

The Chicago Trial: A Comic Morality Play

By Sanford J. Ungar
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CHICAGO—In Federal District Court for the Northern District of Illinois it was business as usual—Judge Julius J. Hoffman, U. S. Attorney Richard Schultz, Yippie Abbie Hoffman and their supporting cast were proceeding as they had for several months and are sure to do for several more.

"Toasting the prosecutor is not allowed in this court. You know that," said the small man in the black robe and the very big black leather chair.

"No, I don't," replied the disheveled young man 15 feet away on the somewhat less comfortable witness stand, who had raised his paper cup to an antagonist. "I was toasting the new year. I was toasting victory." His voice dropped off a bit.

A low ripple of laughter ran through the audience and a few jurors shifted uneas-

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ily in their seats; several people recorded the dispute in their notebooks. The same kind of exchange had occurred a few moments earlier when the witness asked the prosecutor if he had been serious about inviting him to do a headstand.

Outside, it was a snow-flurried gray Chicago winter's day. At the entrance to the federal building—a Mies van der Rohe monument—even at lunchtime there was still a long line of young would-be spectators waiting their turn, apparently undeterred by the arrest at 5 a.m. a day earlier of some North-Side-kids-from-good-families for violating curfew. When Abbie and Jerry Rubin and some of their less picturesque "co-conspirators" emerged to walk to lunch, the kids pressed around them and cheered gently in stage-door fashion. Some would eventually get in, strut past a row of U. S. marshals, take the elevator to the 23rd floor, hand in their specially issued tickets at the door and, after the minor inconvenience of holding hands over head while being searched, slip onto one of the benches for the afternoon show.

Abbie (in response to a question): "Are you asking if I had those thoughts or if I wrote that I had those thoughts? There's a difference."

Schultz: "It's a convenient difference, isn't it, Mr. Hoffman?"

Abbie: "I don't know what you mean. I've never been on trial for my thoughts before."

THERE WERE quite a few laughs during this reporter's three visits (in November, December and January) to the Chicago trial where eight men, all but one about 30 years old, are charged with a conspiracy to cross state lines with the intent to incite or participate in a riot at the 1968 Democratic National Convention: Judge Hoffman and defense lawyer William Kunstler debate whether the word "hell" is profanity and can be permitted in testimony. Abbie Hoffman's wife Anita argues with the courtroom marshals about where she can sit, alterna-

tively claiming status as "family," "defense staff" and "press" in the bargaining for a better spot. Defendant Lee Weiner spends a day in court autographing new year's greetings that bear a picture of him and his wife in the nude. The defense gets everyone, with the sole exceptions of the judge who scowls and the jury which is dismissed, to laugh hysterically at a Yippie film about the convention demonstrations.

Even without Bobby Seale, the Black Panther who was sentenced on a contempt charge after shackles and gags failed to keep him from disrupting the trial, the courtroom frequently erupts into near-pandemonium as lawyers, defendants and court officials shout at each other. They can be arguing about anything from fine points of law to which bathroom the defendants may use; and the only reaction available to a spectator at times is to chuckle in disbelief.

If the Chicago trial is living theater, it is probably a comic morality play, an allegory on the System and its opponents where all the characters overact and overreact. It is easy to tell the good guys from the bad, whatever one's perspective. The System wears neat white shirts and ties, usually has close-cropped hair and, when prosecutor Schultz is at centerstage, it talks with a velvet-smooth voice. Most of the Rebels are in anti-establishment outfits of blue jeans or corduroys and sport shirt, have long, sometimes medusa-like hair and wear their lines instead of speaking them. Each side has its own distinct vocabulary, and words like "myth" have long since lost their meaning entirely from overuse. The courtroom serves well as a theater-in-the-round, with solid ceiling of fluorescent bulbs providing almost sunlight and even the ventilation ducts concealed by a rich brown wood of extraordinary uniformity.

The obvious contempt of the principals for each other is at the heart of the plot. Richard Schultz generally keeps his back turned while addressing Leonard Weinglass, who also represents the defendants. Buried deep in his chair so that at times he is only barely visible over the bench, Judge Hoffman wrinkles his face in distaste each time he speaks to a defendant or defense lawyer.

A sort of Greek chorus is provided by the constant frequent repetition, after defense lawyers' questions, of "I object, your honor" from the prosecution, "Sustained," from the judge, "but, but . . ." from the defense, and finally "I have ruled. I sustain the objection, strike the answer from the record and direct the jury to disregard it" from the judge. The refrain becomes so hypnotic that a spectator could swear at times he is hearing "sustained" before "object."

There are great theatrical moments, high-points of dramatic confrontation which tell something about each character: for example, Schultz has Abbie Hoffman on the witness stand and is driving in to score a point. He is asking about convention-week demonstrations and finally, his voice reaching a crescendo, he demands, "Did you smash the two-party system?" Abbie sighs and glides into a long answer about how "the system is destroying itself." Looking at the two, it is

clear that if anyone could find out through intensive cross-examination who had smashed the two-party system, it is Richard Schultz; but it is hard to picture Abbie Hoffman, this chaotic character who looks half like Ratso Rizzo from "Midnight Cowboy" and half like a Walt Disney puppy, smashing anything.

"If I had to single out two feelings on the part of students, it is whether they have confidence that the society . . . is capable of urgent change and is willing to accept individuality or whether we have a society . . . which is increasingly being manipulated and is increasingly condoning repression. If they (conclude) this is a manipulated society . . . relying on repression in order to maintain stability, then I think we are in for real trouble."

—Yale President Kingman Brewster, Meet the Press, Jan. 4, 1970

AFTER A WHILE, though—especially on a second or third visit to the trial—one can not help but stop laughing. The hammerings and the repetitiveness weigh heavily, and the trial turns from funny to oppressively dull to—all in an instant—shocking.

It becomes increasingly difficult to imagine these seven men sitting around a table, some of whom say they never met until after the Democratic Convention had begun and to this day appear to have little in common, conspiring; or that, as charged, they began to do so on April 12, 1968, only a day after President Johnson signed the 1968 Civil Rights Act, which includes the antiriot provision under which they are being tried. But in the event that they did and that the law is ultimately declared constitutional, this trial is nonetheless a sham where the judge has taken on much of the prosecutor's work.

Americans are not accustomed to the notion of political trials; our civics books always taught that such a thing does not happen in the United States. It is endemic to countries behind the Iron Curtain or those which have not yet developed enough politically to have a framework for the protector of personal liberties, or in plain-old dictatorships. But it requires only a little sensitivity and a trace of outrage or discontent to see the trial of the Chicago Eight (now Seven) the way it has proceeded—as a political one, a search for scapegoats in an ugly episode of recent history. One need not even believe the defendants' theory of a reverse conspiracy—by the President, Chicago's Mayor Daley and the police—or see the Eight as heroes to arrive at this observation. All that is necessary is a well-oiled System where everyone does his job: a Congress that passes an antiriot law, a Justice Department anxious to enforce it with impunity and enthusiasm, a prosecutor trying to win a case and perhaps attain political reward for it, a tough judge substantially more concerned about order than dissent. And a collection of dissenters, some notorious, who bitterly distrust the System for what they see as its flaws.

"I don't think there is this great generation gap . . . (people) think the younger generation is going to pot because they

might wear long hair or a moustache. . . . look at the pictures of Christ . . . he wore long hair and a moustache. You look at the beard. You look at the pictures of Lincoln and all the great presidents, you will see them with wigs on and everything else."

—Chicago Mayor Richard J. Daley,
television interview, Dec. 26, 1969

WE'VE GOT a first-rate political trial going on in Chicago, but very few people realize that. It is long enough and dull enough and bizarre enough to escape recognition as one of the most significant things now happening in the country. That is perhaps understandable, given the competition of events for constant coverage by the media and given the tendency of the trial to deteriorate into a circus and the difficulty of describing these proceedings adequately in words.

One way to look at the trial might be to wait for history's judgment. But another might be for many more people to see it now, perhaps on television if that were possible—or for middle Americans, Members of Congress, maybe even the Attorney General himself, if they can, like Mayor Daley, for give the long hair, to spend a few hours in the courtroom. They might laugh at first the way one laughs at horror movies that he knows could not be true, but they too might become somewhat surprised and shaken and shocked—and just a little bit concerned about the future of dissent in America.