

The Shakespeare Oxford Newsletter

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"Let me study so, to know the thing I am forbid to know"

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Column

Beauty and the Paradigm

by Mark K. Anderson

Last year, I wrote an article for the *Shakespeare Oxford Newsletter* on Thomas Kuhn's *The Structure of Scientific Revolutions*, Kuhn's concept of "paradigm shifts" and the Oxfordian movement. ("A Little More Than Kuhn and Less Than Kind," *Newsletter*, Winter 1996.)

In the interim, the essay's reception outside the Oxfordian enclave has been delightfully mixed. It has been assigned reading lists in higher education, while in the Internet's online world, the Obfuscation Police were apparently called on to disperse the growing crowds around Kuhn's work.

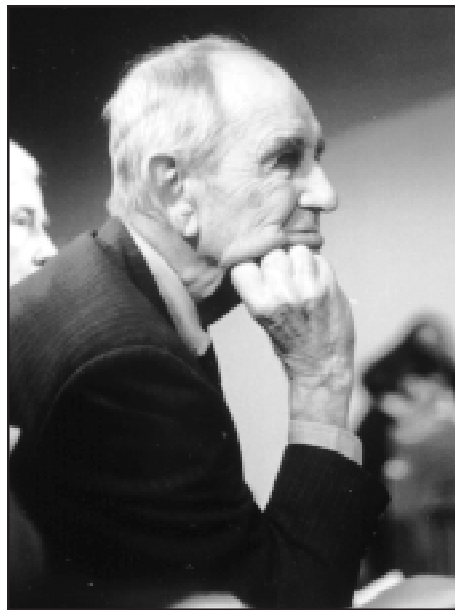
"Ever since Kuhn's book came out in the 1960s, every crackpot whose ideas are rejected by the establishment has piously declared that they represent a new 'paradigm,' and that the old guard is just clinging to their outmoded ideas because they can't see beyond the old paradigm," wrote Shakespeare Authorship Page co-manager David Kathman earlier this year. "This does not mean that everyone who invokes Kuhn is a crackpot, only that many of them are, and that just invoking Kuhn in favor of your cause doesn't mean a whole lot."

Online correspondent Caius Marcius went Kathman one better. He stated that the authorship controversy was about a "fact"—i.e. whether Oxford or Shakspeare of Stratford was the author—and not a theory. Therefore Kuhn's findings were irrelevant to Oxfordianism. (Never mind that the same sleight-of-hand can be performed with Kuhn's own case study. Namely, the stir Copernicus caused was merely about a "fact"—i.e. whether the Sun or the Earth is at the center of the Solar System. *Argal* Kuhn's findings are irrelevant to Kuhn's data.)

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The 1987 Moot Court Trial

*Ten Years later the Verdict is in:
Edward de Vere and Oxfordians won*



Charlton Ogburn listens intently as the Justices read their decisions at the Trial. Ogburn had been much distressed at how events unfolded 10 years ago, but today he agrees that it was, ultimately, a major victory for both himself and the cause.

The events of September 25th-26th, 1987 in Washington DC should eventually be known as one of the true watershed moments in the history of the Shakespeare authorship debate.

First, there was the Moot Court Trial, held on Friday, September 25th, at American University, with three Justices of the United States Supreme Court presiding. This event attracted mainstream media coverage of the authorship debate such as had never been seen before in this century. And while the official result was a seemingly decisive 3-0 verdict for the Stratford actor, the true story from that day is that two of the three Justices presiding actually began a journey which eventually brought them to Oxford's doorstep in the 1990s (along with many hundreds of other former Stratfordians).

Meanwhile, at the 11th Annual Conference of the Shakespeare Oxford Society (held in conjunction with the Moot Court event), history was also being made. The turnout of new Society members from around the country, all gathered together for the Moot Court, resulted in well-attended morning and afternoon meetings on Saturday, September 26th, which in turn resulted in the near tripling of the size of the existing Board of Trustees (from 5 to 14 members), and the beginning of 10 tumultuous years of growth and change. (See page 9 for a separate story on the 11th Annual Conference.)

There are undoubtedly a number of our current members who first became aware of the authorship issue through publicity immediately surrounding the Moot Court, or six months later through the James Lardner article on the event in *The New Yorker* (April 11, 1988). This article, still only available to

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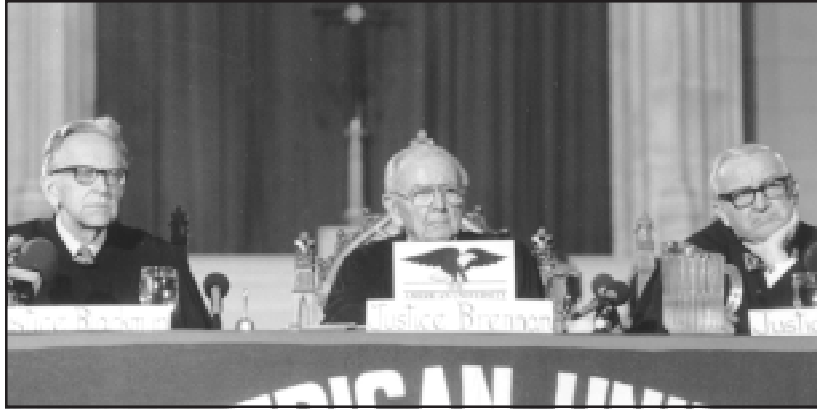
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the public through your local library, is in itself something of a landmark, being both a brief survey of the debate and first-rate journalism in its coverage of the Moot Court, replete with many observations on the debate, its cast of characters, and interviews with some of the key players (e.g. Charlton Ogburn, the Millers, Gordon Cyr, the two counsels presenting evidence for the Stratford actor and Oxford, etc.)

Looking back on all this 10 years later it is clear how far the Oxfordian cause has come in so little time. What has also become clear over these same 10 years is that some key questions are still with us today, questions about how to debate the authorship issue, how to publicize it, how to deal with the inevitable controversies that come along with it (controversies both with our adversaries and among ourselves)—in short, questions over how, ultimately, to prevail.

Charlton Ogburn has said, in 1987 and still today, that he was against this idea all along, believing that a narrowly focused legal proceeding could never do justice to the debate. However, as Oxfordian David Lloyd Kreeger pressed ahead with his plans for the Trial, there was an understanding that the actual trial would be not so much a trial as a head to head comparison of the case for Oxford as presented in *The Mysterious William Shakespeare*, verses the case for the Stratford man as presented by his best advocate using the standard biographies and evidence.

Controversy first arose in the days before the Trial, when Ogburn got hold of James Boyle's brief on the case (Boyle was defending the Stratford man), and much to his horror found it to be page after page of what he considered to be boiler-plate Stratfordian arguments, combining the worst of such chestnuts as "All his contemporar-



Justices Blackmun, Brennan and Stevens (left to right) listen intently to the presentations by James Boyle (for Stratford) and Peter Jaszi (for Oxford).

Opinions of the Justices

Justice Brennan: "So...my conclusion is that Oxford did not prove that he was the author of the plays"

Justice Blackmun: "I suppose that's the legal answer [Brennan's], whether it's the correct one causes me greater doubt than I think it does Justice Brennan."

Justice Stevens: "I am persuaded that if the author was not the man from Stratford, then there is a high probability that it was Edward de Vere."

ies knew Shakespeare wrote the works" to what Ogburn considered some egregious misrepresentations of what he had written in *The Mysterious William Shakespeare*.

In preparing this article, Ogburn shared with us some of the letters he wrote in the months after the Trial. His chief concern was that Boyle's entire brief felt to him as if it had been taken wholesale from some doctrinaire Stratfordian source, and Charlton more than once suggested to Boyle that he disassociate himself from such "slander." Boyle never responded to Ogburn's letters, but eventually, through a third party, Ogburn was assured that Boyle had indeed written the brief, and that he stood behind it.

A year later, however, Boyle did talk in print about the Trial, the authorship question, Oxfordians and Stratfordians in his article "The Search for an Author: Shakespeare and the Framers" *American University Law Review* 37:625 (1988).

In the article's first endnote Boyle *dedicates the entire article* to Samuel Schoenbaum, who, he says, allowed his

works *to be part of the record for the case* [i.e. the Moot Court], and further, who had recommended to Boyle "certain works on the subject." Boyle goes on to state "I commend Mr. Schoenbaum's beautifully written and charmingly humorous *Shakespeare's Lives* to the reader as an example of what Shakespearean scholarship should be like." Score one for the instincts of Charlton Ogburn.

There was more controversy on the day of the Trial. Justice William Brennan announced, in his opening comments, that the three-man Moot Court would follow more traditional legal proceedings, and that in the absence of a lower court ruling on this case (Shaksper vs. Oxford), Brennan ruled that the burden of proof was on the Oxfordians *both* to dismiss

the Stratford man, *and* to establish Oxford—all in 1 hour! No similar burden was placed on the Stratford side.

Brennan's surprising decision to place the entire burden on the Oxfordian side immediately illustrated what is probably *the* key issue in the authorship debate: to dispose or not to dispose of the Stratford man. Brennan stated that since his [Shaksper's] claim went unchallenged for two centuries, it carried with it the presumptive weight of the law and it would take a "preponderance" of the evidence to take the works away from him (not just "reasonable doubts"). Justice Blackmun remarked to Brennan that "he hadn't checked that with us [i.e. Blackmun and Stevens]." The exchange led to some laughter, but Charlton Ogburn was not one of those laughing.

With the burden of proof now totally on the Oxfordian side, the outcome of the Trial was a foregone conclusion. It also reinforced the importance of "disposing of the Stratford man" as a key issue whenever debating the authorship. Charlton Ogburn

is quoted in the *New Yorker* article as saying, "You can't get anywhere with Oxford unless you dispose of the Stratford man." He repeated this point almost verbatim it us in our recent talk with him. And it's easy to see why he feels this way. He cited in 1987 the experience of his parents with *This Star of England*, noting that "they made one terrible miscalculation. Until they got to the very last chapter, they didn't even mention the Stratford man."

The other key authorship issue that emerged during the proceedings can be summed up in one word: conspiracy. It is a word that neither Ogburn nor Society Vice-President Gordon Cyr is quoted as using in 1987, and in fact this word is completely absent from Lardner's *New Yorker* report, although in the course of the Trial it made several prominent appearances.

Indeed, one senses that this was both Ogburn's and Cyr's chief concern in the days before the Trial. As reported by Lardner, Cyr worried about such matters as how many Oxfordians would show up, whether "fringe elements" would be among them, and generally how to cope with all the publicity. "Cyr was expecting...more Oxfordians, perhaps, than have ever been assembled in one place," Lardner writes.

And in discussing what these "fringe elements" might bring up, Cyr stated that he had in mind such matters as the Ashbourne Portrait and the theory about Southampton's parentage. A strange pairing of concerns, it seems to some of us today.

For while the Southampton issue rages on even today as a central and important piece of the whole story (and one which can open up the Pandora's box of political conspiracy as part of the true story, Sobran's *Alias Shakespeare* notwithstanding), the Ashbourne Portrait story now seems more like an interesting sideshow. The story in 1987 that concerned Cyr was the Folger's



The center of attention for the media were Honorary Society President Charlton Ogburn (r), and Society Executive Vice-President Gordon Cyr.



David Lloyd Kreeger, organizer of the Moot Court, accepts the crowd's applause as American University President Richard Berendzen looks on.



Charles Boyle (l) meets Charles Vere (r) for the first time as John Price (2nd from right) and Mrs. Irving Blatt look on.

rejection of the underpainting of the portrait as being the lost Ketel portrait of Oxford. But today that seems about as insightful as their recent attempts to deflect interest in de Vere's *Geneva Bible* by claiming that Oxford didn't make the annotations.

Meanwhile, early on in the Moot Court proceedings, Justice Brennan brought home this second key issue when he told Jaszi that the entire authorship debate sounded to him like a "conspiracy theory," to which Jaszi immediately responded that a conspiracy was not necessary in a totalitarian society. This response sounds very much like what Charlton Ogburn has said for years, and which he repeated to us this year. "In a totalitarian society, it's not conspiracy," he stated. "Elizabeth's word was final." For

some Oxfordians in 1987 this tactic (i.e. not even using the word "conspiracy") seemed like a mistake, a matter of bobbing and weaving with our opponents rather than diving headlong into the seemingly unavoidable center of the issue. Somewhat later in our talk with Ogburn we returned to the subject of (if not just the word itself) "conspiracy," and he remarked that, "[for anyone] to say no to 'conspiracy' is naive; it's how the world works."

At the end of the day, Justice Stevens had the last word, and he did not pull back from using the dreaded "C" word. He first brought a smile to Ogburn's face when he remarked, "...I am persuaded that if the author is not the man from Stratford, then there is a high probability that it is Edward de Vere. I think his claim is by far the strongest of those that have been put forward."

A few moments later, however, he cut straight to the heart of the debate and to this primary tactical dilemma that comes with it. "I would submit," he stated, "that, if their [Oxfordians'] thesis is sound, that one has to assume that the conspiracy—I would not hesitate to call it a 'conspiracy,' because there is nothing necessarily invidious about the desire to keep the true authorship secret—it would have to have been participated in by [Heminge and Condell and Digges and Jonson]...in my opinion the strongest theory of the case requires an assumption, for some reason we don't understand, that the Queen and her Prime Minister decided, 'We want this man to be writing plays under a pseudonym.'"

"Of course," he continued, "this thesis may be so improbable that it is not worth even thinking about; but I would think that the Oxfordians really have not yet put to-

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Moot Court (Continued from page 7)

gether a concise, coherent theory that they are prepared to defend, in all respects.”

Stevens’ words were a fitting conclusion to the Trial, and they ring as true today as they did ten years ago. He has since written on the subject of the authorship (“The Shakespeare Canon of Statutory Construction”), clearly indicating his continuing interest and sympathies in the debate, while Blackmun has stated flatly (in the second edition of Ogburn’s *Mysterious William Shakespeare*) that he would “now [1992] vote for the Oxfordians.”

In the ten years since much has happened, and at the Society’s Annual Conferences in the late 1990’s there are regularly four to five times as many Oxfordians gathered together each year as the 1987 turnout that so concerned Gordon Cyr.

As for the aforementioned key issues, several interesting events have transpired. Charles Boyle left Washington with the clear idea that promoting Oxford rather than disposing of Stratford, or “butting his head against” Stratfordians as he has also put it, was the way to go. The following Spring he founded the Oxford Day Banquet in Boston to commemorate Oxford’s April birthday rather than Stratford’s traditional birthday, and began to talk more opening about the political dimensions of the issue, picking up on Justice Stevens’ remarks.

Charles Burford, who remarked right after the Trial that it was “not the ideal forum,” was still several years away from his stay in America and his speaking tour. However, Burford also came away with Stevens’ words on his mind, and today he states forthrightly that politics and political cover-up are the story. (See his article from the Bath debate on page 5 for an example of how he presents the authorship debate today.)

The continuing problem of identifying a unified authorship theory is probably best illustrated by the *Sonnets*, the subject of much analysis over the centuries, and in the last ten years the subject of two authorship analyses that reached quite different conclusions. Elisabeth Sears, in *Shakespeare and the Tudor Rose* (1991), tells a story of high-stake politics, which is quite different from Sobran in *Alias Shakespeare* (1997) and his story of homosexual passion. Such publications demonstrate the power of ana-

lyzing the works themselves in telling the authorship story, even as Oxfordians may strongly disagree among themselves about which interpretation is closer to the truth, or even whether we can or should be using the works in searching for historical truth.

Meanwhile, there has clearly been no shortage of new research on all aspects of the vast, complex authorship landscape, and many Oxfordians over these past ten years have continued the other chief authorship mission, mainly “disposing of the Stratford man,” and/or establishing clear irrefutable links between Oxford and the Shakespeare Canon through research and analysis of surviving documents and archives, and re-examination of existing scholarship of the Elizabethan era and Shakespeare.

Ruth Loyd Miller’s legacy of historical research has continued and contributes to the overall weight of evidence in the case. Richard Roe has done much primary research on Oxford’s travels in Italy. And Charlton Ogburn himself has remained active despite health problems and, as his article in this newsletter shows (page 4), continues to stay right on the case.

Also during these last ten years we have witnessed William Plumer Fowler’s analysis of Oxford’s letters, Nina Green’s lexical analysis of Shakespeare and Oxford (published in her *Edward de Vere Newsletter*, along with many other detailed articles about Elizabethan works and documents), and more recently the aforementioned analysis by Sobran of Oxford’s poetry.

Roger Stritmatter’s study of Edward de Vere’s *Geneva Bible* at the Folger has probably been the biggest research story of the decade, and may yet yield a smoking gun of some sorts in the debate. There has also been Diana Price’s research appearing in several different mainstream publications, and even our Stratfordian friend Prof. Alan H. Nelson and his detailed work on transcribing and analyzing de Vere’s letters (plus discovering some new ones).

All this work in the past ten years has further contributed to our overall knowledge of Oxford’s life and his historic role in Elizabethan times.

And last, but certainly not least, mention must be made of the importance of publicizing the authorship debate, some-

thing which the Moot Court Trial contributed to greatly, and which was followed by the *Frontline* documentary (1989), the *Atlantic Monthly* cover story (1991), and such books as Richard Whalen’s *Shakespeare: Who Was He?* (1994). Now such efforts have taken on a whole new dimension with the phenomenon of the Internet. For here exists a venue where the debate can be experienced by thousands, and where there are no space or time limits for either presenting material or reaching a verdict.

On the Usenet Shakespeare discussion group, for example, the debate has ebbed and flowed over the past two years, and for anyone who has followed it there is little doubt that some minds will never be changed. But the debate on Usenet is *never over*, and exposure to the debate *does* attract attention, and in some cases *does* change minds.

What the Internet has already demonstrated is that publicity and exposure are as crucial a component of the debate as new research. Anywhere from 100-150 people a day now visit the Society’s Home Page, with at least several new Society memberships resulting each month. A “mainstream” authorship site was created just to counter this Oxfordian Internet presence. High school and college teachers now assign whole classes to visit Oxfordian and Stratfordian web sites and to debate and write about Shakespeare and the authorship question.

And the more people who do become aware that the authorship debate is serious and not frivolous, the greater the odds that sheer numbers alone may some day prevail over Stratford and Stratfordians. The Moot Court Trial was a major event in advancing such awareness, especially with two of the three Justices presiding eventually moving away from Stratford and towards Oxford, in effect reversing their own verdicts.

So it may be that Stratford’s Shaksper and his supporters will never be “officially” dislodged, neither by a smoking gun nor by a legal ruling. Instead, one by one future generations may simply—like Supreme Court Justices—leave Stratford, and soon all that will be left is a ghost town full of bewildered scholars, their legal claim to Stratford still firmly in hand, wondering what happened.

WBoyle

(*Moot Court photos by William Boyle, ©1997*)

*Looking back***11th Annual Conference - 1987***Moot Court Trial, Historic Business Meeting Launch Society into New Era*

(The following is adapted from the article by Gordon Cyr that appeared in the Fall 1987 Shakespeare Oxford Society Newsletter)

A sunlit autumn day ushered in the truly historic debate on the authorship of Shakespeare's works, held Friday, September 25th in the beautiful setting of the Metropolitan Memorial United Methodist Church in Washington, D.C., across the street from American University.

This "moot court" was attended by a wide spectrum of representatives of the media, of the Stratfordian camp (Louis Marder, Samuel Schoenbaum), of the Shakespeare Oxford Society (Gordon Cyr, Morse Johnson, Charlton Ogburn, Russell des Cognets, Ruth Loyd Miller, Judge Minos D. Miller, and many others), and of official custodians of Shakespeare studies and artifacts, such as the Folger Library (Director Werner Gundersheimer) and the *Shakespeare Quarterly* (Barbara Mowat and John Andrews). In addition, as Louis Marder writes (*The Shakespeare Newsletter*, Fall 1987, no.195, p.29), "over 1,000 curious individuals crowded the pews, aisles, balcony, choir loft, lobby, and outer steps [of the church] . . . Hundreds were turned away."

The Society's gratitude goes, in the greatest measure, to David Lloyd Kreeger, for his stewardship, conception, and masterminding of this important event. Thanks to Mr. Kreeger's efforts ([and] those of President Richard Berendzen of American University and Dean of the Washington Law School, Fred Anderson), the Moot Court received international coverage by press and TV (including advance spots on the NBC *Today* and ABC *Good Morning, America* shows), with front page stories the following day in *The New York Times* and *The Washington Post*.

[At] the Saturday business meeting the following officers were reelected: Executive Vice-President, Gordon C. Cyr; Honorary President, Charlton Ogburn; Treasurer, Phillip Proulx; Secretary, Helen W. Cyr; Editor of the *Newsletter*, Morse Johnson. Also, a new post of Assistant Secretary was created, and Robert O'Brien was elected for this post.

It was also moved and seconded to create an



Shakespeare Newsletter editor Louis Marder (seated, holding pencil up) addressed a few words to Charlton Ogburn (standing, left), chiding him about the many "could have beens" or "should have beens" that appear in *The Mysterious William Shakespeare*. To which Ogburn replied, "And this is, of course, a procedure unknown to Stratfordian writers?"



Newsletter editor Morse Johnson spoke to members about his view of the Moot Court Trial.

Blatt (South), Stephanie Caruana (New York), Elisabeth Sears and Charles Boyle (New England).

In addition, the Executive Vice-President appointed two longtime members, Michael Steinbach and Russell des Cognets, to represent the West and Midwest respectively. It was [also] moved to make Lord Charles Vere of Hanworth both an Honorary Member of the Shakespeare Oxford Society and an Honorary Member of the Board of Directors.

[After a talk by Ruth Loyd Miller] Charlton Ogburn...discussed briefly his "Afterthoughts on the Debate," [and then] left the floor open for attendees to give their own impressions. David Cavers, Fessenden Professor Emeritus of the

additional complement of directors, representative of the various regions of the U.S., who would constitute—along with the six elected officials mentioned—a Board of Directors who would meet annually.

Nominated and elected were Barbara Crowley (West), John Price (Midwest), Irving

Harvard Law School, felt that, judged as a debate, the proceeding favored Oxford, even though he understood the reasons for the legal ruling the justices rendered to the contrary. Another legal opinion was forthcoming from Morse Johnson, *Newsletter* editor, who felt that our side's attorney did not put the Stratfordian side on the defensive on the matter of the embarrassing silences among literary figures following Shakespeare's death. And Victor Crichton, a new member, said that the inadequacies of Justice Brennan's "ruling" could form the basis for an appeal. A more optimistic note was sounded

by Joseph Sobran, a writer for *National Review* and a recent convert to the Oxfordian cause, who said that the positive effects of the debate far outweighed the ruling against Oxford made by the three justices. "There is no such thing as bad publicity," said Sobran, pointing out that the justices effectively dismissed the other candidates for Shakespearean honors.

Recognition was given to our other distinguished journalist-guests at the conference, including (in addition to Mr. Sobran) Jim Lardner of *The New Yorker*, Charles Champlin of *The Los Angeles Times*, and Louis Marder of *The Shakespeare Newsletter*.

In the afternoon session, Lord Charles Vere of Harworth, our guest at the conference, discussed the De Vere Society which he had organized at Oxford University's Hertford College. He intends to make his De Vere Society the chief advocate for the Oxfordian theory in England, and he circulated an impressive list of guest speakers for his series of lectures currently going on.

Carole Sue Lipman was our next guest speaker. Ms. Lipman chairs southern California's Shakespearean Authorship Roundtable, [whose] members...consist of adherents on every side of the authorship, [with the] largest single group of Roundtable members [being] Oxfordians. Membership also includes Dr. Louis Marder and Thad Taylor (Stratfordians), the late Calvin Hoffman and Louis Ule (Marlovians), Elizabeth Wrigley (a "groupist") and George Eliot Sweet, promoter of Queen Elizabeth's candidacy.