Resistance, Not Protest Theme

Kunstler Moves Crowd

JACKSONVILLE, Fla. (AP) – The man at the lectern, twice the age of most of his audience, juts a fist high over his head and gives voice to the ideas that have made him a byword to the young and the radical.

"We make it known," says William Kunstler, "that a clenched fist which a 51-year-old man can raise means resistance and not protest."

The half-hundred policemen lining the walls of Jacksonville's civic auditorium, impassive until now, shift their stance, almost imperceptibly, as if bracing themselves for trouble.

"Maybe that fist can open some day," Kunstler continues. "Maybe it will open in brotherhood. I hope so. But there is an equal chance that if there are no ears, if there is no end to war, poverty and racism, if there is no way by normal channels, then that fist may open to pick up a rifle."

At Kunstler's sides and a step behind him are four denim-clad bereted blacks, as unmoving as the policemen. They, too, are alert for trouble. There is tension this night in Jacksonville because of who William Moses Kunstler is and what he has been saying on campuses, in gatherings such as this and in the courts and in interviews.

City officials had warned the citizens that Kuntzler's appearance constituted a "clear and present danger" to the public peace, but it doesn't materialize.

Such fears routinely precede Kunstler speeches, an incongruous circumstance for a lawyer reared comfortably in a physician's family, educated at Yale and a Phi Beta Kappa, owner of an 11-room house in posh Mamaroneck, N.Y.

Since he defended the Chicago Eight – "call us the Chicago 10 because we lawyers were convicted right along with the defendants" – he has become the most controversial lawyer in America; a demigod to much of the college generation; an embarrassment to some lawyers both liberal and conservative, and an anathema to those in the "system" he attacks.

Until 1961 when he was asked to help with the trials of the first Freedom Riders in the South, Kunstler had a conventional and successful law practice with his brother, Michael. Bill wrote six books in six years and established a reputation as a historian as well as a top trial lawyer. The firm still is Kunstler and Kunstler, but Bill works mostly at the nonprofit Law Center for Constitutional Rights he helped found. His services to the firm are largely those of referrals.

"I started on the same thesis as most lawyers on what they want to get out of life, earning a dollar, getting a wife, a house, membership in a good country club and earning a reasonably sized obituary," says Kunstler. "It seemed like a clean way to make a living. But if you can put them aside, that's really not what I want. I want to be a person whose relationships are not bought with the dollar.

"I think there is something absolutely miraculous in fighting a case when the only real tie to the client is affection and brotherhood. When I say my fee is such and such, I feel like a craftsman."

His attractive wife, Lotte, a distant cousin who fled Germany in 1935, says, "Bill and I really are caught between the cultures. We are rejecting values and at the same time retaining some of the vestiges of those values."

Kunstler puts it: "The people I grew up with are at the ultimate age of acquisition, but mainly in acquiring tangible things and enjoyment of status. I'm at the stage where these things have the least possible pull for me." He says, for instance, he goes on friends' boats and enjoys it. "But I feel uneasy and guilty. Why should they have boats and I enjoy riding in them while some other man is brushing off rats?

"I live in Westchester County, in an 11-room house and I don't really understand why I have that house. But I love the house. It's the one possession that holds me to the ground. Sometimes I think of living in a commune with 15 other couples. On the other hand, I'm 51. I'm struggling to find a way for me to do what I want to do and live with my frustrations."

In Westchester County, "where dynamite doesn't go off and nobody you really know is shot in the night," he has little trouble with his neighbors. A few weeks ago, vandals destroyed his mailbox sign. "I thought it was right-wingers," Kunstler says, "but they also wrecked another one down the road– and he was a conservative."

When he is in New York, Kunstler drives a red Volkswagen, pushing it through traffic as if he were shooting darts through a cluster of balloons. He's always on the way to an airport and always late. With Lotte in the seat beside him, however, he is different– a tourist in the city where he grew up. "Look, Lotte, over there," he'll say. "I never noticed that scrollwork on that building." Or he'll drive blocks out of his way to show a friend the hotel where Dylan Thomas lived, or to drive past a particular pretty section.

On one day when he made a commencement speech in Brooklyn, addressed a lawyers' luncheon in New York and made two court appearances to free a man for the weekend for his son's graduation, Kunstler still took time out for a half hour in-between visit to New York's Trinity Church. "I like to come to this place," he said as he strolled through a church yard that was a burying place set apart by early Dutch settlers. He tried to find the headstone of John Paul Jones (who is not buried there) and commented as he went along on the Revolutionary figures who rest there.

Kunstler is a man who displays tenderness unabashedly. He hugs acquaintances, male and female. He kisses, He walks with his wife hand-in-hand, and as they drive along the East River his hand steals into hers. A friend said he told her on their first meeting that "I just can't seem to shake a woman's hand." To another interviewer, he said, "I cannot trust anyone who won't let you touch them. It's a very important thing to me. It indicates a state of mind."

Kunstler averages about one speech a day— and some days there are three or four. Most of the time, Lotte Kunstler stays home, taking care of his scheduling, marking on the day's folder where he should be and when, who will meet him in what kind of car. She does the bookkeeping on fees that run from zero to $1,500 for appearance and are practically his only income. He takes no money from his clients, who include such newsmakers as the Chicago Eight, the Milwaukee 14, the Cantonsville Nine, H. Rap Brown, Stokely Carmichael, Adam Clayton Powell and Morton Sobell. "I keep about one-third of the lecture money," Kunstler says. The rest, he says, goes to local action groups, to the Law Center, and to the defense funds of such people as Black Panther Bobby Seale. When groups have to fight official rulings to gain him a platform, Kunstler keeps only traveling expenses.

Their two daughters are grown — Karen is married to lawyer Neal Goldman, and Jane just graduated from the University of Wisconsin.

The daughters have not been radicalized, Kunstler says. Jane disagrees. "I really dig what he is doing, I think he's great," she says. "I think I'm more of a hippie than my father. I'm more of a dropout from the whole thing. I don't know what the possibilities are of working through the system."

In Jacksonville, Kunstler says, "There comes a time when men and women and children must act, when there is no last clear chance for rational operation. Those times may well lie ahead. I hope not, but they may. They might be avoided if only there is an understanding."

Then the message is more brittle: "There is still time to unite together and speak to the things that have some meaning to human beings; to say to this government or any government, whether it be in Jacksonville or the United States, that we can no longer bear in our hands a massive war that is based on poverty and racism and which is destroying an entire people in Southeast Asia; that there is still time for men to speak against these things, to unite against them and to note as maybe Patrick Henry would do if he were here, that there are some things still worth dying for, that there are some things so meaningful to human beings that no one is going to take them away or destroy them.

"And that we call upon government . . . and serve notice through speech, that unless there is a change we are prepared to go to the wall."

Now the fist is high. "A clenched fist," Kunstler says as the hall rocks to applause, "means that we must take and will take all steps necessary to preserve our dignity and our lives and the well-being of our brothers and sisters here and abroad."

Kunstler's speech lasted nearly an hour. Like all his speeches, it was off the cuff. The audience, largely— but not all— young and white, applauds enthusiastically as he winds up with a shouted "Power to the People." His receding hairline, leading to the trademark shoulder-length hair, is damp. One persistent lock is plastered across his forehead. His gray suit began the day baggy and now is even baggier, hanging limp on his thin frame.

Afterward, the blacks escort him outside where a waiting car is guarded by city police. The blacks, members of the local Black Front, ask Kunstler to wait as they go over the car. "We've been here all the time," says a policeman, not unpleasantly. "There was a bomb at Bel Air," says a black, referring to the explosion that killed two associates of H. Rap Brown in that Maryland community. The policeman shrugs.

The car travels a circuitous route, down side streets backtracking several times, before it gets to the private home where Movement people are putting up Kunstler for the night. Two black men with shotguns spend the night in the living room.

On the plane ride from New York, Kunstler had said, "I've led a charmed life. I expect to be shot some day. I fear suffering, being disabled. But a clean bullet would not be so bad, would it?"