

# *Trial of the Chicago Seven*

Federal Trials and Great Debates  
in United States History

## **Case Summary:**

- Protestors and police clashed violently at the 1968 Democratic National Convention in Chicago.
- Eight demonstrators were tried in federal court.
- The defendants repeatedly disrupted and mocked the proceedings.
- The judge declared a mistrial as to one of the defendants and eventually issued harsh contempt-of-court penalties against the others defendants, most of which were later overturned.
- The case came to symbolize the cultural conflicts of the late 1960s.

## **History of the Case:**

America was more divided in 1968 than at any point since the Civil War. A series of political assassinations and riots compounded mounting conflicts over the Vietnam War, racial inequality, and cultural differences. The 1968 Democratic National Convention in Chicago encapsulated these divides. Multiple groups of demonstrators converged on the Second City to protest the war and hold concerts for peace causes. Police came to blows with the protestors, in some instances indiscriminately beating dozens of people in full view of news cameras. By the convention's end, nearly 600 protestors had been arrested and more than 200 protestors and police were injured. Though a federal report later described the incident as a "police riot," conservatives blamed the demonstrations for creating a lawless environment. After Richard Nixon swept into office on a promise to restore law and order to the nation's cities, his Attorney General John Mitchell worked with federal prosecutors to indict eight protestors and eight police officers (the officers were later acquitted).

The defendants represented many strands of discontent with the political and cultural mainstream. David Dellinger was a longtime peace campaigner. Tom Hayden and Rennard "Rennie" Davis were leaders in student politics before organizing several large-scale protests. Robert "Bobby" Seale was one of the founders of the Black Panther Party, an African-American militant group. John Froines and Lee Weiner were radical scholars. Finally, Abbot "Abbie" Hoffman and Jerry Rubin were prominent figures in the counter culture, a movement that rejected conventions of dress, sexual probity, and consumerism in favor of alternative lifestyles. The defendants were charged with a range of criminal acts including conspiring to incite riots in violation of the Anti-Riot Act of 1968, a federal law passed in response to growing civil unrest.

The case was tried in federal district court by Judge Julius Hoffman. Hoffman (no relation to defendant Abbie) was arguably the perfect symbol of the conventionality the defendants opposed. A stern disciplinarian, Judge Hoffman insisted on order and efficiency in his courtroom. The judge did little to mask his scorn for the defendants or their lawyers and showed scant patience for the frequent outbursts and theatrical stunts the defendants used to protest what they saw as an absurd show trial. Many observers saw the frequent skirmishes between the judge and the accused as a symbol of the broader conflict between conservative and radical elements of American society.

The trial lasted nearly five months as the defendants called a host of poets, singers, and politicians to testify to their peaceful intent. The defendants frequently refused to rise when the judge entered or left the room. They munched on jelly beans, made requests to distribute birthday cake to the court, and attempted to read Vietnam casualty lists aloud. At times, as many as 19 marshals were brought into the courtroom to maintain order. These acts were not simply childish or disruptive behavior; they reflected the defendants' attempts to delegitimize and ridicule the entire legal proceeding against them. At one point, for example, Rubin and Hoffman arrived at court wearing judicial robes emblazoned

with the Star of David to draw parallels between Judge Hoffman's rulings and the Nazi oppression of European Jews.

Seale engaged in the most pointed conflicts with the judge. From the start of the trial on September 24th through November 5th, they quarreled angrily over Seale's right to represent himself. When Judge Hoffman forbade him from arguing points or questioning witnesses, Seale called him a "fascist," a "racist," and a "pig." He also objected to a portrait of the slaveholder George Washington in the courtroom. On October 30th, following a particularly heated shouting match, Judge Hoffman ordered Seale bound and gagged, an act that, for many critics, came to symbolize the conduct of the trial as a whole. Judge Hoffman was applauded by some for refusing to bend to Seale's complaints. For others, however, the sight of a black man being physically restrained and silenced resonated with critiques of the legal system as a form of racial oppression. When Seale's protests persisted, Judge Hoffman declared a mistrial and sentenced him to four years' imprisonment for contempt of court.

For the remaining seven defendants (the "Chicago Seven"), the trial continued for months in a similar vein. When Abbie Hoffman testified, he gave his address as "Woodstock Nation," referred to himself as an "orphan of America" and told the court that Hoffman was his "slave name." He also discussed plans to run a pig for president. When a subsequent witness was asked how hippies dressed, Hoffman lifted his shirt and danced around the courtroom, explaining that hippies were "naked." Towards the end of proceedings, the judge revoked Dellinger's bail (meaning he spent the rest of the trial in jail) for claiming the trial was biased and calling a prosecutor a "snake" and a "Nazi." Hoffman summed up the defendants' mindset in a bitter response to the ruling: "We have contempt for this court," he exclaimed, "and for this whole rotten system."

While the jury deliberated over the case, the judge cited the defendants and their lawyers for a combined 159 counts of criminal contempt of court during the trial. Some of the citations were for the defendants' theatrics, some for repeated or disrespectful argumentation, and others for seemingly inconsequential slights like blowing kisses, laughing, or refusing to stand. All told, the sentences ranged from less than three months for Weiner to more than four years for Defense Attorney William Kunstler. The jury found all seven defendants not guilty of conspiracy and found Froines and Weiner not guilty on all charges. It found the remaining defendants guilty of travelling between states to incite a riot. Judge Hoffman imposed the maximum sentence of five years on all five convicted defendants.

The Court of Appeals for the Seventh Circuit reversed all of the convictions for both the contempt and Anti-Riot Act charges against all the defendants, including Seale. The Court remanded some of the more serious contempt charges for retrial before a different judge. On retrial, Judge Edward Gignoux dismissed all but a handful of the charges and declined to impose any further penalty for the remaining counts. Both Judge Gignoux and the appellate court criticized Judge Hoffman's hostility to the defendants, determining that he had abused the broad powers judges have over the conduct of trials.

## **Legal Issues:**

The Chicago Seven trial was less notable for the legal questions related to the defendants' guilt or innocence than for the extraordinary manner of the proceedings and for the way the case reflected broader conflicts in society. The often explosive exchanges between the judge and the defendants raised the difficult question of what limits the law placed on judges' power to control their courtrooms. In doing so, the Chicago Seven Trial illustrated how difficult it can be to ensure order in controversial cases without the judge appearing to "take sides."

## **Questions for Discussion:**

- Why is it important for judges to maintain order in their courtrooms? What limits should there be on that power?
- What, if any, limits should be placed on individuals' right to protest? Should that right extend to court proceedings?
- How might legal cases reflect the times in which they take place? Can (and should) cases be isolated from broader social issues?