

## **The Conspiracy 7 Trial: You had to be there**

The Fred Hampton murder took place in Chicago at the same time of the Conspiracy 7 trial, another headline-making event in the city. And like the Democratic Convention battles, themselves, and the Hampton murder, the trial challenged the media who tried to use traditional media-coverage techniques. Consequently there was more--much more--to the trial than the traditional media coverage could capture.

The Chicago Journalism Review tried to give a quick impression of this misfit between the real trial and the way it was depicted in the press. Here is part of one shortened CJR article, written two months after the Hampton murder that aimed at bridging that gap.

*Conspiracy trial prosecutor Richard Schultz: We are to determine facts here.  
Defense witness and novelist Norman Mailer: Facts are nothing without their nuance, sir.*

Only a dramatist can put it all together, to distill the essence out of the official record of the Conspiracy trial and transmit it to those who weren't there. Those who weren't there missed a lot. And while a complete transcript would help, it won't do it all.

There was extensive news coverage but that's the trouble: it was news coverage. This was not a "newsman's trial." First, there was simply too much to handle, too much drama, too much "nuance" to capture with the everyday tools of pen-and-paper reporting. Second, the forms and formulae of the journalist--the snappy lead, the capsule summary, the few quick quotes and--yes--the objectivity (Facts without their nuance") simply did not work for this complicated story.

*Tom Hayden: "... the press...will package what I say into two inches of type."*

Often the basic issues at the trial--and in the nation--emerged in what were judicially irrelevant exchanges.

*Prosecutor Schultz: We have the picture of the boy with the black power symbol fist on his sweat shirt...*

*Bobby Seale: That's not a black power sign....It's the "power to the people" sign.,...and he is deliberately distorting that and that's a racist technique...*

*Schultz: If the Court please, this man has repeatedly called me a racist...*

*Seale Yes you are. You are, Dick Schultz...I am not going to sit here and get that on the record. I am at least going to let it be known--request that you understand that this man is erroneously representing symbols directly related to the party of which I am chairman.*

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*Schultz: There is no question that Miss Judy Collins is a fine singer. In my family, my six kids and I all agree that she is a fine singer, but that doesn't have a thing to do with this law suit, nor what my profession is*

*Miss Collins: ...as a singer, which is my profession as your profession is a lawyer, sir...my soul and my profession and my life have become part of a movement toward hopefully removing the causes of war, the causes for the prevalence of violence in our society.*

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*Judge Hoffman: I have never presided at a trial where there is so much physical affection demonstrated in the courtroom.*

*Voices: Right on!*

*Judge: Perhaps this is part of a love-in. I don't know.*

*Defense lawyer William Kunstler: maybe this is not a bad place for it to happen in the United States District Court.*

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The parallels between the trial and the convention-week battles are too close to ignore--from the defensive banning of cameras at the federal building to the post-trial charges that the media were duped. It should have been on television.

Judge Hoffman became the Mayor Daley of 1970. The reactionaries praised him and said he did what he had to do. After all, the provocation was incredible, all those obscenities. The moderates also took note of the defendants' provocation and agreed it was unwise, unfair, probably contemptuous, and part of a calculated attack on the judicial system. But they were hard on the judge also. As they were hard on Daley in August, 1968. They accused him of over-reacting, of "playing into their hands" and of giving radicals a victory by making the system look worse than it really is.

Most editorialists took the moderate line--even though damn few of them went to the trial. They took their cues from the conventional safe news coverage which highlighted the defendants' "outbursts" because they made for flashy lead sentences. First came the "outburst," and then the explanation....

It was the kind of coverage that produced the liberal myth about the trial: defendant provocation--judicial overreaction--defendant rebellion. In other words, the defendants started it, and the judge, in his senility, kept it going.

It's a comforting way to look back at the trial--just as it may be comforting to think that the convention street battles of August, 1968 happened because several thin-skinned patrolmen lost their professional cool.

But it is a cop out....

Contrary to the provocation-overreaction theory of the trial, Judge Hoffman was consistently harsh, rigid, and unyielding throughout the trial. He jailed defense lawyers for contempt and refused to set bail in the first week of the trial--long before the first of the defendants' outbursts. Hoffman was fixing for a fight from the start--just like the psyched up Chicago cops in Lincoln and Grant Parks.

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Judge Hoffman kept denying it was a "political trial." But by all standard definitions, it was a political trial. The street-fighting heavyweights who fought violently were not indicted. The government instead went after the ideologues, the spokesmen, the media's "demonstration leaders." They went after the men the city's Red Squad had fingered long before the convention and the battles started--the men who had 24-hour police tails during the convention.

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*Jerry Rubin: We are on trial because we are trying to wake America up. We are on trial because we are trying to wake it up emotionally, because it turned us all into machines. It turned us all into marshals, reporters, judges, prosecutors; it's destroyed our humanity. So the people at this (defense) table are trying to wake it up and the only way we can wake it up is by screaming, yelling, standing on our heads, doing whatever we can do during this trial. Our defense was trying to present our lives to the jury.*

The defendants' behavior in the trial was unprecedented. It was a new courtroom strategy we were told. Civil disobedience in the courtroom. Birthday cakes, folk singers, Hindu chants, "improper questions" "irrelevant" witnesses, laughing fits, insults, embraces:

*Judge Hoffman: Let the record show that Mr. Hoffman lifted his shirt up and bared his body in the presence of the jury.*

*Kunstler: That is Mr. Hoffman's way...*

*Judge: ...dancing around*

*Kunstler: Your Honor, that is Mr. Hoffman's way*

*Judge: It is a bad way in the courtroom.*

*Kunstler: I remember President Johnson bared his body to the nation.*

*Judge: Maybe that is why he isn't President any more.*

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*Judge: You say your heart goes out to him. You said it twice, and yet you smile. How can your heart go out to a man and you smile at the same time?*

*Kunstler: Well, your Honor, I think that is essentially the difference between us.*

In August, 1969 a top police officer said the 11 p.m. curfew (in the parks) must be enforced or the city would have anarchy. The curfew was enforced...and for a while, Chicago's streets had anarchy.

All Judge Hoffman wanted, he said, was a " modicum of respect" for the court. But in his rigidity, he lost respect for the court, throughout the nation and the world. It was August 1968 all over again.

...some people have concluded that the news reports of the trial made the defendants look good and the government look bad. Perhaps they ought to read the complete transcript.

Myself, I'd rather wait for the play

***Henry DeZutter***

(Like the movie about the Fred Hampton murder, a movie version of this trial, "The Trial of the Chicago 7", directed by Aaron Sorkin, is now out, and up for several 2021 Academy Awards.)