

A Gap Between the Generations

By J. ANTHONY LUKAS

NYT 12/30/69

CHICAGO — One Saturday afternoon last September, Federal District Judge Julius J. Hoffman was summoned from his home to hear an emergency defense motion in the Chicago conspiracy trial.

When he mounted the bench, he saw before him not one of the defense attorneys but a young man in faded jeans and workshirt, with a long reddish beard.

The young man said he was Stuart Ball, a June law school graduate not yet licensed to practice in Illinois. He explained that he was there merely to file the motion on behalf of a defense attorney who was out of town.

"I will hear what you have to say," the judge said, "not as a lawyer, but as a human being."

But as Mr. Ball briefly explained the motion the judge grew increasingly angry. Finally, after denying the motion, he ordered the United States attorney to "investigate the activities of this man Ball."

Then, turning to the young man, he said, "Are you Stuart Ball's son?"

"Yes, your honor, I am."

"Well, you don't do credit to your father, sir. I am amazed. I have known your father for a long time. I consider him a professional and personal friend. He would not approve of your coming in here in this manner."

Judge Hoffman's surprise at the bearded radical before him was understandable for, at first glance, the distance between Ball père and Ball fils seems vast — a classic example of the "generation gap" that has divided so many American families.

Few members of the Illinois bar have such impeccable traditional credentials as Stuart Scoble Ball Sr., former president of Montgomery Ward; partner in Sidley, Austin, Burgess and Smith; and elder brother of George W. Ball, the Under Secretary of State during the Johnson Administration.

Stuart Ball and Julius Hoffman have long been friends.

So several months later, many Chicagoans were surprised when Stuart Ball made clear he did not share his old friend's view of his son.

On Dec. 18, after Judge Hoffman excluded his son from the defense table, the elder Ball appeared in court to argue for his readmission. "Everything my son has done in this case he has done after counseling with me," Mr. Ball told the judge. "There has been no act of conduct on his part of which I am ashamed."

Later, he told newsmen that although he differed with his son's political beliefs, he was "proud that he's become a lawyer." And, he added, his son had "every right to choose his own clients" — even if they were the eight "revolutionaries" charged with conspiracy to incite a riot during the 1968 Democratic National Convention here.

For the Ball generation gap is narrower than it first appears.

Amos Ball failed as a banker in his

native Devonshire. He sailed for America in 1884, settling in Toledo, Iowa.

His eldest son, Amos Jr., had to drop out of high school to help his father in his store, but he was ambitious. He began driving a tank wagon for the Standard Oil Company, advanced to manager of the Des Moines office and finally became a senior vice president.

Amos's eldest child, Stuart, grew up in Des Moines. An Iowa childhood around the turn of the century could be a slow, fun-filled time—but not for Stuart. An outsized child (6 feet 2 inches in his early teens) with the family's outsize ambition, he started working as a stenographer in his father's office when he was only 14 years old. He paid most of his way through college.

Graduating in 1927, he went back to Des Moines to practice law. Then came the crash. "It hit us hard. A lot of our clients went into receivership. Clearly, there wasn't much money to be made practicing law in those days."

So Stuart accepted eagerly when a friend asked him to join Montgomery Ward in 1932. He caught the eye of Sewell Avery and within a year, he became the company's secretary and counsel.

The next few years were tumultuous ones. Mr. Avery's defiance of a War Labor Board order on union negotiations led President Roosevelt to seize the company. Stuart stuck by his boss and was at his side that day in April, 1944, when two soldiers picked Mr. Avery up and carried him from the building.

In 1949 Mr. Avery made him president of the company. But four years later, the volatile chairman fired him. Stuart turned back to law.

A Republican since his youth, he has become even more suspicious of governmental power since Montgomery Ward's battle with Roosevelt. In speeches, he has inveighed against concentration of power in the Government.

In 1953, he warned the Associated Employers of Illinois against more restrictive laws governing unions.

Tall and husky, with silvery hair, he bears a striking similarity to his younger, better-known brother.

He lives with his second wife (his first wife died last year) in a 12-room, red-brick house in Evanston, one of Chicago's comfortable suburbs.

His two oldest children are close by. Marion, 38 years old, lives in Evanston with her husband, the manager of the General Finance Company's insurance department. Eleanor, 35, lives in Wilmette with her husband, a salesman for the Downing Box Company.

Both daughters are politically and socially conservative, undoubtedly to the right of their father.

"We were really two different generations of children," says Stu Jr., now 25. "Generations go awfully quickly these days. I just grew up in a different time than my sisters."

Stu recalls his childhood as an "easy" one. "I had an awful lot of independence as far back as I can remember."

Stu tasted the rich life—spring vaca-

tions at his grandfather's house in Coco Beach, a limousine tour of Europe with his parents. But he walked to school.

Princeton admitted Stu in 1962. What Princeton did for Stu was to show him how narrow his world had been. "All of a sudden," he says, "I discovered abstraction, esthetics, sex and violence. I dropped out of the heavy academic thing."

Stu largely accepted his father's views. At Princeton, he had little reason to examine these assumptions. The civil rights and anti-war movements had made little impact.

Stu enrolled at Rutgers Law School. He married a girl from Goucher and they settled down in an apartment in Upper Montclair, N. J.

At Rutgers Stu took a course with Arthur Kinoy, a prominent radical professor.

"Kinoy really turned me on," he recalls. "He brought the law right down out of the books and into the streets. He made the issues really live for me and I began to see the role lawyers could play in the Movement."

But as he began to spend more time with the Rutgers radical community, his way of life began to change too. "Instead of going down to the Elm Club and drinking, I'd sit around with Movement people listening to rock and smoking pot." And he let his brown hair grow down around his neck.

His hair caused the first friction with his family. His parents came to New Jersey for Thanksgiving. "His mother was very upset," Mr. Ball recalls. "And I didn't like it either. I consider long hair feminine and it seems important to me that we keep the two sexes separate."

Meanwhile, Stu's marriage began breaking up. He poured his energy into the Movement. "I guess I needed something to which I could attach my libido." By the time he and his wife separated—in the summer of 1968—Stu was a committed radical activist. He took part in demonstrations and he became in-

creasingly committed to the radical group around Arthur Kinoy.

Shortly after he graduated last June, he was walking down Broad Street in Newark when he ran into Leonard Weinglass, one of the lawyers engaged to represent the defendants in the Chicago conspiracy trial. Stu asked whether he could help out and Mr. Weinglass said, "Great, come on."

Since mid-summer, he has been here as an important member of the "defense team." He lives in a kind of "fluctuating commune" in a South Side apartment with Mr. Weinglass; Tom Hayden, one of the defendants; several other staff members and their girls.

And he is happy. "I like where I've come to," he says. "I'm playing the role I think it's valuable for me to play."

Although Stuart Jr. works 16 hours a day on the conspiracy trial and Stuart Sr. is busy too, father and son manage to get together often.

They spend much time arguing. "But it's a lawyer's argument," Stuart Sr.

says, "in which both of us respect the other's point of view."

Stuart Sr. is by no means unsympathetic to the defense of the conspiracy case. He finds many of the Government's tactics distasteful—particularly its wire-tapping. "I'm suspicious when the Government pleads national security to suspend the law," he says.

Where Stuart Sr. does part company with his son is over the relationship with clients. "No lawyer can do justice to his client when he gets so emotionally involved with him he can't step back and analyze the legal situation," he says.

Stu strongly disagrees. "I don't think a lawyer can or should remain emotionally detached in a case like this," he says. "This is not an ordinary crime these people are being accused of. It's a culture crime, a life-style crime, a state-of-mind crime. And I share their culture, their style, their state of mind."

The crux of their difference, both men agree, is over the process for getting justice and a just society.

"What bothers me most about my son and his whole generation," Stuart Sr. says, "is the basic despair they seem to have of getting justice through ordinary channels."

"I don't see how you can get anything meaningful through the system," Stu says.

This is an argument over means. When the two men talk about ends they often sound remarkably alike.

Several years ago, Stuart Sr. wrote a paper he called "Credo of a Contingent Anarchist." In it, he said:

"I am prepared to accept states and laws as necessary and unavoidable evils, but only so far as they are absolutely necessary and absolutely unavoidable . . . The proper aim of any study of government appears to me to be at all times to discover how we can reduce the forcible power of the state and of those who act in its name over each one of us, by substituting, wherever possible, other compulsions for the threat of the policeman's club."

When Stu heard this the other day, he smiled and raised his fist in the air.



Stuart Ball Jr. and father

The New York Times (by Gary Settle)

At odds over means, not ends