I haven't seen anyone else around here following the Tsedek principle. What you've done is evade, cover up; you've adopted unscrupulous ploys, not according to normal academic practice. A lot of these things: refusing to answer letters, answering other people's letters, twisting, distorting, withholding information, refusing to give me information that you said I could have. You know, like some reports were held back from me, some minutes, etc. Alright, now I'm turning that question right back at you: "Do you believe that the end justifies the means?"

AM: Well, I think...

MS: Because in fact that's what those guys have been doing to me, right? And you too, if you're in the Council--you guys have been using bad means against me!

AM: (Inaudible)

MS: Well, I don't know what your aims are, but it seems to me you're trying to cover up, you know.

AM: (Inaudible)

MS: Yeah, alright.

AM: (Inaudible)

MS: Yeah, alright.

BC: (Inaudible)



MS: Oh yeah, I would like to get into that debate. You know, I wish...

BC: (Inaudible)

MS: I really wish--in fact, I get into that in my book too.

BC: (Inaudible, but informing me that my allocated time has run out.)

MS: Alright, I'm sorry, I guess we've run out of time. Look, rather than hold you back any--gee, I've got so many things I wanted to rebut! Vanvalen's ridiculous suggestion that I put him up to using the military library system illegally. In the first place, he volunteered to do it, alright? In the second place, he tried to do it, and he never came back and told me it was illegal. It's all he said was that the librarian said they prefer not to get involved in that kind of work. That's all. And then, of course, later, months later, he's got to dredge up some phony, false charges. Look, I think I've rebutted most of that. I mean, I've shown that in fact it was not blackmail or bribery or anything; I was trying to do a conscientious job. Gawd, that whole thing is muddled! It's--why do you suppose he came and broke my glasses? Because I called him a boot-licker, because he was giving false testimony. And I would like to, I would really like to get into all--I mean, that stuff comes up later, you know, many pages on. All kinds of junk like that, that I think I should be entitled to rebut! And now, if I'm running out of time I can't even do it!

BC: (Inaudible)

MS: See, and then...

BC: (Inaudible) move along (inaudible) sum up, and if you want to deal with a short question ...

MS: Well, look, I, I...

BC: A straightforward answer.

MS: Well look, see: I would like to make this point, especially because that's one of the most important I wanted to make in my whole speech today. It says here, alright, on page 30, talking about Vanvalen's test ...

-----

Here my tape ran out, shortly after the 3:30 deadline. It should be noted that I had no reason to believe that they were going to do anything more than consider the Kirby report. Therefore, thinking that the meeting was going to close, and that there would have to be further meetings at which I would be allowed to complete my commentary (which would be required by natural justice), I cooperatively put a halt to my presentation. I also had run out of tapes, and wanted all of my commentary to be recorded. By 3:30 I had only got through about half of the report, as I had no idea when I was preparing for the meeting that it would be my one and only chance, and that it would be cut short in mid-afternoon. Least of all did I know that they were going to be considering whether "good cause" under the by-laws was to be considered at that meeting, because the notice that I had received contained no such information. I subsequently learned that the Councillors themselves had only authorized consideration of the Kirby report as the sole purpose of the meeting, according to a resolution passed in April, and that that was the only thing on the agenda. Obviously, the way this alleged dismissal was engineered, not only was I deprived of natural justice in several ways (i.e., inadequate notice, inadequate time to rebut the entire report, biased decision-makers); not only were numerous by-laws violated before and during the meeting (especially the one requiring 16 votes for the request for resignation and dismissal motions that were put); but I intend to prove in Court that the alleged dismissal was obtained by means that were obviously fraudulent. (For proof, see my lengthy essays dated 1 Feb & 7 Apr 81.)

The meeting minutes record that as soon as my tape recorder was shut off I tabled copies of a memo dated 20 May 80, subject: "Right Makes Might!", identified as document C3. It read as follows: "What this case boils down to is this: 1. For well over a year now, I've been engaged in a campaign for justice, and simultaneously have been conducting an action research study into corruption in Australian universities. 2. Council has instructed me to cease and desist. 3. I have refused to comply and have in fact redoubled my efforts! Now, I conclude with a thought-provoking question: Where, in the Act, By-laws, or Council rules and regulations, or in any code of ethics, is Council authorized to obstruct justice or to interfere with my, or anyone's bona fide, legitimate, socially significant research?!" (To this day I have not received a reply to that question, from anyone. I intend to ask that same question in the Courts, in due course.)

The minutes go on to record that several motions were then put and voted on (while I was out of the room, of course): #79/80, that "good cause" had been found to declare me as unfit to continue in office; #80/80, that I be dismissed; #81/80, that the dismissal become effective on 23 May 80, unless I resigned in the meanwhile; #82/80, that I be given a gratuity of one month's salary "without admissions and without prejudice". The count of votes was recorded only for #80/80, and that one missed the required 16 "yea" votes by one, thanks to Steve Date and Geoff Curthoys.