

Judicial riot in Chicago court

If the confrontation between cops and demonstrators at the Democratic national convention in Chicago in August 1968 could be characterized as a "police riot"—a term used by the authoritative Walker Commission last year—then federal judge Julius J. Hoffman's conduct at the conclusion of the Conspiracy 8 trial last week could only be termed a "judicial riot."

As a result of the police riot, eight antiwar figures were charged with conspiracy to riot during the convention. As a result of Hoffman's peculiar brand of justice, each of the eight has been sentenced to prison—and the jury's verdict, as of this writing, isn't even in yet.

Hoffman, who previously sentenced defendant Bobby Seale to four years in jail for alleged contempt after he ordered the Black Panther party chairman bound and gagged in the



CHICAGO: The eight defendants in the "Conspiracy 8" trial. Top, L-R: Jerry Rubin, Abbie Hoffman, Thomas Hayden and Rennie Davis. Bottom, L-R: Bobby Seale, Lee Weiner, John Froines and David Dellinger.

courtroom, likewise sentenced each of the remaining defendants—and their two lawyers as well—to terms ranging from nearly three months to over four years.

The contempt citations drew immediate fire from the American Civil Liberties Union and some liberal groups as well as from the movement. The ACLU called the contempt citations "unconstitutional." Several demonstrations were called in various cities to protest the severe sentences.

Chief defense attorney, William Kunstler, one of the nation's best known trial lawyers, was sentenced to four years in prison, although he will not begin serving his term until May in order for him to follow through on appeals. His associate, attorney Leonard Weinglass, was sentenced to one year and eight months in jail.

Antiwar leader David Dellinger, 53, received a term of two years, five months and 16 days. Rennie Davis, found guilty on 23 counts of contempt, was sentenced to two years, one month and 14 days. Tom Hayden, guilty on 11 counts, was

the 74-year-old judge two days to finish reading his long list of grievances.

A certain number of months in jail accompanied every alleged act of contempt. Thus, Dellinger—a radical pacifist—was given six months on the specific count of calling Hoffman "Mr." instead of "judge," as well as arguing with the judge on Oct. 15. Other acts of "contempt," among the scores elaborated by Hoffman, included:

—On Oct. 16 Dellinger made a "sarcastic remark" to a government witness, for which he got one month.

—On Oct. 28 Dellinger refused to rise for the judge, so Hoffman gave him one day for this.

—On Jan. 30 Dellinger used the word "bullshit" in court for which Dellinger received five months.

—Davis told the jury Oct. 30 that the marshals had tortured Seale—worth two months.

—On Jan. 23 Davis accused the judge of sleeping on the bench. Hoffman added that to the contempt citations, giving Davis a two-month prison sentence.

—Hayden received four months for shouting on behalf of Seale on Oct. 30.

—Hayden got an additional six months for telling the jury that former Attorney General Ramsey Clark had not been allowed to testify for the defense.

—Abbie Hoffman got two months for rising to Seale's defense and saying Oct. 30, "You might as well kill him as gag him."

—Hoffman got another seven days in prison for laughing on Jan. 9.

When Dellinger rose to protest the citations, his two daughters in the spectators section also rose and shouted "Right On!" They were wrestled to their seats in an incident which turned into a wild melee involving some 20 marshals, defendants and others in the court. Natasha Dellinger, 22, was arrested by the marshals.

In an interview with the Guardian, Kunstler explained what happened as viewed by the defense during Hoffman's two-day discourse on contempt. Kunstler said:

"As soon as the judge charged the jury Feb. 15 at 12:19 p.m. and the jury had gone out, he said, now we take up the matter of contempt against the lawyers and the defendants. And then he began a marathon reading of charges which went on without respite until 2:30 when we were given a half hour for lunch. He then continued again until about 5. This consisted of a monologue detailing the various specifications against David Dellinger, Rennie Davis, Tom Hayden and Abbie Hoffman.

"After reaching each one, he then read the punishments meted out for each specification and he had them run consecutively rather than concurrently. In each instance he allowed the defendants to say a few words in mitigation of sentence and they all took the opportunity to give what I thought were very good political speeches.

month and 14 days. Tom Hayden, guilty on 11 counts, was sentenced to one year, two months and 14 days. Abbie Hoffman, guilty on 24 counts, got eight months. Jerry Rubin was sentenced to two years, one month and 23 days. John Froines received six and a half months. Lee Weiner was sentenced to two months and 18 days.

Kunstler said the defense planned to immediately file an appeal of the nine contempt citations.

"We have several points of appeal," he said. "First, there is a serious question as to whether a judge may sentence for more than six months without a jury trial. Second, there is an equally serious question as to whether a judge can utilize summary contempt—that's contempt which he punishes without a hearing, as he did today, at the end of the trial. The rules provide that he has that power to punish summarily but the rationale is that he needs it in the middle of a trial to keep order and that to summon the jury in the middle of a trial to try a contempt proceeding would delay the trial. But he chose not to use summary contempt during the trial when it would have made some sense, but he waited until the end when the question of interference with the trial had no relevance at all.

"The supreme court has indicated that it does not like summary contempt and that it should only be used in the middle of a trial and not at the end. That is a major issue in the contempt."

"Those two issues are the main issues. If we succeeded on either one of them we get a jury trial before another judge."

Hoffman, whose attitude towards the defendants during the five-month trial in Chicago federal court was nothing if not contemptuous, waited until the jury retired to deliberate on a verdict Feb. 14 before delivering his contempt citations. It took

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D.C. 9 defendants convicted

College Press Service

The seven remaining members of the "D.C. 9," the group that ransacked the offices of the Dow Chemical Company here as a Vietnam War and napalm manufacturing protest March 22, 1969, have been convicted of illegal entry.

They face sentences of up to 20 years in prison. The other two members pleaded no contest when their trial opened earlier this month. Several of the nine are clergymen, including one Catholic nun. The seven were acquitted of burglary charges.

The defendants did not deny they entered the Dow offices, but termed it a morally correct form of civil disobedience.

In his closing argument, defense attorney Addison Bowman said "the D.C. 9" had acted in a great tradition of civil disobedience... Jesus, Martin Luther King and those patriots who maliciously destroyed tea in Boston harbor. Would you convict them?"

The week-long trial was marked by heated exchanges between defense and the judge and one fist swinging incident in which the courtroom was cleared. A youthful gallery observed the proceedings through the week. The jury took only 40 minutes to come up with its decision late last week.

Washington

political speeches.

"We were ordered to come back at 10 o'clock Feb. 16 when he started the reading again—first for Jerry Rubin, then for Lee Weiner and John Froines. The horrible thing was that after each defendant made his speech and was sentenced, they were then removed from the table so starting out with nine in the morning—seven defendants and two lawyers—we came to the middle of the day, somewhere around two o'clock, with no defendants at the table and just the two lawyers.

"Then he read my 24-specification of contempt and after I made a statement, he sentenced me to four years and 13 days. He stayed the execution of sentence until May 4 on the assumption that I had legal work to do for the defendants.

"Then Lenny [Weinglass] was given some 14 counts of contempt and was sentenced to 18 months for punishment and his execution was stayed as well for the same reason.

"In my statement to the court after the citation and before punishment I said that I hoped with all my heart that other lawyers defending controversial clients would not be deterred in the future by the punishments meted out to myself and Len Weinglass, but that they would continue to act as attorneys for pacifists, black people, political pariahs, the poor, the militants, the dissenters and so on without fear that such representation might have punitive results.

"I said I was sure they would do so and that the American bar would not be deprived of lawyers who were trusted and respected by all shades of radical opinion. After I made this statement in court, I told him I was ready to be sentenced.

"I asked if I could have the privilege of being sentenced while standing at the lectern where I stood for some five months, instead of sitting down. He just started to read the sentence without saying whether I could or could not—so I stayed there.

"After my statement he gave a long monologue which was rambling and garrulous and which was quite revealing to me because in it he really attempted to show why he had punished me. He said it was because Weinglass and I had encouraged the defendants to take action which would disrupt the normal orderly processes of the court and that I was a principal actor in this strategy.

"When he had finished this long monologue, I told him that suddenly in the middle of it, as I listened to this old man explaining what he was doing to the wave of the future, that I suddenly felt nothing but compassion for him. The bitterness and hatred of the five months of this trial suddenly vanished and I saw he was just a sorry old man who was frightened and alone in a world that perplexed and bothered him and which he could not, under any set of circumstances, even remotely begin to understand. He understood neither the young people, nor the pacifists, nor the war in Vietnam nor poverty, nor racism, nor youth culture. All of the things we had tried to educate the jury about over these long, long weeks of trial had utterly slipped by him. He was talking another language, not comprehending us although we were talking the same words which he was using. We were incomprehensible to him."

The defendants are charged with conspiring to commit violence at the Democratic convention. The defense, throughout the trial, has denied the accusation charging that the police

Republicans building big government

By Lee Webb

Guardian Washington Bureau

Washington

In his State of the Union message President Nixon described his administration's policy as a "new federalism" that would reverse the direction of power which for 190 years has been flowing away from state and local governments to Washington.

In another message that accompanied the 1971 budget sent to Congress Feb. 2, the President called it "restrained" and "minimal." Expenditures were being held down ruthlessly to control inflation, he explained.

Such rhetoric may go over big in the luncheon circuit of Republican Clubs or at the rallies of the Young Americans for Freedom, but it doesn't express the reality of the Nixon administration's policies. On nearly every front President Nixon is presiding over an unprecedented expansion of the federal government's power.

Though he might prefer that reality fit his rhetoric, Nixon is too good a friend of business to ignore the realities of modern corporate capitalism. In fact, his friends—many of whom made substantial campaign contributions—wouldn't let him forget.

Washington's money and its power is needed by business to subsidize costs and underwrite the opening of new markets. It is also needed to prevent America's economic inequities from becoming threats to the capitalist system.

Welfare for the rich

Republican businessmen who fought "big government" tooth and nail just a few decades ago now are frequently seen in Washington lobbying for bigger federal "programs" for their industry.

The Republican administration will probably give the first irrefutable evidence that bigger federal budgets or a "welfare state" is as much a conservative necessity as a liberal goal. Remember, De Gaulle involved the French government more in economic planning and social services than did the socialist-led governments that preceded him.

Like DeGaulle, Nixon sees new federal programs and authority as a means of strengthening the economic and social status quo.

Adequate tax revenue is a prerequisite to paying for the added programs that corporate capitalism demands. The overthrow of traditional Republican commandments was perhaps most obvious when in signing the Tax Reform Act, Nixon complained Congress cut taxes too much. The federal government needed revenue to pay for its expanded responsibilities he said, ignoring that Republican policy had long been to cut taxes at any opportunity to prevent the federal government from carrying out its responsibilities.

891 blacks jailed

College Press Service

Tita Beng, Miss.

Eight hundred ninety-one black students were arrested and held in the Mississippi State Penitentiary for participating in a rally at Mississippi Valley State College Feb. 11.

The mass suppression came when a force of 60 black security police, rounded up from across the state, broke up a protest rally on the campus. The students were charged under a state law prohibiting interference with students attempting to attend classes at state supported schools.

The following day college president J.H. White was forced to close the school when only 110 of the college's 2500 students attended class.

The protest and five-day old class boycott stemmed from 30 student demands including a greater student voice in college affairs and fewer restrictive rules.

White said students wishing to return to school would be able to re-register Feb. 23 on a "selective basis."

Student government association president Tyrone Gattis said White is "terribly disillusioned" if he thinks everyone will go back without the demands being met.

consequence of the Law Enforcement Assistance Administration, whose budget Nixon wants to double. Through grants to local and state law enforcement agencies, the LEAA will exercise considerable influence over police policy in the same way that federal grants give the Department of Health Education and Welfare a dominant influence over American school systems.

Such ambitious programs need money. Nixon's statement that the 1971 federal budget will be held down to \$200.8 billion and will show a slight surplus is quite optimistic.

Budget bound to grow.

In predicting such a low figure, Nixon is apparently trying to weaken inflationary impulses in the economy and make the federal government's own campaign against inflation credible. Sources in the Appropriations Committees are making more reliable predictions that federal outlays will be nearly \$208 billion.

Blacks can't hear governor



Some 500 marching blacks were prevented from entering a high school gymnasium in Sanderville, Ga., Feb. 8 by state police. The black demonstrators said they wanted to hear segregationist Georgia Gov. Lester Maddox, who was addressing a public meeting inside the building. The incident was the latest in a series of anti-racist protests by blacks in the area for the last three months. Schools in Sanderville have been closed for a week because white teachers refuse to integrate facilities. On Feb. 6, police arrested about 250 black marchers.

have blanched at the administration's Family Assistance Plan. This "welfare reform" would impose tighter controls on local and state governments than the present law. This program would centralize financial and administrative authority to an unprecedented degree in Washington. It would also require big increases in the federal budget.

Another administration program—anti-pollution—asks for immense new federal authority to establish nationwide anti-pollution standards and to enforce them. The plan ignores as irrelevant arguments that state and local control is better than federal controls.

In his crime control proposals, Nixon is taking rapid steps towards a nationally-led police force (see next page). This centralization of power in Washington may be the inevitable

down in the future—contradicts other facts. First, many of his new programs, such as anti-pollution, welfare reform, merchant marine subsidies and aid to the Supersonic Transport require sizeable appropriations in future years.

One study done by the administration predicts that new programs and certain automatic increases in the budget will boost federal expenditures by \$25 billion annually in 1975.

The modern capitalist state needs huge government subsidies and some form of centralized planning to keep the economy rolling and to rationalize other political and social contradictions in the system. Behind glib Republican phrases about return to the good old days, Nixon is moving fast toward bigger, bigger, biggest federal government.

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effluents into municipal sewers. By one estimate more than 40% of all municipal sewage comes from industry.

Governments, traditionally have refused to identify industry as the cause of pollution and President Nixon in his Feb. 10 message to Congress on "environment" did not break this rule.

The words of his message were eloquent, however. He said the nation must improve the "quality of American life" by "total mobilization" against pollution.

"We in this century," said Nixon, "have too casually and too long abused our natural environment. The time has come when we can wait no longer to repair the damage already done and to establish new criteria to guide us in the future."

Nixon's recruitment to this "total mobilization" has been rather recent. Up till just a year ago he supported efforts to defeat anti-pollution legislation.

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actually conspired to riot against the demonstrators.

The members of the Conspiracy, originally indicted by a Grand Jury on March 20 were: Davis, co-project director for the Mobilization Committee's demonstrations in Chicago in the summer of 1968; Hayden, one of the founders of SDS and a co-project director for the Mobe; Dellinger, a co-chairman of the Mobe and editor of Liberation Magazine; Froines, a school teacher who served on the Mobe's demonstration staff; Abbie Hoffman, a Yippie organizer; Rubin, a Yippie organizer; Weiner, a member of the Mobe staff; and Bobby Seale whose so-called "crime" was having given a speech at one of the rallies at Lincoln Park during the week of the convention.

The eight were indicted under a provision of the 1968 Civil Rights Act that provides for the arrest of individuals who travel in interstate commerce with "intent to incite to riot or to organize, promote, encourage, participate in, or carry on a riot." Passed in April 1968, shortly after the mass upsurge in black communities following the assassination of Martin Luther King, the provision was levelled for the first time against the eight men who promptly labeled themselves "The Conspiracy." If convicted they each face 10 years in jail and \$20,000 fine.

After thousands of pages of testimony in a trial that was marked by continued accusation by the defense that Judge Hoffman was acting in a clearly biased manner, closing arguments in the Conspiracy case were presented last week.

As has become his method, Hoffman denied several last-minute motions by the defense Feb. 9. The defense had sought an acquittal on grounds the government had not proved its case.

Hoffman rejected 45 of the 80 points that the defense had asked him to include in final instructions to the jury which included points involving free speech, dissent and civil disobedience. Hoffman rejected only two of the government's 88 requests.

"All direct reaction to Nixon's message by digging up the shares of companies manufacturing anti-pollution equipment. Many companies selling anti-pollution devices have been major polluters. They now see it as a big profitable market.

Nixon also attempted in his message to deflect anti-pollution attacks away from business. Nixon said, "the fight against pollution is not a search for villains."

This theme has been picked up by others who try to redirect the blame for pollution to consumers and away from industry. In a recent special report, "The Ravaged Environment," Newsweek said about pollution: "For the villain of the piece is not some profit-hungry industrialist, nor some lax public official who can be replaced. The villains are consumers who demand (or at least let themselves be cajoled into desiring) new, more, faster, bigger, cheaper playthings without counting the cost in a dirtier, smeller, sicker world."

L.W.

In the summation which began Feb. 10 the government reaffirmed its claim that the seven defendants had come to Chicago in a conspiracy to commit violence.

"We have proved they came here for violence," United States Assistant Attorney Richard G. Schultz asserted. Schultz charged the defendants had hoped to "create a revolution."

The U.S. Attorney told the jury of 10 men and two women that the defense had presented "no relevant evidence." During the trial's proceedings, Schultz continually objected to the "irrelevancy" of defense statements.

The real aim of the defendants was the establishment of "a National Liberation Front in the United States," he said.

In its closing arguments Feb. 11, the defense challenged basic contentions of the government. "Some explanation had to be offered for the police charges into peaceful demonstrators," said defense attorney Weinglass. "They had to pick scapegoats. History always has its scapegoats."

"To accept the Government's theory," Weinglass continued, "you would have to believe that these seven men, long active in the peace movement, suddenly embarked on a totally insane and inexplicable course. You would have to believe that they plotted to put themselves in jail." Weinglass maintained the government "failed to produce one shred of evidence to back up its theory."

The government ended its summary statements Feb. 13 with a variety of slurs and accusations. Thomas Foran, U.S. Attorney for Chicago, termed the defendants "evil men." Foran characterized the defendants as "profligate extremists, more concerned with their own needs than the common good." The chief government attorney also characterized the defendants immoral, adding, "They're sophisticated, they're smart and they're well-educated—and they're as evil as they can be."

Contributions for the Conspiracy defense may be sent to the Conspiracy, 28 E. Jackson Blvd., Chicago, Ill. 60604.