

# Judge upholds Franklin firing

By NED MACKAY

SAN JOSE — Judge John Flaherty of Santa Clara County Superior Court has upheld two charges and struck down a third which were the basis for Stanford University's firing of Prof. H. Bruce Franklin.

Franklin, a self-avowed Maoist and member of the now-defunct revolutionary group, Venceremos, was fired by Stanford University in January, 1972.

The firing was on the recommendation of a faculty advisory board of seven professors whose majority had determined that Franklin incited violence on three occasions during campus demonstrations in the spring of 1971.

Judge Flaherty explained today that his decision upholds the advisory board findings that Franklin did incite violence during speeches in White Plaza and at the Stanford computation center.

However Flaherty determined that Franklin's statements on the third occasion, a rally at the Old

Union courtyard, were within his rights under the First Amendment to the U.S. Constitution.

Franklin, in a lawsuit pursued since 1972 by the American Civil Liberties Union (ACLU), has sought a finding that his dismissal violated his constitutional right to free speech.

Flaherty said today that his decision "still leaves open the question of whether Stanford should have terminated him or could have taken a lesser penalty such as suspending him."

Flaherty has requested both sides in the case to return and discuss in the light of his ruling whether Franklin's dismissal should be returned to the faculty advisory board for further deliberation.

Alan Schlosser, staff counsel for the ACLU of Northern California, said today, "Our position was and still is that all of Prof. Franklin's speeches were constitutionally protected."

Schlosser said the faculty advisory

board's recommendation to fire Franklin has been "eroded", now that one basis for it has been struck down. He said the ACLU will continue to represent Franklin, although "it is not clear what the next step will be."

The faculty advisory board held several months of hearings similar to a trial in the fall of 1971 before voting 5 to 2 to recommend Franklin's dismissal.

Two of the advisory board members recommended penalties short of dismissal.

The majority recommendation for dismissal was upheld by Stanford President Richard Lyman and ratified by the Stanford board of trustees.

After his dismissal from Stanford, Franklin sought other employment. The regents of the University of Colorado decided against hiring him, but ultimately he was hired by Rutgers, the state university of New Jersey. He is now a full professor of American literature at the Rutgers campus in Newark.

## Court won't rehear Hearst robbery case

SAN FRANCISCO (AP) — The 9th U.S. Circuit Court of Appeals on Wednesday denied Patricia Hearst's petition for a rehearing on its decision to uphold her federal bank robbery conviction.

In a 1½-page order, the appellate court refused to reconsider its Nov. 2, 1977, decision affirming the

guilty verdict against the onetime kidnaper.

Miss Hearst's attorneys had objected to evidence that was introduced at her trial about her activities after the April 15, 1974, bank robbery. The robbery occurred just 10 weeks after her abduction by the terrorist Symbionese Liberation Army.

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1/4/78