

August 3, 1997

Michael Wenger
San Francisco Zen Center

Dear Michael,


Freedom of intellectual inquiry and religious exercise intersect in the freedom to study, teach and interpret religious doctrine. Academic archives and research collections serve this freedom by assuring access to unpublished religious writings, even as their legal constitution restricts the fair use of such materials to protect the rights of religious organizations and others to control literary estates, set terms for their publication, and allot their profits.

Can the students of Suzuki-roshi's teachings, within San Francisco Zen Center and beyond, define some such institutional arrangement that reconciles these coexisting moral goods and rights, in light of the larger responsibility they recognize to share a boundless teaching across formal boundaries of jurisdiction and ownership? Can they at least find a way to give free access to Suzuki-roshi's unpublished teachings to those who studied with him and who are teaching in turn, without thereby clouding questions or covenants regarding Suzuki-roshi's literary estate?

One course of movement to this end might begin by suitably naming two representatives of contrasting views in favor of either more or less restricted access to Suzuki-roshi's unpublished writings and recordings. With their constituents and legal advisers, these two representatives could elicit and spell out their distinctive views to specify the conditions they deem essential to the design of any arrangement for establishing an archive and access to it. (For example, Zen Center's board might name you one representative. Recipients of David Chadwick's diskette might name Lew Richmond a second representative.) They could exchange these specifications in concisely written form. Their legal advisers could then confer, perhaps together with an attorney experienced in designing academic archives like those at UC Berkeley and the GTU. From their consultation might come concrete proposals for both groups to criticize, revise and eventually agree to and abide by.

A quarter-century has passed since Suzuki-roshi's death, half the lifetime left to most of the first generation of his students in America, whose common task it is to share the treasure that none of us own and all of us can squander. Do we love our teacher, the truth and one another enough to say yes to this task? Let us.

With best wishes,



Steve Tipton

cc: David Chadwick, Lew Richmond