

Judge tosses campus case back to Stanford

By Mary Madison
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STANFORD — Another look at the celebrated case of H. Bruce Franklin looms over the Stanford University campus today in the wake of a ruling Friday in the First District Court of Appeal in San Francisco.

Franklin, who is now a 46-year-old English professor at Rutgers University, was fired from the Stanford faculty in 1972 for allegedly inciting violence on the Stanford campus during anti-Vietnam War protests.

The latest court ruling bounces Franklin's case back to the university to determine "whether the penalty against Franklin should be changed," according to David Heilbron, San Francisco lawyer representing Stanford.

Franklin, represented by the American Civil Liberties Union, has been fighting his ouster from Stanford through the courts ever since a seven-member faculty advisory board voted 5-2 to fire him.

Stanford's action was one of the few times in history that a university has fired a tenured professor. The case also gained national attention because it was tied to Vietnam War protests.

"Trashing" (vandalism) and arson caused about \$400,000 worth of damage on the Stanford campus during the anti-war demonstrations. A fire of undetermined origin caused \$1 million worth of damage at Encina Hall. Hundreds of arrests and scores of injuries also took place from 1969 to 1971.

Franklin was found guilty in 1978 of two of the three charges against him by Judge John Flaherty of the

Santa Clara County Superior Court.

Flaherty subsequently referred the case back to Stanford to determine if the penalty of dismissal was still appropriate.

Last Friday's ruling from the appellate court sends the case back to Flaherty's original decision, which questioned whether Franklin's firing was the correct penalty for two guilty findings instead of three.

Franklin was charged with inciting violence on three occasions at Stanford in 1971 — at White Plaza, the computation center and at Old Union courtyard.

However, Flaherty found Franklin guilty of only the White Plaza and computation center charges.

Earlier, a faculty advisory board headed by then-Biology Professor Donald Kennedy found Franklin guilty on all three charges and voted 5-2 to fire him.

Kennedy, who today is Stanford provost and a frontrunner to succeed Richard Lyman as president, voted with the minority to punish Franklin with sanctions short of ouster.

Franklin's ACLU lawyer, Margaret Crosby, said Tuesday, "The latest court ruling means that Bruce is entitled to a hearing before the Stanford advisory board to have his penalty reconsidered in view of the fact that some of his speeches have been ruled protected under the Constitution."

Crosby said, "If Stanford takes the position that Bruce is not entitled to a hearing, we will fight that out with Judge Flaherty. There may be disputes on the scope of the hearing, but we will take the position that we are entitled to a full scale hearing just like in 1971."