

No. \_\_\_\_\_

THE STATE OF TEXAS By And Through CRAWFORD C. MARTIN, ITS ATTORNEY GENERAL, JOE RESWEBER, COUNTY ATTORNEY FOR HARRIS COUNTY, AND CAROL S. VANCE, DISTRICT ATTORNEY FOR HARRIS COUNTY

Y IN THE \_\_\_\_\_

VS.

Y JUDICIAL DISTRICT COURT

Marjorie Ellen Davis Haile

Y HARRIS COUNTY, TEXAS

APPLICATION FOR A TEMPORARY  
RESTRAINING ORDER, TEMPORARY  
INJUNCTION AND SUIT FOR PERMA-  
NENT INJUNCTION

1. Pursuant to the provisions of Art. 466a, Texas Penal Code and Art. 2919 j, Sec. 9, Texas Revised Civil Statutes, plaintiff, the State of Texas, acting by and through Crawford C. Martin, its attorney general, Joe Resweber, County Attorney for Harris County, and Carol S. Vance, District Attorney for Harris County, bring this original application for a temporary restraining order, application for a temporary injunction, and suit for permanent injunction against

Marjorie Ellen Davis Haile, a person whose permanent address is unknown but who is currently within the boundaries of the State of Texas and who for purposes of service may be located at 4157 Anita Street, Houston, Texas.

11

Plaintiff seeks this injunctive relief on two different grounds. In support of its prayer for injunctive relief the plaintiff will show generally that campus unrest exists at the University of Houston. This has been caused by demands made by a group of students who are regularly enrolled at the University. The administration of the University has been involved in meetings and studies designed to determine the validity of these demands and to take positive corrective actions at any point where such action should be taken. Other student groups and students have taken the position that none of these demands can be legitimate. The response to these demands is not easy. The students making the demands are persistent in pursuing their claims. Personal feelings are strong. The danger of physical violence is present and real. Violence occurred on Monday, March 17, 1969. It took the form of physical fighting among students and deliberate damage to one University building. This

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damage will cost about \$2,000.00 to repair. Some personal injuries have been suffered. Threats have been made. There still exists a clear and present danger that more violence will occur. There is an immediate threat to the physical well-being of the members of the University community, to the property of the University and to the lives of other persons.

III

Into this situation, Haile seeks to intrude. She is reputed to be a member of the organization known as the Students for a Democratic Society (called SDS). The SDS advocates revolutionary change with violent overthrow of existing universities and institutions. If she is permitted to come on to the campus, there is danger that she will urge others to destroy University property; that she will incite riots and disorders. Her very presence on this campus is a threat that such actions will occur. Under Art. 466a, plaintiff is entitled to enjoin Haile.

The danger of setting off violence among the students is great should the University use the force necessary to arrest and remove such a person as Haile once she is here.

For this injunction against the defendant Marjorie Ellen Davis Haile, the plaintiff will show that she is a member of the Students for a Democratic Society, that she has been a frequent visitor to the campus of the University of Houston even though she is not a student at the University of Houston. Her visits to the campus have been made by her in her capacity as "regional traveler" for SDS. She urges revolt against the authority of the University by physical possession of University buildings and facilities and urges damaging property as a way of getting the attention of the University and the community. The duly authorized representatives of the governing board of the University of Houston have determined that she is an undesirable person and has no legitimate business with the University or its administrators, teachers or students and should not be allowed to come onto the campus for any reason. The plaintiff will further show that she has in the past urged others to commit acts calculated and tending to produce injury and damage to property, and unless restrained from doing so, she will continue to come on to the properties owned and controlled by the University to incite riots, civil commotion, and urge destruction and damage to the property and well-being of the University.

Damage will cost about \$5,000.00 to repair. Some personal injuries have been  
suffered. Threats have been made. There still exists a clear and present danger  
that more violence will occur. There is an immediate threat to the physical well-  
being of the members of the University community, to the property of the University  
and to the lives of other persons.

In this situation, Miss Davis is invited to be a  
member of the organization known as the Students for a Democratic Society (SDS)  
502). The SDS advocates revolutionary change with violent overthrow of existing  
universities and institutions. It is permitted to come on to the campus.  
There is danger that she will urge others to destroy University property; that  
she will incite riots and disorders; her very presence on this campus is a  
threat that such actions will occur. Under Art. 486a, Plaintiff is entitled to  
enjoin her.

The danger of rioting off violence among the students is great should  
the University use the force necessary to arrest and remove such a person as  
Miss Davis from the campus.

In this situation against the defendant, Plaintiff Miss Davis Davis  
the Plaintiff will show that she is a member of the Students for a Democratic  
Society, that she has been a frequent visitor to the campus of the University of  
Houston even though she is not a student of the University of Houston, her  
visits to the campus have been made by her in her capacity as "regional traveler"  
for SDS. She urges revolt against the authority of the University by physical  
invasion of University buildings and facilities and urges damaging property  
as a way of getting the attention of the University and the community. The only  
authorized representatives of the governing body of the University of Houston  
have ascertained that she is an undesirable person and has no legitimate business  
with the University or its administrators, teachers or students and should not  
be allowed to come onto the campus for any reason. The Plaintiff will further  
show that she has in the past urged others to commit acts calculated and tending  
to produce injury and damage to property, and unless restrained from doing so,  
she will continue to come on to the University and cause damage to the  
University by inciting riots, civil disorders, and urge destruction and damage to  
the property and well-being of the University.

IV

Plaintiff requests that a temporary restraining order be granted without notice to the defendant named herein because it clearly appears from the specific facts shown in this verified complaint that immediate and irreparable injury, loss, and damage is imminent and will result to the University of Houston, its administrators, staff, faculty and students before notice can be served and a hearing had thereon.

V

Therefore, the State of Texas prays that a temporary restraining order be issued to continue in force until a day to be designated for hearing of application for a temporary injunction restraining the named defendant from:

- (a) coming onto any of the property owned and controlled by the University of Houston and from coming into any of the buildings or facilities on the campus of the University of Houston;
- (b) obstructing the use, enjoyment, ingress or egress of the facilities and buildings of the University of Houston;
- (c) committing assaults or injuries upon any persons at any of the facilities of the University of Houston;
- (d) damaging or injuring any property whatsoever of the University of Houston;
- (e) urging other persons to commit an act calculated and tending to produce injury or damage to property, person or life of other people and inciting any persons to participate in any riot; and
- (f) participating in and inciting mob violence, rioting, and urging persons to riot.

Further, plaintiff prays that the court appoint a day for hearing upon notice of this application for a temporary injunction and that the named defendant be cited and notified to appear on that day and answer; that on said hearing a temporary injunction be granted and a writ of injunction issue commanding defendant to desist and refrain from the activities itemized in sub-paragraphs (a) through (f) above; that upon final hearing said temporary injunction be made permanent; that plaintiff have all other relief to which it may be entitled at law and in equity; and that defendants be charged with all costs herein.

Plaintiff requests that a temporary restraining order be granted without notice to the defendant named herein because it clearly appears from the specific facts shown in this verified complaint that immediate and irreparable injury, loss, and damage is imminent and will result to the University of Houston, its administrators, staff, faculty and students before notice can be served and a hearing had thereon.

V

Therefore, the State of Texas prays that a temporary restraining order be issued to continue in force until a day to be designated for hearing of an application for a temporary injunction restraining the named defendant from:

- (a) coming onto any of the property owned and controlled by the University of Houston and from coming upon any of the buildings or facilities on the campus of the University of Houston;
- (b) obstructing the use, enjoyment, ingress or egress of the facilities and buildings of the University of Houston;
- (c) committing assaults or injuries upon any persons at any of the facilities of the University of Houston;
- (d) damaging or injuring any property whatsoever of the University of Houston;
- (e) using other persons to commit an act calculated and tending to produce injury or damage to property, person or life of other people and inciting any persons to participate in any riot, and

(f) participating in and instigating mob violence, rioting, and other persons to riot.

Further, Plaintiff prays that the court appoint a day for hearing upon notice of this application for a temporary injunction and that the named defendant be cited and notified to appear on that day and answer; that on said hearing a temporary injunction be granted and a writ of injunction issue commanding defendant to obey and refrain from the activities listed in paragraphs (a) through (f) above; that upon final hearing said temporary injunction be made permanent; that Plaintiff have all costs herein; and that defendant be charged with all costs herein.

Crawford Martin, Attorney General  
For the State of Texas

By \_\_\_\_\_

Joe Resweber, County Attorney for  
Harris County, Texas

Carol S. Vance, District Attorney for  
Harris County, Texas

Attorneys for Plaintiff

THE STATE OF TEXAS     X

COUNTY OF HARRIS        X

I, Philip G. Hoffman, President of the University of Houston, have read the foregoing petition and state under oath that every statement and allegation contained therein is true and correct.

\_\_\_\_\_  
Philip G. Hoffman

SUBSCRIBED And SWORN TO before me by the said Philip G. Hoffman on this \_\_\_\_\_ day of \_\_\_\_\_, 1969.

\_\_\_\_\_  
Notary Public in and for  
Harris County, Texas

- (a) coming onto any of the property owned and controlled by the University of Houston and from causing any way of the buildings or facilities on the campus of the University of Houston;
- (b) obstructing the use, enjoyment, ingress or egress of the facilities and buildings of the University of Houston;
- (c) committing assaults or injuries upon any persons at any of the facilities of the University of Houston;
- (d) damaging or injuring any property whatsoever of the University of Houston;
- (e) urging other persons to commit or aid in the commission of any of the above acts or to injure or damage the property, person or life of other people and inviting any person to participate in any such act.

Crawford Harris, Attorney General  
for the State of Texas

By \_\_\_\_\_

Joe Rosewater, County Attorney for  
Harris County, Texas

Carol S. Vance, District Attorney for  
Harris County, Texas

Attorneys for Plaintiff

THE STATE OF TEXAS

COUNTY OF HARRIS

I, Phillip S. Hoffman, President of the University of Houston, have  
read the foregoing petition and state under oath that every statement and aver-  
ment contained therein is true and correct.

Phillip S. Hoffman

SUBSCRIBED AND SWORN to before me by the said Phillip S. Hoffman on  
this \_\_\_\_\_ day of \_\_\_\_\_, 1953.

Notary Public in and for  
Harris County, Texas

ORDER

The verified application of plaintiff for a temporary restraining order having been presented to me on this \_\_\_\_\_ day of \_\_\_\_\_, 1969, without notice to the named defendant, and it clearly appearing from the facts set forth in said verified application that immediate and irreparable injury, loss and damage will result to plaintiff before notice can be served upon the named defendant, and a hearing had on plaintiff's application for such restraining order, unless the named defendant is forthwith restrained as prayed for in plaintiff's application, in that an atmosphere of tension exists on the campus of the University of Houston and the presence of this person will be calculated to and will tend to produce mob violence that will lead to destruction of property and the injury of other people and that these defendants have in the past incited other persons to riot and will likely continue to do so and to urge other people to damage property of the University and that such injury is imminent and will be irreparable and the plaintiff has no adequate remedy at law; and the court being of the opinion the plaintiff is entitled to a restraining order as prayed for;

Pending the hearing, as below ordered, it is therefore, ORDERED, ADJUDGED AND DECREED that defendant be and she is hereby restrained from

- (a) coming onto any of the property owned and controlled by the University of Houston and from coming into any of the buildings or facilities on the campus of the University of Houston;
- (b) obstructing the use, enjoyment, ingress or egress of the facilities and buildings of the University of Houston;
- (c) committing assaults or injuries upon any persons at any of the facilities of the University of Houston;
- (d) damaging or injuring any property whatsoever of the University of Houston;
- (e) urging other persons to commit an act calculated and tending to produce injury or damage to property, person or life of other people and inciting any persons to participate in any riot; and

The verified application of plaintiff for a temporary restraining

order having been presented to me on this \_\_\_\_\_ day of \_\_\_\_\_, 1959, without notice to the named defendant, and its clearly appearing from the facts set forth in said verified application that immediate and irreparable injury, loss and damage will result to plaintiff before notice can be served upon the named defendant, and a hearing had on plaintiff's application for such restraining order, unless the named defendant is forthwith restrained as prayed for in plaintiff's application, in that an atmosphere of tension exists on the campus of the University of Houston and the presence of this person will be calculated to and will tend to produce and violence that will lead to destruction of property and the injury of other people and that these defendants have in the past treated other persons in this and will likely continue to do so and to urge other people to damage property of the University and that such injury is imminent and will be irreparable and the plaintiff is entitled to remedy at law and the court being of the opinion the plaintiff is entitled to a restraining order as prayed for;

pending the hearing, as before ordered, it is therefore, ORDERED,

ADJUDGED AND DECREED that defendant do and she is hereby restrained from

- (a) coming onto any of the property owned and controlled by the University of Houston and from coming into any of the buildings or facilities on the campus of the University of Houston;
- (b) obstructing the use, enjoyment, ingress or egress of the facilities and buildings of the University of Houston;
- (c) conducting research or inquiries upon any person at any of the facilities of the University of Houston;
- (d) damaging or injuring any property whatsoever of the University of Houston;
- (e) urging other persons to commit an act calculated and tending to produce injury or damage to property, person or life of other people and inducing any person to participate in any

violation

(f) participating in and inciting mob violence, rioting and urging persons to riot.

It is further ORDERED that plaintiff's application for temporary injunction effective until final decree herein, as contained in its verified application, be heard before me at \_\_\_\_\_ o'clock \_\_\_\_\_.M. on the \_\_\_\_\_ day of \_\_\_\_\_, 1969, in the \_\_\_\_th Judicial Court of Harris County, Texas.

It is further ORDERED that a notice issue to defendant, commanding her to appear and show cause, if any she has, why the temporary injunction prayed for in plaintiff's application should not be granted.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 1969, at \_\_\_\_\_ o'clock \_\_\_\_\_.M.

\_\_\_\_\_  
Judge Presiding

(3) participating in and inciting and violence, rioting and

urging persons to riot,

It is further ORDERED that plaintiff's application for temporary

injunction effective until final decree herein, as contained in the verified

application, be heard before me at \_\_\_\_\_ o'clock \_\_\_\_\_ M. on the \_\_\_\_\_ day

of \_\_\_\_\_, 1963, in the \_\_\_\_\_th Judicial Court of Harris County,

Texas.

It is further ORDERED that a notice issue to defendant, commanding

her to appear and show cause, if any she has, why the temporary injunction

prayed for in plaintiff's application should not be granted.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 1963, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Judge Presiding

No. \_\_\_\_\_

THE STATE OF TEXAS By And Through Crawford C. [ IN THE \_\_\_\_\_  
MARTIN, ITS ATTORNEY GENERAL, JOE RESWEBER,  
COUNTY ATTORNEY FOR HARRIS COUNTY, AND CAROL  
S. VANCE, DISTRICT ATTORNEY FOR HARRIS  
COUNTY

VS. [ JUDICIAL DISTRICT COURT  
Mark Rudd [ Harris County, Texas

APPLICATION FOR A TEMPORARY  
RESTRAINING ORDER, TEMPORARY  
INJUNCTION AND SUIT FOR PERMA-  
NENT INJUNCTION

1. Pursuant to the provisions of Art. 466a, Texas Penal Code and Art. 2919j, Sec. 9, Texas Revised Civil Statutes, plaintiff, the State of Texas, acting by and through Crawford C. Martin, its attorney general, Joe Resweber, County Attorney for Harris County, and Carol S. Vance, District Attorney for Harris County, bring this original application for a temporary restraining order, application for a temporary injunction, and suit for permanent injunction against

Mark Rudd, a person whose permanent address is unknown but who is currently within the boundaries of the State of Texas and for purposes of service may be located at Hamman Hall, Rice University, South Main Street, Houston, Texas.

II

Plaintiff seeks this injunctive relief on two different grounds. In support of its prayer for injunctive relief the plaintiff will show generally that campus unrest exists at the University of Houston. Personal feelings are strong. The danger of physical violence is present and real. Violence occurred on Monday, March 17, 1969. It took the form of physical fighting among students and deliberate damage to one University building. This damage will cost about \$2,000 to repair. Some personal injuries have been suffered. Threats have been made on the life of Mark Rudd. There still exists a clear and present danger that more violence will occur. There is an immediate threat to the physical well-being of the members of the University community, to the property of the University and to the lives of other persons.

*[Faint, illegible handwriting]*

III

Into this situation Mark Rudd seeks to intrude. Mark Rudd is reputed to be a member of the organization known as the Students for a Democratic Society (called SDS). The SDS advocates revolutionary change with violent overthrow of existing Universities and institutions. Mark Rudd is reputed to be the student leader of the civil commotion that occurred on the campus of Columbia University in the Spring of 1968 when that University was closed by such disorders for more than a month. If he is permitted to come again on to the campus of the University of Houston, there is danger that he will urge others to destroy University property; that he will incite riots and disorders. His very presence on this campus will be a threat that such actions will occur. Under Art. 466a, plaintiff is entitled to enjoin Mark Rudd from coming on to the campus and from performing any such acts.

For further actions against Mark Rudd, the plaintiff will show that his reputation is known to the administration of the University of Houston. Mark Rudd was invited to speak on the campus of the University of Houston by a local chapter of SDS. The President and Vice Presidents of the University of Houston, authorized representatives of the governing board of the University of Houston, determined that Mark Rudd is a person who is undesirable on this campus, and has no legitimate business on this campus and ordered that he not be allowed to speak on any property owned or controlled by the University. This decision was made known to the local chapter of SDS and to Mark Rudd. Despite this communication of the decision to both, Mark Rudd was brought secretly to the campus and then spoke openly to a group of about 1,000 students. The University is without any other effective way to see that its duly authorized order, entered by the authorized representatives of the governing board of the University is enforced, other than to seek this injunction. The danger of setting off violence among students is great should the University use the force necessary to arrest and remove such a person as Mark Rudd once he is here.

IV

Plaintiff requests that a temporary restraining order be granted without notice to the defendant named herein because it clearly appears from

into this situation Mark Rude seeks to intrude. Mark Rude is requested

to be a member of the organization known as the Students for a Democratic

Society (called SDS). The SDS advocates revolutionary change with violent over-

throw of existing universities and institutions. Mark Rude is requested to be

the student leader of the civil disobedience that occurred on the campus of Columbia

University in the Spring of 1968 when that University was closed by such dis-

orders for more than a month. It is requested to come again on to the campus

of the University of Houston, there is danger that he will urge others to destroy

University property; that he will incite riots and disorders. His very presence

on this campus will be a threat that such actions will occur. Under Art. 10B,

plaintiff is entitled to enjoy Mark Rude from coming on to the campus and from

containing any such acts.

For further actions against Mark Rude, the plaintiff will show that

his reputation is known to the administration of the University of Houston.

Mark Rude was invited to speak on the campus of the University of Houston by a

local chapter of SDS. The President and Vice President of the University of

Houston, authorized representatives of the governing board of the University of

Houston, indicated that Mark Rude is a person who is undesirable on this campus

and has no legitimate business on this campus and ordered that he not be allowed

to speak on any property owned or controlled by the University. This decision

was made known to the local chapter of SDS and to Mark Rude. Before this

communication of the decision to Mark Rude, the University of Houston had

campus and then spoke openly to a group of about 1,000 students. The University

is without any other effective way to see that its duly authorized order, entered

by the authorized representatives of the governing board of the University of

Houston, other than to seek this injunction. The danger of setting off violence

among students is great should the University use the force necessary to arrest

and remove such a person as Mark Rude once he is here.

Plaintiff requests that a temporary restraining order be granted

without notice to the defendant named herein because it clearly appears from

the specific facts shown in this verified complaint that immediate and irreparable injury, loss, and damage is imminent and will result to the University of Houston, its administrators, staff, faculty and students before notice can be served and a hearing had thereon.

V

Therefore, the State of Texas prays that a temporary restraining order be issued to continue in force until a day to be designated for hearing of application for a temporary injunction restraining the named defendant from:

- (a) coming onto any of the property owned and controlled by the University of Houston and from coming into any of the buildings or facilities on the campus of the University of Houston;
- (b) obstructing the use, enjoyment, ingress or egress of the facilities and buildings of the University of Houston;
- (c) committing assaults or injuries upon any persons at any of the facilities of the University of Houston;
- (d) damaging or injuring any property whatsoever of the University of Houston;
- (e) urging other persons to commit an act calculated and tending to produce injury or damage to property, person or life of other people and inciting any persons to participate in any riot; and
- (f) participating in and inciting mob violence, rioting, and urging persons to riot.

Further, plaintiff prays that the court appoint a day for hearing upon notice of this application for a temporary injunction and that the named defendant be cited and notified to appear on that day and answer; that on said hearing a temporary injunction be granted and a writ of injunction issue commanding defendants to desist and refrain from the activities itemized in sub-paragraphs (a) through (f) above; that upon final hearing said temporary injunction be made

the specific facts shown in this verified complaint that immediate and irreparable injury, loss, and damage is imminent and will result to the University of Houston, its administrators, staff, faculty and students before justice can be served and a hearing had thereon.

Y

Therefore, the State of Texas prays that a temporary restraining order

be issued to continue in force until a day to be designated for hearing of application for a temporary injunction restraining the named defendant from

(a) coming onto any of the property owned and controlled by the

University of Houston and from coming into any of the buildings

or facilities on the campus of the University of Houston;

(b) obstructing the use, enjoyment, ingress or egress of the facilities

and buildings of the University of Houston;

(c) committing assault or battery upon any person at any of the

facilities of the University of Houston;

(d) damaging or injuring any property whatsoever of the University

of Houston;

(e) urging other persons to commit an act enjoined and leading

to produce injury or damage to property, person or life of

other people and leading any persons to participate in any

riot, and

(f) participating in and inciting mob violence, rioting, and urging

persons to riot.

Further, plaintiff prays that the court appoint a day for hearing upon notice

of this application for a temporary injunction and that the named defendant

be cited and notified to appear on that day and answer, that on said hearing

a temporary injunction be granted and a writ of injunction issue compelling

defendants to desist and refrain from the activities limited in subparagraphs

(a) through (f) above; that upon final hearing said temporary injunction be made

permanent; that plaintiff have all other relief to which it may be entitled at law and in equity; and that defendant be charged with all costs herein.

Crawford Martin, Attorney General  
For the State of Texas

By \_\_\_\_\_

\_\_\_\_\_  
Joe Resweber, County Attorney for  
Harris County, Texas

\_\_\_\_\_  
Carol S. Vance, District Attorney for  
Harris County, Texas  
Attorneys for Plaintiff

comment; that plaintiff have all other relief to which it may be entitled as  
law and in equity; and that defendant be charged with all costs herein.

Crawford Hester, Attorney General  
for the State of Texas

By \_\_\_\_\_

Joe Kestner, County Attorney for  
Harris County, Texas

Carol E. Jones, District Attorney for  
Harris County, Texas  
Attorney for Plaintiff

THE STATE OF TEXAS            §

COUNTY OF HARRIS            §

I, Philip G. Hoffman, President of the University of Houston, have read the foregoing petition and state under oath that every statement and allegation contained therein is true and correct.

\_\_\_\_\_  
Philip G. Hoffman

SUBSCRIBED And SWORN TO before me by the said Philip G. Hoffman on  
this \_\_\_\_\_ day of \_\_\_\_\_, 1969.

\_\_\_\_\_  
Notary Public in and for  
Harris County, Texas

THE STATE OF TEXAS

COUNTY OF HARRIS

I, Phillip G. Hoffman, President of the University of Houston, have read the foregoing petition and state under oath that every statement and allegation contained therein is true and correct.

Phillip G. Hoffman

SUBSCRIBED AND SWORN TO before me by the said Phillip G. Hoffman on this \_\_\_\_\_ day of \_\_\_\_\_, 1968.

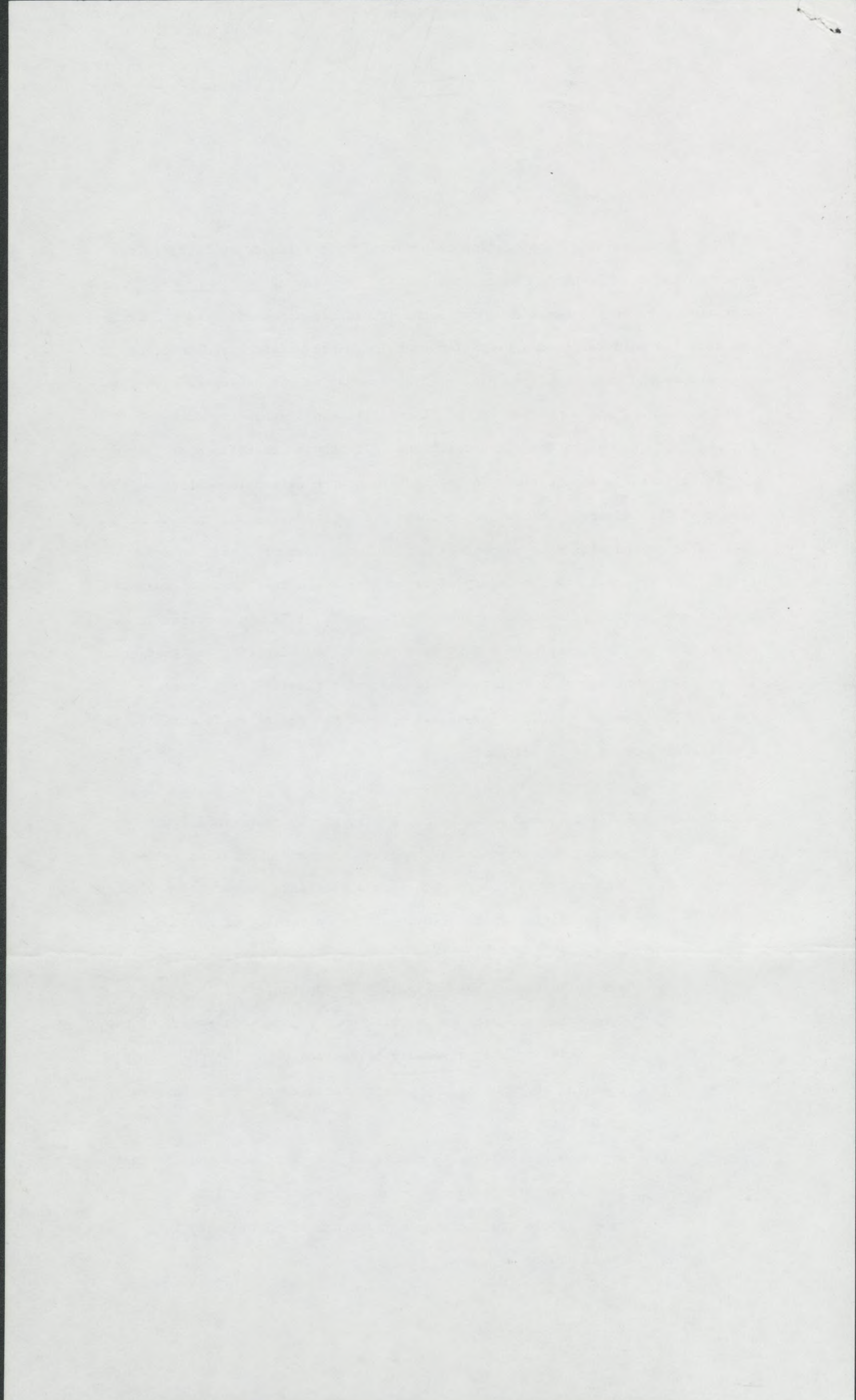
Notary Public in and for  
Harris County, Texas

ORDER

The verified application of plaintiff for a temporary restraining order having been presented to me on this \_\_\_\_\_ day of \_\_\_\_\_, 1969, without notice to the named defendant, and it clearly appearing from the facts set forth in said verified application that immediate and irreparable injury, loss and damage will result to plaintiff before notice can be served upon the named defendant, and a hearing had on plaintiff's application for such restraining order, unless the named defendant is forthwith restrained as prayed for in plaintiff's application, in that an atmosphere of tension exists on the campus of the University of Houston and the presence of this person will be calculated to and will tend to produce mob violence that will lead to destruction of property and the injury of other people and that these defendants have in the past incited other persons to riot and will likely continue to do so and to urge other people to damage property of the University and that such injury is ~~im~~minent and will be irreparable and the plaintiff has no adequate remedy at law; and the court being of the opinion the plaintiff is entitled to a restraining order as prayed for;

Pending the hearing, as below ordered, it is therefore, ORDERED, ADJUDGED AND DECREED that defendant be and she is hereby restrained from

- (a) coming onto any of the property owned and controlled by the University of Houston and from coming into any of the buildings or facilities on the campus of the University of Houston;
- (b) obstructing the use, enjoyment, ingress or egress of the facilities and buildings of the University of Houston;
- (c) committing assaults or injuries upon any persons at any of the facilities of the University of Houston;
- (d) damaging or injuring any property whatsoever of the University of Houston;
- (e) urging other persons to commit an act calculated and tending to produce injury or damage to property, person or life of other people and inciting any persons to participate in any riot; and



(f) participating in and inciting mob violence, rioting and urging persons to riot.

It is further ORDERED that plaintiff's application for temporary injunction effective until final decree herein, as contained in its verified application, be heard before me at \_\_\_\_\_ o'clock \_\_\_\_ .M. on the \_\_\_\_\_ day of \_\_\_\_\_, 1969, in the \_\_\_\_ th Judicial Court of Harris County, Texas.

It is further ORDERED that a notice issue to defendant, commanding her to appear and show cause, if any she has, why the temporary injunction prayed for in plaintiff's application should not be granted.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 1969, at \_\_\_\_\_ o'clock \_\_\_\_ .M.

\_\_\_\_\_  
Judge Presiding

(3) participating in and instigating mob violence, rioting and

urging persons to riot.

It is further ORDERED that plaintiff's application for temporary

injunction effective until final decree herein, as contained in its verified

application, be heard before me at \_\_\_\_\_ o'clock \_\_\_\_\_ M. on the \_\_\_\_\_ day

of \_\_\_\_\_, 1969, in the \_\_\_\_\_th Judicial Court of Harris County,

Texas.

It is further ORDERED that a notice be given to defendant, commanding

him to appear and show cause, if any, why the temporary injunction

prayed for in plaintiff's application should not be granted.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 1969, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Judge Presiding

No. \_\_\_\_\_

THE STATE OF TEXAS By And Through Crawford C. [ IN THE \_\_\_\_\_  
MARTIN, ITS ATTORNEY GENERAL, JOE RESWEBER,  
COUNTY ATTORNEY FOR HARRIS COUNTY, AND CAROL  
S. VANCE, DISTRICT ATTORNEY FOR HARRIS  
COUNTY

VS. [ JUDICIAL DISTRICT COURT  
Mark Rudd [ Harris County, Texas

APPLICATION FOR A TEMPORARY  
RESTRAINING ORDER, TEMPORARY  
INJUNCTION AND SUIT FOR PERMA-  
NENT INJUNCTION

1. Pursuant to the provisions of Art. 466a, Texas Penal Code and Art. 2919j, Sec. 9, Texas Revised Civil Statutes, plaintiff, the State of Texas, acting by and through Crawford C. Martin, its attorney general, Joe Resweber, County Attorney for Harris County, and Carol S. Vance, District Attorney for Harris County, bring this original application for a temporary restraining order, application for a temporary injunction, and suit for permanent injunction against

Mark Rudd, a person whose permanent address is unknown but who is currently within the boundaries of the State of Texas and for purposes of service may be located at Hamman Hall, Rice University, South Main Street, Houston, Texas.

II

Plaintiff seeks this injunctive relief on two different grounds. In support of its prayer for injunctive relief the plaintiff will show generally that campus unrest exists at the University of Houston. Personal feelings are strong. The danger of physical violence is present and real. Violence occurred on Monday, March 17, 1969. It took the form of physical fighting among students and deliberate damage to one University building. This damage will cost about \$2,000 to repair. Some personal injuries have been suffered. Threats have been made on the life of Mark Rudd. There still exists a clear and present danger that more violence will occur. There is an immediate threat to the physical well-being of the members of the University community, to the property of the University and to the lives of other persons.

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III

Into this situation Mark Rudd seeks to intrude. Mark Rudd is reputed to be a member of the organization known as the Students for a Democratic Society (called SDS). The SDS advocates revolutionary change with violent overthrow of existing Universities and institutions. Mark Rudd is reputed to be the student leader of the civil commotion that occurred on the campus of Columbia University in the Spring of 1968 when that University was closed by such disorders for more than a month. If he is permitted to come again on to the campus of the University of Houston, there is danger that he will urge others to destroy University property; that he will incite riots and disorders. His very presence on this campus will be a threat that such actions will occur. Under Art. 466a, plaintiff is entitled to enjoin Mark Rudd from coming on to the campus and from performing any such acts.

For further actions against Mark Rudd, the plaintiff will show that his reputation is known to the administration of the University of Houston. Mark Rudd was invited to speak on the campus of the University of Houston by a local chapter of SDS. The President and Vice Presidents of the University of Houston, authorized representatives of the governing board of the University of Houston, determined that Mark Rudd is a person who is undesirable on this campus, and has no legitimate business on this campus and ordered that he not be allowed to speak on any property owned or controlled by the University. This decision was made known to the local chapter of SDS and to Mark Rudd. Despite this communication of the decision to both, Mark Rudd was brought secretly to the campus and then spoke openly to a group of about 1,000 students. The University is without any other effective way to see that its duly authorized order, entered by the authorized representatives of the governing board of the University is enforced, other than to seek this injunction. The danger of setting off violence among students is great should the University use the force necessary to arrest and remove such a person as Mark Rudd once he is here.

IV

Plaintiff requests that a temporary restraining order be granted without notice to the defendant named herein because it clearly appears from

into this situation Mark Rudd seeks to intrude. Mark Rudd is reported

to be a member of the organization known as the Students for a Democratic

Society (called SDS). The SDS advocates revolutionary change with violent over-

throw of existing universities and institutions. Mark Rudd is reported to be

the student leader of the civil commotion that occurred on the campus of Colorado

University in the Spring of 1968 when that University was closed by such dis-

orders for more than a month. It is reported to come again on the campus

of the University of Houston, there is danger that he will urge others to destroy

University property; that he will incite riots and disorders. His very presence

on this campus will be a threat that such actions will occur. Under Art. 10, Sec.

Plaintiff is entitled to enjoin Mark Rudd from coming on to the campus and from

performing any such acts.

For further actions against Mark Rudd, the plaintiff will show that

his reputation is known to the administration of the University of Houston.

Mark Rudd was invited to speak on the campus of the University of Houston by a

local chapter of SDS. The President and Vice President of the University of

Houston, authorized representatives of the governing board of the University of

Houston, determined that Mark Rudd is a person who is undesirable on this campus,

and has no legitimate business on this campus and ordered that he not be allowed

to speak on any property owned or controlled by the University. This decision

was made known to the local chapter of SDS and to Mark Rudd. Despite this

communication of the decision to both, Mark Rudd was brought secretly to the

campus and then spoke openly to a group of about 1,000 students. The University

is without any other effective way to see that its duly authorized order, entered

by the authorized representatives of the governing board of the University, is

enforced, other than to seek this injunction. The danger of setting off violence

among students is great should the University not take the steps necessary to arrest

and remove such a person as Mark Rudd from its here.

IV

Plaintiff requests that a temporary restraining order be granted

without notice to the defendant named herein because it clearly appears that

the specific facts shown in this verified complaint that immediate and irreparable injury, loss, and damage is imminent and will result to the University of Houston, its administrators, staff, faculty and students before notice can be served and a hearing had thereon.

V

Therefore, the State of Texas prays that a temporary restraining order be issued to continue in force until a day to be designated for hearing of application for a temporary injunction restraining the named defendant from:

- (a) coming onto any of the property owned and controlled by the University of Houston and from coming into any of the buildings or facilities on the campus of the University of Houston;
- (b) obstructing the use, enjoyment, ingress or egress of the facilities and buildings of the University of Houston;
- (c) committing assaults or injuries upon any persons at any of the facilities of the University of Houston;
- (d) damaging or injuring any property whatsoever of the University of Houston;
- (e) urging other persons to commit an act calculated and tending to produce injury or damage to property, person or life of other people and inciting any persons to participate in any riot; and
- (f) participating in and inciting mob violence, rioting, and urging persons to riot.

Further, plaintiff prays that the court appoint a day for hearing upon notice of this application for a temporary injunction and that the named defendant be cited and notified to appear on that day and answer; that on said hearing a temporary injunction be granted and a writ of injunction issue commanding defendants to desist and refrain from the activities itemized in sub-paragraphs (a) through (f) above; that upon final hearing said temporary injunction be made

The specific facts shown in this verified complaint that immediate and temporary injunctive relief is warranted and will result to the University of Houston, its administrators, staff, faculty and students before notice can be served and a hearing had thereon.

Therefore, the State of Texas prays that a temporary restraining order be issued to continue in force until a day to be designated for hearing of application for a temporary injunction restraining the named defendant from

- (a) coming onto any of the property owned and controlled by the University of Houston and from coming onto any of the buildings or facilities on the campus of the University of Houston;
- (b) obstructing the use, enjoyment, ingress or egress of the buildings and buildings of the University of Houston;
- (c) committing assaults or injuries upon any person at any of the facilities of the University of Houston;
- (d) damaging or injuring any property whatsoever of the University of Houston;
- (e) urging other persons to commit an act calculated and tending to produce injury or damage to property, person or life of other people and inciting any persons to participate in any riot; and
- (f) participating in and inciting mob violence, rioting, and urging persons to riot.

Further, plaintiff prays that the court appoint a day for hearing upon notice of this application for a temporary injunction and that the named defendant be cited and notified to appear on that day and answer that on said hearing a temporary injunction be granted and a writ of injunction issue compelling defendant to desist and refrain from the activities herein set forth and that upon final hearing said temporary injunction be made

permanent; that plaintiff have all other relief to which it may be entitled at law and in equity; and that defendant be charged with all costs herein.

Crawford Martin, Attorney General  
For the State of Texas

By \_\_\_\_\_

\_\_\_\_\_  
Joe Resweber, County Attorney for  
Harris County, Texas

\_\_\_\_\_  
Carol S. Vance, District Attorney for  
Harris County, Texas  
Attorneys for Plaintiff

and in equity; and that defendant be charged with all costs herein.  
present; that plaintiff have all other relief to which it may be entitled as

Lawrence Martin, Attorney General  
for the State of Texas

By \_\_\_\_\_

Joe Roseberry, County Attorney for  
Harris County, Texas

Carol S. Vance, District Attorney for  
Harris County, Texas  
Attorneys for Plaintiff

THE STATE OF TEXAS

§

COUNTY OF HARRIS

§

I, Philip G. Hoffman, President of the University of Houston, have read the foregoing petition and state under oath that every statement and allegation contained therein is true and correct.

Philip G. Hoffman

SUBSCRIBED And SWORN TO before me by the said Philip G. Hoffman on this \_\_\_\_\_ day of \_\_\_\_\_, 1969.

Notary Public in and for Harris County, Texas

THE STATE OF TEXAS

COUNTY OF HARRIS

I, Phillip G. Hoffman, President of the University of Houston, have read the foregoing petition and state under oath that every statement and allegation contained therein is true and correct.

Phillip G. Hoffman

Subscribed and sworn to before me by the said Phillip G. Hoffman on  
day of \_\_\_\_\_, 1957.

Notary Public in and for  
Harris County, Texas

ORDER

The verified application of plaintiff for a temporary restraining order having been presented to me on this \_\_\_\_\_ day of \_\_\_\_\_, 1969, without notice to the named defendant, and it clearly appearing from the facts set forth in said verified application that immediate and irreparable injury, loss and damage will result to plaintiff before notice can be served upon the named defendant, and a hearing had on plaintiff's application for such restraining order, unless the named defendant is forthwith restrained as prayed for in plaintiff's application, in that an atmosphere of tension exists on the campus of the University of Houston and the presence of this person will be calculated to and will tend to produce mob violence that will lead to destruction of property and the injury of other people and that this defendant has in the past incited other persons to riot and will likely continue to do so and to urge other people to damage property of the University and that such injury is imminent and will be irreparable and the plaintiff has no adequate remedy at law; and the court being of the opinion the plaintiff is entitled to a restraining order as prayed for;

Pending the hearing, as below ordered, it is therefore, ORDERED, ADJUDGED AND DECREED that defendant be and he is hereby restrained from

- (a) coming onto any of the property owned and controlled by the University of Houston and from coming into any of the buildings or facilities on the campus of the University of Houston;
- (b) obstructing the use, enjoyment, ingress or egress of the facilities and buildings of the University of Houston;
- (c) committing assaults or injuries upon any persons at any of the facilities of the University of Houston;
- (d) damaging or injuring any property whatsoever of the University of Houston;
- (e) urging other persons to commit an act calculated and tending to produce injury or damage to property, person or life of other people and inciting any persons to participate in any riot; and

The verified application of plaintiff for a temporary restraining order having been presented to me on this \_\_\_\_\_ day of \_\_\_\_\_, 1955, without notice to the named defendant, and it clearly appearing from the facts set forth in said verified application that immediate and irreparable injury, loss and damage will result to plaintiff before notice can be served upon the named defendant, and a hearing had on plaintiff's application for such restraining order, unless the named defendant is forthwith restrained as prayed for in plaintiff's application, so that an atmosphere of tension exists on the campus of the University of Houston and the presence of this person will be calculated to and will tend to produce and violence that will lead to destruction of property and the injury of other people and that this defendant has in the past incited other persons to riot and will likely continue to do so and to urge other people to damage property of the University and that such injury is imminent and will be irreparable and the plaintiff has no adequate remedy at law; and the court being of the opinion the plaintiff is entitled to a restraining order as prayed for;

It is therefore, ORDERED, that the defendant, as above named, be and he is hereby restrained from

- (a) entering onto any of the property owned and controlled by the University of Houston and from coming into any of the buildings or facilities on the campus of the University of Houston;
- (b) obstructing the use, enjoyment, ingress or egress of the facilities and buildings of the University of Houston;
- (c) committing assaults or injuries upon any persons at any of the facilities of the University of Houston;
- (d) inciting or urging any property whatsoever of the University of Houston;
- (e) urging other persons to commit or not committed and leading to produce injury or damage to property, persons or life of other people and inciting any persons to participate in any

riot; and

(f) participating in and inciting mob violence, rioting and urging persons to riot.

It is further ORDERED that plaintiff's application for temporary injunction effective until final decree herein, as contained in its verified application, be heard before me at \_\_\_\_\_ o'clock \_\_\_\_\_.M. on the \_\_\_\_\_ day of \_\_\_\_\_, 1969, in the \_\_\_\_th Judicial Court of Harris County, Texas.

It is further ORDERED that a notice issue to defendant commanding him to appear and show cause, if any he has, why the temporary injunction prayed for in plaintiff's application should not be granted.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 1969, at \_\_\_\_\_ o'clock \_\_\_\_\_.M.

\_\_\_\_\_  
Judge Presiding

(3) participating in and instigating violence, rioting and

writing persons to riot.

It is further ORDERED that plaintiff's application for temporary injunction effective until final decree herein, as contained in the verified

application, be heard before me at \_\_\_\_\_ o'clock \_\_\_\_\_ M. on the \_\_\_\_\_ day of \_\_\_\_\_, 1968, in the \_\_\_\_\_th Judicial Court of Harris County, Texas.

It is further ORDERED that a notice issue to defendant commanding him to appear and show cause, if any he has, why the temporary injunction prayed for in plaintiff's application should not be granted.

Witness my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 1968, at \_\_\_\_\_ o'clock \_\_\_\_\_ P.

\_\_\_\_\_  
Judge presiding

ORDER

The verified application of plaintiff for a temporary restraining order having been presented to me on this \_\_\_\_\_ day of \_\_\_\_\_, 1969, without notice to the named defendant, and it clearly appearing from the facts set forth in said verified application that immediate and irreparable injury, loss and damage will result to plaintiff before notice can be served upon the named defendant, and a hearing had on plaintiff's application for such restraining order, unless the named defendant is forthwith restrained as prayed for in plaintiff's application, in that an atmosphere of tension exists on the campus of the University of Houston and the presence of this person will be calculated to and will tend to produce mob violence that will lead to destruction of property and the injury of other people and that this defendant has in the past incited other persons to riot and will likely continue to do so and to urge other people to damage property of the University and that such injury is imminent and will be irreparable and the plaintiff has no adequate remedy at law; and the court being of the opinion the plaintiff is entitled to a restraining order as prayed for;

Pending the hearing, as below ordered, it is therefore, ORDERED, ADJUDGED AND DECREED that defendant be and he is hereby restrained from

- (a) coming onto any of the property owned and controlled by the University of Houston and from coming into any of the buildings or facilities on the campus of the University of Houston;
- (b) obstructing the use, enjoyment, ingress or egress of the facilities and buildings of the University of Houston;
- (c) committing assaults or injuries upon any persons at any of the facilities of the University of Houston;
- (d) damaging or injuring any property whatsoever of the University of Houston;
- (e) urging other persons to commit an act calculated and tending to produce injury or damage to property, person or life of other people and inciting any persons to participate in any riot; and

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(f) participating in and inciting mob violence, rioting and urging persons to riot.

It is further ORDERED that plaintiff's application for temporary injunction effective until final decree herein, as contained in its verified application, be heard before me at \_\_\_\_\_ o'clock \_\_\_\_\_.M. on the \_\_\_\_\_ day of \_\_\_\_\_, 1969, in the \_\_\_\_th Judicial Court of Harris County, Texas.

It is further ORDERED that a notice issue to defendant commanding him to appear and show cause, if any he has, why the temporary injunction prayed for in plaintiff's application should not be granted.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 1969, at \_\_\_\_\_ o'clock \_\_\_\_\_.M.

\_\_\_\_\_  
Judge Presiding

(1) participating in and instigating mob violence, rioting and

using persons as riot

It is further ORDERED that plaintiff's application for temporary

injunctive reliefive until final decree herein, as contained in the recited

application, be heard before me at \_\_\_\_\_ o'clock \_\_\_\_\_ M. on the \_\_\_\_\_

day of \_\_\_\_\_, 1959, at the \_\_\_\_\_th Judicial Court of Harris

County, Texas.

It is further ORDERED that a notice issue to defendant commanding

him to appear and show cause, if any he has, why the temporary injunction

prayed for in plaintiff's application should not be granted.

Witness my hand and seal of office at \_\_\_\_\_ day of \_\_\_\_\_, 1959, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

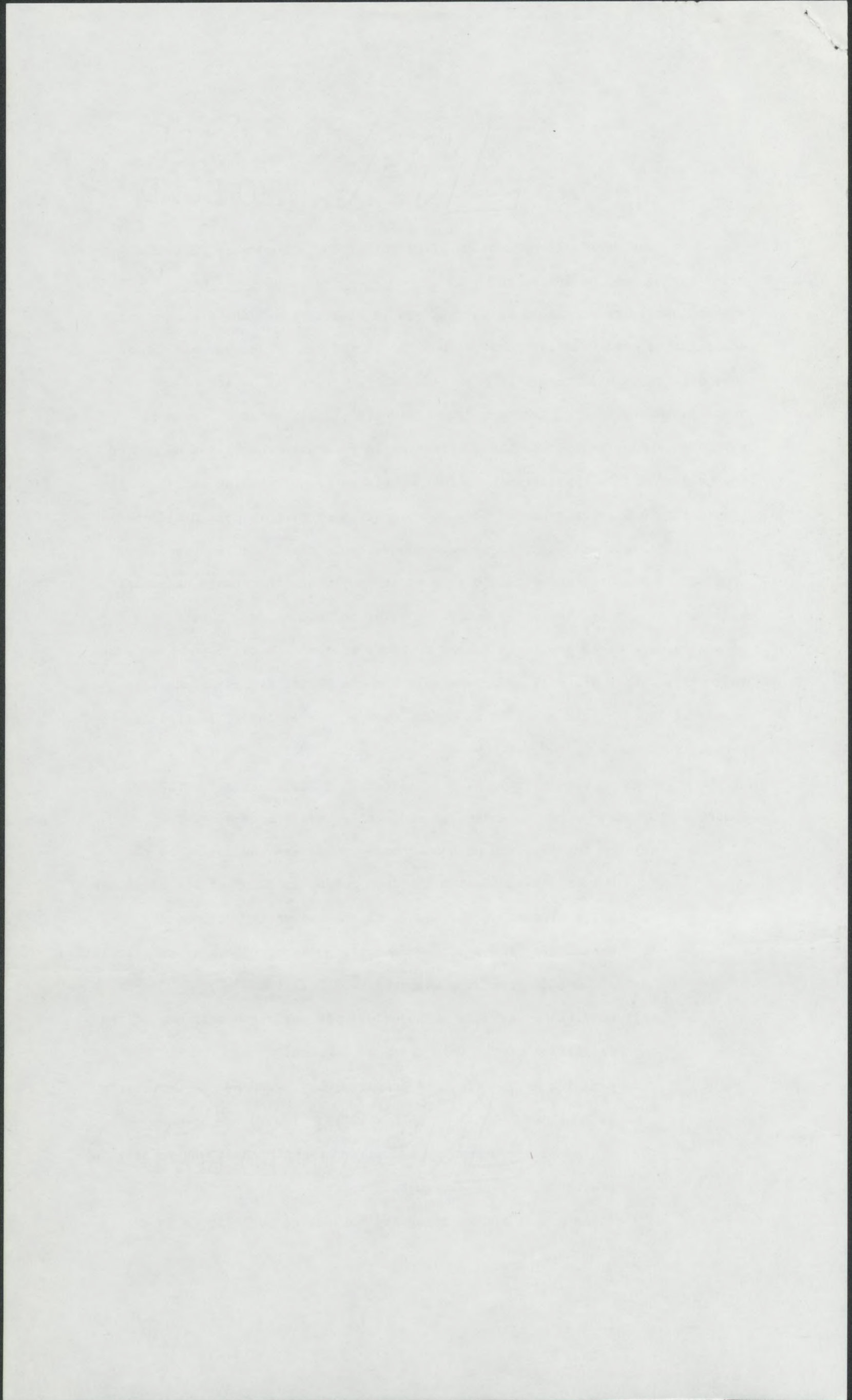
\_\_\_\_\_  
Judge Presiding

ORDER

The verified application of plaintiff for a temporary restraining order having been presented to me on this \_\_\_\_\_ day of \_\_\_\_\_, 1969, without notice to the named defendant, and it clearly appearing from the facts set forth in said verified application that immediate and irreparable injury, loss and damage will result to plaintiff before notice can be served upon the named defendant, and a hearing had on plaintiff's application for such restraining order, unless the named defendant is forthwith restrained as prayed for in plaintiff's application, in that an atmosphere of tension exists on the campus of the University of Houston and the presence of this person will be calculated to and will tend to produce mob violence that will lead to destruction of property and the injury of other people and that these defendants have in the past incited other persons to riot and will likely continue to do so and to urge other people to damage property of the University and that such injury is imminent and will be irreparable and the plaintiff has no adequate remedy at law; and the court being of the opinion the plaintiff is entitled to a restraining order as prayed for;

Pending the hearing, as below ordered, it is therefore, ORDERED, ADJUDGED AND DECREED that defendant be and she is hereby restrained from

- (a) coming onto any of the property owned and controlled by the University of Houston and from coming into any of the buildings or facilities on the campus of the University of Houston;
- (b) obstructing the use, enjoyment, ingress or egress of the facilities and buildings of the University of Houston;
- (c) committing assaults or injuries upon any persons at any of the facilities of the University of Houston;
- (d) damaging or injuring any property whatsoever of the University of Houston;
- (e) urging other persons to commit an act calculated and tending to produce injury or damage to property, person or life of other people and inciting any persons to participate in any riot; and



(f) participating in and inciting mob violence, rioting and urging persons to riot.

It is further ORDERED that plaintiff's application for temporary injunction effective until final decree herein, as contained in its verified application, be heard before me at \_\_\_\_\_ o'clock \_\_\_\_\_.M. on the \_\_\_\_\_ day of \_\_\_\_\_, 1969, in the \_\_\_\_th Judicial Court of Harris County, Texas.

It is further ORDERED that a notice issue to defendant, commanding her to appear and show cause, if any she has, why the temporary injunction prayed for in plaintiff's application should not be granted.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 1969, at \_\_\_\_\_ o'clock \_\_\_\_\_.M.

\_\_\_\_\_  
Judge Presiding

(1) participating in and inciting mob violence, rioting and

using persons to riot.

It is further ORDERED that plaintiff's application for temporary

injunctive relief with final decree herein, as contained in the verified

application, be held before me at \_\_\_\_\_ o'clock \_\_\_\_\_ M. on the \_\_\_\_\_ day

of \_\_\_\_\_, 1955, in the \_\_\_\_\_ in Judicial Court of Harris County,

Texas.

It is further ORDERED that a notice issue to defendant, commanding

him to appear and show cause, if any, why the temporary injunctive

prayer for in plaintiff's application should not be granted.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 1955, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Judge Presiding