

Conspiracy: end of the circus

Jeff Shero

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The U.S. ended the trial of the Conspiracy Eight with all the subtlety of a bludgeoning. Despite the messy close and the muted cries of the professional observers in the press gallery, the defendants' demise came by club rather than through rapier thrusts. But then there is something to be said for the club. It's effective.

Judge Hoffman's trial procedure is the judicial equivalent to Mayor Daley's handling of peaceful assemblies: they forsake surgical neatness for slam-bang thoroughness. The strategy of Lincoln Park, and the Federal Courtroom is the same as Vietnam: Overkill. Bomb them back into the Stone Age. Get those leaders out of the streets and into the jails. By any means necessary. The sides are drawn: The Empire or revolution. All the participants understand. The cops come down hard; the defendants' peers answer back in the streets of twenty-five cities.

Only the observers fail to understand. As with Vietnam, they don't question the government's ultimate aims, they protest the messy way the deed is carried out. The critics prefer the clean kill, the rapier thrust, or, better yet, a silent poisoning. Social engineering over guns, channeling instead of punitive law, pacification instead of confrontation—methods whose civilized character don't produce messy emotional reaction.

But it's clear the liberal's day is passed. The stench of the Empire's decay begins to waft into the nostrils of its children and the lines are drawn. The Kings and Kennedys are killed. Their replacements, the Nixons, Mitchells, Reagans, and Hayakawas, aren't concerned with style, only results. The government didn't treat its number one political trial lightly. It was with some care and forethought that Julius Hoffman was selected Judge. No slip-ups; they wanted a judge and an executioner. That's what they got.

This wasn't a trial of pretension; there were a dozen reversible errors. Beginning the first day, the judge never really questioned the jury as to whether they had pre-trial knowledge or prejudice. At the end it was revealed that one of the two male jurors, John Nelson, thought the defendants should have been shot down in the park, and one middle-aged woman stubbornly held out for locking them away on the rationale of "Would you like your children to grow up like them?"

But the defense could have won even with this prejudiced middle-aged jury if it had been allowed to present its case. Hoffman never gave them that chance. Critics bemoan the spectacular rulings such as that which barred ex-Attorney General Ramsey Clark from testifying for the defense on the grounds that the testimony would be "irrelevant." But the real gutting of the defense rested in the continued sustaining of the prosecutor's objections to lines of questioning and admittance of evidence. Working in tandem, the government team of prosecutor and judge prevented important testimony from being heard. In many cases defendants took 'time in jail in the form of contempt in order to get information to the jury. Rennie Davis received six months for contempt because the judge continually admonished him to keep his testimony brief and "to the point." Without daring and disruptions the defendants would have played their own grave diggers. Decorum in the face of Fascism is silly. The government would have gotten itself a conspiracy conviction in addition to a conviction for crossing state lines with the intent to riot if the defendants had played by the rules.

The Benedict Arnold of the Youth Movement, twenty-three-year-old juror Kay Richards, cinched the verdict. The old people were stalled after four days; a black woman and a housewife with a hip daughter who regularly

attended the trial held out for acquittal. In her copyrighted serialized story in the Detroit Free Press, Kay Richards described how she mediated between the deadlocked factions. She says that she wanted to save the government the expense of a retrial. Though she writes that the defendants opened new ways of thinking about life for her, she wanted to vote them guilty of everything. More than any other juror, Kay Richards was threatened by the lives of the defendants. If they weren't judged criminals, her life as a computer operator would be called into question. Like an Uncle Tom threatened by black militancy, Kay Richards sold out her best instincts for a lackey's security. Already in Chicago "Kay Richards" is a name being used for a kind of goody-goody young person who wants to stay on the right and respectable side of the authorities, the kind of person who would turn her college roommates in for smoking pot and then say "it was for their own good."

Before the jury ever returned with a verdict, Judge Hoffman began the unprecedented measure of sentencing the defendants for contempt. Though the trial itself represented a systematic policy of intimidation by the government in hopes of stifling dissent, the contempt citations represent the peculiarity of the Judge's ego. Hoffman's feelings had been hurt, and the citations were his revenge. He took particular glee in the fact that the defendants were unprepared; they expected to be sentenced for contempt after the jury returned with a verdict.

Because of the politics of the case, the defendants were dubious about their chances of getting bailed out of jail on appeal bonds. They wanted to mentally prepare for the isolation of five or more years in jail. Unfinished political work had to be taken care of, there were friends to tell good-bye, wives and friends to make love with a last time, and maybe eccentric wishes to fulfill, things like drinking your last egg cream. This was the time to be seized while the jury worked toward a verdict. Instead, with no notice and just a half-hour lunch break, contempt sentences were meted out and defendants were whisked off to jail. Judge Hoffman seemed to take special delight in his unsuspected surprise.

Of course, when William Kunstler cited the legal precedents which called the Judge's action into serious question and asked for bail pending appeal, he was denied. Later, after the verdict was returned, the bail appeal met with the same result. If this wasn't a political case, and if the government didn't want to squelch dissent, the legal justifications for appeal and mistrial would be overwhelming. But of course, if this wasn't a political case, the defendants wouldn't have been indicted in the first place.

To believe that the disruption of the Democratic convention took place because of the cunning of the defendants rather than outrage stemming from the Vietnamese war, racism, and the provocation of the club-swinging Chicago pigs is absurd. The government case: Pacifist Dave Dellinger spoke at Grant Park—one speech. Jerry Rubin gave three speeches and threw a sweater at a cop, etc. The defendants were guilty of being media-recognized leaders of a generalized rebellion. The Democratic party under Lyndon Johnson—and with the boost of boss Daley—destroyed itself. Under the precedent of this trial, half the demonstrators in Chicago could be convicted. The defendants were clearly chosen to be examples.

Establishment observers still persist in discussing bail as a legal rather than political question. One states "the legal system hasn't faced such a challenge in two hundred years." Another writes, "The legal questions posed are complex and disturbing." Respectable judgement tells us it's all a matter of adjustment, tinker with the system and it's good for another two hundred years. Senator Stennis thinks the problem's more basic. Getting down to the political nitty gritty he suggests that disruptive ideological criminals be imprisoned without trial. It's the modern "if they don't play by the rules, fuck 'em" attitude. Mayor Daley's "shoot to kill" order to Chicago cops dealing with black rioters was the first expression of this sentiment. Sheriff Madigan arming his men with buckshot and ordering them to shoot the People's Park defenders in Berkeley was another. While the liberal observers wring their hands about the mechanics of trial procedures, events in the streets prove the defendants' actions in Chicago tame. Soon troublesome trials will be avoided by shooting into crowds of riotous demonstrators.

If the Chicago Conspiracy Trial were an aberration, one of a kind, the critics would be right in saying it posed legal dilemmas. But conspiracy trials and felony charges against people who protest are taking place in every major city in the country. Freedom of speech and assembly are guaranteed as long as you don't take the idea too seriously and try to change something. Chicago is merely the most striking example, the center ring in a twenty-seven ring circus.

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