

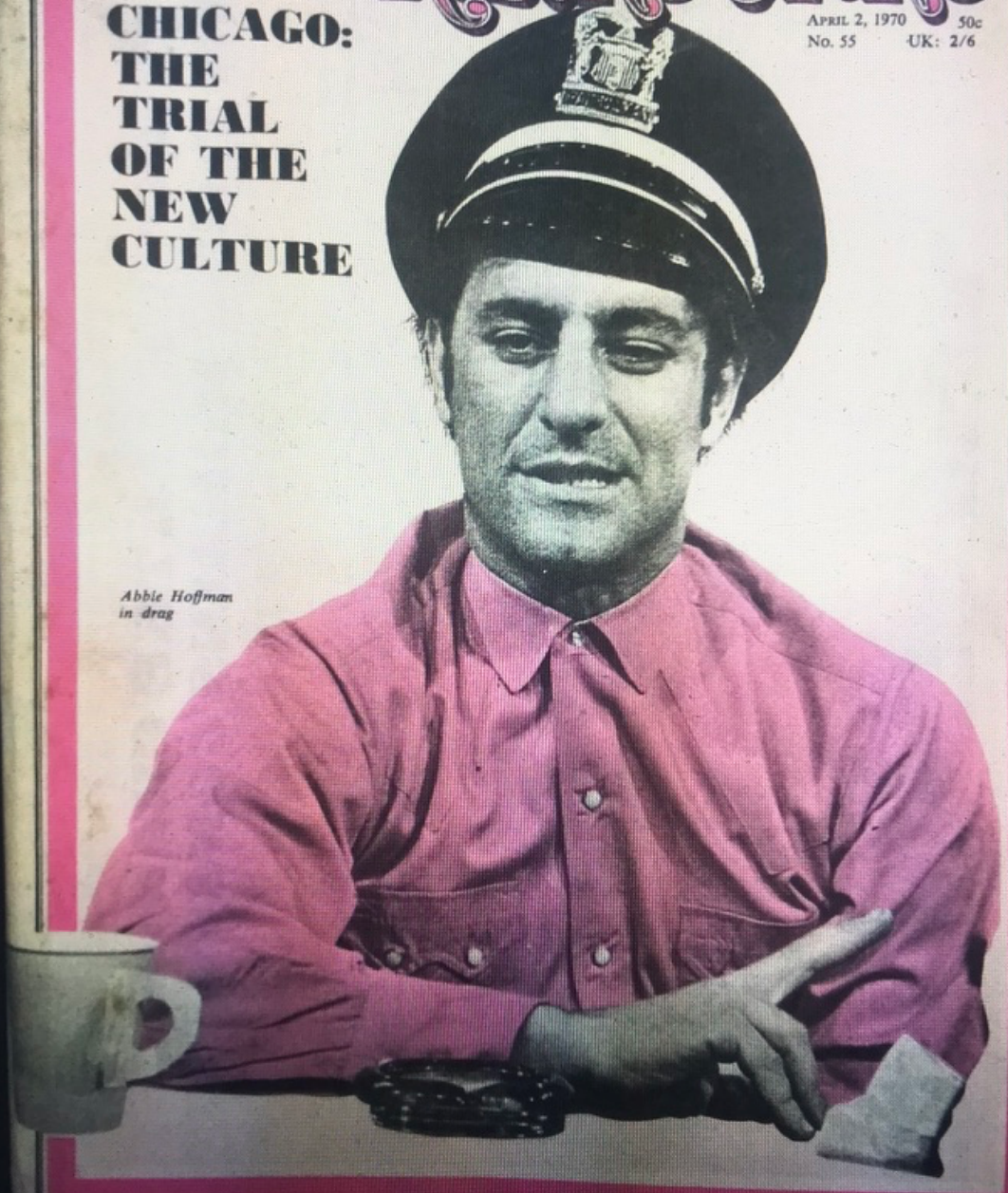
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**CHICAGO:
THE
TRIAL
OF THE
NEW
CULTURE**

*Abbie Hoffman
in drag*



BOB MAYER/FRANCO

CHICAGO



Mayor Daley



By Gene Marine

There was a black man in chains. There was witness testimony about a pig. A United States Attorney with beautifully waved hair kept saying "fuck" in front of middle-class women. Mister Magoo was in charge.

It was, according to one of the more prominent constitutional lawyers in Illinois, "the most important political trial in the nation's history."

Franz Kafka smiled somewhere and watched you lose. Not them. You baby, you, nobody but.

There was no one in that modern paneled brown-carpeted courtroom who was much concerned about what had happened in Chicago in August, 1968. They all knew what had happened in Chicago in August, 1968; a riot by Mayor Richard Daley's sadist cops. That wasn't what the trial was about; that was only what the words were about.

What the trial was about was a culture.

If you find yourself in this culture, you were just convicted in Chicago and given five years plus a \$5,000 fine plus your share of the court costs, not to mention that you were also found guilty of contempt, which you probably are. You've got a chance at winning on appeal but there's always a next time, friend, and I don't think you're going to get out of those court costs.

The defense knew it was you on trial. Tom Hayden said so in November:

"We are on trial for our identity. The constant theme of government testimony is against the symbols of our generation's political and cultural identity. Long hair, burning draft cards, obscenity . . ."

One undercover cop testified that before infiltrating the conspiracy he very carefully did not wash or bathe for several days.

The straight world knew it was you on trial. William Randolph Hearst, Jr., wrote in February:

"For years, the militant radical movements in our midst have been united in one common goal—to assail the law and order of the so-called establishment in every way possible. In the jargon of the New Left, this is known as the 'politics of confrontation.' It has taken many forms. Young people annoy their elders with crazy clothes and hair-dos. . . ."

Yeah, well—Jerry Rubin's hair is cut now, and unless something strange has happened, it'll be a while before he gets another toke, and most of the rest of us are still walking around loose.

For the moment.

[AN ASH TRAY IS A RIOT]

Most stories are easy. Even if there's more than one thing going on at once, you can more or less start from the beginning and come to the end, and sort things out as you go along. They don't usually have wildly Faulknerian tales about "How Jerry Rubin thought a Pig and Couldn't Keep It" mixed up with arcane constitutional disagreements, tied into the odd goings-on in the Pennsylvania Delegation, related to a strange and almost unknown theory of wiretapping, connected with a defendant who claims he's the judge's illegitimate son and says he wants to change his first name to "Fuck."

We could start with the Alien and Sedition Acts of 1798; but we'll pick it up in the middle, 170 years later when three guys in a New York apartment invented Yippies while 535 guys in Washington, D. C., invented a way to put Rap Brown in jail.

Really it was 1966. Stokely Carmichael and Rap Brown were running around stirring up the few black malcontents. Several Congressmen with more time than brains, attempting to stop them, invented a bill. Under the terms of the bill, "anyone who crosses a state line with an intent to incite a riot, or to organize, promote, encourage, or carry out a riot, or to commit any act of violence in furtherance of a riot . . . shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

Not anybody who did it, you understand. Anybody who crossed a state line with the intent to do it. Whether he did it or not.

And what's a "riot"? A riot, said the bill, is "a public disturbance involving acts of violence by assemblages of three or more persons."

Any one person out of the three could commit the violence, so long as the three were an "assemblage." Like there are three people lying around on a bed, and somebody freaks out and throws an ashtray through a window. Legally, that's a riot. And incidentally, there's a definition in there about violence, too; it can be "violence against property, it doesn't have to be against people. Three kids slinking a tire is a riot."

The bill didn't pass in 1966, nor in 1967, partly because the then Attorney General, Ramsey Clark, was convinced that it was both unconstitutional and ineffective. But when there were riots in 1968 following the murder of Martin Luther King, the United States Congress slipped the "Rap Brown amendment" into law as part of the Civil Rights Act of 1968.

Slightly before that, late in 1967, three cats were

sitting around this office in New York. One was Paul Krassner, the editor of *The Realist*. Another was the civil rights worker Abbie Hoffman. The third was Jerry Rubin. A couple of years before, Rubin was an intense, wild-man Movement leader around Berkeley with a few followers and a lot of enemies, but he had apparently been developing his sense of the ridiculous in the meantime. Or maybe the rest of us have.

All three were and are what theater people might call Absurdist, like Ionesco or Arrabal, except that it's the absurdity of America—straight, short-haired, feminine-mystique America—that engages them. Absurdism, of course, is not just a way of looking at things (that's called detachment, or coping out); it's a way of dealing with them.

To deal with things—specifically, to deal with 1968, the election year in which the war in Vietnam, one way or another, had to be made The Issue—Krassner, Rubin and Hoffman invented the Youth International Party, whose battle cry was "Yippies!"

Research it was a purpose, more or less. They could see that while, on the one hand, a New Left was growing, another body of young people was developing on the other hand a new culture—the thing then called "the hippie ethic," growing and spreading. It would grow and spread into a market for the record and clothing and dope business, but it could be more than that. It could be a tremendous political force in America.

By the time, a few weeks later, that the small but expanding band of Yippies decided to go to the Democratic convention in Chicago in August, 1968, the three originals were ready to define their "movement" for themselves:

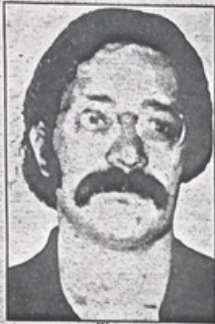
Rubin: Yippies are revolutionaries. We have merged New Left politics with a psychedelic life-style. Our life-style—acid, long hair, freaky clothes, pot, rock music, sex—is the Revolution. Our very existence mocks America. The old order is dying. The Democratic Party is dying. While it dies, we will celebrate the Festival of Life. Come to Chicago! We are the politics of the future.

Krassner: Yippies are voluntary misers. We live outside the system, and those inside it despise and fear us.

Hoffman: The Yippies are a myth. They are anything you want them to be, man. Just do your thing. But do it in Chicago next August. It'll be a gas. Like, it'll fuck the system.



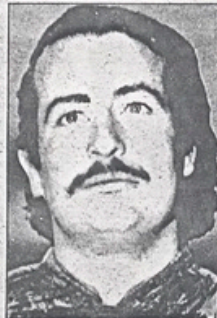
Weiner



Adams



McCarthy



Seale



King



Cleaver



Cleaver



Clark

It's all true. The new lifestyle is the Revolution, and the old order is dying. The people inside the system fear and despise the new life-style—as Rubin and Hoffman and others have been forcibly reminded. And it certainly did fuck the system.

I ran into another quotation you might like too: "The Revolution was effected before the war commenced. The Revolution was in the hearts and minds of the people. . . . This radical change in the principles, opinions, sentiments, and affections of the people, was the real American revolution."

Also making plans for Chicago were a number of other groups, including the campaigners of Senator Eugene McCarthy, the various benches of Mayor Richard Daley, and some non-Yippie anti-war types, not the least of which was the National Mobilization Committee to End the War in Vietnam, better known as "The Mobe," an established New Left group.

Mobe Project directors, who were working in Chicago long before convention week, included Thomas E. Hayden and Renard C. Davis. Also identified with the group nationally, and due in Chicago to help, was David Dellinger of New York City.

Davis, a tireless peace worker, was known primarily inside the Movement, but Hayden had achieved some public notoriety. He had been one of the original founders of Students for a Democratic Society (as had Davis). At one point, because Hayden was working at community organization in Newark, there was a half-hearted attempt to pin the Newark riots on him.

Dave Dellinger is something else again. A Phi Beta Kappa from Yale in 1936, Dellinger—now 33 years old—is a pacifist who did his first years in jail back in World War II. Then at Union Theological Seminary (and, entitled to deferment as a clergyman), he refused even to register as a conscientious objector—he wouldn't cooperate that much with the draft. He got a year and a day, got out, refused again, and got a year and a day again.

Dellinger has marched beside, sat in next to, and been arrested with every meaningful dissenter in America from the elderly A. J. Muste to Martin Luther King, and onward since. If he is not absolutely fearless, you can't tell it by looking at him in the middle of a demonstration; his round, fatherly face takes on no expression but a determined stubbornness as he sits down and is carried to a patrol car, or as he interposes himself—as he will whenever the situation arises—between a billyclub and another demonstrator. He is and has always been as completely dedicated to non-violence as Mahatma Gandhi.

Also on hand for convention week were two people no one ever heard of until months later: John Froines of Berkeley, then a chemistry professor at the University of Oregon, who happened to be visiting his in-laws in Chicago, and Lee Weiner, a very junior faculty member at Northwestern University, who lives in Chicago.

Finally—just to keep the lineup straight—the Mobe invited Eldridge and Kathleen Cleaver to come to Chicago to speak on Tuesday, August 27th. On Wednesday the Democrats would nominate their presidential candidate. At the last minute, however, the Cleavers couldn't come (his parole officer denied permission), and Chairman Bobby Seale of the Black Panther Party flew in as a substitute.

Thus in Chicago assembled, but not together, the "Chicago Eight," who came to be called that later everywhere but in Chicago. The newspapers in Chicago call them the "Conspiracy Eight."

Also assembling in Chicago were several thousand others, some merely curious, some vastly disappointed in American politics and wanting somehow to protest. There were plenty of people for the show. But it was the pigs who were going to riot.

[AND ON ALL SIDES, FEAR]

Some people don't like to hear cops called pigs. I am reminded, however, of a stately editorial sentence in the San Francisco Express-Times: "Some cops are policemen; others earn the right to be called pigs." I was there during that unbelievable week, and I watched the entire police force of Chicago earn that right. I omit details.

Since the prosecution of the Chicago Eight was done by the Federal Government, you might think the Government was against them. Well, yes. But not entirely. It's a pretty bad system, but it isn't a simple one. In most large cities there is a federally appointed official called the United States Attorney, whose office prosecutes Federal cases and in general handles U.S. Justice Department business.

Officially, U.S. Attorneys are presidential appointees. In fact, however, they're chosen by whoever is the biggest local honcho in the same party as the president (and sometimes in the other "major" party). In Chicago, the U.S. Attorney was Thomas Foran, a

*Buy and read the Walker Report instead: Walker, Daniel, *Rights in Conflict*, a Report to the National Commission on the Causes and Prevention of Violence (Chicago: November 18, 1968; New York: Bantam Books, 1968). First, last and only footnote.

good friend and political pal of Mayor Daley. In 1968, Thomas Foran's boss was, of course, Ramsey Clark, the Attorney General of the United States. Officially.

But in fact you might have said that they didn't like each other.

In April 1968 Martin Luther King was murdered, and there was a riot here and there around the country. During those days, Attorney General Clark slept full time at the Justice Department, napping on a cot and using an Exercycle to keep himself loose. Clark's job was to advise the President on the use of Federal troops, troops who can be used, under the law, only if the mayor or governor asks for them.

Chicago was burning merrily away, and Clark got a call, as he half-way expected, wanting troops. But the call didn't ask, it insisted; and it wasn't from Mayor Daley or the governor. It was from U.S. Attorney Thomas Foran, who had no authority to ask. Clark not only chewed Foran out on the phone; he also demanded to know what the hell was wrong with the Chicago police department, which wasn't doing much.

Clark was even angrier when he found out later that Foran had been phoning from Daley's office, and that Daley had been standing there all the time. The deal was that Daley didn't want to call, because he didn't want to admit the truth; he couldn't maintain control in his own city. He didn't want to admit that, because there was the Democratic convention coming up, and some people already wanted to move it. If Foran got the troops called in, however—Foran being a Federal official—then Daley could say later that he hadn't asked for them and hadn't needed them.

This is a time-honored political technique known as lying.

Daley and Foran—who can be seen together as a symbiotic entity, like the crocodile and the tiny bird that feeds itself by picking the crocodile's teeth—hated Ramsey Clark. The situation didn't get any friendlier when Daley later issued his famous order that looters were to be shot-to kill.

Pigs all over the country, whether they were members of police forces or not, picked it up gleefully. Again—this time publicly in a speech at the University of North Carolina—Ramsey Clark widened the distance between himself and Daley: "Where prevention fails, looters must be arrested, not shot." o say that when the shooting starts the shooting starts means either that looting is preferable to arrest or that there are not enough police present to arrest."

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In one corner (above), the defense: Wetglass and Kunstler

CHICAGO

—Continued from Preceding Page

When it was time to get ready for the convention, Daley, despite a lot of public bluster, was convinced privately that he'd need all the help he could get. He didn't even bother with Ramsey Clark; he went straight to the head pig. Lyndon Johnson then called a meeting to decide whether to send Army troops to Illinois just in case; only one man at the meeting—Clark—argued that Daley had probably exaggerated the threat and that sending the Army was too much response.

As it turned out, the Army went, but wasn't needed. The pigs did it themselves. Clark, in the meantime, was taking a few steps of his own. He sent Deputy Attorney General Warren Christopher to Chicago, partly to see whether things were all that bad, and partly to convey Clark's belief that Daley ought to talk to demonstration leaders.

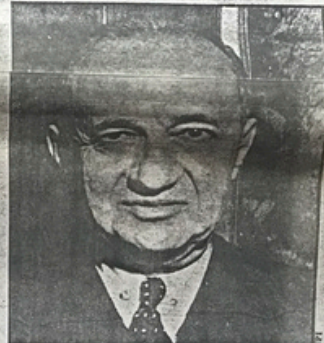
Rennie Davis, Dave Dellinger and Abbie Hoffman did their best to meet with Daley or to someone who could deal for him, and the Federal Government did its best to help them.

What it was about was permits: What Daley did was to accept the applications for permits for the parks and peaceful marches and then sit on them—not refusing them, just dangling them until the last minute. Daley "bawled out" Ramsey Clark's assistant for encouraging "outside agitators." Christopher's argument—that Daley would keep peace in Chicago only if he left some way out for peaceful dissent—might as well have been addressed to General Logan's statue in Grant Park.

Into this argument descended the people, heading unerringly for the parks and for the head community in Old Town. They didn't come unarmed; local people had put out the word, as best they could, that the pigs were about to riot. In fact, the police had already been given their orders: no guns if you can help it, but anything else goes, and we'll cover for you from on high.

We have to remember—difficult as it is to recapture the feeling—that for a lot of people it was absolutely necessary to go to Chicago. Robert Kennedy had been killed less than two months before. All the big states (except California) had been seen the wishes of their voters cynically ignored by the political machines which really run the parties. Most important of all, the war had to end, and we all knew that the convention itself was dedicated to the idea that the war had to go on.

There were the hard political types who not only went, but also knew what they wanted to do; there were only a few of those. But all the people who knew they had to do something turned up. Nobody expected a riot; the shoot-to-kill order had been enough to tell America what kind of place Chicago was. But people had to come; this was the system at its rotteness, and you couldn't sit home smoking dope. Not that week.



In the other, the prosecutors: Foran and Hoffman

So there it was: thousands of kids, more frustrated than angry ("kids" wasn't a put-down word that week; it was the shorthand definition for everybody who was on the side of reality); thousands of cops, bewildered and scared and knowing they were about to work twelve-on-twelve-off opposing queer-looking freaks and girls who said "fuck"; Daley and his minions, completely uptight; the networks, pissed because they had to move their equipment from Miami and pissed further because the Democrats hadn't even talked politely to them about a possible move and pissed still further because there "happened" to be a Chicago linemen strike and they couldn't do direct live coverage from the streets; the electronics experts, hunched over the tape recorders connected to phone taps and hotel-room bugs; the press, poised for anything that could be called a "riot" by the "Yippies" (everybody in Chicago with long hair or a short skirt was a Yippie in the papers); the National Guard, an unknown quantity; and on all sides, everywhere, fear.

Into which setting danced Abbie Hoffman, Pierrot crossed with Lenny Bruce, Superhype; dedicated revolutionary, laughing prince of the put-on and precisely the cat to drive Daley, Richard J., up his Back-of-the-Stockyards wall.

[10,000 NAKED KIDS IN THE LAKE]

Trust reporters. Like any other professionals—lawyers, clergymen, doctors—we have all the right rules and all the wrong practices. We always get the facts and almost always from the wrong places.

Like: Chicago reporters, out-of-town reporters, wire service reporters, news magazine reporters, all wanted to know the same thing: Who are the demon-

strators-to-be? So of course they went to the people who would know: the cops. And—to judge by the stories—they believed what they were told: the demonstrators are a group of young ugly unwashed types known as Yippies, and they are led by Rennie Davis, Jerry Rubin, Tom Hayden, and 53-year-old Dave Dellinger (the latter, obviously unmeasurable for the costume in which Yippies are supposed to be bedecked, becomes the sinister outside manipulator providing the connection to the old You Know Who).

But trust reporters. Given all this misinformation—for the thousands really had no leaders beyond a few sketchy plans, and there was nothing leaders could have done—the press, as it invariably will, found the right guy, the colorful guy, the guy who was always good for a quote and a fast good one-and-a-half-minute film insert for the six o'clock news. It was Abbie in front and Jerry close behind, and nobody else had a shot.

They arrived on August 15th, and it was a delightful series of interviews. What are the Yippies going to do, Abbie, old boy?

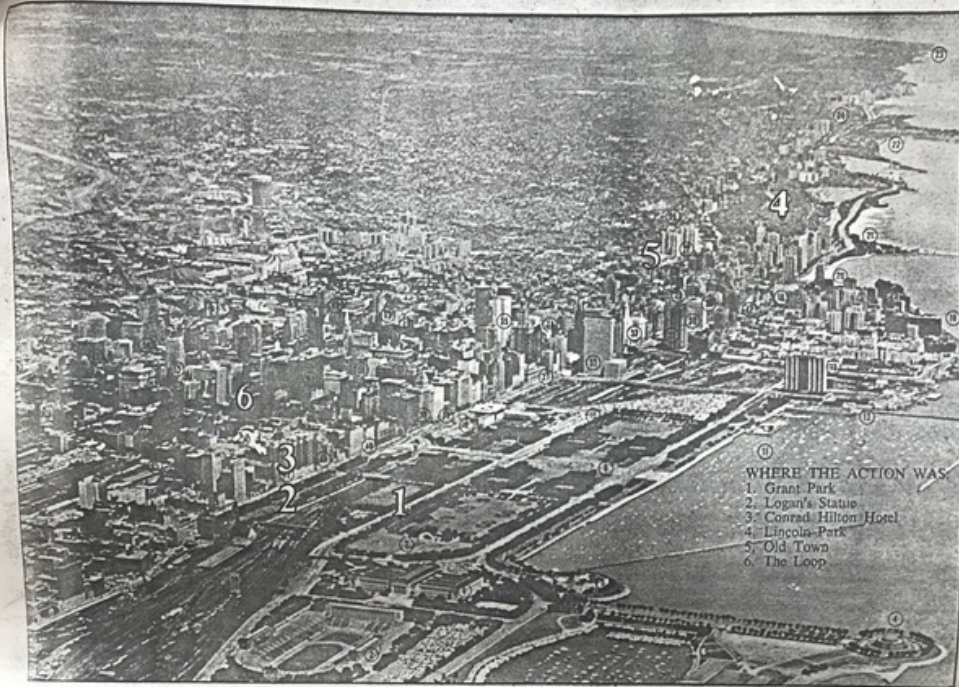
• "Well, we've got a bunch of Yippie girls dressed up as whores, but young, you know, and nice, and they're going to pick up convention delegates and slip acid into their drinks . . ."

• "Ten thousand kids, all of a sudden one day, floating nude on Lake Michigan . . ."

• "A hundred gressed pigs, released one day in the Loop . . ."

• "All the Yippies wearing black pajamas, passing out rice . . ."

• "Yippie studs whose job is to seduce the delegates' wives and daughters . . ."



WHERE THE ACTION WAS:

1. Grant Park
2. Logan's Statue
3. Conrad Hilton Hotel
4. Lincoln Park
5. Old Town
6. The Loop



Nobody had expected a picnic: The shoot-to-kill order ruled that out

Abbie Hoffman even told reporters that clean-shaven, crewcut Yippies, wearing sober suits, would circulate through the bars and other gathering places, waiting for the opportunity to get into a conversation and interject: "You know, these Yippies have something to say."

The astonishing thing is that they were taken completely seriously by Mayor Daley and the police.

When Abbie shyly let it be known that the Yippies were going to slip massive amounts of LSD into the water supply, Daley ordered an around-the-clock guard. When (after they released one pig, who was promptly seized by a cop) Abbie announced that the next plan was to liberate a lion, the guard force at the Chicago Zoo was tripled.

By the day the convention opened, there were about 2000 demonstrators-to-be (by the end of the week, possibly 10,000). Chicago had 12,000 cops plus six thousand National Guardsmen and six thousand regular Army troops, complete with bazookas, jeeps bedecked with barbed wire, and tanks. Tanks? Tanks!

Since the convention, Mayor Daley has no doubt discovered, by running his finger along the lines of such far-out publications as Time and forming the words slowly with his lips, that he was being put on just a little. He is not the sort of man who would grin slowly and say, "Well, golly shucks! That little dickens sure put one over on me!" In fact, as the shrinks say, he just might go on a little hostility trip.

[SIDES ON GEOGRAPHY]

There are two parks, because the third one never got into it, and a couple of neighborhoods, and a lot of streets in between.

With Chicago down at the bottom of Lake Michigan, you think of the lake as north, but it isn't, not from "downtown." Chicago's slung around on the side, and the lake is to the east. The big streets—Michigan, State, Clark, LaSalle—run more or less north and south.

Near the established department stores and theaters and whatnot, Chicago's elevated trains all loop around in a kind of squared-off circle; Chicago's "downtown," consequently, is called the Loop. In the Loop are some big hotels, notably the Conrad Hilton. North of the Loop, some more rich hotels are in an area called the Gold Coast. North of that is the more-or-less integrated (Chicago is 30 per cent black), more or less hip community called Old Town.

Chicago is proud of its lake front; they planted trees and lawn and made it pretty, except for the train tracks. Opposite the Loop it comes in east to west, like this: the lake, a strip of grass, then a sort of freeway (Lake Shore Drive); then wide, inviting Grant Park, then the Illinois Central tracks (lowered; you cross from the city into Grant Park on bridges), then another little strip of green on the east side of Michigan Avenue. Across Michigan Avenue, facing off Grant Park, is the Conrad Hilton.

Grant Park has a bandstand and benches and a fagpole, and it's great for rallies. It's also hard to get out of if pigs are chasing you from the south, because you're between the bridges (which can be blocked) and Lake Shore Drive. A little south of the Hilton, over in Grant Park, is a mound with General Logan's statue.

A couple of blocks inland from Michigan Avenue

and a few blocks south of the Loop is the police station. The Amphitheater, where the convention was held, is way to hell and gone south from all this.

North of Grant Park, the lake shore curves inward during off Michigan Avenue and a couple of other streets, and up by the Old Town is Lincoln Park. No train tracks, no bridges; direct access to and from the street. To walk from Lincoln Park to the police station, by any remotely direct route, you have to go through the rich Gold Coast area and through the Loop—in other words, through midtown Chicago.

South of the Loop, south of Grant Park, the faces are black. Down there, on the lake, is Washington Park, which turned out not to be important.

[THE STAMPEDE OF THE PIGS]

Sorry about all this history, but there's no way out. It's all one story, and—if you like reading over writers' shoulders—there are only two ways to tell it. One is sneaky; you write about the trial, see, but every time there's a piece of testimony, you stick in a flashback about what really happened. That makes good movies, but you can't flash back to the things that were never mentioned in the trial. Also it takes longer to do.

The other way is to take it from the top and hope you can keep all the balls in the air. It postpones things like how-come-the-pigged-Bobby-Seale, but it makes the rain come after the clouds form. Besides, people forget; I was there, and I'd forgotten a lot until I went back and read everything and remembered. This way you get the theme and then the variations, and there's nothing like the last part of a passage if you've been listening all the way.

Chicago Convention, 1968. The Week That Was. I'm sorry, Abbie, and maybe I even disagree with you; but while Woodstock Nation is a lovely and hopeful conception, it wasn't Woodstock but Chicago. The others don't count, really—the ones who wear the hair and the clothes and listen to the music and smoke the dope but shrug off the politics and the war and just stay inside their clouds. They lose either way.

No, it was Chicago where it all hung out. The bad scene that SDS had become started to come apart in Chicago, the good excitement that you feel in your gut when you hear that female snulating Algiers sound came together in Chicago, the People's Park was born in Chicago, the Columbia revolution and the San Francisco Be-In met in Chicago.

Thank you, Richard J. Daley, and your pigs too. You put the McCarthy kids together with the street people. You taught us that going off to Colorado to live in a commune is one of the ways, but it's a political way or it doesn't work. A lot of us thought that choosing a life-style need not be a political choice—until Chicago. Thank you again, Richard J. Daley, and incidentally, Yippies! And fuck you, which is the same thing.

Saturday, the 22nd of August. It was going to be Washington Park, but that was too close to the blacks, and the blacks quietly passed the word. If it gets to be our fight, okay, but so far it's your bag, and we don't need the pigs just this week.

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CHICAGO



Spraying Grant Park for demonstrators: Any violence by the people was defensive

So it moved to Grant Park, on the "downtown" lake front, across from the Hilton. But the Hilton was Convention Headquarters, closely guarded and upright, and it was supposed to be a Festival of Life, easy and loving. So it moved further north yet, to Lincoln Park—and that was beautiful, because even though the not-yet-demonstrators (or the "leaders") didn't know it, that was the people's park in Chicago. That was the one white park where the pigs were, let us say, beloved. There was, on Saturday, suddenly a crowd,

and Tom Hayden was still asking "Where did everybody come from?" when suddenly it dawned on somebody that there are people who live in Chicago too. The press said there was a demonstration that day in Lincoln Park. There was no such thing. There was a Be-In. Bongos, and little groups gathered around somebody with an acoustic guitar. Very little politics. Some SDS cars circulating around, saying that everybody ought to break up into groups of 20 for guerrilla action; everybody else nodding politely and then going back to whatever they'd been doing.

Lincoln Park closes at 11:00 PM, the mayor had said. But people just stayed around the park and waited. Ginsberg and Ed Sanders of the Fugs showed up around ten and started chanting. About twenty to eleven, they got up and slowly led the chanting crowd out of the park: Ommmmm, Ommmmm, Ommmmm. Some of the crowd ran happily through the streets of Old Town, catching police by surprise, fading into the neighborhood when any pig force showed up. No trouble—just a happy dance through the streets, and then no more.

Sunday, the 24th of August: Music in the park on Sunday. It was permitted—but it didn't happen. A cop pulled the cord on the first plugged-in amplifier. Abbie Hoffman appeared and argued, with no luck; he went looking for a cop with a higher rank—no luck there, either.

Later in the afternoon, somebody yelled at a pig, and was busted on the spot. A guy standing nearby protested, and they busted him. People rushed to the scene, and suddenly there was a line of 30 pigs, and a group of maybe 300 people facing them, angry at the busts, and in front of the 300 a few of the angriest started the first chants: "Pigs eat shit, pigs eat shit." More pigs came; the crowd sat down on the spot; but gradually the "confrontation" melted away. It had happened suddenly, spontaneously—and none of the Chicago Eight was anywhere around.

That was one of Daley's big problems. Running the town the way he does, running that convention the way he did, he thinks everybody is a part of some blob manipulated by some leader. He insisted on talking of Rubin and Hoffman and Hayden as though they were Joe Barr and Jess Unruh and Larry O'Brien, and thinking of Yippies and the Mobe as though they were the Pennsylvania and California delegations, to be manipulated somehow by a leader, for the sake of somebody's power.

On Sunday night, while one group marched toward the Loop (dispersing when they met a line of cops at the Michigan Avenue bridge), another 1500 stayed in the park, past eleven o'clock and past midnight without incident. At 12:30 the cops swept in to move the crowd into Clark Street. As the crowd started to spread

split in the darkness, Davis getting away while Hayden made a wide circle to see whether the maneuver had worked.

It worked for Davis. But Hayden was dragged to the police car, and the cops said they would "beat the shit out of" him. When they got to the car, they found that someone had ligatured the car, so they decided to arrest Hayden for it (pretty fantastic, since they had been within three feet of Hayden for hours). Hayden yelled, and a bunch of people came over to see what was happening. The two pigs decided to let him go.

Monday, the 25th of August: Rubin and Hoffman began conducting "workshops" in the park for marshals, in case a march were to be permitted.—Hayden went to see what was happening. Through the crowd, which included 40 marshals, came two plainclothesmen and two uniformed pigs, with a warrant for Hayden's arrest on the tire thing. They took him quietly out of the middle of the vicious, riotous revolutionary Yippee crowd, without incident.

The government somehow failed to charge that Hayden got himself arrested in order to provide an excuse for the march, so we can presume that the "Free Hayden" march that formed in the park was genuinely spontaneous. Rennie Davis reached the scene as the march was beginning, and hurried along the route from Lincoln Park to police headquarters, negotiating with the police all the way to insure peaceful, non-violent passage. Since it was downtown, the pigs went along. From the completely surrounded police headquarters ("wall-to-wall pig," somebody said), the crowd moved to Grant Park, near the Hilton.

In Grant Park, on a slight rise—maybe 20 feet at most—is a statue of Major General Jonathan Logan on a horse. Maybe you remember the TV photos. The people at the front of the crowd, still in a pretty good mood, let out a yell and cheerfully ran to "liberate" the statue—by climbing up on it and draping flags on it.

Horror and sacrilege—and besides there are no shop windows and no innocent passersby in Grant Park. The pigs immediately charged the hill, and—not being particularly stupid—the people on the statue got down and got the hell out of there. Except for this straight, short-haired kid with white sneakers, who got stuck: Lee Edmondson of Birmingham, Alabama, a McCarthy volunteer who couldn't see anything wrong with a little heroing around in the park.

Somebody who had been around Chicago for a while spotted a man named Elrod who was known to be Daley's man in charge of making sure the cops didn't fuck up too much. Hold back the pigs, they told Elrod and the kid will get loose and surrender to arrest. Elrod agreed, and called off the cops—but for the first time (and far from the last) the pigs

were out of control. Their superiors couldn't stop them as four of them dragged Edmondson off the statue and beat on him; in the process of pulling him down, they had to deal with the fact that his arm was stuck, which they did by breaking it.

Dave Dellinger made a speech in the park about Hayden's being in jail. Others joined him. The demonstrators took off back to Lincoln Park, with one tiny splinter group running into a brief altercation with the pigs. More clubs to break up another peaceful

march. This time somebody tried to put up "barricades" in the park—too many movies and too much reading about Paris. It was a pitiable attempt with a few benches and some wastebaskets. This time, too, a police car was caught in the crowd, and for the first time there was something you could call a physical attack on police, who by now had completely earned it. Missiles hit the car, people closer up to it broke its windows. Whether from fear or from magnificent discipline, the pigs just sat still and watched; nobody hurt them, and after a while they were able to get the car started and slowly drive out of the crowd.

That night—Monday night (Hayden was out of jail, but not on hand)—the cops drove the crowd out of Lincoln Park with tear gas, and that night there wasn't any fading out into side streets. Down the side streets, more pigs were waiting. They boxed the kids, and anyone else who happened to be on the street. They were clubbing, not arresting. A middle-aged straight guy walking with two old ladies, trying to find a place to get out of the way, was knocked down with a rifle butt. Pigs went into bars and restaurants and threw the patrons out into the streets—regardless of age or length of hair or dress—and other pigs beat them up for being on the streets. Four pigs stopped an open Corvette moving down the street with two crewcut young men in it, and clubbed the two for 30 seconds.

IT WAS A TOTAL, COMPLETE POLICE RIOT. Rocks were thrown at the pigs—anything was thrown that might slow them up for a minute, to give somebody a chance to get away. Any violence by the people was defensive. Later, when it had calmed down and people had somehow gotten off the streets or out of the neighborhood, a reporter counted 500 police still immediately visible in the area.

Meanwhile, back near the Hilton, Hayden was walking along with a couple of McCarthy staff members, who invited him up to their room. The hotel manager barred him from the lobby. Walking away, he was suddenly jumped by his plainclothes "tail" and a uniformed pig, wrestled to the ground and pounded. Half stunned and bleeding, he was tossed into a paddy wagon. At the station he was charged with aggravated assault for allegedly spitting on a cop.

Tuesday, the 26th of August: It was nighttime; the people, now nearly 6000 strong, were split, one group in Lincoln Park to hear Bobby Seale talk about self-defense, another group at a Mobilization event called the "LBI Unbirthday Party" with Phil Ochs and Ginsberg and some other famous names. Later in Grant Park, the larger group faced National Guard troops, across the street in front of the Hilton, and chanted "Sig—HEIL!" It doesn't sound at all like "O.S." In Lincoln Park, 200 clergymen set up a huge cross, and

were counseling the wisdom of non-violent resistance. When the time came, the cops began with the gas and then moved in with the clubs. The clergymen had to flee (leaving their crosses), their dream of peaceful resistance, and possibly friendly arrest, clubbed into the dirt of the park.

The only difference about Tuesday night was that it was even worse than the night before: pigs actually burst into houses and dragged the occupants out to beat them. Slowly, in ones and twos, the beaten straggled down to Grant Park. Delegates who had been watching television joined them—not many, but some.

Wednesday, the 27th of August: Jerry Rubin was busted on Wednesday, when his bodyguard turned out to be a undercover pig. His original bodyguard had been a blonde named Sunny, who had tattooed arms and legs. The pig, Bob Pierson, says that he took over the job by proving that he could beat people up. He didn't mention beating up Sunny, or busting her on a

‘... like someone pissing on my head and calling it rain.’

Clark could also say this: “Youngsters spend their formative years breaking away from their parents’ direction. If the police suddenly order them to turn around and go in the opposite direction—that is, back in their parents’ direction—why, the kids will just flow over them. They would be extremely difficult to handle, unless the authorities were willing to use maximum force and shoot enough of them to cow the rest.”

He was there after pigs murdered three black students in Orangeburg, South Carolina, and after the death of James Reiter in Berkeley. Nobody looks cowed yet.

[EIGHT-TO-EIGHT]

Nixon’s new Attorney General was no sooner in office than he ordered Foran to go back to the Grand Jury. Tell them, he said, to look not only at the cops but at the “leaders” of the demonstration.



Wednesday night at the Hilton

STEPHEN SHAMES (PHOTON WEEK)

felony rap (she jumped town). He did mention a lot of fiction, mostly to the rightwing Chicago Tribune, including a long shuck about Jerry’s “secret diary.” And some other things, like:

“I saw Yippie leaders stuffing narcotics into cream-filled cookies to be fed to demonstrators when they confronted the police. I didn’t know what the drug was, but I was told that it would give the young people the kind of jolt that would make them ferocious when they fought the pigs.”

What is that stuff? Yippies!

On Wednesday night, the worst of all—that awful night in front of the Hilton that is everybody’s memory of Chicago: Chicks thrown through the glass front of the Haymarket Bar. Pigs charging into the lobby, which looks as a basis for deciding whom to club. People on the peach-fuzz carpet that was running with their blood. The McCarthy kids, on the 15th floor of the Hilton, turning their rooms into an impromptu hospital. People in the street kneeling in prayer, and getting billyclubs for answer.

The McCarthy kids went out into the street. On Friday morning, the cops returned, the vid—sweeping the Hilton’s 15th floor with their clubs swinging, dragging dozens into the lobby to be “taught a lesson.” Air Force veteran George Yudich, 31 years old and new to politics, asked the pigs how come; four of them took turns beating him over the head, until he was rescued by Senator McCarthy’s niece.

Ramparts got the best quote out of Yudich. He was ready to call himself a radical—as a result of his first political effort. “I guess,” he told the reporter, “I don’t like someone pissing on my head and calling it rain.”

[THE DILEMMA OF RAMSEY CLARK]

In the office of the Attorney General of the United States, that austere gentleman sat bleakly contemplating two reports.

One was from his own observers in Chicago, men he had sent to follow behind his deputy and to watch, personally, what had happened. Their reports agreed unanimously and without qualification that the “Chicago riots” had been a stampede of mad pigs.

This had already been suggested, of course, on television (the coverage, despite a lot of shit in TV Guide and elsewhere, was remarkably accurate considering the difficulties of the “writhe” and the fact that cameramen tended to be singled out for clubbing). But the television “anchor men,” warned by the businessmen who really run the networks, had been forced to hedge, to talk about “provocation” whether there was any or not, to give Mayor Daley his “equal time.”

Now Attorney General Ramsey Clark had the word of his own men: It was a police riot pure and simple. But he had another report. Two-thirds of the American people approved of the action of the Chicago police.

Congressmen who passed the Rap Brown amendment, the so-called “anti-riot bill,” over Clark’s objection were now on the phone demanding to know why the bill hadn’t stopped the riots—and demanding further that all the riot leaders be prosecuted forthwith. They knew who they were: Dellinger and Hayden and Hoffman and Davis and Rubin. Hadn’t their

names been in the Chicago papers every day, and hadn’t they been seen on Chicago television screens every evening?

Nor was it only Congressmen on the phone. Lyndon Baines Johnson, himself, ran out of office by “demonstrators,” was asking Clark why the hell these punks weren’t in jail. Clark’s only problem—not a problem, really, for there is nothing wrong with Clark’s conscience—was that every one of his legal advisors assured him that there was no basis whatever for federal prosecution.

There was, however, an 1866 statute that says, in effect, that pigs can’t go around beating people up arbitrarily, and Clark had on his desk the names of nine Chicago cops who had been definitely identified in situations so blatant that Ramsey Clark himself probably called them pigs. Taking a deep breath, Clark ordered United States Attorney Thomas Foran (Daley’s henchman) to proceed with action against the nine cops. While he was it, Clark sent a couple of men back to Chicago to make sure Foran didn’t fuck it up.

In the meantime, the Eisenhower Commission—the National Commission on the Causes and Prevention of Violence, appointed by the President and headed by Milton Eisenhower—asked a group of Chicagoans to prepare a report on The Week That Was. Head of the group was an impeccably conservative businessman, Daniel Walker, head of an independent unofficial business group called the Chicago Crime Commission.

Foran took the evidence against the cops to the Federal Court, and a Grand Jury was convened by the chief judge, William J. Campbell, Campbell was as much a Daley man as Foran. The Grand Jury was what Grand Juries always are—a collection of middle- and upper-middle-class types who are told whatever the prosecutor wants them to hear and who, while they’re supposed to be independent, can be very much ruled by the judge.

Campbell ruled them. Mostly, he stalled. When the Walker Report was released—calling the whole thing a police riot, just as everyone already knew it had been—Judge Campbell threatened to (but didn’t) cite Walker for contempt of court, claiming that the timing of the Report was intended to influence the Grand Jury, Fat chance.

Shortly before he left office, Ramsey Clark was asked whether his office intended any prosecution of demonstration leaders.

“No,” he said. “And if the new Administration does prosecute them, that will be a clear signal that a crackdown is on the way.”

Ramsey Clark and Nixon’s new Attorney General John Mitchell, however, were two different cats.

Clark, who is a long way from being a Yippie, can at least count and worry. He told Richard Harris of the New Yorker that if you add together students, other people between 18 and 21, and blacks, you get such a large group that ten percent of it is equal to the number of men in the armed forces. And when the war ends, he said, there’s every reason to think that the civil rights alliance of the early Sixties will come together again—in a more militant version.

On March 20, 1969, the Grand Jury indicted eight pigs—seven of them on that 1866 law and one for perjury—and eight civilians: Renale Davis, Dave Dellinger, John Froines, Tom Hayden, Abbie Hoffman, Jerry Rubin, Bobby Seale and Lee Weiner.

“Politics, pure and simple,” was Clark’s comment. “The eight-to-eight balance makes that clear.”

After that, Clark had made it clear. They had someone, just by accident, managed to come up with the two Yippies, the one man most identified (however correctly) with SDS, another New Left anti-war organizer, a Black Panther, an old-line radical pacifist, a student activist and a college professor. The only thing they missed was Women’s Liberation.

And, of course, the package was perfect for a Chicago jury, especially given the appearance of Rubin, Hoffman, and the bushy bearded Weiner. Not only did it include all the names that had been in the paper during The Week That Was (so that any prospective juror had to know that those really were the leaders of the “riots”), but somewhere among those eight there had to be somebody that any juror would be afraid of: leftist, intellectuals, dirty hippies, a militant black. It worked out even better when they wound up with ten women on the jury.

The eight—immediately the Chicago Eight—were charged not only with violating the Rap Brown amendment, but with conspiring to do so. This is a vague and wonderful area of the law, because they don’t have to be known to each other, nor ever to have dealt with each other, to be in the same conspiracy. I won’t explain it, but you’re welcome to Paul Gisman’s thorough explanation: “The law itself says they can’t cross a state line with the intent to start or urge a riot. The conspiracy charge says that they can’t intend to intend it.”

Froines and Weiner, by the way, were also indicted on some jabs about an incendiary device, apparently meaning that they were supposed to have conspired to make a Molotov cocktail, or to show somebody how to make one. Nobody said that they ever actually made one.

[INSIDE ON WHREAPPEN]

At about the same time that the Rap Brown amendment was sneaking through as part of a Civil Rights Act, Congress also passed the Omnibus Crime Control and Safe Streets Act. It is now the law, and if it doesn’t bother you, you don’t bother easy.

For instance: The President of the United States, without making anybody and without any controls whatever, can have the phone tapped, or the rooms bugged, of anybody he wants to, any time he wants to, for as long as he wants to—person or group—if he thinks they pose a threat to “the structure or existence of the government.” Which of course could mean damned near anything. Like dope? Like Operation Intercept?

And for instance: If the instigator can get a judge in the right jurisdiction to approve it—any judge—the attorney general of any state, or any local district attorney (getting close to home?) to tap or bug anyone who has committed a crime punishable by a year or more in jail—or anyone who is committing such a

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Abbie had therefore decided to change his first name to 'Fuck.' Later he renounced his last name entirely.

FRANKLIN MCMILLON

Continued from preceding page

And for instance: If he (or she) can't get a judge or doesn't want to try, that same official can do all those same things to all those same people without any court order at all, for a 48-hour period. That's if he (or she) is convinced that it's an "emergency."

Think of it in terms of a dope bust, for instance. In any place where you can get a year or more for a dope bust. The local D. A. can call you an "emergency," tap your phone and bug your whole house for 48 hours with absolutely no restraints whatever. If he wants to be legal, he can then take the surveillance off for a day and come back for two more, or he can get a judge to let him leave it on all the time. That's the Federal United States of America law, baby.

That's the unexcused law. Notice, though, that it doesn't let people tap or bug solely to find out whether a crime is being committed, except in the case of the President and national security cases. In fact, the Attorney General can do that in national security (or narcotic) cases if he gets a judge's permission, which you better believe is pretty easy to get. But there is still such a thing as illegal wiretapping and bugging by pigs.

The Supreme Court has ruled that any wiretap evidence that is illegally obtained may not be used against defendants. It has also ruled that, if there was illegal wiretapping, the defense is entitled to the records—so that they can be sure that nothing in them was used by the prosecution.

The question, then, is: When is wiretapping illegal? Mitchell admitted that the Justice Department had tapped the phones of all eight defendants in the Chicago trial. The defense said that it had to be illegal, and they filed a pre-trial motion asking for the records. Mitchell conceded that three of the taps were illegal, and turned over the records. But he refused on the other five.

He didn't even lean on the Safe Streets Act. The Justice Department, he argued, has an *inherent* right to "electronic surveillance" whenever it feels the need to "protect the nation from attempts by domestic organizations to use unlawful means to attack and subvert the existing structure of government." And he went on to say that it would "prejudice the national interest to disclose the particular facts concerning those surveillances"—although he said he'd tell the judge, privately. I haven't been able to find a lawyer who has the vaguest idea where Mitchell got his law. The defense came back and said, no, you can't do that. The judge said he'd take it under advisement and rule at the end of the trial. I'll save you the suspense: He said the wiretapping was perfectly legal, and upheld Mitchell's novel approach to lawbreaking.

Catch 22.

[ENTER MAGOO]
Bobby Seale was arrested by Berkeley on September 12, 1969, charged with a murder in Connecticut (a charge which, offhand, looks about as good as all the other shuck charges being dumped on Panthers). Kept in handcuffs and leg irons, he announced his intention to fight extradition—but then he disappeared.

A writ had come from Chicago demanding he appear. A federal judge in San Francisco ordered him held in California pending some legal argument, but United States Marshal George Tobin stalled until Seale had been taken outside that particular federal court jurisdiction. It wasn't kidnapping, because it was legal. It took them a little over a week to get Seale by car from San Francisco to Chicago, where they tossed him in jail (the other seven Chicago defendants were out on bond).

Seale's attorney, as everyone knows who has paid any attention to the Black Panthers, even on television,

is thirty Charles Garry of San Francisco, who has been practicing law since 1967. Garry, however, was seriously ill, recovering from a gall bladder operation. Before the trial opened, the defense made 35 motions (the one on wiretap evidence was one), including a motion that the trial be delayed for six weeks so that Garry could appear.

Federal Judge Julius Hoffman—who because of his looks (he's five feet, four inches tall) and voice quickly became "Mister Magoo" to the defendants—denied all 34 motions besides the one he took under advisement for denial later. William Kunstler, one of the attorneys for the other seven defendants, filed a routine general appearance in behalf of Seale so that he could visit him in jail and find out whether he needed anything and to coordinate defense plans.

The other defendants arrived in town in typical fashion: Davis quietly, Hayden hurriedly from a speaking engagement, Rubin and Hoffmann joyously and in full view of the press, wearing Chicago Cubs baseball caps (the Cubs were still in the pennant race). They announced that they were ~~Magoo~~ ^{for the World Series} Magoo's legal assistants—the Chicago Conspiracy Committee's Washington ~~Magoo~~ ^{Magoo} Magoo. Almost immediately it was possible to buy "Screw Magoo" buttons.

Five defendants held a news conference on Monday September 22nd, in which Abbie Hoffman announced a candlelight service, and said he was the illegitimate son of Judge Julius Hoffman. "I have therefore decided to change my first name to 'Fuck.'" Later, Abbie decided to renounce his last name entirely.

At the same conference, Leonard J. Weinglass, younger of the two attorneys announced that his telephone had been "interfered with"—he didn't say "tapped"—and said that his mail had been read.

Finally, the defendants announced that they would move to have Judge Hoffman disqualify himself. That got them nowhere.

Judge Hoffman, 54, is a millionaire-by-marriage (Brunswick Corp.), and around Chicago-law circles is derisively called "Julius the Just." He was described by local attorneys, quoted in a New York Times story, as a man with "a blind spot for the government."

"Hoffman," one said, "regards himself as the embodiment of everything federal. So, in criminal cases at least, he tends to see the defense and their attorneys as the enemy." That was just after the trial started; the speaker is probably taking notes now for his accuracy.

In any case, Julius the Just's 24 previous cases had resulted in convictions, and in the case before that, he found out that a juror had looked at a newspaper clipping about the case. He put the juror in jail for two years.

On the bench, Judge Hoffman does the actor bit, using facial expressions, and sometimes his whole body, to act out things that don't show on the trial record. Neither does the tone of his voice, which does sound like Mister Magoo's but which he can use with surprising effectiveness. It was one of the early issues in the trial; Kunstler (who, like Dellinger, is a Phi Beta Kappa from Yale, and who has had as clients Martin Luther King, Jack Ruby, Lesley Bruce and others) objected, vainly, to Hoffman's reading the indictment "like Orson Welles reading the Declaration of Independence."

As if to forecast the future, the trial opened with a legal scandal. Four young attorneys from around the country had gone to Chicago to help with pre-trial work, and had then formally withdrawn from the case by telegram (usually you withdraw in person, but the telegram isn't unheard of by any means).

Magoo opened the trial by holding the four attorneys in contempt of court and issuing warrants for their arrest.

Michael Kennedy of San Francisco and Dennis Roberts of Oakland went into a San Francisco federal court and got Hoffman's arrest order thrown out. Gerald Lef-

court of New York—busy on the case of the "Panther 21"—went to Chicago; and Michael Tigar, UCLA law professor, was arrested in Los Angeles and taken to Chicago, where he and Lefcourt were jailed. Another lawyer telephoned a higher court judge and got the two men released on their own recognizance.

The legal profession blew up. 200 lawyers staged a protest at the Federal Building in San Francisco, and another 200 at least (including 13 members of the Harvard Law School faculty), flew into Chicago.

Behind the seemingly capricious contempt citations there may have been a strategy. Bobby Seale was continuing to insist that he wasn't getting a fair trial because he didn't have the lawyer of his choice. Magoo said that Kunstler was Seale's lawyer—based on the appearance filed when Kunstler visited Seale in jail. Seale said that he hadn't authorized the appearance in the first place and that he didn't want Kunstler in the second place. Kunstler informed the court that he was withdrawing as Seale's attorney at Seale's request.

All this took place before any evidence, before there were any witnesses. Which normally makes it the right legal way to do it. But Judge Hoffman went right on insisting—as he did throughout the trial in what came to be one of the biggest issues—that Kunstler was in fact Seale's lawyer whether either one of them liked it or not.

The Magoo argument about Tigar and Lefcourt was that, despite their telegrams, they had not been dismissed by the defendants, and so were in contempt when they didn't show up for the trial. They said they had, and so did the defendants—but Judge Hoffman wasn't content with that. What he wanted was for all eight defendants—but primarily Seale—to say that 1) they had dismissed Tigar and Lefcourt, and 2) they were now satisfied with their representation.

The trap for Seale was obvious, and he didn't go for it. Finally, under the outraged public pressure of the lawyers and probably under private pressure from other judges, Judge Hoffman vacated the contempt citations and sent Tigar and Lefcourt home.

(MARCH OF THE PIGS—1)

The small (100 seats, half of them reserved for reporters and for the families of defendants), modernistic courtroom reeked of opulent America, from thick brown carpet to the plush rivet chain in which everyone sat except spectators and press. Like the building that houses it, the courtroom is the work of famed Chicago architect Mies van der Rohe, who, in typical autistic manner, even decided where the defense attorney's lectern should stand (Magoo occasionally lectured Weinglass for moving around—the attorney's privilege, of course—and once said, "If Mies van der Rohe had meant you to stand over there, he'd have put the lectern over there"). Mies was probably stuck, however, with the pictures of George Washington and Benjamin Franklin.

In Federal Court, the judge asks prospective jurors the questions, not the attorneys. It took the judge just about three hours to pick a jury of ten women and two men (ten whites, two blacks), and four alternates. Both attorneys submitted lists of questions. Magoo used Furan's, told Kunstler his questions were "irrelevant." Some of the "irrelevant" questions:

- Do you believe that young men who refuse to participate in the Armed Forces because of their opposition to the war are cowards, slackers or unpatriotic?
- Have you ever moved from a neighborhood because of the influx of people of certain religious, ethnic or racial origins (this is a civil rights lawyer's question; you'd be surprised how many "yes" answers are turned up)?
- Do you have any hostile feeling toward persons whose life styles differ considerably from your own?
- If your own children are male, do they have long

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STEPHEN SHAMES/PHOTON WEST



"You are a rotten fascist pig, fascist liar," said Seale.

—Continued from Preceding Page

only in court. Citing that fact, Kunstler asked Judge Hoffman for permits for the other defendants to give Seale a birthday cake in court. Magoo said he wouldn't let anybody give anybody a birthday cake.

The other seven defendants were waiting just outside the door, Rubin carrying the cake, and they started in. A marshal seized the cake. Abbie Hoffman yelled, "Cake-napper!" Rennie ran down the aisle in mock alarm and shouted, "Bobby! Bobby, they've arrested your cake!"

"You can jail a cake," Seale said loftily, "but you can't jail a revolt. Time could flow, then nothing much was happening—because that was the police car that turned up with airless tires when the two pigs brought Hayden to it from somewhere else.

"RIGHT ON!" yelled the audience. The judge threatened to clear the courtroom. Mr. Seale: All right, brothers. I say you can be quiet.

The Court: I give the orders around here. Mr. Seale: Well, I'm sorry, Judge. They don't take orders from a racist judge. Happy birthday, Bobby.

[IT IS RELEVANT]

The worst pig of the bunch was Louis Salzberg. Salzberg, a photographer, spent nearly two years as a trusted Movement figure until he surfaced at the Chicago trial. It was a noticeable shock when he was called, but by the time he passed the defense table all he heard was Dellinger's quiet statement: "Quite a letdown, Louis. We're disappointed in you." That and, from the other defendants, an underdone but steady chorus: "Oink, oink, oink, oink."

Salzberg, it turned out, had pulled in \$10,000 in pay and expenses from the FBI while establishing himself in the Movement. It also turned out that he didn't have much to say. Hayden had urged a group to go to Chicago for the purpose of "fucking up a convention." He quoted Hayden as saying there might be violence because of tension in the black ghettos. And he said that some members of the Movement—not necessarily the ones at the defense table—had performed violent acts in raising the draft ("That's a lie," Dellinger said clearly).

Afterward, Abbie Hoffman said, "I can't understand why he blew his cover for that testimony. He's ruined in New York now, just ruined."

There were other pigs. But by the end of October, that noted radical publication, *Time*, observed that "one of the most serious criminal acts observed was when defendant Tom Hayden, 29, a founder of [SDS], let the air out of a police-car tire." If that was the worst *Time* could find, then nothing much was happening—because that was the police car that turned up with airless tires when the two pigs brought Hayden to it from somewhere else.

It was in October, too, that Foran sneeringly called Kunstler a "mouthpiece." When Kunstler asked the judge to admonish the United States Attorney, Magoo thundered that he would most deliberately not admonish him. It doesn't seem important, but it's one of those little courtesies that are customary between lawyers and judges, and it may look big on the appeals record as an indication of the judge's bias.

It was not the pigs, of course, but the judge who made it clear that anybody with long hair and funny-looking clothes who doesn't use the right polite words in the right polite places was a defendant in that modernistic, fluorescent "ozone oven" (Abbie's phrase). One pig, for instance, had Jerry Rubin making a speech (on a day when Jerry was in fact home sick), and this followed:

Mr. Schultz: How did the crowd react?

The Witness: With wild cheering.

Mr. Schultz: Were any swear words used?

Mr. Kunstler: Objection. The type of language the defendant allegedly used is not in question, it is not relevant, it is not what he is being tried for.

The Court: Overruled. It is relevant.

See what I mean?

[I WANT TO ARGUE THE POINT]

On October 29th, Judge Hoffman put Bobby Seale in chains.

For four days, Seale—possibly bored with the steady parade of obvious lies, possibly determined to bring the matter to a head—had increasingly challenged his right to ask questions, had increasingly challenged Judge Hoffman's arbitrary rulings. He told Magoo that it was fitting that the judge should sit beneath a picture of George Washington, a slave owner.

Newspapers and television commentators (there was, of course, no television film) made much of Bobby's "violent outbursts," but as usual they missed the point. Seale was behaving with so respect for the court—who could have had any by that time?—but he was behaving with enormous dignity.

He spoke only when it would have been his lawyer's turn. Each time he spoke, he began quietly, and only when the marshals began to move in on him, and the judge was rapping his gavel, did Bobby start to shout.

Sure, he got mad. If they brought you out of jail day only to sit and listen to lies, and to bark in the blatant racism of "justice," you'd get mad too.

As Bobby did when, after lunch on October 29th, Schultz tried to tell the judge that Seale had called for an attack on the court by blacks in the audience. What he had said in fact, while talking about the denial of his rights, was that the blacks (or anyone else) had a right to self-defense if they were arbitrarily attacked by the marshals.

When Magoo came in to open the afternoon session, Schultz, with his persistent teacher's-pet manner, stood primly to address the court:

Mr. Schultz: If the Court please, before you came into this courtroom, if the Court please, Bobby Seale stood up and addressed this group.

Mr. Seale: That's right, brother.

Mr. Schultz: And Bobby Seale said if he is—

Mr. Seale: I spoke on behalf of my constitutional rights. I have a right to speak in behalf of my constitutional rights. That's right.

Mr. Schultz: And he told those people in his audience, if the Court please—and I want this on the record, it happened this morning—that if he is attacked—they know what to do. . . . He was talking to these people about an attack by them.

Mr. Seale: You're lying. Dirty liar. I told them to defend themselves. You are a rotten racist pig, fascist liar, that's what you are. You're a fascist pig liar, I said, they had a right to defend themselves if they are attacked, and I hope that the record carries that. And I hope the record shows that tricky Dick Schultz, working for Richard Nixon and the Administration, is a liar. And we have a right to defend ourselves, and if you attack me, I will defend myself.

Mr. Schultz: If the Court please, that is what he said, just as he related it.

Mr. Seale: You're damned right.

Mr. Schultz: In terms of a physical attack by the people in this—

Mr. Seale: A physical attack by those damned marshals, that's what I said. . . . And if they attack any people, they have a right to defend themselves, you lying pig.

The Court: Let the record show the tone of Mr. Seale's voice was one shrieking and pounding on the table and shouting. That will be dealt with appropriately at some time in the future.

But Bobby was not shrieking or pounding on the table later in the day, when he again stood up and began to cross-examine a prosecution witness, and was stopped by the judge. Calmly he cited Section 1582, Title 42 of the United States Code (ironically, it wasn't the section he meant to cite), and while the judge was obviously furious, Seale was calm in the exchange that followed. Until the end.

Mr. Seale: My argument is, and I will argue the point, that you recognize my constitutional rights to defend myself.

The Court: Mr. Seale, do you want to stop or do

you want me to direct the marshal—

Mr. Seale: I want to argue the point about this so you can get an understanding of the fact that I have a right to defend myself.

The Court: We will take a recess. Take that defendant into the room in there and deal with him as he should be dealt with in this circumstance.

Several marshals leaped at Seale, at least one swinging a fist. Moving remarkably quickly, Dellinger placed his body between the marshal and Seale; after a startled glance, Rennie Davis followed suit. Marshals wrestled Seale, who was struggling, until Bobby fell into the front row of the press section (right in front of Dr. Benjamin Spock, who was in the audience). By the time they had him up again and were rushing him out to tie him to a chair and gag him, Tom Hayden was up on another chair addressing the spectators, pleading for fair treatment for Bobby, and both defense lawyers, obviously anguished, were pleading with the judge.

Mr. Kunstler: When are we going to stop the medieval torture chamber that is going on in this court? I feel so utterly ashamed to be an American lawyer at this time.

The next day, with Seale now chained and gagged, was chaos. Seale (who had tonsillitis) complained of inability to breathe; the chains were cutting off circulation in his limbs. Repeatedly, lawyers pleaded with the judge to end the restraint.

Malik Seale, age three, was evicted from the court by a marshal for crying when he saw his father brought in in chains.

At one point, Bobby got the gag out of his mouth long enough to call the judge a racist pig; marshals rushed to tighten his bonds (Dellinger tried to place himself in the way again), and ultimately carried him out to readjust the gag—and nose, too tight. A marshal's elbow caught Rubin in the mouth, and as they were wrestling him to the door, Seale yelled, "Don't kick me in the balls, motherfucker!" Davis rushed to the jury box to tell the jury that Seale had been beaten in their absence.

Weinglass then, in a relatively calm moment, asked Judge Hoffman to poll the jury, to see whether the disturbances had affected them. Foran called the request "gross misconduct." As Weinglass began to reply, Schultz jumped up and started to scream at him. When the judge got them quieted down, he denied Weinglass' motion because, he said, Weinglass had not put it in proper form.

"May I rephrase the motion?" Weinglass asked. The judge replied, "No."

Later, Magoo went even further. Unless Seale discontinued his outbursts, he said, the other seven defendants might have their bail revoked. Kunstler replied that "under no circumstances will we let our liberty stand in the way of Bobby Seale's assertion of his constitutional rights."

On Friday afternoon, the judge agreed to an early recess so that defense attorneys, over the weekend, could consult Charles Garry in San Francisco (Garry later wrote the court that he could not properly represent Seale by joining the trial now, because 25 prosecution witnesses had already testified without being cross-examined on behalf of Seale). Judge Hoffman said they could recess early if Hayden wouldn't take the opportunity to "filify" the court in speeches.

"I don't want to be lying peacefully in bed," the judge said, "and see one of the defendants on television characterizing me as a blackmailer." Hayden said he had no plans to make a speech, but that he would not agree. "One gag," he said, "is enough."

On Monday, November 3rd, when court reconvened, Seale appeared without chains or gag. No explanation was given; no deal had been made. He immediately announced to the court that he was waiving some of his rights, and insisted that he had spoken out only at appropriate times. "Even if I used the words 'fascist, racist pig,'" he said, "it was only to persuade you to give me my constitutional rights." Said it with a straight face, too.

[SOURCE MINUS ONE]

They gave Bobby his rights all right. He lasted until Thursday, November 6th, when Deputy Sheriff Bill Ray of San Mateo, California, informed that he saw Bobby Seale get on an airplane bound for Chicago. When Judge Hoffman told Kunstler to go ahead with cross-examination, Kunstler said that the testimony was only about Seale, and he didn't represent Seale.

Mr. Seale: I'd like to cross-examine the witness.

The Court: You cannot. I have already ruled on that. But Seale was up, standing at Miles van der Robb's carefully placed lectern, quietly but vigorously shouting questions at the witness.

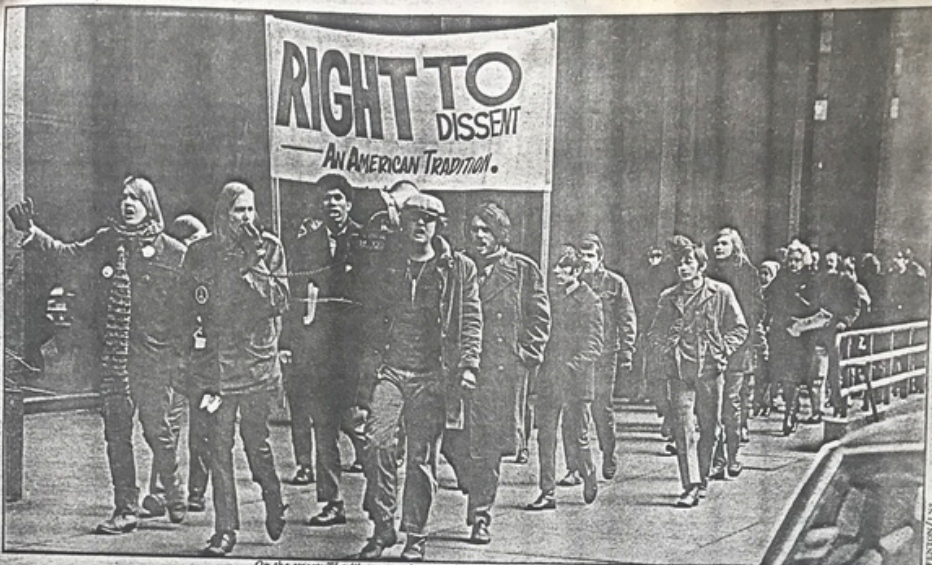
"Why did you follow me?"

"Have you ever participated in raids on Black Panther Party offices or on party members' homes?"

"Have you ever killed a member of the Black Panther Party?"

Magoo was yelling at Bobby to sit down. Foran reminded the judge that he should excuse the jury. Magoo did, and recessed the morning session an hour and a half early.

When he came back, he stunned the legal profession, the Movement and the nation. For an hour and a half, Judge Hoffman read from the transcript of the trial so far, citing sixteen instances when, he said, Bobby Seale had been in contempt. Involuntarily, he mimicked the voice of Seale and the attorneys while he read the record (although, of course, the insult doesn't show in the transcript). When he had finished, he declared Seale guilty of contempt in all sixteen cases, and sen-



On the streets: The film got at the central issue—Were the hippies an actual threat?

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Continued from preceding page

Senator, asked in a precise voice, "Did you propose a program to fuck the system and fuck the draft?"

"No," Levy said.

Dick Gregory turned up, too. When he was introduced, Magoo said from the bench, "I want this very nice witness to know that he is a very nice witness and laugh heartily." Kunstler replied, "While people have always laughed at black people."

When Gregory was asked questions about police and National Guard violence during a march that Gregory headed in The Week That Was, the prosecution objected, the judge sustained it, and Gregory's evidence never went in.

Julian Bond was there, too, to have a try. He had talked with Hayden and Dellinger, he said, in April of 1968, after the murder of Martin Luther King. Hayden, said Bond, wanted to demonstrate in Chicago in August, but "he was afraid the same sort of thing might happen in Chicago that was then happening in the streets of Nashville." What was Hayden afraid of? "Police violence in Chicago." Later, Bond said, Dellinger had expressed the same fear.

Linda Morse, now of Berkeley, was allowed to testify that she had gone to Chicago as a pacifist, but that, after watching the Chicago police, she is now taking karate lessons and practicing with an M-1. She also said that she thinks there will have to be a revolution, and that it will involve violence. Richard Goodwin—an aide, in turn, to John Kennedy, Lyndon Johnson, Robert Kennedy and Eugene McCarthy—said that he had talked to a couple of the defendants before Chicago and that they weren't for violence.

Thomas W. Few, Jr., editor and publisher of The Troy (Ohio) Daily News, testified about what he'd seen in front of the Hilton on the night of the massacre, including the two cops who trapped a guy in the revolving door and kicked the shit out of him.

Still to come was Mayor Richard J. Daley, but he was busy, so they put on Abbie.

(SPOOKY JUDGMENT)

Mr. Weinglass: Would you state your name?
The Witness: My name is Abbie. I'm an orphan of America.

Mr. Weinglass: Where do you reside?
The Witness: Woodstock, New York.

The Court: What state is that in?
The Witness: The state of mind. It's a nation of alienated young people which we carry around with us in our minds just as the Sioux Indians carried around the Sioux nation in their minds.

The Court: One address will be sufficient. Nothing about philosophy or Indians.

He clowned, but he told the truth. The Yippies, he told the court, were a myth, a put-on for the media. A few people had been sitting around talking about how to protest the obvious undemocracy of the Democratic Party, and Jerry Rubin had said something like, "We ought to have a circus," and in essence the idea was adopted. They had taken to Chicago, not a plan, but their version of the new American lifestyle.

Weinglass asked Abbie a question about a conversation with the group of ministers in Lincoln Park, but Schultz leaped up to object, not too gram-

matically, that the defense was "trying to infer the motives of the ministers into those of the Yippies." Sustained, of course.

A little later, Weinglass asked about a conversation with the Blackstone Rangers, a black group who don't have the status of ministers in upper-class Chicago circles. After a pause, Weinglass noted dryly that the prosecution thought talking to the Rangers was different from talking to the ministers.

Mr. Schultz: I'll tell you the difference. Because we'll prove on cross-examination that this man asked the Rangers to arm themselves and come into the park and fight the police.

Mr. Dellinger: What is that speaking?
The Court: Who's that speaking?
Mr. Dellinger: It's David Dellinger, and I'm a little upset by this dishonesty on the part of the court.

It led to the biggest shouting match since Seal's departure, with Dellinger thundering to Magoo that "you only want one side of it even if it's made up things." Incidentally, they didn't try to prove anything about the Blackstone Rangers on cross-examination.

After a few days' bout with bronchial pneumonia during which the trial was recessed and some of us celebrated Christmas, Abbie and Weinglass tried to introduce Abbie's 20-minute film on Mayor Daley. The film had been made as a response (not an answer) to Daley's own film, which in turn was made as what Daley called an answer to "biased" television coverage of the convention. The mayor had tried to bulldoze the networks under the "equal time" theory; he'd failed, but Metromedia (they own the "hip" rock FM stations—can you dig it?) had broadcast his film anyway.

Abbie's response showed pictures of Daley—especially pictures of Daley delivering such classic lines as, "The police are not there to create disorder, the police are there to preserve disorder"—mixed with orgy scenes from *Midnight Cowboy* and a few battlefield shots. The release of the pig in Clivo Center—since transformed by Abbie and Jerry into the nomination of the pig, Pegasus, for president—was on the film, and a solemn demonstration of the use of a police truncheon to crush 1) an egg, 2) a tomato, 3) a squash, 4) an eggplant, 5) a helmet.

The movie, Weinglass said to Judge Hoffman (who viewed it in the jury's absence) was "absolutely essential and indispensable" to the defense's case. "Nothing better shows Abbie Hoffman's state of mind [remember that "state of mind" is exactly what the law is about when it deals with "intent"]. The film is not serious, I concede it. But neither was the Yippie myth. To exclude it would be crippling his ability to explain to the jury what his intentions were. . . . It goes to the central issue: Were the Yippies an actual threat?"

Very interesting, Magoo said the film couldn't be shown.

Forens and Schultz, of course, weren't ready to concede that the Yippie myth was a myth of a micron, possibly because they'd been put on. Abbie had testified not only that it was a gag, but that the media had exploited the hype by creating for themselves the idea that Yippies were a violent group. Abbie, incidentally, also said with a straight face that he didn't understand the phrase, "sexual intercourse," and asked Schultz to be more explicit.

Mr. Schultz: Was part of your Yippie myth to create a situation in which the convention would have to be held under military conditions?
The Witness: You could do that with a yo-yo. Look

at this courtroom. It's full of troops [there were 200 marshals on duty every day].

Mr. Schultz: It was part of your Yippie myth, wasn't it, that the young people who came to Chicago would smoke dope, fuck, and fight the cops?
The Witness: Yes, I wrote that. So did Norman Mailer. It was a prediction.

Mr. Schultz: It was part of your myth, wasn't it, that a majority of the young people who came to Chicago would smoke marijuana?
The Witness: A majority of the young people in this courtroom smoke marijuana.

Mr. Schultz: It was part of your myth, wasn't it, that the people who came to Chicago would fuck whatever, whenever and whomever they wanted?
Abbie broke up laughing.

Schultz hadn't really wanted an answer anyhow, he was looking for the effect on the unhip jury, being sure that he was trying, again, not Abbie's "radical" behavior, but his way of life, repeating the things that would shock the jurors. Upwept hairdos and spike heels. The presence of the so-very-straight-looking women was so dominant that you forgot about the two men on the jury, and the whiteness of the whites seemed much more evident than the presence of two blacks. The defense table called one of the women "Mrs. Wallace."

Abbie clowned on the stand, waved at people, and blew kisses to the jury. Finally, Schultz asked him, "Do you want to do a headstand, Mr. Hoffman?" and then went on to begin another question.

Mr. Weinglass: He shouldn't be allowed to answer the question.

The Court: You don't want to do a headstand, do you?
The Witness [wincing and doubling over]: No, I want to go to the bathroom.

Schultz asked him whether he was "one of the people who thinks that the mess you created was chiefly responsible for the defeat of Hubert Humphrey?"

"I feel," Abbie said, "that the decisions inside the convention destroyed the convention and the party. My attitude is one of psychic jiu-jitsu, where the people smash themselves. All we have to do is sit here and smile and laugh, ha ha. And the society will crumble by itself."

[A MOST FRIENDLY WITNESS]

Richard J. Daley was a defense witness?
Well, the prosecution sure as hell wasn't going to call him.

He rumbled into the courtroom, told Weinglass his name and occupation, and said damned little else. He did say that he had instructed his Commissioner of Streets and Sanitation to "cooperate in every way" with people who applied for permits. He, himself? He didn't know anything about any permits. Had nothing to do with it.

Smiled all the time, he did, and—possibly excepting the jury and the marshals—there couldn't have been one person in the room who didn't know he was outrageously lying.

Kunstler asked him a question about police behavior, and the prosecution objected that it was "leading." A question about the mayor's shoot-to-kill order brought the same objection. A question about Chicago security arrangements brought the same objection. Magoo sustained them all.

In fact, the prosecution objected to 70 successive questions by Kunstler, and the judge sustained every one of them.

slow down the film in this nature



Hoffman laughed and the judge blamed it on Rubin. Then Abbie said something and the judge blamed it on Dellinger.

Understand, Daley wasn't being cross-examined—the defense had called him—and the rules are different. There's a way around that, of course. You ask the judge to declare him a hostile witness (obviously Mayor Daley is a hostile witness in the trial of the Chicago Seven; right?), and then you can use cross-examination rules. Kunstler asked that that be done.

"Why," Judge Hoffman smiled, "the mayor has been a most friendly witness." And he denied the motion. Foran asked two brief questions on cross-examination. Daley said "no" twice, lying both times, and he was through. He sneaked out a side door.

After the trial was over, when everybody in the Establishment was worrying about how nastily the defendants had behaved (and a lot of them were worrying a little about Magoo, too), the president of the American Bar Association put in his word, to wit: "If you start with the premise that a trial is a search for truth, then it is a corollary that an atmosphere of calm must prevail in a courtroom."

The gentlemen are herewith invited—leaving aside the farce of the rest of the trial—to consider the fact that the defense was not allowed to treat the mayor of Chicago as a hostile witness, and is then invited to ponder the first fourteen words of his own statement.

Two "minor" incidents marked Daley's testimony. Near its beginning he referred to Foran as "the finest man I know in and out of private life." Resultant sounds of commiseration from the back row resulted in four people being thrown out and two others arrested, and all of them being hurt a little in the process.

At the recess, while the judge was out, Abbie Hoffman stood up at the defense table, caught Daley's eye, and said, "Hey! Why don't we just settle this right here? What is it with all these lawyers? Think of the cost."

Mayor Daley laughed. He wasn't paying for it.

[SIDE ON MORALS] None of this was easy on the defendants. It was even harder on the lawyers, who could never get it out of their heads that even though there may be stupidity in a courtroom, there is supposed to be something more than outright arbitrariness.

What was hard for American newspaper readers to grasp, because of the media tendency to focus on the sensational, was that a trial even minimally fair, treatment even minimally decent, observance by the court—never mind the prosecution—of even minimum rules of procedure would have quelled most of what the world saw as the disorder at the defense table. Respect, then, American judicial system—which never should have allowed the trial in the first place—could probably not command. But (turns necessity into virtue as much as many on the Left have done) most of the shouting, the anger, and even, in later stages, the clowning, was a response to the court, not an attack on it.

In private, in December, Weinglass said, "Someone's going to blow up before this thing is over—I mean, every day, all day, how can we stand it?"

And Kunstler, who wept at trial's end, was despondent in December: "We told them (the defendants) the judge wouldn't accumulate the contempt charges against them. . . . Now (since the judge did just that with Seale) they don't ask about contempt any more."

The Los Angeles Free Press for February 20th, 1970, reprints a long section from the transcript—far too long to be duplicated here—concerned entirely with the fact that Abbie Hoffman had laughed, and the judge had blamed it on Jerry Rubin. In the ensuing discussion, Abbie said something, and the judge blamed

it on Dellinger. By the time he's through, it's obvious, even in the cold print, that the judge is so furious that he has forgotten which defendant is which, and that at least one defendant—Dellinger—is so desperately frustrated that you can almost hear his voice break.

There are passages like that, as Weinglass said, every day, all day.

[SIDE ON RELEGION] The Court: This is not a political case. As far as I'm concerned, it's a criminal case.

Mr. Kunstler: Jesus was also accused of a crime and we understand that was not a political case either.

The Court: I was not alive at the time.

Mr. Kunstler: I assumed your Honor had read of the incident.

[KILL DAVIS] The "same" witnesses got the press notices, and they testified (or sang, or chanted) to demonstrate a lifestyle, or—in the cases of Gregory, Bond and Miller, for example, to discuss intent. But there was another parade of witnesses, mostly ignored by reporters now bored, whose testimony went directly to what had happened.

They were unknown to the world, mostly, and young, and America, secure with its portion of Chicago truth, it unaware of their testimony. It would be dramatically more interesting, and would more nearly convey the balance of the trial, to provide a dozen examples here at length. But there are space problems even for this account; and what they did was simply to tell the truth, each providing to the mosaic some detail of some day's incident as he or she saw it. You have to read the lies to know what they were; the truth is repetition, and added detail, of the story already earlier told.

Take, for example, Stephen Allan Buff, a graduate student in psychology at Northwestern and a demonstration marshal on Wednesday afternoon, in Grant Park—where, after the incident at the statue, someone tore down a flag and the pigs, otherwise unprovoked, charged the rally with gas and clubs, driving the rallyists north in Grant Park until an unmanned bridge allowed them to cross the tracks and pour into Michigan Avenue, to be clubbed and beaten again a short time later while the whole world watched.

Buff simply told it as it had happened to him, as others told that day or that night, or of Friday night on the 15th floor of the Hilton. The pigs, he said, "beat everything in their path." Buff had spoken to Jerry Rubin, too, before the Grant Park charge, when the first police harassment was worrying and in some cases angering the rallyists. "Tell the cops," Rubin had suggested to Buff, "to leave the area. They're the cops causing all the trouble."

But Buff and dozen others were whispering faintly into the wind of Chicago truth.

Nor were they all unknown. Wesley Pomeroy, for instance, had been one of Ramsey Clark's Justice Department men in Chicago. He said others, he testified, had tried repeatedly to persuade Mayor Daley to issue permits. Rennie Davis, the demonstration leader to whom he had talked, had cooperated completely; Daley had been the uncooperative one, the truculent one, the one who had displayed contempt for the free system in which Americans even in Chicago are said to believe.

"I suggested [to Davis]," Pomeroy also testified, "that the demonstrators laugh at hostile efforts to contain them. I thought this would defuse the violence

and draw attention to the issue they wished to raise." He was wrong; the Chicago pigs smiled only when their clubs were bloody and their psyches thus relieved.

Rennie Davis himself testified—straight, no clowning, no contemptuous behavior—about that frightening Wednesday, and about the squad of pigs that singled him out.

The Witness: I heard them yell quite distinctly, "Kill Davis, kill Davis," and then they moved in on top of me.

He rolled under a chain fence, after a while, to get away—after being beaten "30 or 40 times" on the head and back with clubs—and two pigs, refusing to concede the loss of their prey, stood beating on the fence with their clubs, shrieking at him.

He had begged Chicago officials, he said, for the park use and march permits that would have avoided the unnecessary police presence. . . . Certainly there will be police crackdowns and various incidents of violence, but they need not change the overall character of the convention protest.

Magoo listened to the document, and then ruled that it could not be admitted. The jury never learned of it. It did not fit Chicago's vision of the truth.

[THE NON-WITNESSES] An absolute statement is impossible (for me, anyway), but there are a half of a lot of lawyers who have never heard of a case in which a witness, ready and willing to testify for the defense, was barred by the judge. There is certainly no such case in which the barred defense witness had been Attorney General of the United States at the time an alleged Federal crime was committed.

On January 25th, 1970, Kunstler called Ramsey Clark, Clark's former subordinate, Foran, objected to his being called. Magoo sustained the objection, saying that Clark could make "no relevant or material contribution to the case."

When you've passed the point of expecting any justice out of the system anyway, it doesn't seem so overwhelming; but lawyers across the country stared at their newspapers in horrified disbelief. Most of them didn't even know how closely Clark was involved—how he had sent men to urge the granting of permits and to work with demonstration leaders to attempt to achieve cooperation. Very few of them knew that Clark had blocked the indictment of these very defendants. It was just that he had been Attorney General during the convention, this was a Federal Court and, anyway, the judge is not supposed to dictate the defense.

Kunstler, already hardened by four months of Magoo rulings, was nonetheless thunderstruck by the ruling, he said in court, was "absolutely unheard of in the history of the United States," and it set "a precedent that is horrendous to contemplate." Later, in an argument about Ralph Abernathy (more on that in a minute), he said:

"He [Abernathy] has relevant testimony. I know that doesn't mean much in this court when the Attorney General of the United States walked out of here with

—Continued on Next Page



Clark

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Continued from Preceding Page

his lips so tight he could hardly breathe, and if you could see the expression on his face, you would know, and his wife informed me, he never felt such anger at the United States Government as at not being able to testify on that stand."

The Abernathy episode arose when, on Friday, January 30th, Kunster said that he would test his case on Monday. Over the week end, however, he found that the Rev. Abernathy (who had been national co-chairman of the Mobilization in 1968) was back in the United States after... Kunster brought him into the courtroom on Monday and told the judge that he had one more witness.

Magoos said no. Kunster got furious, and the argument went on for hours. Abernathy, already ruled against, left the courtroom—and the city. The judge told Kunster to rest his case. Kunster refused. Magoos declared it rested anyway. Kunster made a long speech—the one quoted from just above—which was probably the principal reason that his eventual contempt sentence was so long. In tiny part:

"You can't tell me that Ralph Abernathy cannot take the stand today because of the technicality of whether I made a representation. That representation was made in perfect good faith, your Honor. I did not know that Reverend Abernathy was back in the country. We have been trying to get him for a week and a half..."

"I have sat here for four and a half months and watched the objections denied and sustained by your Honor, and I know that this is not a fair trial. I know it in my heart. If I have to lose my license to practice law, and if I have to go to jail, I can't think of a better case to go to jail for and to lose my license for..."

A Voice: Right on!

Mr. Kunster:—than to tell your Honor that you are doing a disservice to the law...

"...everything I have learned throughout my life has come to naught, that there is no meaning in this court, and there is no law in this court—"

Voices: Right on!

Mr. Kunster:—and these men are going to jail by virtue of a legal lynching.

[GOD, BULLSHIT!]

Deputy Police Chief James Riordan of Chicago was the man who, on February 4th, finally tapped Dave Dellinger's last resource of calm. The first witness on rebuttal, Riordan said that he had heard "an unidentified speaker" call for disruption in the Loop area, and then saw Dellinger at the head of a group of demonstrators headed in that direction.

"Oh bullshit!" Dellinger exploded. "Let's argue about what you think and about what I think, but don't make up things!"

The Court: Never in my fifty years in court have I heard so much obscenity as I've heard during this trial.

Mr. Kunster: You've also never been a defendant here and had to sit and listen while witnesses lie about you.

Mr. Schultz: How dare Mr. Kunster!

But Magoos wasn't interested in the lawyers' wrangling. Dramatically, he announced that Dellinger's bail



The Army at peace & war: It didn't mean a generation gap, it meant battle

was revoked, and that he'd spent the rest of the trial period in jail. And it hit the fan.

Hayden and Abbie moved toward Dellinger, obviously in sympathy, as the crowd started to shout its shock. Marshals moved in and grabbed Dellinger, who fell. He got up, was knocked down again, got up again, and went down for the third time. Abbie, trying to reach him to help, was slugged by a marshal and knocked over the railing into the press section. He came out with a couple of angry reporters behind him, and for a minute it looked as though the people were going to take the courtroom.

Abbie's wife, Anita, started forward, screaming "Let him go! Let him go!" She was intercepted and stopped, and behind her was Jerry's girl friend, being dragged by a marshal. Rubin and Ronnie Davis were ascending, facing the judge, chanting "Bullshit! Bullshit! Bullshit!" The group's press aide, pulling a reporter out of the melee, was jammed against the wall and slugged by a marshal—and later charged with assault. Magoos frantically dismissed the court and scuttled away—but not until Abbie had yelled after him:

"You're a disgrace to the Jews, runt! You would have served Hitler better!"

Dellinger, weeping, was led from the room.

[A FLORIDA REVENGE]

Magoos's petty revenge for the outburst was to delay signing the formal order jailing Dellinger. Without the formal signature, his order couldn't be appealed to a higher court (it was later appealed and upheld, and is now moot).

In a rare moment of despair, Abbie groaned, "What the fuck does he care? When the trial is over, we'll be in jail, and he'll be off vacationing in Florida."

[ASIDE ON THEATER]

February 5th, 1970:

The Court: Let the record show that the defendants Rubin and Hoffman came into the court at 10:28 AM and let the record also show that they were attired in what might be called collegiate robes. Some might even call them judicial robes.

Mr. Rubin: They are judicial robes.

Abbie's robe bore a white button, showing a caricature of Judge Hoffman and a legend that bears some thinking about: "If you've seen one judge, you've seen 'em all."

Two days later, Rubin arrived at the airport in Salt Lake City—still wearing the robe—for a speaking engagement. The Black Panther Party and the Yippies, he informed local television reporters, were moving to Salt Lake City. Eldridge Cleaver is at present living here in hiding. The Panthers and the Yippies would join him to conduct a war against the Mormon Church.

[QUESTION PERIOD]

The case of the Chicago Seven went to the jury on February 14th, 1970, Valentine's Day. Possibly, Abbie did write the whole script after all.

You can be as revolutionary as you like, or as disillusioned. You can know all there is to know about pigs from Oakland to Chicago, which is all there is to know about pigs, because those are the places where they really earn the title. You can be as convinced as you like that the system will never, ever, really allow the individual loving humans being to be free. You can know that the capitalist thing has got to go, you can get your head into the ecological conscience, you can see all the present messes and the possible poteries.

But if you grew up in America, then somewhere, down deep inside, there's a crazy irrational piece of you that really believes it will somehow come out all right in the Supreme Court, that even though the executive and legislative branches were corrupted years

ago, the judicial branch—the Supreme Court—will be fair and honest.

You can't help it. It's in there—especially if you're young enough to have paid attention only since Earl Warren's been up there, when the court, as courts go, has been pretty good about people who want to dissent. The trial of the Chicago Seven ends, and maybe you're even in the streets, but you find yourself saying—or maybe you found yourself saying it all the time as the trial went along—"Oh, they can't stand for that! Oh, that will be reversed, it's too much!"

They can't. They just can't.

I feel that way too. They just can't.

But suppose...

Abbie said, "People keep saying we're wrong, but we don't believe in these laws, we're clear on that on the issues. But this trial is not about legal niceties. It's a battle between a dying culture and an emerging one." So it is. And that doesn't mean a generation gap. Daddy, it means a battle. Just as two-thirds of the people in America, the good Germans of our culture, still think that the Chicago pigs did right during the convention, so two-thirds or more of the American people, including a lot of law professors and judges, believe that the Chicago Seven spent all of every courtroom day throwing spitballs at the teacher and yelling dirty words.

As a result, we hear now about the unruly-defendant problem. How about sound-proof glass cages a la Adolf Eichmann? Or closed-circuit TV so he can see and hear but not be present?

Not having political trials would be a better and more American answer (okay, Abbie: I don't mean Woodstock Nation or Pig Nation, but let's say old Thomas Jefferson Nation, that maybe, never existed, but I carry it in my mind). But that's a hope, possibly only a dream.

The fear is that all those law professors and judges—and Justice—are going to say quietly to themselves, "Well, sure, Julius fucked it all up, and it's reversible on 347 grounds. But if we reverse, then every defendant from now on will be yelling at the judge and trying to blow all the minds in the courtroom. Defendants on the way to Auschwitz are supposed to behave no matter what happens around them. We're going to have to hold our noses and affirm old Julius—to save the system, before the fuel starts taking over the neon ovens."

In the meantime, the current head pig, who has made a career out of scaring liberals into their shells so he can kick the shit out of radicals, will put his arm around his incredible Attorney General and know that he's done it again.

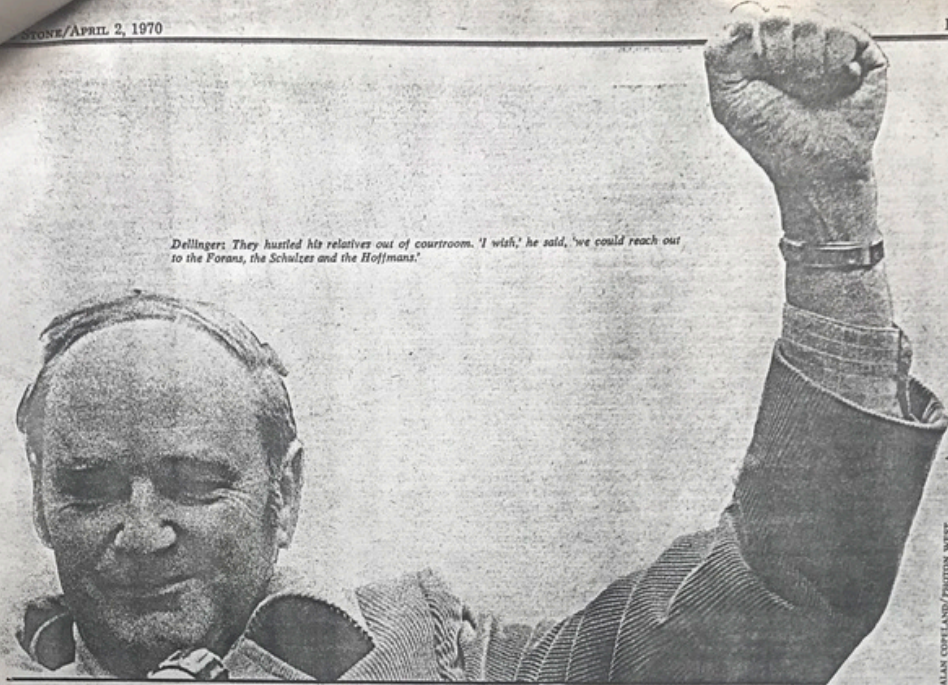
Can't happen? Too conspiratorial? Too paranoid?

The Sacco-Vanzetti case aside, I happen to be the world's leading expert on a case where the system did just that. They knew they were wrong, but the defendant was such a troublemaker that they thought it would be easier to cover up the error and just let it ride. Fellow's dead now. Name of Chessman.

The magic appeal, the nine high priests, may not come through with the abolition. But even if it does, what then? New trial? More money that should be going for something useful? More total waste of the brains of a Hayden, the moral force of a Dellinger, the antic test of Abbie Hoffman?

Shouldn't we at least be asking ourselves, a little more often and a little more insistently, what kind of country can do this thing, and what we can do about it, and isn't it time to get started? And can you—long-haired and frisky-clothed—can you handle, gently and without it letting it turn you into just another kind of pig, the fact that it's you that America is afraid of?

U.S. COYLANDS/FORTSON WELSH



Dellinger: They hustled his relatives out of courtroom. 'I wish,' he said, 'we could reach out to the Forans, the Schulzes and the Hoffmans.'

ALAN COPELAND/PHOTON WEST

[MANY TIMES AND NOT ENOUGH]

While the jury was deliberating, Judge Julius Adolf Hitler Minter Magoo Hoffman declared all seven defendants and both attorneys guilty of contempt of court. Using the same consecutive-sentences gimmick he'd used on Seale (except that this time individual sentences varied in length), he pronounced sentences as follows:

- Lee Weiner: 2 months, 18 days on seven counts of contempt.
- John Froines: 6 months, 15 days on ten counts.
- Abbie Hoffman: 6 months on 23 counts.
- Jerry Rubin: 1 year, 1 month, 23 days on 15 counts.
- Tom Hayden: 1 year, 2 months, 14 days on 11 counts.
- Leonard Weinglass, whose name the judge pronounced, this time, with impeccable correctness: 1 year, 8 months, 5 days on 14 counts.
- Rennie Davis: 2 years, 1 month, 18 days on 23 counts.
- Dave Dellinger: 2 years, 3 months, 16 days on 32 counts.
- William Kunstler: 4 years, 13 days on 24 counts—13 days longer than Seale, and thus the longest prison sentence for contempt of court in American history.

The defendants were not quiet while it was being broken off in them. One of Davis' contempt charges was for Bobby Seale's ruck, and when he read it, Magoo looked down at Rennie.

The Court: You know what he called me.

Mr. Davis: He called you a fascist and a pig.

The Court: Several times.

Mr. Davis: Many times and not enough. You represent all that is old, ugly, repressive. Our generation is going to devour your kind.

"We are going to jail," Jerry Rubin told Magoo, "but millions of kids will fight to free us. They rise up. That is what the Revolution is about. You have destroyed the judicial system. You should be ashamed of yourself."

Judge Hoffman replied that the speech was one more contempt, and reserved sentence; so Rubin may yet pass Hayden on the sentence-length list.

Froines said that "there are millions of defendants throughout the world, and you or anyone like you will never be able to sentence all these people."

And David Dellinger: "You want us to be good Germans, to support the evils of our decade, and when we refuse to be good Germans, you want us to be good Jews."

[CUCKOO CLOCKS ON AN ACID TRIP]

Judge Julius Hoffman warned the straight upright pinched-faced spike-beaked jury of Chicago housewives not to be influenced "by any personal antagonism you might feel for the defendants' dress, hair styles, courtroom demeanor, political beliefs or speech."

Popping in and out of the courtroom like cuckoo clocks on an acid trip, the jury didn't know, when it retired, half as much as you now do about the case they were trying. They had, however, heard 190 (Time) or 193 (Newsweek) or more than 200 (Los Angeles Free Press) witnesses—70 not going to count them—and some very bewildering testimony. They thought and talked about it for four days and they came back in.

On the complex, difficult charge of conspiracy, of which there is not even the beginning of an explanation in this essay, thanks to the jury's verdict, all seven defendants, not guilty.

On the charge of teaching or demonstrating the use

of incendiaries, brought only against Froines and Weiner, both men, not guilty.

On the straight "Rap Brown" charge, crossing state lines with intent to have something more or less to do with a riot: Froines and Weiner, not guilty (Weiner hadn't crossed any state lines anyway). Davis, Dellinger, Hayden, Hoffman and Rubin, guilty.

Froines broke into tears, clutching Rennie's hand—not entirely in relief. The Sevens had become something more than a group of co-defendants, and separation even to freedom was a blow. One woman juror also cried. In the turmoil that followed the verdict, Dellinger's daughters and other relatives were hustled out of the courtroom, Anita Hoffman turning to shout, "Well dance on your grave, Julie! You are the emperor of the Pig Empire!"

When they came together again for sentencing, Magoo banned relatives on the ground that Anita Hoffman had threatened his life.

Kunstler asked permission to interview the dismissed jurors. One had told reporters that the jury was in disagreement, but that they had compromised "in order to get out of there and get back home." Understandable after 21 weeks, but it could be appeal ground. Magoo denied the motion.

The maximum penalty under "Rap Brown" is five years and a \$10,000 fine. Judge Hoffman was gentle. He gave each defendant five years and a \$5,000 fine.

The sentences run concurrently with the contempt sentences, which is a little help. Magoo denied appeal bail (as he did on the contempt sentences), so the Sevens are already serving time—Froines and Weiner, of course, still have their contempt sentences despite the acquittals (since this was written, a five-judge appeals court unanimously freed all seven men on bail).

The little judge also ordered the defendants to pay all court costs—an amount nobody can pin down but certain to run into the tens of thousands and possibly the hundreds of thousands. He ordered, too, that all defendants (the convicted five, of course) must stay in jail until all those costs are paid. He didn't say how men in jail were supposed to pay them.

Since everybody was acquitted of conspiracy, you may be wondering whether Bobby Seale can still be prosecuted, by himself, on the same conspiracy charge. I won't explain it, but yes, he can. If they want to. There's still that shuck Connecticut murder rap.

[A FEW LAST WORDS FROM RENNIE DAVIS . . .]

"My jury will be in the streets all over the country, and it will keep voting for the five years you are going to put me away . . ."

"When I get out I'm going to move next door to Mr. Foran and I'm going to turn his kids into revolutionaries. We're going to turn the sons and daughters of the ruling class into Vietcong."

[AND FROM TOM HAYDEN . . .]

"I don't believe in this kind of free speech . . . This is what we have left: Freedom to speak in empty rooms, a few feet from the prosecutors, and a few feet from our jail cells . . ."

"Don't you see that what young people are doing in the streets . . . to protest our convictions is precisely what the government sought to discourage by trying us? Don't you see that there is an inescapable relationship between oppression and rebellion?"

[... AND FROM JERRY RUBIN . . .]

The inscription on a copy of Jerry's book, *Do It*, which he presented to Judge Hoffman:

"Dear Judge: If the demonstrations in the summer of 1969 were the first step in a revolution, what happened in this courtroom was the second step. You

radicalized more young people than we did. You're America's top Yippie."

[... AND FROM DAVE DELLINGER . . .]

"I shall sleep better and happier knowing that I have not compromised, have not sat passively in this courtroom while justice was being throttled."

[... AND FROM ABBIE THE ORPHAN]

"I began the trial feeling as though I were Alice in Wonderland. But now I feel like Alice in 1964. . . ."

"I think it was only fitting that a guy like me—who worked on civil rights down south, got beaten in jails 11 or 12 times and walked down those dusty roads with no bread—that I would go to jail under"

• CIVIL RIGHTS ACT

"The Government says I am an enemy of the state. Well, I am an enemy of the state that is America spelled with a k. We are outlaws in our own country. The government says I'm unpatriotic. I suppose I am. But the government says I'm un-American, and I know I'm not un-American . . ."

"Sam Adams. Hell, I grew up only a few miles from Sam Adams' place, from the bridge which Paul Revere rode across on a motorcyclyk, yelling 'The pigs are coming, the pigs are coming!' Thomas Jefferson? Tom Jefferson had an agrarian reform program that made Mao Tse-Tung look like a liberal . . ."

"See you in Florida, Julie."

[CODA]

When the government of the United States indicted the Chicago Eight, it also indicted, in perfect political balance, eight Chicago policemen—seven for violation of an 1866 civil rights statute (but in effect for wanton and vicious brutality in the presence of witnesses) and one for perjury, because he was said to have lied to the Grand Jury about his own brutality.

All eight were acquitted.

See you in Florida, Abbie.

In preparing this report, the author had the help of Lt. Bunting, Shelley Fox, Amy Guillen, Jane Herman, Julia Schahler and Judith Van Alton—enough help so that it couldn't have been done otherwise. Thank you one and all.



FRANKLIN MICALLEON



CHICAGO

The Ginsberg Testimony

ALAN COVELL/PHOTON WEST

The following is a partial transcript of Allen Ginsberg's testimony in the Chicago conspiracy trial. Kunstler and Weinglass are the defense attorneys, Foran the prosecutor. "The Court" refers to Judge Hoffman. Portions of the testimony not included here are summarized in italics. The testimony begins with the direct examination of Ginsberg by Weinglass.

Q: Will you please state your full name?

A: Allen Ginsberg.

Q: What is your occupation?

A: Poet

(Ginsberg's testimony begins with him explaining his studies in India and Japan and his relationship with Jerry Rubin and Abbie Hoffman.)

Q: Now calling your attention to the month of February, 1968, did you have occasion in that month to meet with Abbie Hoffman?

A: Yes

Q: Could you relate to the jury what was discussed between you and Mr. Hoffman at that meeting?

A: We talked about the possibility of extending the feeling of humanity and compassion of the Human Be-In in San Francisco to the City of Chicago during the time of the political convention, the possibility of inviting the same kind of younger people and the same kind of teachers who had been at the San Francisco Human Be-In to Chicago at the time of the convention in order to show some different new planetary life style than was going to be shown to the younger people by the politicians who were assembled

Q: Do you recall what Mr. Hoffman said in the course of that conversation?

A: Vippie!—among other things. He said that politics had become theater and magic; that . . . the manipulation of imagery through mass media . . . was confusing and hypnotizing the people in the United States and making them accept a war in which they did not really believe; that people were involved in a life style which was intolerable to the young folk, which involved brutality and police violence as well as a larger violence in Vietnam; and that [we] ourselves might be able to get together in Chicago and invite teachers to present different ideas of what is going with the planet, what we can do to solve the pollution crisis, what we can do to solve the

Vietnam war, to present different ideas for making the society more sacred and less commercial, less materialistic, what we could do to . . . improve the whole tone of the trap that we all felt ourselves in as the population grew and as politics became more and more violent and chaotic

Q: Do you recall him mentioning anything about any rock and roll bands?

Well, he said that he was in contact with John Sinclair who was the leader of the MCS rock and roll band, and John Sinclair and Ed Sanders of the Fugs would collaborate together and invite a lot of rock and roll people, [and] Phil Ochs . . . Mr. Hoffman asked me if I could contact the Beatles or Bob Dylan and tell them what was afoot and ask them if they could join us so that we could actually put on a really beautiful thing that would turn everybody on . . . uplift everybody's spirit and show . . . actually what we were actually feeling . . . delight instead of the horror that was surrounding us.

Q: Now did he ascribe any particular name to that project?

A: Festival of Life

Q: After he spoke to you, what, if anything, was your response to his suggestion?

A: I was worried . . . whether or not the whole scene would get violent. I was worried whether we would be allowed to put on such a situation. I was worried whether . . . the Government would let us do something that was funnier or prettier or more charming than what was going to be going on in the convention hall.

Mr. Foran: I object and ask that it be stricken. It was not responsive.

The Court: Yes. I sustain the objection.

The Witness: [To Judge Hoffman] Sir, that was our conversation.

The Court: I direct the jury to disregard the last answer of the witness

Mr. Weinglass: Your Honor, I would like to be informed by the Court how that answer was not responsive to that question. It seemed to me to be directly responsive.

Mr. Foran: Your Honor, he asked him what he said and he answered by saying what he was wondering.

The Court: Worry.

The Witness: Oh, I am sorry, then. I

said to Jerry that I was worried about violence.

The Court: I have ruled on the objection. Ask another question if you like.

(Ginsberg discusses a phone conversation he had with Jerry Rubin about plans for the Festival of Life. He then recalls a press conference they held to announce the festival, and chants the Hare Krishna Mantra, causing Judge Hoffman to laugh at him. He also relates a meeting he had in Chicago with the city's deputy mayor prior to the convention.)

Q: Do you recall what time of day you arrived in the City of Chicago on the 24th of August?

A: Around 2:00 or so, mid-day, 3:00.

Q: Do you recall where you were on that day at 4:00 p.m.?

A: I went to a meeting at the free theater across the street from the Lincoln Park.

Q: Who was there?

A: Abbie Hoffman, Jerry Rubin, Ed Sanders, Stu Albert, and many other people whom I didn't know, people who were working on the Youth International Party festival

Q: Did you hear the defendant, Jerry Rubin, say anything at this meeting?

A: Yes . . . Jerry Rubin said that he didn't think the police would attack the kids who were in the park at night if there were enough kids there, that he didn't think it would be a good thing to fight over the park if the police started fighting with the kids . . . that as far as he was concerned, he wanted to leave the park at night and would not encourage anybody to fight and get hurt that evening if the police did physically try to force everybody out of the park. That was on Saturday night, the first night when people would be in the park.

Q: Did the defendant, Abbie Hoffman, say anything at this meeting?

A: Abbie Hoffman said the park wasn't worth fighting for, that we had on our responsibility invited many thousands of kids to Chicago for a happy Festival of Life, for an attractive proposition to the festival of death that the politicians were putting on, and that it wasn't right to lead them or encourage them to get into a violent argument with the police over staying in the park overnight. He didn't know, he said he didn't know what to say to those who wanted to stay and fight for what they felt was their liberty, but he wasn't going to en-

courage anybody to fight, and he was going to leave when forced himself

Q: At approximately 10:30 that night, where were you?

A: I was in Lincoln Park.

Q: And what occurred in Lincoln Park at approximately 10:30, if you can recall

A: There were several thousand young people gathered, waiting, late at night. It was dark. There were some bonfires burning in trash cans. Everybody was standing around not knowing what to do . . . There was a sudden burst of light in the center of the park, and a group of policemen moved in fast, to where the bonfires were and kicked over the bonfires.

Q: Then what—

A: There was a great deal of consternation and movement and shouting among the crowd in the park, and I turned, surprised, because it was early. The police were or had given 11:00 as the date or as the time

Q: When you observed the police doing this, what, if anything, did you do?

A: I turned to Sanders and said, "They are not supposed to be here until 11:00."

Q: Without relating what you said to another person, Mr. Ginsberg, what did you do at the time you saw the police do this?

A: I started the chant, O-o-m-m-m-m-m, O-o-m-m-m-m-m. [Ginsberg chanted this in a very loud voice, like a giant oho or a foghorn.]

Mr. Foran: All right, we have had a demonstration.

The Court: All right.

Mr. Foran: From here on, I object.

The Court: You haven't said that you objected.

Mr. Foran: I do after the second one.

The Court: After two of them? I sustain the objection

Mr. Foran: I have no objection to the two Om's that we have had. However, I just didn't want to go on all morning.

The Court: The two, however, you characterize what the witness did, may remain of record, and he may not continue in the same vein.

Q: Did you finish your answer?

A: I am afraid I will be in contempt if I continue to Om . . . We walked out of the park. We continued chanting the Om for at least twenty minutes, slowly,

—Continued on Page 58

By Greil Marcus

In a free society, you have to take some risks. If you lock up everybody, or even if you lock up everybody you think might commit a crime, you'll be pretty safe. But you won't be free.

—Senator Sam Ervin, Dem. North Carolina

On the afternoon of February 16th, the day after Judge Julius Hoffman sent the Chicago Seven off to jail for contempt, perhaps a thousand young people gathered in a park across from the Berkeley Police Department. An effigy of Hoffman was raised up on the flagpole, its flames spattered in the light rain. During the few speeches, inaudible to most of the crowd, people turned and looked back to see what the cops were doing; the Police Department had been bombed two days before. After a short time the small mass moved out of the park, some to the main business district, some to Telegraph Avenue, some to a Safeway market complex half a mile away.

First bank windows were broken, then those of big firms, and finally whatever was close at hand. Small stores, sandwich shops, bookstores. The police were taken by surprise. There weren't nearly enough of them to control the situation and they were easily intimidated by the crowd. As the windows fell at Safeway, black employees rushed out of the building and began to fight with the demonstrators. That night a police station in San Francisco was hit with a fragmentation bomb; one cop died. People began to wonder if the rumors about the Weathermen sneaking into town were true.

The next day several thousand people in Seattle, again acting against the sentences in Chicago, marched on the local Federal Building and tear-gassed it.

Other demonstrations, some violent, followed in Michigan, Boston, Los Angeles, and North Carolina. Then a week after the action in Berkeley, Santa Barbara blew up.

The street fighting in Santa Barbara was perhaps more vicious and more effective than anywhere else and at any other time in the recent fighting history of American student demonstrations. A bank was burned to the ground, retail offices were attacked, and students successfully charged lines of police and for a short time drove them out of their community. When it was over, yet another college campus had learned what it was like to live under the occupation of the National Guard.

These riots and demonstrations were not simply more of the same. Unlike any of those of the past—the Berkeley Free Speech Movement, the uprisings at Columbia, or People's Park—those involved had no steering committee, no alternative plan, no demands on any specific institution. And yet these demonstrators were not strategic either—there was no ground to be held, no power to be seized.

CHICAGO ... and Santa Barbara and the Black Panthers and Beyond.

It seems that it would be virtually as hard for radical politicians to organize those who took part in the fighting at Santa Barbara as it would have been for them to organize the thousands that came to Woodstock or Altamont. As the Nixon administration moves to the right, with a surer sense of its power to control and exploit the fears of most of the nation, those who reject the Government's course of action out of hand and see that course as the context within which other sorts of personal harassments take place have by-passed traditional movement to fight, briefly, on their own terms.

To understand what those terms are, it is necessary to understand the degree to which a hatred for America itself is growing among young people. Self-styled revolutionaries, lacking a coherent idea of what sort of revolution they would make, might tell you that it's only when you come to understand this country as evil—all of it, its history, its present, its future—only when you come to hate it can you call yourself a revolutionary. It's within this sort of context, I think, that the Weathermen now operate, and within such a context that that group has attempted to capture the public fascination with Charles Manson and make him into some sort of revolutionary hero, adopting a four-finger salute (representing the fork driven into Sharon Tate's stomach).

The Weathermen will never have their own revolutionary executions; there will be no Weathermen guillotines—but Bernadine Dohrn will take the place of Madame LaFarge nonetheless, as long as there is someone to do the right sort of killing. The Weathermen have developed a theory in which America—as a country and as an idea—plays the role of master exploiter of the world, the bourgeoisie of Earth itself. The conclusions drawn from this is that America must be destroyed so the world can live. Everyone is the enemy—the working class, blacks outside the Panthers, middle class, upper class, anyone who gets in the way. Thus bookstores go under as well as banks; whites, properly revolutionary, can feel admirable fighting black workers for their chance to knock off a chain store.

Rather than being good—or even bad—theory, this attitude is, I think, mainly a justification for a kind of death wish, which has begun to permeate the actions and the proclamations of the Weathermen, and which finds expression in the actions of groups that have, on the surface, nothing to do with them.

The Weathermen, one hears, are ready to die, like the Panthers. The difference, easy to ignore and even easier to discover, is that the Black Panther Party was organized and has functioned as a political group designed to protest and defend and improve concrete communities—black ghettos. When have Black

Panthers rampaged through the streets, breaking windows, assaulting cops? The Panthers, like the guerrillas they are, have always had a firm sense of the political limits on their political action. Their rhetoric gave them their style, but it never translated itself into action—except when Party members were directly attacked by the police. The Black Panthers in action were an eminently political group, and a rational one.

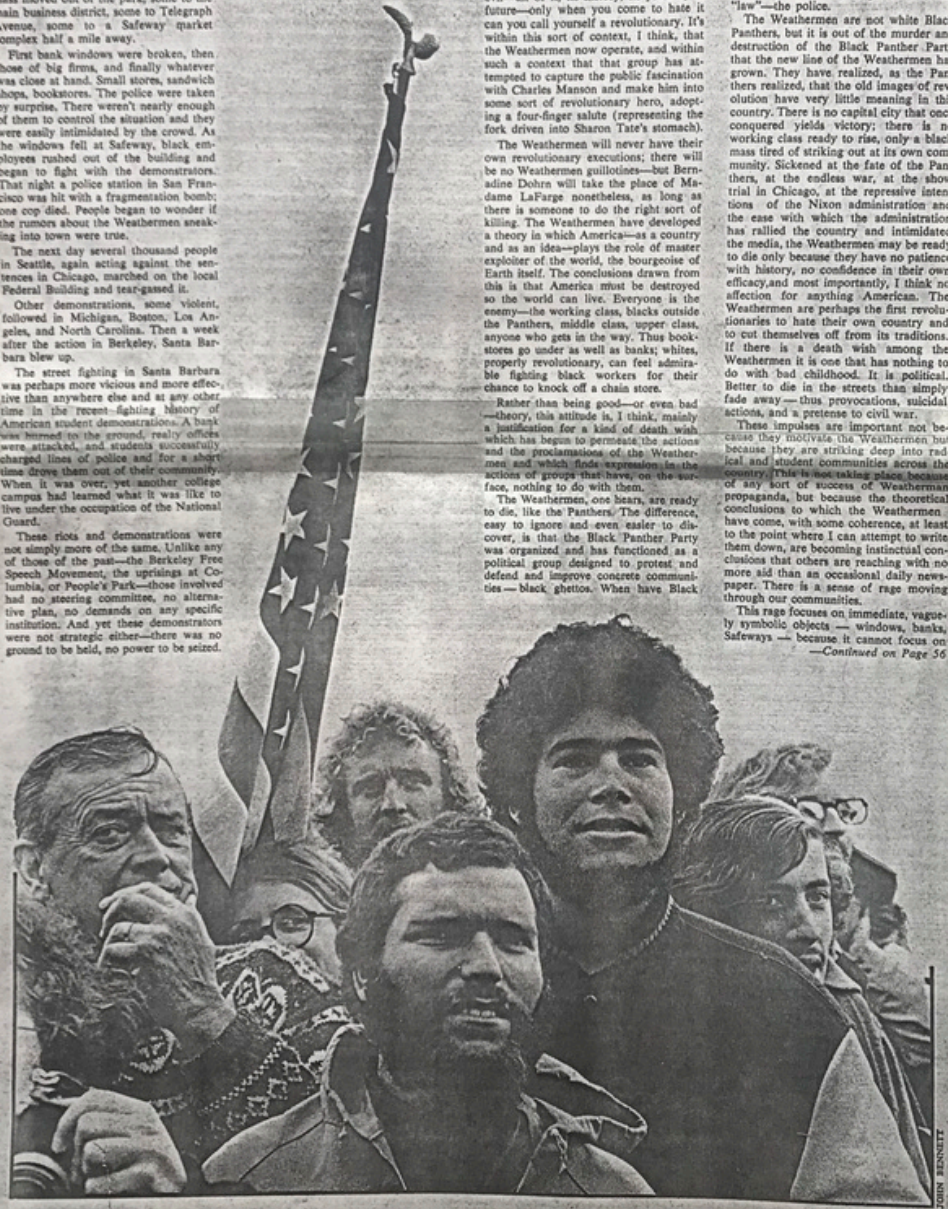
Bobby Hutton: dead. Huey Newton: in prison. Eldridge Cleaver: in exile. Fred Hampton: dead. Mark Clark: dead. Bobby Seale: facing trial for murder, in prison. The Panthers' sense of limits presupposed a sense of limits on the other side that simply was not there. Huey Newton was holding a law book when he faced two Oakland cops in the middle of the night. But it didn't work. The Black Panther Party was no match for the combined force of the FBI, the Justice Department, and the local police. Not the "law"—the police.

The Weathermen are not white Black Panthers, but it is out of the murder and destruction of the Black Panther Party that the new line of the Weathermen has grown. They have realized, as the Panthers realized, that the old images of revolution have very little meaning in this country. There is no capital city that once conquered yields victory; there is no working class ready to rise, only a black mass tired of striking out at its own community. Sickened at the fate of the Panthers, at the endless war, at the show trial in Chicago, at the repressive intentions of the Nixon administration and the ease with which the administration has rallied the country and intimidated the media, the Weathermen may be ready to die only because they have no patience with history, no confidence in their own efficacy, and most importantly, I think, no affection for anything American. The Weathermen are perhaps the first revolutionaries to hate their own country and to cut themselves off from its traditions. If there is a death wish among the Weathermen it is one that has nothing to do with bad childhood. It is political. Better to die in the streets than simply fade away—thus provocations, suicidal actions, and a pretense to civil war.

These impulses are important not because they motivate the Weathermen but because they are striking deep into radical and student communities across the country. This is not talking place because of any sort of success of Weatherman propaganda, but because the theoretical conclusions to which the Weathermen have come, with some coherence, at least to the point where I can attempt to write them down, are becoming instinctual conclusions that others are reaching with no more aid than an occasional daily newspaper. There is a sense of rage moving through our communities.

This rage focuses on immediate, vaguely symbolic objects—windows, banks, Safeways—because it cannot focus on

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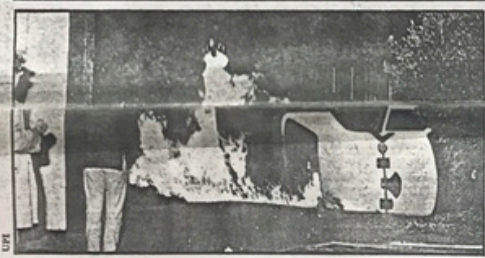
JOHN BERNHART



KATHY WILLIAMS/PHOTON WEST



UPI



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VIOLENCE IN AMERICA

One Company's Position

The Bank of America is a member of the American Revolutionary Movement... We are deeply disturbed by the various acts of aggression perpetrated in the name of a Bill of Rights... We assure your bank, Thomas Lombard and excellent President, in your capacity of manager and owner, affiliation with radical organizations... We assure your bank, Thomas Lombard and excellent President, in your capacity of manager and owner, affiliation with radical organizations... We assure your bank, Thomas Lombard and excellent President, in your capacity of manager and owner, affiliation with radical organizations...

Bank of America

AN OPEN LETTER FROM THE REVOLUTIONARY MOVEMENT TO THE BANK OF AMERICA

We are deeply disturbed by the various acts of aggression perpetrated in the name of a Bill of Rights... We assure your bank, Thomas Lombard and excellent President, in your capacity of manager and owner, affiliation with radical organizations... We assure your bank, Thomas Lombard and excellent President, in your capacity of manager and owner, affiliation with radical organizations... We assure your bank, Thomas Lombard and excellent President, in your capacity of manager and owner, affiliation with radical organizations...

From the top: Burnt-out Bank of America at Santa Barbara, confrontation in Seattle, car aflame at Santa Barbara. Above: the Bank of America's full-page newspaper ad was answered by the radical community.

and Beyond

—Continued from Page 54
politics. Politics, in the movement, worked best with one "big" issue: race; the war. One or the other. Now racists have taken control of the Justice Department, and racism has become the sole qualification for nomination to the Supreme Court. The war goes on, moving into Laos. The Bill of Rights fumbles its way up the ladder of appeals courts while the outcome very much in doubt, while the administration moves in with wiretapping, preventative detention, and an emasculation of the Fifth Amendment.
None of these things, it seems, is an isolated phenomenon, and none are unrelated—they all stem from a certain vision of the proper concerns of the nation. The kids in the streets of Santa Barbara, like the rest of us, live within this context; students don't blow up their town and risk injury on the street simply because of high rents and lousy apartments. Out of an inability to deal with such an enormity of political horror, the streets of what used to be known as a "party school" went up in flames.
Indiscriminate rage and political hatred have something to do with the realization by young people that those treasured American freedoms embodied in the Bill of Rights—free speech, free assembly, a right to privacy, due process of law—don't mean shit to most of the public and perhaps mean even less to the Government in Washington, at least that part of it which holds the power within the Nixon administration. Americans, as such, have never much more than tolerated

these freedoms—a truly American sense of freedom has less to do with the Bill of Rights than it does with an urge toward individualism as expressed through business—and when the use of those freedoms has consequences few citizens are very eager to keep them.
Yet it is, of course, speech with consequence that is most political and most valuable—speech that leads people to think, reconsider, and act. To act is not necessarily to riot; to speak within a violent context, and that context is becoming simply daily life, is not necessarily to incite to riot. It is out of this distrust for political action, political speech, and political men, that the Silent Majority comes onto the stage.
The Silent Majority slogan (and reality) brilliantly sums up the American distaste for and distrust of politics. Politics are corrupt, etc., etc. That is not what the Silent Majority is all about. Politics are evil. It is evil to expose oneself to the public, to attempt to arouse or to educate them. The Government is political—it has a monopoly on politics. The people may vote, or not vote. Political action—assembly and demonstration—is wrong. It is virtuous to ignore politics and events—the Government can take care of things quite well without help. That is the message of Spiro Agnew's bombast—the good Americans keep quiet, mind their own business, and don't bother with things they can't understand. Other sorts of political behavior are anti-social. Thus Nixon's expert on urban problems has great hopes for a black silent majority. Problems disappear as long as no one looks at them.
This is an old and familiar American idea of the virtuous citizen—not by any means the original American idea, but a

familiar one. It is gaining credence and publicity now simply because it is being challenged by those in the streets and by those on trial. When Thomas Foran summed up the case for the prosecution in Chicago, he had it that the defendants were evil men; evil, because they hadn't the virtue to stay home. Later, for Foran, they became fags, homosexuals, or, in the case of Tom Hayden, killers. Sure.
The Silent Majority is important because it is, for the Government, the constituency of the Nixon administration. The weight of its silence will define how far the Nixon administration can go in its attempts to reformulate the political assumptions and the legal and social structure of the nation.
When Nixon came to power and appointed his campaign manager, John Mitchell, as Attorney General, a study was made in the Justice Department to determine whether the Bill of Rights and especially the Fifth Amendment's guarantee that "no person... shall be compelled in a criminal case to be a witness against himself, should be amended." That study was apparently shelved when Warren Burger was confirmed as Chief Justice; Burger had earlier questioned whether or not we really had to put up with jury trials, presumption of innocence, and protection against self-discrimination. Late in 1969 the Administration introduced a bill which indeed did begin to break down the Fifth Amendment. It has passed the Senate (quotes from *Justice: the Crisis of Law, Order and Freedom in America*, Richard Harris, Dutton).
The Bill of Rights is not simply a red herring. It is, really, the only protection unpopular politics have in this country, and the only "institution" within which the ideas of American freedom and jus-

tice continually grow and expand. To some degree, politically, the Bill of Rights is what is good in America; we are all under its umbrella, this paper and your right to read what we chose to print included. The Justice Department, in concert with Agnew's speeches, has moved against freedom of the press as well by their subpoenas of reporters' files on the Black Panthers and other radical groups.
As Gene Mariner makes clear in his article (page 38), a reporter cannot report a story if he cannot protect his sources. This strikes close to home; those rules apply to Altamont as well as to the Panthers. The FCC has made it clear that stations giving too much of the wrong sort of coverage to radical events, riots, or unpopular causes, or which aim too much criticism at the administration itself may lose their licenses. Already Scoop Naker, the brilliant news director of KSNB-FM, in San Francisco, a rock and roll station, had his caustic broadcasts suspended because the station's owners got nervous. Tricia Nixon, not noted for her insight into national politics, got it right this time: "The Vice President is incredible. He's amazing, what he has done to the media—helping it to reform itself. You can't underestimate the power of fear. They're afraid if they don't shape up..." (I didn't fade that, she did.)
This sort of activity, along with the administration's polarization of racism, is perhaps only a warm-up. The February 23rd, 1970 issue of New York magazine included excerpts from a new book on urban politics, called *The Unberbering*. It is, really, the only protection unpopular politics have in this country, and the only "institution" within which the ideas of American freedom and jus-

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out there, Banfield may have a way to solve city problems without resorting to the mammoth welfare state on which the Democrats have always relied. Very exciting.

Banfield puts forth a series of twelve interrelated proposals which, if adapted, would bring most of the black urban population into the state of almost total subjection, and which at the same time would gut the Bill of Rights. It would necessitate an enormous enlargement of police forces around the country. Finally, it would fully bury whatever vague "American" goals the country has left in which it can take pride: freedom for all, just and equal laws, privacy, education for all, and even that old chestnut, equal opportunity.

Don't get me wrong; we get to keep these; they don't. The abandonment of those values for all reduces them, however, to the status of possessions. However, we're wretched our reality, Banfield's proposals might well make us a nation with-out values and without ideas—and without limits.

Banfield begs his argument. He states that while his proposals are politically feasible (government ought to try them) virtually all of them are politically unacceptable (the government couldn't get away with them). It seems to me that most of them are acceptable, to the Nixon administration, and to the country. For what Banfield has done is to construct a set of "poor laws" which define the poor as a class (urban black, it seems), and then confine and control that class to the point where it is destroyed, culturally, and imprisoned, concretely.

Banfield does not like normal "solutions" to urban problems. That is first, but he goes on to demonstrate what he means by this by noting that the McCone Commission, formed to investigate the causes of the Watts Riot, were incorrect in stating that a midday meal was necessary to a meaningful educational experience. Since in many cases that is all school children get, and since a child who has passed out or who is dizzy from hunger has a hard time learning, one gets a firm sense of the direction in which Banfield is moving. But let me list his proposals, with comment.

1. *Avoid rhetoric tending to raise expectations to unreasonable and unrealistic levels, to exaggerate the seriousness of problems and the possibility of finding solutions, and to overemphasize "wrong motivation" (e.g., "white racism") as a cause of social problems.*

That is: Whatever the reality, the poor are the "problem." White racism (Banfield continually puts quotes around it as if he doubts its existence) is not a politically useful term; it may contribute to the idea that the poor are not the cause of all their own problems, or worse, make the poor themselves think someone else or something else may hold much of the responsibility.

2. *Repeal the minimum wage laws; cease to overpay for low-skilled public employment; cease to harass private employers who offer low wages and poor (but not unsafe) working conditions to workers whose alternative is unemployment.*

That is: create, by law, and encourage, by law, a degraded and immobile section of the population under conditions which they are legally helpless to change.

3. *Revise school curricula so as to cover in nine grades what is covered in twelve. Reduce the school-leaving age to 14 (ninth grade), and encourage (or perhaps require) boys and girls unable or unwilling to go to college to take a full-time job or else enter military service or a civilian youth corps. Assure serious, on-the-job training for those who choose work rather than college.*

That is: Perform an educational impossibility, which is to say, drastically reduce educational goals in the ghetto. (The age of 14 in the ghetto does not correspond to the ninth grade.) Force huge numbers of young people into jobs they do not want or service they do not want to give, a form of involuntary servitude meted out by class and race, as a goal. Use the word "choose" when talking about force.

4. *Define poverty in terms of "hardship" rather than in terms of "relative deprivation." Distinguish between those of the poor who are competent to manage their affairs and those of them who are not, the latter category including the*

insane, the severely retarded, the senile, the inveterate "problem families" among the lower class, and unprotected children. Cash incentives by negative income tax to the competent, as incentive to work. Goods and services rather than cash to the incompetent; depending on the degree of incompetence, encourage (or require) them to live in an institution or semi-institution (for example, a closely supervised public housing project).

That is: Redefine poverty so as to lower expectations of what poor blacks can expect in America. Banfield earlier notes that someone is poor in Hollywood at \$1000 a week since so many make \$10,000 a week, thereby satirizing the "relative deprivation" standard. "Relative deprivation" matters partly because of the affluence of the general society with which the poor are confronted, and with which they are confronted by their children and their own aspiration, and because of the fact that men measure their needs relatively, regardless of the concrete demands of their stomachs. Men can live in shacks filled with rats; that is not justification for insuring that they do so.

Force those of the black urban population who have been in trouble with the law (an enormous proportion), who are in heavy debt, or who perhaps have too many children, to live in urban concentration camps; restrict their movements; destroy their psychological. This will require a huge increase in local police and perhaps in the National Guard, with the possibility of general race war in the cities.

5. *Give intensive birth-control advice to the incompetent poor.*

That is: Perhaps refuse to allow people to have more children than they can afford; set approximate sanctions, such as prison (children can be sent to institutions), or fines (?). In any case, limit the size of the black population of the country so that demographically it becomes less of a problem.

6. *Pay "problem families" to send infants and children to day nurseries designed to bring them into normal culture.*

That is: Destroy all that is good and vital in ghetto culture, and destroy black self-awareness, by removing children from their parents at an early age.

7. *Regulate insurance and police practices so as to give potential victims of crime greater incentive to take reasonable precautions to prevent it. Why not, for example, require careless owners to pay the police cost of recovering their stolen cars?*

That is: Deny ghetto residents, victims of most crime, the normal police protection enjoyed by the rest of the nation.

8. *Intensify police patrol in high-crime areas; permit the police to "stop and frisk" and to make misdemeanor arrests on probable cause; institute a system of "negative bail" whereby a suspect who is held in jail and later found innocent is paid compensation for each day of confinement.*

That is: Institutionalize and legalize current ghetto police procedure, while denying those arrested their basis for a Constitutional appeal. "Negative bail" simply means "preventative detention" for misdemeanors as well as felonies; the conviction rate is near 90% already, and detention insures that the suspect will have great difficulty securing a lawyer or witnesses or raising money for defense. "Compensation" is a fraud since in many cases the suspect will lose his job.

9. *Reduce drastically the time elapsing between arrest, trial, and the imposition of punishment.*

That is: Pile as far as it goes, though for Banfield it may go to such a point that the suspect has no idea of his situation and is unable to secure a lawyer. Note Banfield's use of "punishment" and not "sentence" to get his meaning.

10. *Abridge to an appropriate degree the freedom of those who in the opinion of the court are extremely likely to commit violent crimes. Confine and treat*

drug addicts.

That is: Limit the mobility of convicted ghetto felons (a proportion close to 50 percent among ghetto young males) drastically, perhaps within their city, or "housing project." Refuse to allow certain radicals to cross state lines, instituting a system of "permanent probation." Confine convicted felons (from car thieves to murderers) to the ghetto.

11. *Make it clear in advance that those who incite to riot will be severely punished.*

That is: Intimidate defense attorneys and round up radicals and militants after any disturbance; convict and imprison them.

12. *Prohibit "live" television coverage of riots and of incidents likely to provoke them.*

That is: Unconstitutionally restrict the freedom of the media, in a way that could lead to the prohibition of any sort of coverage of riots or other disturbances.

Remove ghetto residents and student radicals from the view of the nation, thus making the "problem." Incidents likely to provoke riots could range from speeches to peaceful demonstrations. Define and regulate "the news."

Thus Banfield's set of proposals, to whom and to which I have probably been somewhat unfair. Perhaps so, perhaps not. My response comes not solely from Banfield's specific proposals but, from their obvious implications, and from the view that such proposals are not "politically unacceptable," to the Nixon administration and to much of his constituency, though much of them appear to be unconstitutional, not a great stumbling block these days.

These proposals, from a highly respected political science professor, from Harvard at that, offer a sense of what America is willing to do to have her peace and quiet, her law and order. Cut the heart out of that which is good in the American political tradition; prohibit the development of social or political alternatives; enforce cultural and social genocide on blacks in the ghetto; greatly increase the size of the police, or perhaps simply merge them with the Army; institutionalize the situation in the ghetto as it stands, while removing whatever freedoms remain for poor blacks, taking them out of the public view with an eye toward "disappearance" of social problems.

Near the end of the excerpt Banfield satirizes the idea of justice, degrading it into the admittedly paltry impulse to "do good," arguing that this idea/impulse is something the nation would be better off without. They're very excited about it in Washington. Rights, dignity, and aspirations, it seems, are for those rich enough to enjoy them, not for those who, even more than we, need them.

Whether or not this plan indeed becomes Nixon's program for black America, and whether or not the Administration succeeds in its attempt to kill off the Bill of Rights and the political rights of students, teachers, and radicals, all of it is in the air, all of it is quite real. America is so big, so powerful, and so silent that to think seriously of striking it ever boggles the mind. To strike out in an attempt to destroy even a small part of it—a police station, a bank, a ROTC building, a bookstore—may not make political sense but it certainly reflects a certain kind of political reality.

What took place in Santa Barbara and on the streets of Berkeley will visit other cities and towns in the months ahead; no speakers from the Conspiracy will be needed to "incite" anyone. The fact remains that a hatred of one's country will not bring change, much less revolution. A firm commitment to participation in self-defined politics must be accompanied by a realization that understanding America means not to hate it, but to learn how to live in it. A death wish satisfies frustration and confusion—students leading their leaders and leaders guiding their followers to a minor apocalypse that would be forgotten months after its "explosion."

But like it or not, we are at that point where goals and ideals matter less than they ever did before. We are approaching a situation that in terms of the psychology of its politics is becoming much like war. "Those kids," said an older woman as I passed her on the streets of the town where I grew up, "they ought to take them out and shoot them at sunrise." For the first time I took that seriously. There are people walking the street who have never seen you, and they want you dead. Santa Barbara is part of the answer to that—but only part of it.



Kunstler speaks

JOHN L. LENNETT