

VINCENNES
1969 University Avenue
East Palo Alto, Calif. 94303
January 19, 1972

To: The Board of Trustees of Leland Stanford Junior University and All
Other Members of the Ruling Class of the Empire

"I have long been aware that my every appearance in public drew upon me the hostile attention of certain powerful persons in finance in San Francisco, and they redoubled their efforts to be rid of me. But I had no choice but to go straight ahead."

Professor Edward Ross (1900), the first in a long line of Stanford professors to be fired for their political views.

Thank you for your kind and generous permission to allow me to "comment in writing" on the decision of your management to fire me. You ask me to state my reasons why you should not "concur" in this decision, which of course you arrived at years before the events of early 1971, the subsequent charges, and the kangaroo hearing. There is no chance whatsoever that you will not concur, no matter what the facts were nor whatever I say now. But it may be important for all of us that the issues be spelled out clearly.

You should not concur for the following reasons: I did not do any of the things I was charged with. Even if I had, not one would violate either any law or any Stanford rule, written or unwritten. The university needs to have, and sooner or later will have, teachers saying the same thing that I did say in the political speeches now . . . branded as "urging and inciting." By firing me you will merely further expose yourselves for what you are and Stanford University for what it is, and you will reap as you sow.

I. The facts

A. Urging and inciting. As people in the anti-war and anti-imperialist movement at Stanford are well aware, I have always maintained a policy of never advocating anything I would or could not do myself. In fact, I have always refrained from even voting in favor of anything I would or could not do, and have strongly urged everybody . . . in public meetings to adopt this as a matter of principle. (Dennis Hayes can vouch for this.)

An examination of the four charges will show how grossly the Administration and the Board has misrepresented to you and the public the facts of this case.

B. The Lodge incident. After a professor is unanimously acquitted of a charge brought by the Administration, and after it has been conclusively proven that the Administration's witnesses were presenting false testimony (including testimony by a member of the Administration), what would we expect from the Board serving as the judge and jury? Might they not discuss the seriousness of bringing false charges and warn of the dangers of political repression? Of course not. This Board reveals itself for what it is in these words: Franklin "describes the disruption at the Lodge speech as too weak, and clearly indicates his own preference for more violent actions. This combination of views has the effect of making incitement almost a way of life." (p.36) Where do they find this "preference for more violent actions"? They allude here to my letter to Lyman in response to the charge, a letter written ten days after the event. So here we have an example of ex post facto incitement. And what are the "violent actions" I prefer? What I said was this: "The appropriate response to war criminals is not heckling, but what was done to them at Nuremberg:

they should be locked up or executed." So what the Board means by incitement is clear: Franklin's political views, freely expressed, constitute urging and inciting, no matter what the circumstances. Despite all their professions to the contrary, this is precisely the standard they apply to the remaining three charges, which are all "urging and inciting."

C. The White Plaza speech. I did not urge and incite an occupation of the Computation Center. In fact I did not even mention it, nor did anyone else at the White Plaza rally.

Subsequent events prove the absurdity of this charge, if any proof were needed beyond the speech itself. During the hearing, uncontested evidence, produced by witnesses for both sides, proved that after the rally, the following happened: People went from the rally to the area outside the Computation Center. They stayed outside for 20-30 minutes. Somebody then entered, possibly by breaking in. Other people followed. They walked around inside and conversed with the people working there. After a while, some of the demonstrators said explicitly that there had been no discussion of occupying the building, that people had not thought they would get inside, and that therefore they should leave the building and hold a meeting to decide what to do. The great majority of demonstrators then left the building, and held a 40-minute meeting out front. It was at this meeting that they decided to go inside and stay there until Gamut-H, the S.R.I. amphibious invasion plan being programmed on the computer in direct violation of the university policy on research, was stopped. They made an uncontested decision not to do any damage and to make a public announcement that they were committed to this.

This is only one of many examples where the Board, in direct violation of Paragraph 15a, fails to include any "express findings upon all disputed matters of fact." To convict me of these ridiculous charges, they are forced to pretend that most of the evidence does not exist. Here and elsewhere, it is not a case of the Board choosing to believe one Administration witness and to disbelieve many defense witnesses. Rather they choose to deny or ignore the very existence of numerous defense witnesses as well as exculpatory evidence presented by Administration witnesses.

The third charge

D./Many hundreds of pages of testimony, hundreds of photographs, and a video film all go to prove beyond a reasonable doubt that this is a false charge. What I did do was to attempt to get faculty observers to stay on the scene, and to attempt to convince the police not to attack the people. There is no other explanation of my behavior that makes any sense, as two of the Administration's key witnesses (Broholm and Moses) acknowledged under cross examination. As many witnesses, including several official faculty observers, attested, I put myself in physical jeopardy in order to try to prevent violence, the only violence that did in fact occur, the violence of the police against unarmed, peaceful, lawful demonstrators.

E. The Old Union speech. There was not a single witness on either side who testified that I urged and incited, or even mentioned, any unlawful, violent, or prohibited conduct in my speeches that night. The entire case here rests on an implied causal relation between these speeches and subsequent acts of violence. The Administration was permitted, over our repeated strenuous objections, to present evidence attempting to prove this causal relation. But when our turn came, we were not allowed by the Board to present our side of

this key question. We did, however, make a formal offer of proof, which was noted by the Board. We offered to prove that the fight which occurred shortly after the rally . . . broke . . . up began when a group of right-wing students physically attacked, without provocation, a group of people who had been at the rally. We also offered to prove that the shooting which occurred later . . . that evening was probably done by a member of the Santa Clara County Sheriff's Department. The Board's behavior here, rather than allowing us to present our side of the case nor accepting as proven what we offered to show, outrages all notions of due process and judicial fairness.

II. Violations of what?

A. The law. If I did . . . indeed urge and incite violent acts, this violates California law. So I hereby urge and incite you to . . . have this brought to criminal court, where we would at least be protected by subpoena, perjury laws, and legal precedent. But of course even the Administration has now . . . quietly dropped its claims that anything I did or said was unlawful. There is now tacit acknowledgement that the First Amendment does not apply at Stanford.

B. Stanford's rules, policies, and regulations, written and unwritten

1. The Camp Center incident . . . in relation to the speech in White Plaza

As we know clearly in the final brief, the demonstration at the Camp Center itself did not expose any participant to Stanford prosecution under the Policy on Campus Disruption or anything else. That is why none of the demonstrators was ever prosecuted by the SAC, although their identity was well known and proven in photographs. (In the one case that was brought, two people were acquitted of assaulting a photographer inside the Camp Center. Their participation in the demonstration, which they . . . freely admitted, was not at issue, and the SAC focus on basis for prosecuting them for this.) So we have the strange case of someone being prosecuted for "urging and inciting" an action, which he never mentioned, and which, when it occurred, was not liable to University prosecution.

2. Outside the Camp Center. Here the case is even clearer. The University Prosecutor himself states flatly that a person who did refuse to disperse would . . . be committing "no violation of any University regulation" and would not be subject to "any disciplinary action." (pp. 243-244). So even if I did what I . . . have been falsely charged with doing I would be merely urging and inciting conduct which is permitted.

3. Here we have the ultimate absurdity. Not only are we not told what rules would be . . . violated by conduct that I "urged and incited," we still do not know what . . . conduct it is that I "urged and incited."

III. The penalty:

There is no precedent for any of this. How then can firing be justified? Further, no warning was ever given, though I have been making speeches like this for years. You can't have it . . . both ways. Either this is a first offense, . . . which then would hardly justify firing, or else I have been doing the same thing . . . before, without either prosecution or warning, and therefore was led to believe (as I did) that such speeches violated no rules. Of course I know, as we all do, that . . . such speeches and

behavior (even speaking at movement rallies) were considered outrageous by you, the past and present Presidents, and most of the faculty, who booted me out of the room when I attempted to present these ideas to them in an Academic Council meeting a few years ago. But there is supposed to be, according to your professed ideals, a vast difference between speeches that outrage established opinion and speeches that subject the speaker to ~~unwarranted~~ punishment.

IV. Conclusion

But all of this is beside the main point. The ~~real~~ essence of the case is that ~~neither~~ neither you nor your Administration nor the majority of the faculty you hire wish to permit a communist revolutionary to teach in your ~~own~~ university, whose ~~lands~~ lands you stole from native Americans and Mexicans, whose resources you stole from poor and working people, and which is financed, directly and indirectly, by money stolen from the working class at home and your victims around the world. You can not tolerate even one person expressing the views of poor and ~~washed~~ working people because such ideas do indeed, as the Board's decision states, threaten the very existence of your institution in its present form. But you cannot suppress our ideas by repressing us.

Sooner or later the people will take Stanford University away from you and will use all its vast resources to serve their needs rather than your sick drive for personal profit. In fact, they are going to take ~~the~~ your entire empire away from you.

You are part of a dinosaur class, outwardly powerful and ferocious, but doomed by history because of the insatiable appetites and irrationality of your system. Go right ahead. Play your greedy roles to the hilt. And be remembered in history for what you are by the vast hundreds of millions of people you now rule but who will soon gain the power to control their own destinies.

It is you who will be dismissed, in every sense of that word. The poor and working people of your empire, will win, no matter what you do.

POWER TO THE PEOPLE!

PANAMA VENCEREMOS FREEDOM!



Bruce Franklin,
Central Committee

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