

# CAMPUS REPORT SUPPLEMENT

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## SANTA CLARA COUNTY SUPERIOR COURT ISSUES PRELIMINARY INJUNCTION

### NEWS SUMMARY

Santa Clara County Superior Court Judge Richard W. Rhodes Tuesday, March 9, granted Stanford University a preliminary injunction barring Associate Prof. H. Bruce Franklin from the campus until his current suspension by the University ends.

Five students, currently suspended by the University as a result of their participation in the Jan. 11 Henry Cabot Lodge incident, also were barred from entering or being on the principal academic campus until their suspensions end. In addition seven nonstudents were barred from campus.

Professor Franklin was suspended from his professorial duties, with pay, by President Richard W. Lyman Feb. 12. President Lyman warned Professor Franklin he faced possible dismissal from the University, charging he had on several occasions "urged, incited and led" students and others to interfere with University operations in an unlawful manner.

Professor Franklin has not yet formally indicated whether he will exercise his option of a hearing before the Advisory Board, a group of seven full professors elected by the faculty. The Board may recommend whatever penalty they deem appropriate, if any, to the President. Professor Franklin has until 5 p.m. Friday to indicate if he wants a hearing.

Professor Franklin said, "The purpose of banning me from the campus is to establish a right-of-way for a new kind of Stanford railroad." He said the action "makes it very easy for the [Stanford] News Service and all the things available to the Administration to totally prejudice the Advisory Board."

The preliminary injunction would not bar Professor Franklin or other named individuals from attending campus disciplinary hearings to which they were a party or had been called as a witness, or from gathering evidence on campus for such a proceeding, either by order of the court or with the agreement of the University president.

The preliminary injunction bars a series of destructive or disruptive acts specified in a temporary restraining order issued Feb. 12. The Judge noted that "this order does not prohibit peaceful and orderly picketing or the peaceful and orderly advocacy of a voluntary boycott of University functions or activity."

Students currently suspended by the University and thus barred from campus by the injunction include Bradley Dowden, graduate student from Los Gatos; Michael Holman, sophomore from Stanford; Merle Rahine, graduate student from Beachwood, Ohio; Theresa Ramirez, sophomore from Denver; and Janet Weiss, graduate student from Palo Alto. Geraldine Foote, who has chosen to take her suspension Spring Quarter, would be barred from campus at that time.

Nonstudents barred from the campus until such time as they may become registered students include Katharine Barclay, Michael Fox, Andrea Holman, Chris Katzenbach, Aaron Manganiello, Jeffrey Yondelman, and Professor Franklin's wife, Jane.

The ban from campus would not take effect until the University posts \$10,000 bond required by the Code of Civil Procedure by noon Friday and until the named persons are individually served.

Two other named defendants, Ted Smith and Sharon Winslow, both students, would be barred from campus if they were to be suspended by the University in the future. Neither faces any current disciplinary action.

A final defendant, Don Lee, and the organization, Vencermos, were not named in the injunction.

More than 350 Stanford faculty members have signed an open letter to President Richard W. Lyman backing his efforts to obtain a court injunction and help the University function "by rational and objective consideration of facts and issues without prejudicial coercion." The total includes 260 Academic Council members to date.

Circulated during the past three days, the letter states that "we wish that persuasion and University rules against disruption, destruction, and violence were sufficient to deter those who are

inclined toward these evils. But what has happened on campus shows this is not the case."

Organized by Profs. Peter Ray and Colin Pittendrigh, the letter has drawn about half its support from the School of Humanities and Sciences.

Early last week, 55 faculty members signed a plea for intervention against a proposed injunction sought by Stanford, saying it "threatens our constitutional protections, will have intemperate consequences, and [is] not conducive to an atmosphere in which teaching and scholarship can flourish."

### TEXT OF PRELIMINARY INJUNCTION

#### IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF SANTA CLARA PALO ALTO BRANCH

THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY, a body having corporate powers, Plaintiff, vs. KATHARINE BARCLAY, BRADFORD DOWDEN, GERALDINE FOOTE, MICHAEL FOX, BRUCE FRANKLIN, JANE FRANKLIN, ANDREA HOLMAN, MICHAEL HOLMAN, CHRIS KATZENBACH, DON LEE, AARON MANGANIELLO, MERLE RAHINE, THERESA RAMIREZ, TED SMITH, JANET WEISS, SHARON WINSLOW, JEFFERY YONDELMAN, VENCERMOS, an unincorporated association, AND DOES ONE THROUGH ONE THOUSAND, INCLUSIVE, Defendants. No. P 19714, PRELIMINARY INJUNCTION.

GOOD CAUSE APPEARING, IT IS ORDERED that a preliminary injunction be and the same is hereby granted, until the trial of this action, enjoining and restraining each of the named individual defendants except Don Lee, and all persons aiding and abetting said defendants or any of them or acting in concert with said defendants or any of them, from doing, or intentionally causing to be done, directly or indirectly, any and all of the following acts or things:

(1) Intentionally throwing rocks or other objects at buildings on the principal academic campus of Stanford University or other property of Stanford University or at persons on the principal academic campus of Stanford University.

(2) Intentionally boarding up, painting, nailing, bricking, burning, smashing, "trashing" or in any other way intentionally damaging any buildings or other property of Stanford University, or by any other means intentionally committing acts of force or violence against property of Stanford University or any person on the principal academic campus of Stanford University.

(3) Entering or occupying any building on the principal academic campus of Stanford University or any classroom, office or other space therein either (a) for the purpose and with the effect of disrupting classes, meetings, research activities or the conduct of the business of Stanford University or (b) with the knowledge that such conduct is disrupting classes, meetings, research activities or the conduct of the business of Stanford University.

(4) Intentionally obstructing or disrupting (by sit-in, or messing, or milling in or any other physical acts) the normal use of or the free ingress or egress to or from any building on the principal academic campus of Stanford University, or the normal use of or free ingress or egress to or from any classroom, laboratory, auditorium, library or office or other space therein or the courtways, halls, covered walks or porches, basements or roofs thereof, or the normal movement of any person about the Stanford University campus or in any Stanford University building or facility.

(5) Intentionally disrupting or obstructing any university function or approved activity of or business of Stanford University carried on in open air structures or stadiums or elsewhere on the grounds of the principal academic campus of Stanford University (specifically including the grounds surrounding the official residence of the President of Stanford University).

(6) Intentionally remaining in any building on the principal academic campus of Stanford University after the building is

closed to them, or to others including them, by authorities of Stanford University.

(7) Joining together, combining or agreeing to do any of the acts described in paragraphs 1 through 6 above. No person shall be in violation of this paragraph 7 unless some act, besides such joining together, combining or agreeing be done by one or more parties to said joining together, combining or agreeing to effect the object thereof.

(8) Entering or being on the principal academic campus of Stanford University. This paragraph (8) shall apply (a) to Bradley Dowden, Geraldine Foote, Michael Holman, Merle Rabins, Theresa Ramirez, Ted Smith, Sharon Winslow and Janet Weiss during that period of time, if any, that he has been or shall be suspended from the University, and (b) to Katherine Barclay, Michael Fox, Bruce Franklia, Jane Franklia, Andrea Holman, Chris Katzenbach, Amir Manganiello and Jeffery Youdelman during that period of time until he shall have become a duly registered student at Stanford University or, in the case of Bruce Franklia, until his suspension shall have been ended. Any person to whom this paragraph (8) does apply may enter the principal academic campus for the sole purpose of attending a disciplinary proceeding being conducted there to which he is a party or to which he has been called as a witness, or upon agreement by the

President of Stanford University or upon order of the court made upon motion and a showing of good cause, enter said campus for the sole purpose of gathering evidence relevant to a disciplinary proceeding being conducted there to which he is a party.

For the purposes of this injunction, "principal academic campus" means that area circumscribed by a red line on the maps attached hereto as Exhibits "A" and "B".\*

Subject to the provisions of paragraph (8), this order does not prohibit peaceful and orderly picketing or the peaceful and orderly advocacy of a voluntary boycott of University functions or activities.

Plaintiff shall file a bond in the form required by the Code of Civil Procedure, Section 529, in the amount of \$10,000.00 by 12 o'clock noon, Friday, March 12, 1971.

DATED: March 9, 1971.

Richard W. Rhodes  
Judge of the Superior Court

\*Map "A" showing central campus area follows. Outline is in black. Map "B," not included here, shows the Stanford Linear Accelerator Center area. -- Editor

