

# Magoo's Vengeance

Fifth Estate Collective

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CHICAGO—Judge Julius (Magoo-Hitler) Hoffman finally had his day in court as he sentenced all of the Chicago Conspiracy Seven and their defense counsel to long jail terms in prison for contempt of his Kangaroo court.

Chief Defense attorney William Kunstler was sentenced to four years in prison; two years, five months to Dave Dellinger; two years, one month to Rennie Davis; one year, two months to Tom Hayden; eight months to Abbie Hoffman; Jerry Rubin received two years, one month; John Froines, six months; Lee Weiner, two months; and defense attorney Leonard Weinglass to a year and eight months.

As of Fifth Estate press time the jury still had not reached a verdict on the charges of creating a riot at the Democratic Convention in August 1968. The charge carries a maximum penalty of ten years in prison.

Kunstler's sentence was far in excess of his clients and matched that handed out to Black Panther leader Bobby Seale by Hoffman in December also for contempt.

After the government finished its rebuttal of the defense's arguments on Sat., Feb. 14 the judge gave instructions to the jury and then called a short recess as the 10 women and two men left to begin their deliberations.

The judge then startled everyone by starting to convict the defendants and their lawyers for "numerous acts that add up to a total disregard for the conduct of this trial."

Penalties for each count ranged from one day for such offenses as failing to rise when the judge entered the court, or Abbie Hoffman's blowing a kiss to the jury, to six months for direct violation of the judge's orders.

Dellinger was sentenced to six months, the maximum for a single contempt offense without a jury trial, for calling the judge "Mr."

Kunstler was given two six-month sentences for statements he made Feb. 2.

During an argument, Kunstler told the judge, "You have violated every principle of fair play." Later in the same session the lawyer called the trial a "legal lynching."

Froines was given a month on one count for "laughing aloud."

Abbie Hoffman received five days for a Feb. 4 outburst during which he said to the judge, "You're a disgrace to the Jews, you little runt." He received six days for an outburst on the following day during which he used obscenities and often referred to the judge as "Julie."

An uproar began soon after Hoffman commenced reading contempt citations against defendant David Dellinger almost as soon as the jury had left the courtroom.

Dellinger's daughter, Sue, a blonde in her 20s, was led from the courtroom under arrest, sobbing "Tell my Daddy I love him." Other women screamed and wept as protesting spectators were ejected. Burly U.S. Marshals beat spectators and defendants trying to keep order.

In a dramatic highpoint, Kunstler stood before Hoffman, his arms outstretched, trembling and weeping. "You've destroyed me and everything else," he told the frail, 74-year-old judge. "Kill me, send me to jail, do anything you want to. You've destroyed my life."

After Dellinger, Davis, Hayden and Hoffman were sentenced, they were led off by marshals to a detention cell. As they went, embracing their relatives, other defendants and their lawyers, many of the spectators and defense aides shouted "Goodbye" and "Right on."

Contempt convictions for most of the defendants, and perhaps the lawyers, had been widely expected in the case, which had been marked by many bitter clashes between the judge and the defense.

But Judge Hoffman's decision to hand down the sentences now before the jury even reached its verdict caught most persons in the courtroom by surprise.

There was an audible gasp in the spectators' section and along the rows of newsmen as the judge launched into his lengthy contempt findings only minutes after the jury left the courtroom.

Rennie Davis stood up and told the judge "You have just jailed one of the most beautiful, courageous men (Dellinger) in the U.S."

"Okay," the Judge snapped. "Now we'll take care of you."

After reading his citations, Judge Hoffman asked Davis whether he had anything to say.

Davis rose and told the judge, "You represent all that is old, ugly and bigoted in this country and I tell you that the spirit you see at this defense table will devour you."

Davis also recalled that Bobby Seale had called Judge Hoffman "a racist, a fascist and a pig."

"Many times," the judge interrupted. "And not enough," Davis answered. Finally, Judge Hoffman ordered Davis to sit down. When he refused, Federal marshals forced him into his seat.

After the judge sentenced Tom Hayden he debated with the judge for almost 15 minutes before a hushed courtroom.

At one point, he said he had been trying to think what bothered him most about going to jail. On the brink of tears, he said he'd decided it was probably that "I would like to have a child."

"That's where the Federal System can do you no good," the judge said.

"The Federal System can do you no good in trying to prevent the birth of the new world," Hayden replied.

Hayden also told the judge, as he was handing out the sentences, "You see around you the proof that your system is collapsing."

"Even as the elder Dellinger is dragged from the courtroom the younger Dellinger fights back. That will be the death of your system," he said.

"Oh, you're speaking a little too soon," the judge said. "The system is doing all right. And fellows as smart as you could do pretty well in the system."

At this, Abbie Hoffman shouted, "We don't want a place in business, Julie."

"Your turn is coming," the Judge told Hoffman.

When his turn did come, Hoffman rose and told the judge: "I've called this place a neon oven in a stainless steel cuckoo nest built by your friend Mies Van der Rohe.

"You said we don't pay tribute to the highest court in the land," he said. "Well, it ain't high."

"I'll have to ask you to sit down," the judge said, and three marshals moved in around Hoffman.

But Hoffman persisted. "When decorum is repression," he said, "the only duty free men have is to speak out. We can't respect an authority we regard as illegitimate."

As the marshals began to lead him out, Hoffman paused in the aisle and gently embraced his wife, Anita. "Water the plants," he told her.

When the judge adjourned the court at 5 pm, Jerry Rubin objected strenuously.

"Can't we do it now," he said, "I don't want to be separated from my brothers."

"You don't want to ask a favor of Mr. Hitler, do you" the judge asked. Rubin has repeatedly compared the judge with the late dictator.

"I don't think you have a right to ask any favors, any sort of courtesy at all from this court," Judge Hoffman said.

The next morning Hoffman passed sentence on Kunstler, Weinglass, Rubin, Froines and Weiner.

As they stood face to face in a nearly empty courtroom, Hoffman declared he had never sentenced a lawyer for contempt before and Kunstler said no Judge had ever disciplined him in his career of pressing civil rights cases around the country.

Hoffman said, "I am one of those who believe that crime, if it is on the increase, is so in large part because, waiting in the wings, are lawyers who are willing to go beyond professional responsibility in the defense of their clients.

"Some clients know this and it has a stimulating effect on the increase of crime."

Kunstler had persisted in action to "fan the flames of disorder" in the courtroom despite "warning after warning, admonition after admonition," Hoffman said.

Kunstler recalled he had broken into tears Saturday when Hoffman began sending the defendants to jail for contempt.

"I'm not ashamed of my tears," the thick-maned lawyer said. "I'm not ashamed of my conduct here. I feel I was representing my clients in the best way I know how."

He said that if he and any other defense lawyer must go to jail, "We are the most privileged of men. We are being punished for our beliefs."

"I suddenly feel compassion for you," Kunstler told Hoffman. "Everything else has dropped away."

Weinglass spoke with emotion to the judge of how members of the Conspiracy defense staff had been working until 3 am, living on \$20 a week, and sleeping on the floor of his apartment during the long trial.

At this moment, Mickey Lehner, a black law student and member of the defense staff jumped up and raised her arm in a clenched fist salute.

"There is nobody I admire more than Leonard Weinglass," she cried. "And you," she said to Hoffman, "are a racist, a fascist and a pig."

The Judge has heard himself called these things many times during the trial. As marshals hustled Miss Lehner out, Hoffman said to Weinglass, "Isn't that wonderful? After you just finished telling me how great your staff members were, one gets up and calls me a racist, fascist and a pig."

But he stayed execution of the lawyers' sentences until May 4 because they must lead the inevitable appeals of the defendants' contempt sentences and, if the jury returns a guilty verdict, of their conviction.

Kunstler announced that a legal team composed of seven prominent lawyers would fight the contempt sentences and their being held without bail. At a news conference, he introduced the group's chief, Morton Stavis, administrative counsel of the law center for constitutional studies in New York.

Stavis said many different avenues of appeal would be followed, but the first thrust would be to gain bond for the "seven" and to establish Hoffman's "obvious and deep personal involvement in the case."

The Supreme Court has ruled, Stavis said, that judges who hold strong personal opinions: on a case should not be permitted to impose sentences for contempt of court "without the benefit of a jury."

American justice stands exposed in Chicago—butcher to the world. The pigs that run the system of injustice make no bones about what they are doing as was witnessed by Hoffman's candid remarks as he was sentencing Lee Weiner.

Weiner, a Northwestern University instructor in sociology who rarely spoke during the trial, delivered one of the most off-hand diatribes to the Judge.

Hands in his pockets and strolling about, Weiner reminded Hoffman, a Northwestern Law School Alumnus, that there was a hall named in his honor at the school.

"I'm pleased to report that the plaque has been ripped off the walls," he said. "I wouldn't suggest immediately appearing at a law school after this trial."

At one point, Hoffman commented, "I'm not biased in favor of the law...there are incompetent lawyers, incompetent chemists and incompetent reporters who write inaccurate stories, but even when they are inaccurate they are entertaining."

"I believe in the American way of administering the law."

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