

Introduction

The Bill of Rights was added to the Constitution essentially as a condition of ratification. Without it the Constitution stands largely as a document regulating the forms of government, commerce and the interactions between the various states.

The people in the nascent federation were leery of the direction the new government might take, having only recently emerged from the despotism of George III. They recognized the need to protect themselves against the power they were concentrating in a central authority. They recognized the need to protect avenues of dissent, to provide a counterforce to the government should it lose touch with them and become self-perpetuating against their interests. In demanding that the Bill of Rights be added to the Constitution, the people in revolutionary America established a framework, within which, at least to a reasonable extent, they could openly oppose governmental abuse of power.

Now nearly 200 years later, Federal government has grown far beyond what might have been imagined by the founding fathers. It serves many groups with conflicting interests. Often it is more responsive to the wishes of the powerful and wealthy few who manipulate the controls than to the needs of the majority of its citizens.

In the name of self preservation our government has made war on peasant peoples and enriched its friends at the expense of its own citizens as well as the rest of the world. It has moved to stifle opposition to these policies, frequently ignoring the constitutional restraints on its own power.

Suppression of Dissent

We in the Stanford Committee on Political Education (SCOPE) have organized this conference because of our growing concern with institutional and governmental suppression of dissent. We are afraid that this country, by infringing on the rights of its citizens, is rapidly moving away from the democratic traditions which are necessary to insure fair and equal treatment of all citizens.

We are familiar with recent attempts by the government to infiltrate and manipulate our lives. The Pentagon Papers and Watergate trials have brought out, more clearly than ever, the willingness of government officials to use their power to deceive the American people through distortion and outright lies.

The attempt to prevent newspapers from printing the Pentagon Papers, the attempted suppression of the CBS documentary "The Selling of the Pentagon," the jailing of newsmen who refuse to disclose their sources, and the ominous speeches by White House Communications Director Clay Whitehead attacking the "liberal" TV networks all pose grave threats to freedom of the press and the public's right to know.

Government Spies

In addition, the reports of government infiltrators in the Phillip Berrigan case and the more recent case against Native Americans who sat in at the Bureau of Indian Affairs building in Washington, D.C. point out the increasing use of government informers and provocateurs sent out to spy on the American people.

The massive surveillance system containing profiles of all those considered "threatening" to the government and the numerous grand jury witchhunts which have sought to persecute and harass leftist organizations with little or no justification present dangerous steps toward a totalitarian police state.

This type of activity not only occurs at the national level, however, but locally as well. Right here at Stanford, we have our own examples of how the administration uses power to pressure us not to oppose its policies.

Police photographers inevitably appear at peaceful campus rallies to take pictures of both speakers and listeners. It is not clear what happens to these photographs once they are taken, but the chilling effect police photographers produce at peaceful rallies clearly inhibits free discussion. This is especially repulsive to us on a university campus where freedom of speech and open exchange of ideas are supposedly sacred.

Students Denied

The formation of the Campus Judicial Panel (CJP) last year demonstrated the University's willingness to deny students the basic right to a fair trial. Faculty members hold a four-to-three majority on the Panel and are chosen by the faculty Senate while the students on the Panel are selected at random. Attempts to even get a simple student majority on the Panel have continuously been rejected by the faculty and administration despite two overwhelming votes by the student body in favor of a student majority.

Earlier this month, Prof. Daniel Bershader, a CJP member, said, "The [faculty] Senate is not ready to give a student majority on a panel which might decide political problems." CJP Chairman William Cohen, a law professor, cited possible "peer pressure" on students as a reason for not giving them a majority. Does he mean to imply that faculty members who are employed by the University are not subject to pressure while ruling on cases such as Bruce Franklin's? The answer is clear. The faculty and administration don't trust students and don't want to relinquish power to them.

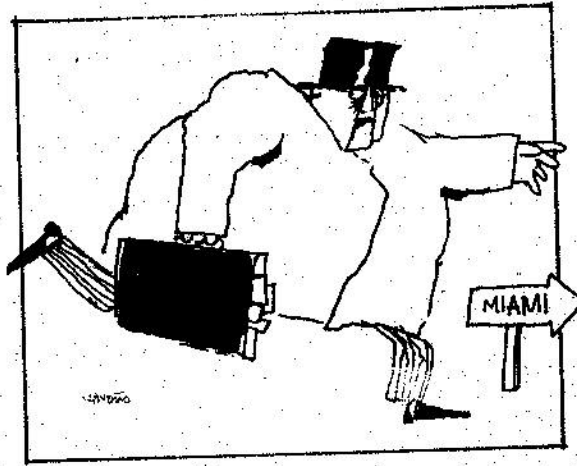
Why? One of the most controversial CJP cases last year concerned the prosecution of students who had protested an appearance at the Placement Center by companies heavily involved in the Vietnam war. Although the demonstration was peaceful and involved a minimum of disruption, the students were suspended for three quarters each. It is certainly relevant that President Lyman claims the Placement Center must be kept open for military recruiting so as not to jeopardize the vast amount of money Stanford gets each year from the Department of Defense.

Provocateurs And Informers

Stanford has even been exposed to the undercover world of provocateurs. In 1969 and 1970, FBI recruit Tom Mosher infiltrated the movement at Stanford and admitted in testimony before the Senate Internal Security Subcommittee that he helped lead militant activities on this campus. He testified that he had appeared to be an activist here during the April Third Movement of 1969 which attempted to stop the Stanford Research Institute (SRI) from carrying out classified research.

Mosher admitted that he had participated in a sit-in at the Applied Electronics Laboratory (AEL), had clashed with the police at SRI, and had helped build a barricade in front of SRI which caused great tension when it was later set on fire. The use of provocateurs who actually incite others to illegal and dangerous actions while working for





the government raises very serious moral questions about who really is responsible for whatever violence results.

The Bruce Franklin case is Stanford's most notorious example of disregard for constitutional rights and liberties. Despite the frequent claims of the Advisory Board which voted to dismiss him as a Stanford professor, Bruce Franklin's case was not tried on constitutional grounds. There was nothing in the evidence presented during the case to show that Bruce Franklin overstepped the constitutional limits of free speech. His firing by the University demonstrates that Stanford does not guarantee constitutional rights to its students, faculty and staff: speeches and actions protected by the Constitution are punishable at Stanford.

'Daily' Search

Finally, even the campus press has come under severe pressure. In the spring of 1971, The Stanford Daily's photo files were searched by the Palo Alto Police Department. The police were, not surprisingly, searching for photographs of demonstrators, taken during the 1971 Hospital Sit-In, but they didn't find what they were looking for. The Daily sued the Palo Alto Police Department to stop such searches in the future. A federal district judge in San Francisco ruled the search illegal and unconstitutional. However, the PAPD is appealing the ruling. This attempt to turn the Daily into an information-gathering service for the police foreshadowed the wave of new threats to the press in this country.

The Daily also came under pressure due to another celebrated incident in Stanford history which ties many of these issues together. On October 2, 1970, the Daily published a column by Diarmuid McGuire which seemed to call for bodily harm to two members of the Free Campus Movement (FCM), Ray White and Roger Reed, who had helped to convict him of breaking windows during the Cambodia demonstrations.

This column raised an incredible furor in the Stanford community. In fact, pressure from the faculty and administration was so intense that it spurred the Daily to become independent in order to avoid possible censorship in the future.

The McGuire column also relates to the issue of informers on the Stanford campus. Ray White and other FCM members have consistently worked with police as informers and "witnesses," and are normally allowed to go behind police lines at demonstrations when this privilege is denied to others. They have worked closely with both police and Stanford administrators in bringing about prosecutions and convictions of demonstrators.

Threats And Perjury

It is interesting to note that, while there was great outrage over Diarmuid McGuire's column, there was hardly any outrage when Ray White was found to have sent anonymous threatening notes to former student government leader Tom Forstenzer and to have perjured himself when questioned about this during the Franklin trial.

It would appear that Stanford as a University and as a community has sunk to the national norm in embracing and protecting informers. Convictions may be easier to obtain with such willing witnesses, but whether justice can be served by such unsavory alliances is a major concern.

Much of the movement activity at Stanford has been centered around "getting Stanford out of the war." We have had some successes, notably getting ROTC off campus and getting most classified research banned. We have learned, however, that Stanford's involvement in Defense Department research is not an isolated, easily removed appendage to the academic pursuits of the institution. It is instead an integral part of the University structure, symptomatic of the way in which the Board of Trustees and their friends shape the priorities for the campus.

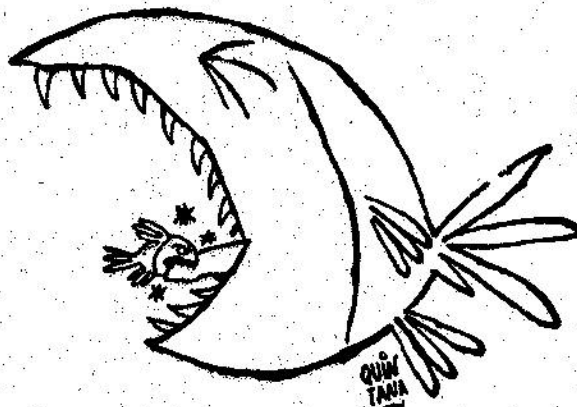
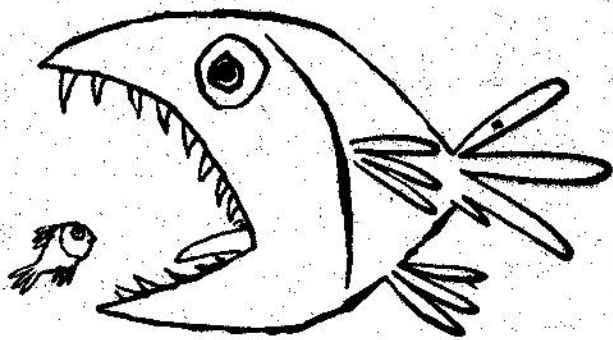
Stanford entered into Department of Defense contracting in much the same way the United States entered into Vietnam: gradually and without much obvious foresight. Its corporate interests took it there. But in achieving the eminence of an elite research institution, Stanford has put itself into the position of protecting the values of corporate society, even when that means curtailing traditional freedoms.

Creative Thought

We question the wisdom of that course. We question whether Stanford, in protecting its financial interests, should require the sacrifice of basic rights of members of the Stanford community. We question whether creative thought, the heart of an academic institution can truly survive such sacrifice.

As indicated throughout this introduction Stanford is not an isolated example. The threat here is symptomatic of a depletion of rights on a much grander scale. The people who are running this country have specific reasons for not wanting the full guarantees of the Constitution to prevail for everyone. We must oppose that trend as strongly as we can.

The speakers at this conference will not, in general, cover local Stanford issues. They will be talking more generally about what is occurring in American society at this point in history. However, we hope that the information they bring will be useful in helping to set Stanford on a better path. We could, as an institution, provide much needed leadership in creating a fair and just society.



Might Vs. Right In America

Tuesday, February 20

"Two Crisis Cases: The Military and the Press"

Paul Rupert Military Law Project

Bill Kurtis CBS Network News

Moderator: Cary Ridder

Wednesday, February 21

"The Courts: Encroachment or Protection?"

Barbara Babcock Stanford Law Professor

Ramsey Clark Former U.S. Attorney General

Moderator: Mark Noble

Thursday, February 22

"Patsies, Provocateurs and Power"

Paul Halvonik Northern California ACLU

Frank Donner ACLU Political Surveillance Committee

Moderator: Anne Hetherington

Friday, February 23

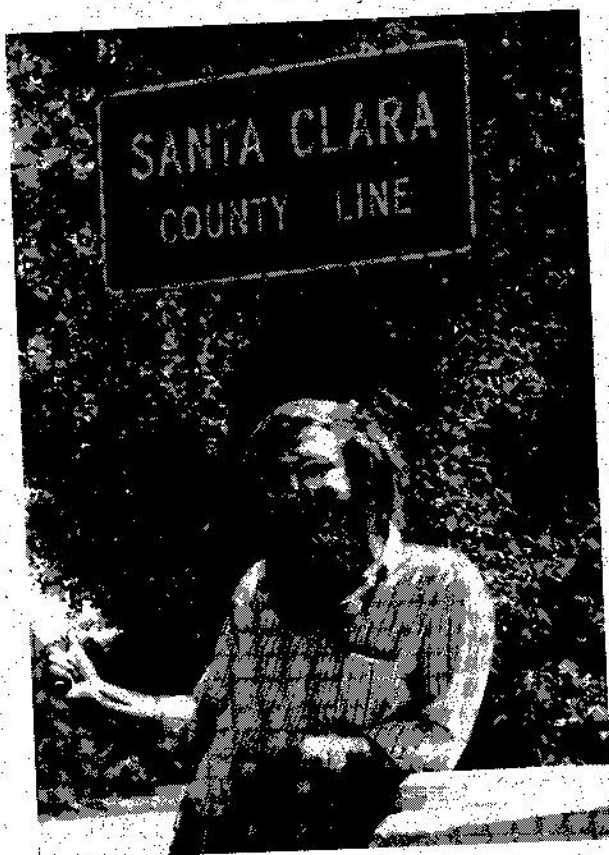
"Why Is Nixon Doing What He's Doing?"

Steve Weissman Author, Ramparts Press

Daniel Ellsberg Defendant, Pentagon Papers Case

Moderator: Kevin Smith

Music by the Rose Redwoods



Paul

Rupert

Paul Rupert was raised in the working class-tourist town of Chatham, Massachusetts by working-middle class parents who hoped for his success. Planning a career in conventional politics, he went to Stanford University to meet future "West Coast Ruling Class" contacts and to spend the four years necessary before he could go to Harvard University Law School to meet future "East Coast Ruling Class" contacts.

He attended Stanford from September 1963 to June 1967, during which time the Civil Rights movement in the South and the War in Vietnam brought much conflict and awareness to students of that period. Six months in Europe, and a year of sponsoring and wrestling with the draft were among the things that led him to a radical critique of capitalism, Stanford University and American life in general.

He attended the University of Chicago Divinity School from September 1967 to June 1968. He burned his draft card on October 21, 1967 at the Pentagon demonstrations and began organizing with the Chicago Area Draft Resistance (CADRE). He refused induction into the Army in March 1968, and returned to work with the Palo Alto Resistance in June of 1968.

He began work with the United Campus Ministry at Stanford in the Fall, and was active in the April 3rd Movement, which challenged Stanford's role in weaponry and counter-insurgency research for the "American Empire." He was indicted for induction refusal on April 3rd, and his Campus Ministry job was terminated in June.

He began work in the Fall of 1969 with Grass Roots, a group organized to oppose Stanford's "imperial land use policies." He was tried for induction refusal in December, and sentenced in April 1970. A liberal judge, who was a Stanford alumnus, gave him probation and kicked him out of Santa Clara County for five years.

He worked with the People's Medical Center in Redwood City as administrator from May 1970 to August 1972, when his probation was ended. He is currently working as a staff person for the National Lawyers' Guild Military Law Office in San Francisco. The MLO sends lawyers to projects near U.S. military bases in Asia to offer "good legal counsel to GIs who are struggling against the workings of the U.S. military as it wages war on Asians and its own dissenters."

(The following article by Paul Rupert is reprinted from the December 1972 issue of