

FOR INFORMATION CONTACT: Harry Press

FOR IMMEDIATE RELEASE

STANFORD —

Defense attorneys said today the Constitution's First Amendment is at stake in Stanford University's attempt to enjoin 16 named persons from coming on the campus.

The hearing, before Superior Judge Richard W. Rhodes, will end Friday, and Judge Rhodes is expected to take the matter under advisement before deciding whether to issue a preliminary injunction, sought by Stanford to prevent damage and disruption on the campus. The defendants include H. Bruce Franklin, associate professor of English.

The proposed injunction, said Atty. Norton Tooby, is "an attempt to exile or suppress certain people and ideas. The things they have said fall clearly within the First Amendment. The defendants want freedom to take political action. The First Amendment guarantees and encourages unrest."

In Professor Franklin's case, Tooby said, "nowhere can a speech be held against him because nowhere has a speech advocated immediate force and violence."

(In his final argument yesterday, David Heilbron, representing the University, quoted Professor Franklin at a Feb. 10 rally saying that it was appropriate to respond "on different levels of action."

"Franklin said 'people should do whatever they think best,' and said 'it would be suicide for people to engage in any militant action in a large group; what there ought to be is a people's war, as in Vietnam.' Franklin told them," Heilbron continued, "to break down into small groups and go out as late as night as possible and do whatever you want to do.")

Defense Atty. Andrew Cohen told the court today that "the defendants are not fighting Stanford. They are fighting against the war, and Stanford is a key in that war. When Stanford gets out of the war, these things will stop."

Stephen Heiser, a second-year law student appearing as a defense counsel, said the case is "an attempt by Stanford to enjoin a revolution. There is no authority in common law to enjoin a revolution—or revolutionaries."

Mrs. Janet Weiss, a defendant serving as her own attorney, said the injunction would mean "no one could speak at a public meeting."

Mrs. Weiss, a graduate student charged with disrupting a speech by Ambassador Henry Cabot Lodge, said that "when a major architect of genocide speaks at a major University, and talks about U.S. interest in peace, it is not improbable that people will shout and boo and ask 'what about My Lai.'"