

An abstract discussions will be held on Tuesday, November 19 at 7:30 PM in Ryan Gym. A Community Forum will be held on Thursday, November 21, at 7:00 PM in Ryan Gym

Frank Lloyd Wright: An Honor Council Social Trial Released Fall 2013

This abstract was not released in accordance to the timeline specified by the Students' Association Constitution.
(The addition of this disclaimer began in Spring 2010).

Key

Frank Lloyd Wright - Confronted Party
Dean Hollyhock - Confronting Party
President Fallingwater - President of the College
Larkin - Applicant to Haverford College
Dana Thomas - Student
Darwin Martin - Frank's support person and a member of Honor Council
Herbert Johnson - Member of Senior Staff
Marshall Erdman - Chair of the Trial
Fred Robie - Dean of Admission
Guggenheim Report - Haverford student newspaper
President Wingspread - Incoming Haverford President
Rookery Club - student organization Frank is a member of

Summary

This case involved [Frank Lloyd Wright], a Haverford student, who (not then attending the college) sent a fabricated message about the College's admissions policy regarding undocumented immigrants to a number of Haverford email addresses. He signed the letter [President Fallingwater]. Many people were confused by the email, and [Frank] was confronted by another student, [Dana Thomas], who brought her concerns to Honor Council. [Aline Hollyhock], the Dean of the College, began conversing with [Frank] and Council to begin a dialogue. [Frank] sent a message to the [Guggenheim Report], an online Haverford student newspaper, publicly claiming responsibility for the fabricated message and stating that it was an act of theater intended to call attention to what he felt were serious problems with Haverford's admissions policy as it applied to undocumented applicants. He saw

his email as a confrontation of Haverford College.

Meanwhile, [Frank Lloyd Wright] posted a number of flyers containing falsely attributed information around Haverford's campus which subsequently resulted in [Frank] receiving a trespass notice banning him from Haverford and Bryn Mawr's campuses without permission of [Dean Hollyhock] or the Dean of Bryn Mawr College.

After exchanging emails with [Frank], [Dean Hollyhock] issued a formal confrontation of [Frank Lloyd Wright] on behalf of the Senior Staff for the dissemination of an email in which [Frank] knowingly and publicly impersonated members of the College staff and attributed false statements to those staff members. [Dean Hollyhock] made it clear that [Frank]'s trespass notice would be lifted for trial proceedings.

The jury came to a statement of violation against [Frank Lloyd Wright] for falsely attributing views to community members whose identity he had appropriated in the mass email.

The trial process involved a number of issues that affected the jury's resolutions. [Frank Lloyd Wright] believed that the jury was not fulfilling the multicultural jurors requirement (which requires three jurors who self-identify as a person of color, three jurors who do not, four jurors who self-identify as female, and four jurors who self-identify as male), saying that he only saw two persons of color. The jury did indeed fulfill the multicultural jurors requirement, since all self-identification had occurred in compliance with the Students' Constitution prior to the trial's inception. In spite of this, [Frank] tried to get members of the jury to state whether or not they identified as a person of color in the trial setting. [Frank] also accused the jury of acting under the biased direction of a supposed script written by the chair of the trial. No such script ever existed.

This trial ended with a set of resolutions that drew upon both [Frank]'s pre-trial actions and his actions during trial proceedings. Separation from the Haverford community for three semesters with several conditions for readmittance to the college were included in the list of resolutions. [Frank] appealed his case, but the jury's resolutions were upheld.

Pre-Trial

The situation as presented to Honor Council:

Members of the Haverford community received an email from the email address "[presidentfallingwater@gmail.com]" with the subject "Official Apology to the Undocumented American Community" (see **Appendix B: [Frank]'s Initial Email to the Haverford Community**). This email announced that the Haverford Office of Admissions would begin to extend "fair, need-blind admissions to undocumented applicants." In addition, it stated that Haverford's cost would remain the same, according to Dean of Admissions [Fred Robie], and apologized to undocumented applicants, including [Larkin], an undocumented American and current Haverford applicant.

[Dana Thomas], a Haverford student, suspected that this email was fraudulent and that [Frank Lloyd Wright], a Haverford student, not then attending the college, had written it, based on [Frank]'s previous demonstrations of objection to the current admissions policy. [Dana] contacted [Frank], who admitted to having written the email, which he had intended to be an "act of theater" portraying a more fair alternate reality. Only some Haverford students had received the email because [Frank] bcc'd large groups of community members on the email after the email bounced back when he tried to access the

“hc-allstudents” listserv. [Dana] then confronted [Frank] for impersonating the President, which [Dana] felt was a breach of trust with the community. Unsure if [Frank] would follow through, [Dana] notified Honor Council about the confrontation.

[Aline Hollyhock], Dean of the College, then emailed [Frank] on behalf of the Senior Staff, expressing concern about the incident and asking if [Frank] had indeed written the email. [Frank] responded and cc’d Honor Council, taking credit for the email and saying that he would cooperate with any Honor Council trial. [Dean Hollyhock] then requested that [Frank] provide her with information on the motivation and circumstances behind his actions.

Meanwhile, [Frank] wrote a letter to the [Guggenheim Report], a Haverford student newspaper, taking credit for the email and expanding on his opinion that the email was an act of theater not meant to be believed as reality. In another article, the [Guggenheim] quoted Dean of Admissions [Fred Robie], who said that the administration was still looking into the feasibility of a change in Haverford’s admissions policy, but that the email violated the community’s trust.

The Senior Staff then sent out a campus-wide email addressing [Frank]’s action (see **Appendix C: Senior Staff’s Email in Response to [Frank]’s Email**). It referred to the email as “an act of fraud” and “a gross violation of the Honor Code.” In an email, [Frank] expressed disappointment to [Dean Hollyhock] about Senior Staff’s email, stating that he did not feel that he had appropriated anyone’s identity or voice, that he did not intend to deceive or harm anyone, that he doubted he had violated the Code, and that only Honor Council could come to a statement of violation. When [Frank] declined to elaborate further on his motivations (other than to reiterate that he did not feel that he had appropriated anyone’s identity), [Dean Hollyhock] submitted an official confrontation to Honor Council on behalf the the Senior Staff. [Frank] subsequently emailed Honor Council, explaining that he saw Senior Staff’s campus-wide email accusing him of a “gross violation” as a Code violation itself.

In the midst of these email exchanges, Haverford issued [Frank] a trespass notice for Haverford and Bryn Mawr’s campuses for posting flyers on campus related to the Admissions policy that were falsely attributed to Haverford Campus Safety. [Dean Hollyhock] told Honor Council that [Frank] was not to set foot on Haverford & Bryn Mawr’s campuses unless she or the Dean of Bryn Mawr College allowed it, or unless it was for the sake of a trial proceeding.

Honor Council proceedings:

Honor Council reviewed statements from all involved parties. Since [Dana Thomas] wanted no further role in any trial, it was explained that [Dean Hollyhock] would serve as the confronting party. Honor Council consented to a suspicion of violation on the part of [Frank], and subsequently consented to send the case to a social trial.

Honor Council then discussed what would happen in the event that the jury’s resolutions were appealed by either [Frank] or [Dean Hollyhock]. According to trial procedures, the final decision on appeals is made by the College’s President, but some Council members saw this as a serious conflict of interest because the President was involved in the case. After much discussion, Honor Council consented to ask [Herbert Johnson], a member of Senior Staff, to serve as the appeals person. Since any change to standard trial procedures requires the consent of all parties, Honor Council notified [Frank] of this decision. [Frank] explained that as a member of Senior Staff, [Herbert] had signed the

campus-wide email which declared [Frank]'s action a Code violation, so it would not be appropriate for him to serve as appeals person. After further discussion, Honor Council consented to asking a member of the Board of Managers to hear any appeal. [Frank] and [Dean Hollyhock] both consented to this arrangement.

Preliminary Jury Meeting

The jury met for a preliminary meeting to read and review the Honor Code, trial procedures, and statements related to the case. [Marshall Erdman], the Trial Chair, also informed the jury that [Darwin Martin], a member of Honor Council who was not serving on the jury, would be [Frank]'s support person. [Marshall] also explained that [Frank]'s trespass order would be lifted on the days of his trial meetings to allow him to be on campus for the trial.

[Marshall] also addressed the fact that [Frank] had emailed a survey to the jurors asking them to describe their backgrounds and experiences with undocumented Americans. [Marshall] explained that [Frank] was not allowed to question jurors without the consent of the Trial Chair, and that the jurors should not respond to this email.

Fact Finding, Part I

The jury, [Dean Hollyhock], [Frank], and [Frank]'s support person [Darwin] convened for the fact finding portion. One of the Honor Council jurors was not present and could not be reached, so the jury consented to continue without her.

[Dean Hollyhock] began by making a brief statement. She was confronting [Frank] on behalf of the College for knowingly impersonating the President, attributing fabricated views to College officials, and falsely announcing changes to College policy. The administration viewed these actions as a violation of the community's standard of open communication.

To begin his statement, [Frank] asked to show the jury a YouTube video he made featuring a parody of incoming [President Wingspread], which he said would help the jury understand the intentions behind his theatrical email impersonating [President Fallingwater]. [Marshall], the Trial Chair, said that this was not appropriate because computers are not permitted in trials except for use by the Chair.

[Frank] went on to read from a lengthy prepared statement about his experiences with undocumented Americans and his work with nonprofit groups protesting laws related to undocumented rights. [Frank] cited his friendship with [Larkin], a current Haverford applicant and undocumented American, as part of his motivation to change Haverford's policies. He also explained that he decided to write the email after a year of meeting with the administration and admissions officials. He viewed the email as an act of theater that the Haverford community would recognize as a form of protest, not an actual announcement from the College President.

Members of the jury asked [Frank] if he saw any harm in attributing false information to the President of the College, both within the Haverford community and outside it. [Frank] said that his intention was to draw attention to the issue of Haverford's policies regarding undocumented students, and that anyone who looked at the email could see that it was not written by [President Fallingwater]. He listed features of the email that showed the email as an act of theater, including the embedded YouTube video [Larkin] had made about Haverford's policies, the fact that [Larkin] was copied on the

email, the gmail account (without a 'haverford.edu' extension) from which the email was sent, and that the subject of the email labeled it as an apology to undocumented Americans.

Other jurors asked if [Frank] saw this email as a violation of the community's trust, since some community members believed that the information in the email was true because they did not scrutinize the email enough to recognize the indicators [Frank] had described. [Frank] said that he did not think his email would cause confusion; he thought it would be obvious that the email was a work of fiction and as a result did not harm open communication in the community.

A member of the jury asked [Frank] if he thought that his email would lead to a general questioning of email authenticity on campus; for example, it could cause students to verify that an email is actually from an administrator or student organization leader. [Frank] said that his email was seen as a fake and did not actually impersonate anyone; it was an act of theater representing a more fair reality for Haverford. Because he believed that the campus recognized his email as a fake, he did not think that his action would change how community members view emails. Since several jurors had to leave to go to class, the fact finding portion ended at this point with a moment of silence.

Interim A

After the meeting, [Frank] and [Marshall] discussed some of [Frank]'s concerns regarding the trial so far. [Frank] said that when an abstract was released to the community, he wanted the issue of undocumented Americans and admissions to be included without a pseudonym, and he didn't want to be portrayed as a "cartoon character." [Marshall] explained that decisions about abstract writing were decided by the abstract writers and Honor Council, but that they could discuss it further during the finalizing resolutions portion of the trial.

[Frank] also requested that the jury bring in an expert witness on life as an undocumented American. [Marshall] said that the jury had not deliberated yet, but that expert witnesses would be brought in if the jury consented that it was necessary to their understanding of the case. [Frank] also expressed his desire to continue the fact finding portion of the trial into another meeting because he was not satisfied that the jury understood his action. [Marshall] said that he would contact [Frank] at the end of the weekend to let him know if the jury had further fact finding questions.

After a few days, [Marshall] emailed [Frank] telling him that the jury had no further questions before entering deliberations, so [Frank] should not attend the next meeting.

Fact Finding, Part II

Even though [Marshall] had told [Frank] not to attend the next scheduled trial meeting so that the jury could deliberate, [Frank Lloyd Wright] and his support person [Darwin] showed up at the same time as the other jurors. [Frank] said that he felt that Fact Finding was not over. All jurors were present at this meeting except for the one Honor Council juror who was not present at the first meeting, who had explained to [Marshall] that she would not be able to remain on the jury. The remaining nine jury members consented to continuing without this juror, meaning that she would effectively stand outside of all further trial procedures.

[Marshall] explained to [Frank], [Darwin], and the jurors present that the absent Honor Council

juror would not be able to serve on the jury, and that the jury would proceed with nine members. At this point, [Frank] asked if the absent juror was a person of color, saying that he only saw two persons of color in the room. [Marshall] explained that she did not identify as a person of color, but that even if she did her absence would not have broken the multicultural juror requirement, because the remaining nine jurors still contained three people who self-identified as a person of color, three who did not, four people who self-identified as male, and four who self-identified as female.

[Frank] insisted that he only saw two people of color in the room and requested that all persons in the room identify themselves as a person of color or not. Several jurors responded by saying that it was not appropriate to ask people to identify themselves in the trial setting, and [Marshall] told [Frank] that the jurors had disclosed whether or not they identified as a person of color to the Honor Council Co-Secretaries during the jury formation process. [Frank] was insistent that he felt the need for the jury members to disclose their racial self-identification. The jury, in an attempt to compromise with [Frank], said that they would be okay with this process so long as there existed an option to say “pass” instead of identifying themselves. [Frank] began by declaring that he himself did not identify as a person of color. [Frank]’s support person [Darwin] went next and disclosed that he also did not identify as a person of color. The next person in the circle, a jury member, paused briefly and said “pass.” Each subsequent member of the jury said “pass” until everyone in the room had spoken to the question of racial self-identification. [Frank] did not seem to be satisfied by this result, but he agreed to let Fact Finding continue.

[Frank]’s primary concern with the first Fact Finding portion was that he felt that there was not enough conversation or mutual truth-seeking, seeing as most jurors only asked one question during the process. The jury explained that this was not unusual in Fact Finding portion because it exists as an opportunity for the jury to hear the facts of the case and not to investigate the motivations behind them.

[Frank] and his support person [Darwin] both frequently laughed at juror comments during questions and answers in Fact Finding Part II. The jury responded by saying that they found it inappropriate and asked them to stop.

[Frank] finished his contributions to Fact Finding Part II by handing out a prepared document detailing his recommendations for the jury’s statement of violation, which involved finding the college’s administration and admissions policy in violation of the Honor Code. (See **Appendix D: [Frank]’s Proposed Statement of Violation.**) [Frank] and [Darwin] then left the room and the jury proceeded into deliberations.

Fact Finding Deliberations

NOTE: Because this trial proceeded with only nine members, the tenth member who left the jury automatically stood outside of consensus for each decision from this point onward.

The jury went into deliberations based on the two Fact Finding portions, discussing both a possible statement of violation for [Frank]’s actions as well as his suggested statement of violation against the administration and admissions policy. The jury consented to not issuing any sort of statement addressing the administration and the admissions policy because they believed that it was not within the purview of an Honor Council jury to do so. After further discussion of [Frank]’s actions, the jury came to the following statement of violation:

[Frank Lloyd Wright] violated the Honor Code by appropriating another individual's identity and attributing views to others without their consent. This action went against the spirit of open and honest dialogue, therefore breaching the trust of the community. (All jurors consented.)

The jury then sent an email to [Frank] and [Dean Hollyhock] outlining the results of Fact Finding deliberations. This email included the statement of violation (above) that the jury had consented to along with the following statement:

“The jury did not think it was appropriate to address [Frank]’s concerns that the administration's policies and senior staff's letter violated the Honor Code. The entire jury consented to not forming a statement of violation or non-violation about any administrative actions, as we did not see ourselves as the proper body to pass judgement on that.”

Circumstantial Portion

The nine jurors, [Frank Lloyd Wright], and his support person [Darwin] met for the circumstantial portion of the trial. [Dean Hollyhock] elected not to attend this trial meeting.

[Frank] first asked the jury what they had discussed during their deliberations before coming to a statement of violation. One of the jurors summarized the discussion, explaining that the jury’s main concerns were the appropriation of [President Fallingwater]’s identity and the ramifications of disseminating false information about such an important topic to the community. [Frank] asked if the jury had discussed coming to a statement of violation on part of the Haverford administration. Several jurors explained the decision that since faculty, staff, and administration do not sign the Honor Code and are not within the bounds of the Constitution, their actions are not within the jurisdiction of Honor Council. [Frank] disagreed, bringing up the point that we consider professors and administrators members of the community which is supposed to be guided by the Code.

[Frank] then asked the jury if there can be a violation of the Code if individuals have not come forward as ‘victims’ of the action, saying that he had not encountered community members who felt personally affected by his email. Jurors pointed out that actions which affect the atmosphere of trust within the community violate the Code even if they are not directed at an individual person. [Frank] then stated his view that since the jury does not know the views of each member of the community, it cannot speak for them and decide if his action is a violation of the code. One juror responded that since the jury is composed of members of the community, they can come to consensus on whether an action was a Code violation because they represent the community standards and values.

[Frank] then asked the jurors if any of them had received and read his email impersonating [President Fallingwater]. Several jurors had, and one juror explained that she had been happy when she heard about the admissions policy changes but was disappointed to find out that the information was false. [Frank] then asked if a member of the jury was acting as the confronting party and said that the jury was biased if that was the case. He also asked why no members of the community had been brought in as trial witnesses or had confronted him. Several jurors reiterated the idea that the jury is meant to represent the community as a whole and not to speak for each individual in the community.

The conversation then became very circular and confusing.

[Frank] then changed topics, stating his opinion that the jury had not actually deliberated before coming to a statement of violation. He went on to say that the whole trial seemed to be ‘scripted,’ which he said was the reason why the jury had not used his statement of violation against the administration and had not switched confronted parties mid-trial from [Frank] to the administration. He claimed that the jury had the power to make this switch under the Extenuating Circumstances clause of the Students’ Constitution and because the administration is included in the Haverford community. Members of the jury expressed agreement that the community extends beyond Haverford students, but since administrators do not sign the Honor Code pledge, they cannot be held under Honor Council’s jurisdiction.

[Frank] asked how the jury managed to come to a statement of violation without calling in an undocumented expert witness. [Marshall] explained the jury’s decision that they didn’t need additional information to consent on a statement of violation, but will reconsider whether that information is needed before consenting to resolutions.

At this point there was a knock on the door. [Frank]’s girlfriend, who is not a Haverford student, said that it was an emergency and she needed to talk to [Frank]. [Frank] then left the room and he and his girlfriend began to argue loudly in the hallway. After a few minutes, [Marshall] went outside to see if everything was okay and if the trial meeting could resume. [Frank]’s girlfriend then cursed at [Marshall]. [Martin] later told Honor Council that the reason [Frank] did not attend any further trial meetings was because his girlfriend did not want him participating in the process.

When [Frank] returned to the meeting, he said that he had to leave, but first instructed the jury to go around in a circle and identify as a documented or undocumented person. Members of the jury refused, and [Marshall] said that it was not happening, since [Frank] had already been assured that the jury met all of the multicultural requirements. [Frank] disagreed, saying that the jury was not being honest about their demographics since he and [Darwin] only saw two people of color among the jurors. He said that being a person of color is not a choice that can be made every day; it is something very visible that people always live with. Several jurors jumped in, stating that [Frank]’s definition went against the purpose of self-identification and that biracial people may not appear to be people of color to each person they meet. This conversation quickly became very heated, and jurors then called for a moment of silence.

[Frank] then stood up and gave a printed handout to each juror, declaring that he felt that his trial had been scripted from the start and every outcome had been predetermined, regardless of what [Frank] said. (See **Appendix E: [Frank]’s “Trial Script”**.) The handout was a ‘script’ of the trial attributed to [Marshall Erdman], implying that the Trial Chair had written out what would happen in each meeting. It included comments stating that the chairs should be arranged so that [Marshall]’s was a throne, that each juror would be allowed to be ask only one question during the Fact Finding portion and that questions would not focus on the issue of undocumented Americans, and that the jury would only pretend to have deliberated before consenting to a pre-written statement of violation.

[Frank] said that his only proposed resolution was that the abstract use the word ‘undocumented’ at least once. He then left, instructing [Darwin] to remain in the room until deliberations began. Several jurors then asked [Darwin] to leave, saying that as a member of Honor Council he

should understand that his role in the trial process is for moral support, not to serve as a lawyer or proxy.

After [Darwin] left, the jurors decided that they were too startled and upset by [Frank]'s behavior and distribution of the 'script' to begin deliberations in a good frame of mind. The jury adjourned for the evening, planning to discuss tentative resolutions the next day.

Interim B

The next day, before the jury was scheduled to meet for deliberations, [Frank] sent an email to jurors, accusing them of not being 'open and honest' and following trial procedure, saying that they only wanted to keep 'reading the Script.' (See **Appendix F [Frank]'s Email to the Jurors.**) He said that he and [Darwin] had been looking for a way to address this issue, and declared that unless the third person of color came forward, he and [Darwin] would break the confidentiality of the trial to the audience of the Haverford community at large.

Deliberations, Part I

Having received [Frank]'s email, members of the jury expressed discomfort moving forward with the trial when the jury was being blackmailed and everything felt too personal to proceed objectively. Some jurors felt that any resolutions they came up with would focus more on [Frank]'s actions during the trial than on his initial violation of the Code. Upon consultation with one of the Honor Council Co-Chairs, the jury decided to postpone discussion of tentative resolutions until the situation had settled down and they had discussed the best way to proceed with the Deans.

Interim C

[Marshall] and a member of the jury met with the one of the Deans, expressing concern about [Frank]'s behavior throughout the trial and the potential ramifications of jurors' confidentiality being broken. They decided that the best thing to do was to continue to follow trial procedure, but that the administration would step in if individual jurors were being targeted.

Before the jury's next scheduled meeting, [Frank] posted a letter on *Go!* about his trial signed by both him and [Darwin]. (See **Appendix G [Frank]'s Post on Go!**) The post revealed details of the trial, focusing on [Frank]'s perception of issues with the multicultural juror requirements, and promised to release more information as the trial proceeded. [Darwin] also emailed [Marshall], notifying him of this post.

Deliberations, Part II

The jury met to discuss [Frank]'s post and tentative resolutions. [Marshall] explained that any resolutions to which they consented could address both [Frank]'s email impersonating [President Fallingwater] and his conduct during the trial.

On the issue of separation, many jurors felt that [Frank]'s email alone warranted at most one semester of separation, but a longer period of time seemed appropriate in light of his behavior during the trial. One juror brought up that [Frank]'s consistent practice of only addressing topics he wanted to discuss and avoiding all other conversation would make it difficult to tell whether his period of

separation had been productive. Since the jury had interacted closely with him and was aware of this issue, it seemed appropriate that a portion of the jurors meet with [Frank] to determine whether he was ready to return to Haverford at the conclusion of his separation. The jury largely agreed that this incident should be reported to other institutions of higher learning to which [Frank] may apply.

The jury was also concerned with [Frank]'s understanding of multiculturalism and racial identity based on his attempts to make jurors disclose their racial self-identification and felt that a meeting with a Dean of Multicultural Affairs was appropriate.

Some jurors also felt that the lack of procedure for confronting potential administrative violations of the Honor Code could be remedied in the resolutions. In addition, the jury agreed that Senior Staff's email declaring [Frank]'s actions a violation of the Code before a trial had taken place was inappropriate in that it could affect the objectivity of the jurors.

The jury then consented to the following tentative resolutions, which were emailed to both parties:

Tentative Resolutions

1. *[Frank Lloyd Wright] will be separated from the community for three semesters, at which point he must reassemble a minimum of five jurors who will determine whether or not [Frank] is ready to return. (All jurors consent)*
2. *[Frank] will meet with the Dean of Multicultural Affairs in order to improve his understanding of racial identity. After this meeting [Frank] will write a letter of reflection to be read by the jury upon reconvening. (All jurors consent)*
3. *The jury encourages the administration to publish a set of guidelines addressing how to properly confront non-student community members on social issues and college policies. (All jurors consent)*
4. *The jury feels that in categorizing [Frank]'s actions as a "gross violation of the Honor Code" before a trial had taken place, they failed to show respect for the student-led nature of the process. The jury requests that in the future the administration refrain from potentially affecting the neutrality of the community from which a jury is composed. (All jurors consent)*
5. *The jury recommends that this incident be reported on applications to other institutions of higher learning. (All jurors consent)*

Resolutions as a whole: All jurors consent.

Finalizing Resolutions

The jury met to consent to the final resolutions. Although the presence of the confronted party is mandatory for this meeting, [Frank] refused to attend what he still believed was a 'scripted trial,' instead emailing [Marshall] his response to the jury's resolutions. [Frank] felt that resolutions 1 and 5 (separation and reporting to grad schools) were unnecessary because they did not help any "victims" of his actions and also because he did not plan on returning to Haverford. He referred to the recommendation that he meet with the Dean of Multicultural Affairs as "patronizing and dumb" and said that the resolutions pertaining to the administration were inadequate. Instead, he suggested that Dean of Admissions [Fred Robie] agree to a modified trial in which [Larkin], an undocumented Haverford

applicant, would serve as the confronting party.

He also suggested that the jury consent to resolutions suggesting that the admissions office change their policy regarding undocumented applicants and apologize to the undocumented community, that the Senior Staff should apologize for their actions in a campus-wide email, and that [Frank] himself apologize to anyone who feels harmed by his email.

[Marshall] shared this information with the jurors, who still felt that their resolutions were appropriate and within the purview of an Honor Council trial. One juror brought up the fact that most abstracts include a letter to the community. Some jurors felt that since [Frank] had refused to attend a mandatory portion of his trial, he forfeited his opportunity to write a letter to the community. Others felt that the jury should not deprive him of the option to write a letter, despite his trial conduct. Ultimately, the jury consented to include the option of a letter to the community as a resolution, with one juror standing outside.

The jury then consented to the following final resolutions:

Final Resolutions

1. *[Frank Lloyd Wright] will be separated from the community for three semesters, at which point he must reassemble a minimum of five jurors who will determine whether or not [Frank] is ready to return. (All jurors consent)*
2. *[Frank] will meet with the Dean of Multicultural Affairs to discuss racial identity. After this meeting [Frank] will write a letter of reflection to be read by the jury upon reconvening. (All jurors consent)*
3. *The jury encourages the administration to publish a set of guidelines addressing how to properly confront non-student community members on social issues and college policies. (All jurors consent)*
4. *The jury feels that in declaring [Frank]'s actions a "gross violation of the Honor Code" before a trial had taken place, they failed to show respect for the student-led nature of the process. The jury requests that in the future the administration refrain from potentially affecting the neutrality of the community from which a jury is composed. (All jurors consent)*
5. *The jury recommends that this incident be reported on applications to other institutions of higher learning. (All jurors consent)*
6. *The jury leaves [Frank] the option to write a letter to the community regarding his trial to be released with the abstract. (Jury consents, 1 juror stands outside)*

Resolutions as a whole: All jurors consent.

Post-Trial

[Frank] appealed the jury's decision on both procedural and substantive grounds to the designated member of the Board of Managers. All of the jury's resolutions were upheld.

Before the abstract was released, [Darwin] posted [Frank]'s letter to the community on the Go! boards. Accompanying the letter were the statement of violation and final resolutions, [Frank]'s initial email, Senior Staff's response email, an article from the [Guggenheim Report], [Frank]'s trespass letter, a transcript of a video featuring [Larkin] discussing the Haverford application process, a series of

articles regarding activism surrounding undocumented immigrants in college admissions, an email from Students' Council to the student body about undocumented students sent in response to the discussions kicked off by [Frank]'s email, and the section of the Committee on Admission's [recent] report to the faculty that dealt with undocumented applicants.

[Frank]'s Letter to the Community – “Poetic Justice: Segregation, Theater and Fear at a Quaker College”

“Am I an American?

Am I equal?

Why am I not treated equally?

When will Haverford change its policy?”

-Questions by [Larkin] – an undocumented American at [removed] who applied to Haverford's Class of [removed] and was considered and denied as an international student in a separate and unequal admissions process that has banned undocumented students – posed to the Appeals Person of my trial, a member of Haverford's Board of Managers. You can see [Larkin]'s video, addressed directly to the Haverford community, at: http://www.youtube.com/watch?v=NI_Ohyp1WP8. A transcript of his video is also included here on page [15].

(ABSTRACT WRITERS' NOTE: Page numbers in [Frank]'s letter refer to the document posted on the Go! boards, not the abstract.)

“When our communities are under attack what do we do? Stand up! Fight back!” Chant by Jessica Hyejin Lee, the first openly undocumented student at Bryn Mawr, before being arrested in a civil disobedience in Philadelphia while trying to stop a friend's deportation.

“Giving undocumented students fair, need-blind admissions consideration....” Excerpt from Resolution #2 passed by the student body at Spring Plenary in 2012 and never implemented.

This letter to the community, following my trial and expulsion, is intended not just for Haverford as it currently stands as an institution segregated by immigration status but to the larger Quaker community outside of Haverford and to all future Haverfordians, especially those of you who are undocumented. I must admit that I see Haverford in my rearview mirror and had no intention of writing this letter, but two Quaker professors, who I thank, urged me to consider the needs of the student body and to use this opportunity to remind Haverford of its history, its values, and to consider what it means to be Quaker, Haverfordian, and undocumented.

Haverford was my first choice school because of its Honor Code and commitment to social justice; but the College's indifference to every day that passes without a single undocumented Haverford student, not only violates these community standards, but makes them appear hypocritical. While I have

been expelled for not upholding the Honor Code, I believe that it is Haverford that is not upholding its own values. A discussion of these values, our Quaker roots, and our commitments to each other might seem unnecessary to some who see my trial as a simple case about a fraudulent action. I can assure you that that is not what it was about. It was not about using the College President's name, making an erroneous announcement, or clicking send. It was about truth, equality, and fear. Most importantly it was about [Larkin] and all undocumented students.

Message Not Means

If you consider how a Quaker college would react to a fictional email with a message that does not scare them (i.e. new slushy machine in Dining Center), as compared to how they've reacted to my fictional email (admissions equality for & an apology to undocumented students), it instantly becomes clear that their fearful reaction was to my message, not to my means. The jury tried to hide that fact, not using the word undocumented, and never considering my defense that the admissions policy violates the Honor Code and that I was continuing a yearlong effort of confronting the community as required by the Honor Code. Unfortunately, this trial was merely an inquisition.

While my email was not about slushy machine, it was just as completely harmless; but it contained a more powerful and therefore threatening truth- that undocumented Americans are equal and Haverford's segregation is wrong. The Quaker college paid a private investigator to investigate me, sought legal counsel, and publicly threatened me with legal prosecution. The Quaker college declared me guilty before the trial, tore down fliers depicting a banned undocumented student, promised to arrest me for trespassing, tried to recruit students to report on my presence, and sent out its own fictitious email that claimed admissions equality would cost twenty-four million dollars when they have admitted that the real price is free. Lastly, they expelled me and denied [Larkin].

Who Are You To Judge?

While the trial was not about the means but the message, it would be a disservice if I did not challenge the notion that documented Americans should take it upon themselves to judge the decisions and actions of undocumented Americans. Who are you to say what is or is not appropriate? Who are you to question, to condemn? Who are you say a fictitious email is wrong? What about theater? What about yelling? What about sit-ins? Those questions are not yours to answer. Two examples of recent actions by undocumented Americans that drew controversy help highlight this point.

This summer when Daniel Vargas, the Communications Director of the Common Application took the stage at the National Conference on Race and Ethnicity in American Higher Education, he told the thousands gathered a simple truth, "Equality is not radical; it's common sense." To great applause he announced that the Common Application was adding "undocumented status" to its non-discrimination clause, banning admissions discrimination at over 400 private colleges nation-wide. He also apologized to the undocumented community. In the days following his speech as the press began to pick up the

story, a college president and a U.S. Representative took to twitter to praise the announcement, but then of course it was revealed that Daniel Vargas does not exist. My friend David Ramirez, a 23 year old undocumented activist from Chicago was the one who took the stage and made the erroneous announcement.¹ A few documented journalists commented that this theatrical tactic, while new for the undocumented movement, was dishonest. Maybe they'd prefer if undocumented Americans like David wrote polite letters or petitions? I don't know— the journalists did not bother to offer any alternatives, but this is how David explained his choice of tactic:

Augusto Boal writes, "Theatre is a form of knowledge; it should and can also be a means of transforming society. Theatre can help us build our future, rather than just waiting for it." "[Theatre of the Oppressed's] objective is to encourage autonomous activity, to set a process in motion, to stimulate transformative creativity, to change spectators into protagonists. And it is precisely for these reasons that the Theatre of the Oppressed should be the initiator of changes the culmination of which is not the aesthetic phenomenon but real life." Theater doesn't obey the world as it is; it lets us create the world as it should be for all to see. Theater is away for the community to fight back, to fight for equality and college access."

A few weeks after David's speech, a few friends of mine undertook the most brazen action in the movement's history and self-deported back to Mexico and then attempted to return along with other exiled undocumented Americans who became known as the "DREAM 9." Many mainstream pro-immigration reform groups cringed or scoffed at it. Some called it reckless, inappropriate, and a distraction from the important work of their documented lobbyists in Washington.²

As a [contributing member] of SUDDEN Movement (Students for Undocumented Dreams & Decision Equity Now) and its Haverford chapter, [Rookery Club], I wouldn't have sent out the email if I wasn't prepared to take responsibility for it, but it's important to understand that documented members of SUDDEN don't make the group's decisions. We are intentionally undocu-led because it is not the role of allies to judge the decisions of undocumented people. So for next time's sake, in case undocumented activists or undocu-led allies decide to take to yelling at Haverford, protesting its admission tours, or sitting in its buildings and you feel the need to critique or criticize their choice of methods, I would urge you to consider what a pro-immigrant group said in the aftermath of the DREAM 9 action, "It's not our place to tell anyone who is affected by this broken immigration system how to move towards their own freedom."

The Relevant Question

¹ You can read David Ramirez's speech and his analysis at <http://youngist.org/post/52248417759/the-movimiento-nacional-de-pendejos-y-my-poem> or on page [16] of this document.

² You can read more about the DREAM 9 at <http://www.npr.org/blogs/codeswitch/2013/08/20/213790881/the-dream-9-pushes-the-envelope-and-their-allies-buttons> or on page [18] of this document.

Once you realize that the relevant question is not one that judges the choices of undocumented Americans, it becomes obvious that the relevant question is the one we ask of ourselves. The relevant question is will we follow their lead, will we join [Larkin] and others in fighting for undocu-equality? Do we expect of ourselves the level of sacrifice we expect from undocumented Americans themselves?

My openly undocumented friend Marco Saavedra has repeatedly risked everything to help others. He put himself at risk for arrest and deportation in sit-ins in President Obama's campaign offices, and within days President Obama announced the Deferred Action for Childhood Arrivals (DACA) program, providing an opportunity to an estimated 1.8 million undocumented youth to apply for a two year work permit and discretion from any deportation proceedings. Then Marco intentionally placed himself in detention and deportation proceedings to organize from within Broward County Detention Facility. Dozens of Congressmen subsequently called for an investigation and many detainees were eventually released. Recently he joined the DREAM 9 by self-deporting and then attempting to re-enter a week later along with other undocumented youth who had been unable to return home due to their status.³

Like the jury, we can pretend to ignore these questions about tackling injustice and asking things of ourselves, we can ignore the questions and calls from [Larkin] and Jessica; but regardless, they are already being asked, the admissions ban is already on trial. It's on trial every year that Haverford accepts applications. It's on trial every day in our hearts and minds as [Larkin]'s eyes ask us what side are we on.

Why We're Not Asking of Ourselves

Fortunately, everyone who joins [Larkin] in fighting for equality is already on not just the right but also the winning side. Indeed, we've already won. Haverford is not wise or brave enough to know it yet, but it's inevitable. *A lie cannot live*. So why is Haverford seemingly unable to recognize this and do what's obviously right? Everything I have seen shows that it is afraid.

"To be afraid is to behave as if the truth were not true." –Bayard Rustin

The Quaker College was afraid of my email not because it is fiction but because it is truth. The Quaker College is behaving as if documented and undocumented Americans are not equal, when the truth is they are. The Quaker College has prosecuted me for telling "lies" when I was telling the truth, a truth it is afraid of. The Quaker College is afraid of acknowledging this truth because that's the first step toward it becoming reality.

The Quaker College refuses to publicize its undocumented applicant admissions policy on its website

³ You can learn more about Marco's organizing, including these actions, at <http://www.kenyon.edu/middle-path/story/an-activists-journey/> or on page [20] of this document.

because it is afraid.⁴ The Quaker College refuses to say admissions equality is free because it is afraid.⁵ The Quaker College refuses to speak to any undocumented Americans during its indefinite review of their ban because it is afraid. The Quaker college refuses to answer [Larkin]'s questions because it is afraid.

How We Can Overcome Fear and Inaction

I believe that Haverford can overcome this fear by finding strength and guidance in our common humanity, the Honor Code, Haverford's history of activism, and its Quaker roots. I have played soccer with [Larkin], attended his graduation, and marched beside him for equality. He is not just a student but a teacher, and his message to Haverford has already opened the eyes of thousands. I assure Haverford that he is not someone to be afraid of but to be inspired by. There is no reason to fear admissions equality: 95% of public universities already have admissions equality. Nor should we fear undocumented students coming to Haverford: undocumented students from Bryn Mawr and Swarthmore can already take classes at Haverford.

I urge Haverford to learn more about the hopes and struggles of undocumented Americans by reaching out to them and listening. If we acknowledge our common humanity then we must join them in their struggle. This responsibility is not a burden but a luxury because for many people like [Larkin], who applied to join the class of [removed] at Haverford even though he is undocumented, being an activist wasn't a choice. He only decided not to give up. He came out as undocumented and spoke out against Haverford's discrimination because he couldn't shake loose his dream of going to college.

If we commit ourselves to our Honor Code then we must join with [Larkin]. If we are to profess these values of trust, concern, and respect then surely we must act to make them real. We are all guilty of allowing the admissions ban to continue to violate the Honor Code. The students and administrators who say your hands are tied, the process is set, you can't do anything, you are just following orders— [Larkin]'s determination makes clear that you are mistaken. Indeed for those of us who are privileged to study or work at Haverford, we more than anyone are expected to challenge the

⁴ Not only is the word undocumented absent from Haverford's website, but it is impossible to fill out the Common Application 'correctly' as an undocumented student (with or without DACA) because US applicants must enter a SSN and international applicants must enter a visa number.

⁵ Providing financial aid, of course, is not free, for documented or undocumented applicants. According to Institutional Research (http://www.haverford.edu/institutionalresearch/pdf/CDS2012_2013.pdf), Haverford provides \$21M in aid grants each year. Over \$20M goes to documented American applicants, about \$500K to international applicants. Federal and state grants, which are the forms of aid undocumented students are not eligible for in Pennsylvania, provide a total of \$1M in aid grants each year, plus another \$250K in work study, which put together constitute less than 8% of all College financial aid. On an individual level, the extra cost for the College providing full aid to a high need undocumented student compared to a high need documented student is \$5K (federal) plus \$4K (state), out of a total \$60K, about 15%.

The College had refused to provide any official public statements on this issue for a full year after the student body voted in favor of admissions equality at Plenary. [Recently], the Students' Council Presidents released a statement which you can find at <https://go.haverford.edu/board/viewtopic.php?f=18&t=14004&sid=ffd1cfe6d19ad78fceedd7f681da0712> or on page [25] of this document. At the beginning of this semester, the Committee on Admission privately released its summary report for distribution to the community, which is not online but can be found on page [27] of this document.

unjust system we are a part of and benefit from.

If we find any guidance from the Quaker faith then we must acknowledge our undocumented brothers and sisters to be one of us and deserving of equality and respect. To be Quaker is not just to go through life carrying a faith around with you as one would clothes. To be Quaker is to live one's faith. To do otherwise, to choose to turn one's back on others when they call would be to live what Parker Palmer, a Quaker educator and activist, calls "a divided life." I urge the administrators, especially [Fred Robie], to reflect on his words in their own lives.

Indeed Quakers, known for their pacifism have never been passive. Over the past 300 years, Quakers have been at the forefront of every social movement in America from abolition to suffrage, civil rights, environmental justice, and even the Sanctuary Movement for undocumented immigrants and refugees. Here are a few prominent Quaker activists- William Penn, John Woolman, Mary Dyer, James Naylor, Robert Purvis, Lucretia Mott, Levi Coffin, Thomas Garrett, Susan B. Anthony, Alice Paul, Bill Sutherland, Jeremy Mott, and George Willoughby. Two others, Stephen Cary and Bayard Rustin, with ties to Haverford deserve an even closer look.

For those who may not know, Bayard Rustin was an openly gay African American Quaker activist from Pennsylvania who organized the March on Washington. While he had a keen sense of the intersections of identities and injustice, he credited his Quakerism for his being an activist: "My activism did not spring from my being black. Rather, it is rooted fundamentally in my Quaker upbringing and the values imparted on me."

For decades, Rustin worked alongside his friend, an African American civil rights leader named Norman Hill. When Hill was a sophomore at Haverford, he was denied a haircut by the barber in the basement of Founders because of his race. Haverford President Gilbert White called the barber and told him that he could not continue unless he served all students. Hill is far from alone in turning from Haverford to activism.

Continuing in Hill's progress, the Black Student League in 1972 released this statement: "We feel that radical action must be taken to emphasize our outrage at the conditions which heretofore have prevailed at Haverford. Again, you know the issues, and in the coming days, there will be no way you can escape them." Months of boycotts, creative protests, and sit-ins by minority students on campus led to Haverford agreeing to make institutional changes that have helped shape Haverford, including the Tri-Co Multicultural Summer Institute, which was my introduction to Haverford. The history of the BSL and of activism at Haverford and by Haverfordians should be a source of strength for the community.

Until recently when President Obama awarded Rustin the Medal of Freedom, Rustin's life's contributions were largely overlooked because of his homosexuality, but not by Haverford. Haverford awarded Rustin an honorary degree in 1985. That was not the first time his path had crossed with Haverford. In 1943 Rustin was the featured speaker at conference on race at Bryn Mawr. In 1954

Rustin and his friend Stephen Cary, a Haverford icon, gathered with a group of prominent pacifists at Haverford and authored the influential document, *Speak Truth to Power*.

Stephen Cary was a former president of Haverford, a lifelong activist, a conscientious objector, and the longtime chairman of the AFSC. An article following his passing in 2002 noted that “his annual greeting to first-year students introducing Quaker practices and the Haverford Honor Code earned him the affectionate nickname ‘Mr. Haverford.’ [...] For generations of Haverford students, he was the embodiment of the College’s values and philosophy.” In 1990 Stephen Cary and Swarthmore Professor Aurora Camacho de Schmidt, who were named plaintiffs representing the AFSC, sued the Immigration and Naturalization Service. They argued that the government violated the free practice of their Quaker faith by mandating that they discriminate against undocumented Americans in employment. By all accounts, it seems Stephen Cary upheld the values of the Honor Code and the Haverfordian spirit because he embodied them. He lived an undivided life.

To the future undocumented students at Haverford, I wish you the best. One thing [Larkin], Jessica, David, Marco and many other fearless undocumented Americans have taught me is that their undocumented status, while a source of pain and hardships for them and their families that is unimaginable to most, is also a source of strength and wisdom never known to most. Fittingly, Jessica dedicated her thesis as such: "To my parents, who dedicated their lives to the revolution by crossing the border undocumented and allowed me the precious opportunity to gain wisdom only known to those undocumented, imprisoned, oppressed, but empowered and liberated." So I have no doubt that you will do great at Haverford and beyond. I am in no position to recommend it, but if you decide to come out about your status, I know you will be a great teacher to those around you and will be making that decision slightly easier for those who follow in your footsteps.

In closing, I have and will continue to strive to live an undivided life, to uphold the values of the Honor Code, and to love my undocumented brothers and sisters. I urge the students and administrators at Haverford and all Quaker Colleges to be more courageous, to ask more of themselves, and to commit to making certain that [Larkin] and others like him receive the equal treatment and the proper apology they deserve. Repeating the words of Rev. Dr. Martin Luther King, "If I have said anything in this letter that overstates the truth and indicates an unreasonable impatience, I beg you to forgive me. If I have said anything that understates the truth and indicates my having a patience that allows me to settle for anything less than brotherhood, I beg God to forgive me."

Ed Menefee ‘14

Questions for discussion:

1. Did Honor Council make the right decision in sending this case to a social trial? Would another type of proceeding have been more appropriate in this situation?
2. Should faculty, staff, and administrators be governed by the Code as it is administered by Honor Council?

3. How should a trial continue if the confidentiality of the proceeding has been breached?
4. To what extent can a jury modify trial procedures under the Extenuating Circumstances clause of the Constitution?
5. Should a jury focus only on the original statement of violation when drafting resolutions, or is it appropriate for juries to take a confronted party's trial behavior into account?
6. Was it appropriate for the trial to continue without the tenth juror even though her absence did not change the number of jurors who identified themselves as persons of color?
7. How should the community differentiate between acts of civil disobedience and disruptive Honor Code violations?
8. To what extent should the effects of a student's actions on the reputation of the College as a whole and any resulting publicity be taken into account?
9. What are the consequences of [Frank] having broken [Darwin] and [Larkin]'s confidentiality in his *Go!* boards posts? What if he had broken the jurors' confidentiality?
10. How should the jury decide which documents to include in the abstract, when they are not directly addressed in the resolutions?
11. What should a confronted or confronting party do if they believe that constitutional procedures are not being followed?
12. Do you think that Honor Council's and the community's reaction would have been different if this issue had not been so contentious, as Frank suggests on page 12.
13. What is the goal of the multicultural juror requirement with regards to trials. Is it working?

Appendix A. Administration's Guidelines on Confronting Non-Student Community Members

Non-student members of the Haverford community are not asked to sign the Honor Code. However, faculty and staff are expected to behave honorably, and issues that could be considered analogous to violations of the Honor Code can be addressed by recourse to appropriate offices and procedures. Normally, an issue would first be brought to the attention of the individual's supervisor (manager, director, department head, dean); if there is confusion about where to turn, the Office of Human Resources is the best source of information and advice. Specific policies and procedures that address faculty and staff expectations can be found online in the relevant handbooks: staff, administrative and professional staff, faculty:

http://www.haverford.edu/humanresources/handbooks/staffhandbook_rev2010.pdf

<http://www.haverford.edu/humanresources/handbooks/adminpro/welcome.html>

<https://www.haverford.edu/provost/handbook/index.php>

Appendix B. [Frank]'s Initial Email to the Haverford Community

From: Haverford President <[presidentfallingwater@gmail.com]>

Subject: [HC-students-broadcast] Official Apology to the Undocumented American Community

To: hc-faculty-broadcast <hc-faculty-broadcast@haverford.edu>, hc-staff-broadcast

<hc-staff-broadcast@haverford.edu>, hc-students-broadcast
<hc-students-broadcast@haverford.edu>
Cc: [Larkin]@gmail.com

Dear Members of the Haverford Community,

I write to inform you of a much needed development. Since last spring, I have been engaged in thoughtful discussion with students, faculty committees, members of the Board, Senior Staff, and other stakeholders in the Haverford community as a result of the resolution passed during Spring Plenary that called for extending fair, need-blind admissions to undocumented applicants. I want to thank the student body for its careful consideration and moral wisdom in passing this resolution, raising this issue, and prompting this announcement.

I reviewed not only Haverford's current admission policy which grants undocumented applicants a separate and unequal admissions process, but also our Quaker roots and our commitment to the values of trust, concern, and respect. Like you, I was greatly disturbed that our current policy has effectively banned an entire group of students from our campus.

For the past few months, we have been considering how to rectify this conflict between our values and our policies. Therefore with my approval, [Fred Robie] has directed the staff of the Admissions Office to extend the same fair, need-blind admissions consideration to undocumented applicants as is currently granted to documented applicants. [Fred Robie] has said that undocumented admits will receive at least the same financial aid packages as U.S. citizen admits. While this would keep Haverford's costs the same, [Fred Robie] has said that Haverford will likely be able to fully fund them by covering the missing federal aid and will do so if at all possible.

This is progress that we should all be proud of, but there is more work to be done to both move us forward and to repair the harm inflicted. That's why I am now apologizing on behalf of Haverford to the undocumented American community for our history of discrimination and exclusion. This history is truly shameful, but I am proud of the student body's response, proud of this policy of equality, and proud of this much needed apology. In the coming days, I will be in touch with representatives of the undocumented American community to further extend this apology. I would especially like to apologize to one current applicant, [Larkin] (cc'd), who bravely came out as undocumented in a [youtube video directed at Haverford](#), for our previous unwelcoming policy and for the added stress it may have caused you. I personally invite you to come tour our friendly campus. I would also like to apologize to the undocumented Bryn Mawr and Swarthmore students who have taken classes at Haverford but never felt fully accepted.

I look forward to discussing what more we, as a welcoming community, still has to do. On [date] the Board of Managers will meet and explore options to further institutionalize this acceptance. The Multi-cultural office, Customs Persons, and Peer Awareness Facilitators will also be playing lead roles in promoting tolerance and fully accommodating all students. As this pursuit of equality and forgiveness continues under the care of [President Wingspread] and future classes, Haverford will both face challenges and reap rewards currently unseen. Indeed, Haverford will be made stronger by attracting the most intellectually curious and driven students, whether documented or undocumented.

Sincerely,
[President Fallingwater]

Appendix C. Senior Staff's Email in Response to [Frank]'s Email

From: [President Fallingwater] <[pfalling@haverford.edu]>
Subject: [Hc-students-broadcast] Message from the Senior Staff
To: hc-students-broadcast <hc-students-broadcast@haverford.edu>,
hc-faculty-broadcast@haverford.edu, hc-staff-broadcast <hc-staff-broadcast@haverford.edu>,
hc-bom <hc-bom@haverford.edu>

Dear Members of the Haverford Community:

As you may know, someone impersonating [President Fallingwater] went to great lengths in an attempt to deceive this community into believing that the College would be making significant financial aid policy changes relating to undocumented students living in the U.S. The message was sent from a gmail account designed to look like one that belongs to the president, and was addressed to our email list servers in a further effort to make it appear legitimate. Though the message did not get approved by our list moderators, those of you who received it may have deduced that a separate, bcc list (compiled by the sender) was used as a backup method of delivery.

This deception required deliberation, planning and forethought. This was not a musing sent by accident; it was not a poorly-considered April Fool's joke; it was not a private message gone viral. There is no other way to describe this other than as an act of fraud. The idea of impersonating the identity of the president as a way of 'contributing' to the betterment of this community is deeply misguided—a gross violation of the honor code.

This act of fraud also threatens to discredit what is otherwise a meaningful and important discussion. But rest assured, this attempt to influence a dialogue will not taint our interest in the underlying issue which has been supported by students in a recent Plenary resolution and is the subject of conversations with the senior administration, the Faculty and Student Admission Committee, and among the Board of Managers.

[Members of Senior Staff]

Appendix D: [Frank]'s Proposed Statement of Violation

(ABSTRACT WRITERS' NOTE: The following was distributed by [Frank] at the end of the Fact Finding Part II portion of the trial. It was not written by the abstract writers.)

Before reaching a statement violation a key question was the scope of the trial and the scope of the Honor Code. [Frank] maintained that Haverford's admissions policy regarding undocumented applicants violates the Honor Code by not respecting the equal consideration that they deserve. Furthermore, [Frank] maintained that his action was a confrontation of the Haverford community, coming almost a year after a resolution at plenary confronted the student body and the student body in turn confronting the Haverford administration. [Frank] maintained that as a confrontation of a violation,

his action was required by the Honor Code and its uniqueness and uncomfortableness, did not making it a violation of community norms but actually normal. [Frank] also alleged that the College's "year of deception" was a violation of the Code as was the campus-wide email declaring him guilty when a social trial had not occurred.

On one side, the chair directed the jury from the start that the scope of the trial was only to respond to [Dean Hollyhock]'s accusations regarding deceit and impersonation and that the scope of the Honor Code only included the student body, not staff, policies, or administrative practices. [Frank] voiced the opinion that the chair of jury was being overly assertive, crowding out other views, and trying not to let the jury decide the scope of the trial and the Code. The chair assured that this was not his intention.

[Frank] pointed out that the Honor Code specifically states that the community includes the "faculty, staff, and administration" and its mission is to provide for a community based on the values "trust, concern, and respect." [Frank] pointed out that if the jury had taken the strictest view of the Code then the trial would not have happened, [Dean Hollyhock] couldn't take him to trial because he is not a current student and was not a current student last spring or fall, never being part of the student body and never being bound by the Code. [Frank] said the trial was in the best interest of the Code and the community had gone forward for those reasons and because he had recently had a great influence on and was still seen as part of the current and future community. Above all being part of the community means being bound by the Code, he argued.

The chair of the jury argued that the administration would not honor any resolutions binding them. [Frank] responded that he might not either. He could chose [sic] not to and so could the administration. That would be our own mistake but it doesn't stop the jury from going ahead and issuing the necessary resolutions. Furthermore, the administration very well might honor the jury's resolution. Then [Frank] pointed out that the scope of the trial and the code was up to the jury, and that [Dean Hollyhock] had surprised him during fact finding when she challenged the directions of the chair to argue the same. [Frank] said that it's also clear the jury will have to decide if his action was a confrontation of a violation or a breach of trust.

The chair agreed that the jury would decide these issues by consensus and asked for other jury members to share their views or ask questions. After deliberation, the jury agreed to the following statement of violation:

Haverford's admissions practice of treating documented and undocumented Americans in a separate and unequal fashion directly violates the Code's values of trust, concern, and respect, which this trial seeks to restore, and thus harms the community that this trial seeks to heal. Senior staff's campus-wide email violated the Code in the way it attacked an individual student by reporting speculation. Haverford's Honor Code applies to the community, defined in the code as the student body, "faculty, staff, and administration." Being part of the community is contingent on being committed to the Honor Code, as a result "withdrawal from this commitment will result in separation from the community."

Appendix E: [Frank]'s "Trial Script"

(ABSTRACT WRITERS' NOTE: The following "Script of the Honor Council Trial" was

distributed by [Frank Lloyd Wright] and [Darwin Martin] at the end of the Circumstantial portion of the trial. It was not written by [Marshall Erdman], the Trial Chair.)

Script of the Honor Council Trial

****Confidential****

written by [Marshall Erdman]

Scene 1:

Jurors meet to read statements and Code

Offer editorializing about the serious nature of the act

Emphasize the limited nature of the Code and the Trial.

Scene 2: Fact Finding

Jury meets to find the truth.

Instead of a circle make it more of a square so my seat is more of a throne

Don't introduce the jurors to [Frank] because they are not important as individuals

Don't let the group consent or not on continuing with only 9 jurors bc the jury might object. Direct the jurors not to consider anything [Frank] says, use the word procedure.

Let [Frank] talk so he won't believe there is a Script.

Nod as if we're listening and it might make a difference to the Script.

Let the jurors each ask one question about truth and email scepticism [sic]

Ask many more questions about truth and impersonation

Don't ask questions about undocumented anything

Tell [Frank] that you'll let him know if the jurors have questions.

Retire for the weekend.

Tell [Frank] the jurors don't have any questions.

Tell [Frank] not to come on Monday night because the Script does not need him.

Scene 3: Deliberations

Remind the jury the scope of the trial and code is already set.

After ten minutes, announce that consensus has been reached

Write on the board a statement of violation, act hesitant so that people don't think I have an agenda.

Write the statement of violation: [Frank] violated the honor code when he impersonated [President Fallingwater] and broke the trust of the community.

Get everyone to agree.

Scene 4: Circumstantial

Jury meets to further understand what happened without rules about what they can ask.

Remind the jury that the purpose of circumstantial portion is limited to understanding the emotional state of the confronted party.

Write an abstract without using the word undocumented.

To be continued...

Appendix F: [Frank]’s Email to the Jurors

Hey Jury (BCC'd in case I got your email wrong,

As [Darwin] and I have told you, we're concerned that the jury agreed that the Emperor has clothes when y'all agreed that there were actually 3 people of color (Poc). Y'all aren't being open and honest. Y'all aren't eating [sic] the PoC community with respect. Y'all aren't following the trial procedure. Honor Council members and jury members are required to confront when they see a violation. But y'all only want to keep reading the Script. [Darwin] and I have been trying to think of how to properly address this violation.

We decided that unless

1. y'all come up with a fair way to address the PoC situation
- or 2. the 3rd PoC steps forward (in the confidentiality of the trial)

Then we're going to break confidentiality to share the PoC situation to a larger audience, letting HC look at the naked Emperor. More light will be healing and probably stop this Theatre of the Absurd. Let us know how we can move forward.

Sincerely,

[Frank]

Appendix G: [Frank]’s Post on Go!

The Emperor’s New Clothes: Scripted Trial is Theatre of the Absurd

As the community knows, I, the Fake [President Fallingwater], have been accused of violating the Honor Code. My ongoing social trial is supposed to be confidential to protect the involved parties, but this confidentiality is instead being used to hide the absurd. [Darwin Martin], my friend and support person for the trial, and I have informed the jury that we are now breaking our confidentiality in order to shed light on the absurdities of the trial, most importantly the disregarding of the “multicultural juror requirement.” We do this not to undermine the proceeding, but with the hope that honest and open dialogue will be a more authentic process to the benefit of the whole Community.

Over the past several days, [Darwin] and I have come to realize that we have front row seats in Haverford’s Theatre of the Absurd production. We went in with a strong belief in the Haverford Honor Code and the process; [Darwin], a member of Honor Council, and I expected that my social trial would be the epitome of Haverford’s Quaker values of trust, concern and respect. But we quickly realized it was a scripted Absurdist performance. In the words of playwright and scholar Martin Esslin: “The Theatre of the Absurd strives to express its sense of the senselessness of the human condition and the inadequacy of the rational approach by the open abandonment of rational devices and discursive thought.” Those words have never been more true, and the absurdities have long proven to [Darwin] and I the existence of a Script, which we later stumbled upon by accident.

My fake email was a practice of the Theatre of the Oppressed [see footnote on ToO] and part of a year-and-a-half long effort at confronting the Haverford community for its separate and unequal

admissions policy, which is an ongoing violation of the Honor Code. It came almost a year after [removed]'s resolution at plenary confronted the student body, who in turn confronted the administration. This fall I met with [President Fallingwater] and [Fred Robie] and told them it was a violation of the Code and asked for guidance on what role the [Rookery Club] should have in advocating for this policy change. They offered no suggestions, but instead gave contradictory and misleading promises. So this email was another confrontation in an effort that will only continue to escalate until undocumented applicants receive "fair, need-blind" admissions and Haverford's commitment to its professed values is restored.

Honor Council sent my case to a social trial, which requires a jury composed of 10 students, exactly 5 of whom are members of Honor Council. The jury is required to be diverse in that there must be at least 4 men, 4 women, 3 students of color, and 3 students not of color. As many of you may know Honor Council has been considering trying to modify or eliminate this last requirement for a long time- begrudgingly deciding not to do so because doing so wasn't popular with either people of the color or the larger community. Jurors' race and gender are self-identified. Numerous white students have told [Darwin] that they identified as students of color, either as a joke or in protest of the multicultural juror requirement.

So while Theatre of the Oppressed is on trial, this trial is unfortunately not an authentic exercise of truth seeking but a scripted absurdist performance. Indeed, more times that I can count, we've cried tears of laughter because what we've witnessed from the front row has been so bizarre that it must have been scripted. The absurdities and the tears of laughter prove the Script- and a scripted trial is absurd.

The Emperor is naked. [Darwin] and I have watched a room full of white people pretend that there is actually a 3rd person of color in front of us. We asked the jury why they were doing this, and they assured us that it wasn't happening right in front of our eyes. [Darwin] and I were the only ones in the small crowd who saw a naked Emperor and cried tears of laughter. Saying s/he would be stigmatized, the jury refused to identify the 3rd person of color, who is apparently a person of color by choice and decides on coming out on a day to day basis. I raised my hand and identified as white, [Darwin] did the same, and then we asked the jury to go around and self-identify. The jury gasped and insisted that whether or not someone was of color was confidential. We said fine, you can chose [sic] to pass. In an effort to get back to reading the Script, the first juror sighed as he raised his white hand and said pass. The next one said pass. The next one said pass. One of the persons of color hesitated and then in solidarity with her white jurors said "pass." Everyone passed. They were relieved. They had done it. They could go back to reading their Script because their lockstep nature had just proven that the Emperor is clothed.

So in a beautiful theatrical twist, it turns out that the jurors are the biggest actors in the room. We were not a part of the trial but its audience. The show must go on. We're sure it will, that's fine by us.

Unfortunately, [Larkin], who is waiting to hear back from Haverford, isn't laughing at this suburban absurdist production. [link to [Larkin]'s YouTube video addressing Haverford]

By

[Frank Lloyd Wright]

[Darwin Martin]

Look for Part II, which will include the Script, will likely be published in the coming days.

Footnote 1: Theatre of the Oppressed, a form of public theater or political theater developed by the famous Augusto Boal in the 1960s and inspired by Paolo Freire's Pedagogy of the Oppressed, combines the role of actor and spectator using acting to empower marginalized voices and bodies and challenge social and political norms. Boal writes: "Theatre is a form of knowledge; it should and can also be a means of transforming society. Theatre can help us build our future, rather than just waiting for it." "[Theatre of the Oppressed's] objective is to encourage autonomous activity, to set a process in motion, to stimulate transformative creativity, to change spectators into protagonists. And it is precisely for these reasons that the Theatre of the Oppressed should be the initiator of changes the culmination of which is not the aesthetic phenomenon but real life."

Note: [Darwin] released [Frank's] letter, with supplementary materials, on the Go! Boards before the release of this abstract.