

--- TENTATIVE PLAN FOR REMAINING TESTIMONY DEEMED ESSENTIAL, WHICH AMOUNTS TO A DETERMINED PITA FOR SUFFICIENT TIME TO MAKE THE DEFENSE CASE

Some notes: We figure that each hearing day allows for something less than four hours of actual testimony, including cross, re-cross, and the time for questions. Estimated times are very approximate. From this point in the hearing on, witnesses will tend to be involved with more than one of the charges. Therefore the number of witnesses listed for each proof includes fractions of actual witnesses. That is, if one witness may testify about a single point relative to charge 2, several points relative to charge three, and one point relative to charge four. So we will have included this witness as extracting some fraction of a witness for each point. All of the categories and calculations have been thrown together with haste and under great pressure of time. Therefore we do not want to be held to this schedule, and we may want to introduce points we have overlooked. We will attempt to rewarn the board of all charges and as early as we can. We have used letters and numbers to indicate categories. When requested by the board, we will indicate by letter and number where we are and what we are trying to prove. We would hold it a great breach of confidence if any of this information were to fall into the hands of the Prosecution.

A. stands for Lodge charge. We may wish to introduce one, or at the most two, witnesses to show that a strong prima facie case can be made that Lodge is a major war criminal according to the standards set forth at Nuremberg and Tokyo. This would not be to "convict" Lodge, nor would it constitute a "Nuremberg defense." Its relevance would be to show that what might be expected from the university community must be evaluated in terms of the fact that ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ a significant section of the community ~~xxxx~~ believed that Lodge is a major war criminal and had reasonable basis for this belief.

B. The White Plaza speech.

1. Many people went to the Comp. Center demonstration who either didn't go to White Plaza or ~~was~~ had previously made up their minds.

a. What happened at the workers' rally held simultaneously. How they participated.

b. The participation of ~~xxxx~~ community people.

c. People from Dink. Or other sources.

2. ~~By~~ and others believed that some kind of demonstration was going to take place at the Comp. Center. Their main purpose was not to build this demonstration but rather to build a massive Cambodian-type strike. They recognized that the protest against the invasion of Laos did not yet have the broad support ~~was~~ shown for the protest against the invasion of Cambodia. But they saw that the demonstration at the Comp. Center might become the beginning of a much wider movement. Therefore they wanted to make sure of three things; 1) That the movement not become obsessed with ~~at~~ the Comp. Center; 2) That nothing happen at the Comp. Center, or later, that would alienate ~~xxxx~~ broad support, and therefore it was essential that the computer not be damaged; and ~~xxxx~~ 3) ~~in~~ that the movement would expand not only to include ~~xxxx~~ and working people, but that they become the leadership of that movement.

a) The role of the workers' rally.

b) The role of the Comp Center workers.

c) ~~Was~~ What the speech meant to people, particularly workers.

d) ~~By~~ intentions in making the speech.

Some of all this had already been gone into somewhat. We see a total of about one more day's testimony ~~xxxx~~ plus the part of BF's testimony that dealt with the speech. Grand total for ~~3~~-approx. 4-5 hours.



b. An experienced observer ~~would have had the impression~~ would have good reason to believe that the police were on the ~~xxx~~ verge of attacking the people.

c. The faculty observers ~~who had been close to the police line~~ and the ~~xxx~~ people facing the police line either had left or seemed to be in the ~~xxx~~ process of leaving.

d. There was no apparent control over the police.

e. There was reason to believe that faculty members could prevent the imminent police charge.

f. I thought a,b,c,d,e.

g. At no time did I ~~xxx~~ urge or incite demonstrators to ~~xxx~~ disobey the police order.

h. The people who gathered around my argument with Tamm consisted of:

1. People who knew that I had been recently been beaten and arrested by the San Mateo County Sheriff's Tac Squad in ~~an assembly, unprovoked, in a pre-~~meditated and entirely unprovoked attack, who knew that I ~~xxx~~ had also, even more recently been attacked by a squad from the Menlo Park police, ~~xxxxxxx~~ who were therefore fearful for my ~~xxxx~~ safety ~~xxxx~~ any time I was near a police line, and who were in my vicinity without any urging and ~~xxxxxxx~~ inciting from me, and, in some cases, ~~xxx~~ without my knowledge.

2. Newsmen, ~~and~~ photographers, and TV cameramen.

3. Police

4. People who ~~xxxx~~ had been face to face with the police line all along the edge of the pavement and grass, and who moved over to find out what was going on.

5. Other people who were curious.

i. Thus, rather than ~~xxxx~~ causing a confrontation, this discussion had the potential to relieve the ~~xxxxxxx~~ potential for violence, a potential posed only by the police.

j. The incident which touched off the charge was a premeditated attempt by the police to get me, signalled by Captain Johnson's order to a sergeant: "Let's get him!" Marron was right there, and, contrary to his testimony, heard and saw ~~xxx~~ this whole thing. His ~~xxxx~~ refusal to acknowledge this is evidence that he might believe that it was their conduct, not mine, that was improper.

~~xxxxxx~~

4. We will show how the power of the people saved BF.

5. We will introduce a bit more evidence of ~~xxx~~ police violence as ~~background~~ background for the evening.

Witnesses will include at least one more official faculty observer, at least one person with me the entire time, several people who never had any intention of leaving and never heard me say anything about the situation, and a few of the people who were with me at the time of the police attack on me. Total number of witnesses: 8-10. Total time: ~~xxxxxx~~ two hearing days.

D. The speech in the Old Union Courtyard, known through some sources as the People's War speech.

"For one," continued the cosmopolitan, grandly swelling his chest, "I hold the press to be neither the people's improvisatore, nor Jack Cade; neither their paid fool, nor conceited drudge. I think interest never prevails with it over duty. The press still speaks for truth though ~~interest~~ paled, in the teeth of lies though entrenched. Disdaining for it the poor name of cheap diffuser of news, I claim for it the independent apostleship of Advancer of Knowledge!--the iron Paul! ~~Paul~~ Paul, I say; for not only does the press advance knowledge, but righteousness. In the press, as in the sun, resides, my dear ~~Shakespeare~~ Charlie, a dedicated principle of beneficent force and light. For the Satanic press, by its coappearance with the apostolic, it is no more an aspersion to that, than to the true sun is the coappearance of the mock one. For all the baleful-looking parhelion, god Apollo dispenses the day. In a word, Charlie, what the sovereign of England is titularly, I hold the press to be actually--Defender of the Faith!--defender of the faith in the final triumph of truth over error, metaphysics over superstition, theory over falsehood, machinery over nature, and the good man over the bad."

The Confidence-Man, chapter 29

1. We will prove that two Administration witnesses who testified about my speech could not possibly have heard it at all. (1 witness--10-15 minutes).

2. We will prove that the other Administration witnesses who testified about my speech were almost certainly unable to hear it distinctly if at all.

(8-10 witnesses to establish the outermost limits of audibility of the speech. They will be located in different parts of the meeting. ~~Maybe~~ We think we can do this in less than one day.)

3. We will prove (a) that my speech was ~~as~~ I represented rather than as represented by Administration witnesses; (b) that "people's war" in this context could not possibly mean to revolutionary and radical people that they should beat up FCMers, shoot at ~~unprovoked~~ students, etc. (in fact, if anything it would argue for not doing this); and (c) that a number of people took the speech to mean that people should go to the dormitories and build for the strike and they proceeded to do just that.

(8-10 witnesses; 1½ days)

4. We will prove that (a) the fight was not unprovoked and (b) that the people in it probably or certainly did not hear my speech.

(10 witnesses; 1½ days)

5. We will prove that the shooting was more likely done by a pig than by a person at the rally, and that there is absolutely no evidence of either a causal relationship between the speech and the shooting or that the shooting indicates anything ~~about~~ at all about "the mood of the campus".

(10-12 witnesses; 3 days)

cont.

6. We will prove that the police continued their reign of terror from their afternoon charge. Specifically, that they ~~we~~ attempted to intimidate the rally, attacked people without provocation, and even beat people studying in their dorm rooms, after locking themselves in the rooms with the students.

The ~~your~~ purpose of this evidence is ~~it~~

a. to show why people at the rally did not want to give police the opportunity to attack, which goes to mood of the crowd and ~~a~~ purpose and effect of the speech.

b. to explain why people may have wanted to move a bike rack into the possible path of a police car ~~following~~ following them at some distance

c. to explain why people may have thrown rocks, if such did happen, after police attacks.

(12 witnesses -- 2 days)

E. Testimony on exceptional value as scholar and teacher.

~~(8-10 witnesses)~~ (8-10 witnesses) If the Board prefers, this could be saved in case of a finding of "guilt" on one or more charges. If there is no finding of guilt, there would be no need for such ~~with~~ testimony. If there is ~~manifesting~~ a finding of some 'guilt', then, ~~manifesting~~ paragraph 3a would ~~clearly~~ clearly allow for some showing as to just ~~how~~ how much this evil personal conduct impairs my performance of my ~~my~~ "appropriate functions."