

# Analyzing Closing Arguments in the Chicago Seven Conspiracy Trial—A Primary Sources Activity

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*For use in conjunction with “The Chicago Seven: 1960s Radicalism in the Federal Courts,” by Bruce A. Ragsdale, available at <http://www.fjc.gov/history/home.nsf>. A unit in the Teaching Judicial History Project, developed by the Federal Judicial Center in partnership with the American Bar Association’s Division for Public Education.*

## Activity Objectives

Through analysis of primary sources related to the Chicago Seven conspiracy trial, students will gain a deeper understanding of the events during the 1968 Democratic Convention and the actions of the demonstrators. Drawing on a selection of reports on the violence during the convention and arguments presented in court, students will analyze and evaluate conflicting perspectives on the events in Chicago.

## Essential Questions

- To what extent was the trial of the Chicago Seven a battle for public opinion?
- Was the Chicago Seven conspiracy trial more a political trial than a criminal prosecution? What would define a political trial?
- Were the defendants’ activities in Chicago protected by the First Amendment or did those activities represent criminal threats to public safety?

## Legal Issues Raised by the Case

The trial of the various leaders of the demonstrators at the Democratic National Convention of 1968 presented the jury with questions about how a conspiracy to incite violence is established in a court of law and about the limits of political speech.

## Estimated Time Frame

Three to four 50-minute class periods.

## Recommended Prep Work

Students will need to be familiar with the protests surrounding the Democratic National Convention of 1968 and the opposition to U.S. involvement in the Vietnam War. Teachers should review “The Chicago Seven: 1960s Radicalism in the Federal Courts,” by Bruce A. Ragsdale, available at [http://www.fjc.gov/history/chicago7.nsf/page/chicago\\_seven\\_pdf/\\$file/chicago7.pdf](http://www.fjc.gov/history/chicago7.nsf/page/chicago_seven_pdf/$file/chicago7.pdf).

Prepare student copies of the following attached resources:

1. Analysis of Primary Sources (3 copies per student)
2. Worksheet A: Reports on the Violence in Chicago
3. Worksheet B: Testimony of the Defendants
4. Worksheet C: Closing Arguments
5. Addressing the Essential Questions

Make one copy for each student of the following documents. (*Note:* All page numbers refer to the PDF copy of “The Chicago Seven: 1960s Radicalism in the Federal Courts,” by Bruce A. Ragsdale, available online at <http://www.fjc.gov>.)

Reports:

1. “The Strategy of Confrontation,” report of the Daley administration (p. 68–69)
2. Walker Report summary (p. 69–70)

Testimonies:

3. Testimony of Abbie Hoffman on December 23, 1969 (pp. 49–52)
4. Testimony of Abbie Hoffman on December 29, 1969 (pp. 52–53)
5. Testimony of Rennie Davis (pp. 54–55)

Closing Arguments:

6. Leonard Weinglass, closing argument for the defendants (pp. 57–58)
7. William Kunstler, closing arguments for the defendants (pp. 58–59)
8. Assistant U.S. Attorney Richard Schultz, closing argument for the government (pp. 55–56)
9. U.S. Attorney Thomas Foran, closing argument for the government (p. 59)

## Description of the Activity

### *Activity Overview*

Students will examine three different categories of documents relating to the Chicago Seven conspiracy trial: (1) reports by the Daley administration and the Walker Commission; (2) testimonies of two defendants; and (3) closing arguments of the defense and the government. They will use a “6C’s” template to examine each document. Drawing on insights from their reading and analysis of the documents, students will write answers to the essential questions.

### *Introduction*

Provide students with a review of the events surrounding the 1968 Democratic National Convention. Teachers may want to assign “The Chicago Conspiracy Trial: A Short Narrative” (pp. 1–10) as homework reading. Note the charges in the indictment and familiarize students with the Anti-Riot Act (p. 67). Indicate

that the U.S. District Court for the Northern District of Illinois had jurisdiction because of the question of violation of federal law by the demonstrators.

### *Working with Primary Sources*

#### 1. Initiating Use of 6C's, Focusing on the Reports

Distribute and review the 6C's template.

Distribute copies of “The Strategy of Confrontation,” report of the Daley administration (pp. 68–69), and “Walker Report summary” (pp. 69–70). When students are oriented to the use of the Analysis Form, divide the class into two groups. One group will analyze the Daley administration report, and the other the Walker Report. Students in each group should begin by working individually before developing consensus reports. Each group should identify a spokesperson or two to present its consensus report, which should be based on the attached worksheet. As a whole class, compare the findings of the reports.

#### 2. Analysis of the Testimonies

Distribute copies of the testimony of Abbie Hoffman and that of Rennie Davis. Divide the class into two groups to analyze the testimony of the two witnesses using the Analysis Form. Students in each group should begin by working individually before developing consensus reports. Each group should identify a spokesperson or two to present the group's consensus report, which should be based on the attached worksheet. As a whole class, compare the findings of the reports.

#### 3. Analysis of the Closing Arguments

Distribute copies of the four closing arguments. Divide the class into four groups and assign one of the closing arguments to each group. Students in each group should begin by working individually before developing consensus reports. Each group should identify a spokesperson or two to present its consensus report, which should be based on the attached worksheet. As a whole class, compare the findings of the reports.

### Debrief and Wrap-up

Distribute the handout “Addressing the Essential Questions” and assign it as homework, or give students time to prepare written answers before a full class discussion.

Discuss and compare students' responses and the evidence provided.

Close the discussion by asking students to consider how the authors of the primary sources might react to the essential questions: Who might prefer to have

the trial characterized as a criminal prosecution rather than a political trial? Who might take the opposite position?

### Assessment

- Evaluation of written responses to the essential questions.
- Evaluation of student analysis forms.

### Alternative Modalities and Enrichment Activities

Compare the language used in excerpts of the Daley and the Walker reports. What is the perspective of each? Is one more persuasive than the other?

Have students generate questions that the media might ask in press conferences held by the authors of the Daley and Walker reports.

Have students examine the judge's statements during Abbie Hoffman's testimony and write a paragraph describing the judge's demeanor and its likely effect on the trial.

### Involving a Judge

Invite a judge to discuss how courts manage the impact of pretrial publicity on jury selection and trial proceedings. Judges can also discuss how they manage controversial or politically charged trials.

### Standards Addressed

#### *U.S. History Standards (Grades 5–12)*

Era 9—Postwar United States (1945 to early 1970s)

*Standard 2C:* The student understands the foreign and domestic consequences of U.S. involvement in Vietnam.

Era 10—Contemporary United States (1968 to the present)

*Standard 2E:* The student understands how a democratic polity debates social issues and mediates between individual or group rights and the common good.

#### *Standards in Historical Thinking*

##### *Standard 2: Historical Comprehension*

- Identify the author or source of the historical document or narrative and assess its credibility.
- Identify the central question(s) the historical narrative addresses.
- Differentiate between historical facts and historical interpretations.
- Read historical narratives imaginatively.
- Appreciate historical perspectives

*Standard 3: Historical Analysis and Interpretation*

- A. Compare and contrast differing sets of ideas, values, etc.
- B. Consider multiple perspectives.
- E. Distinguish between unsupported expressions of opinion and informed hypotheses grounded in historical evidence.
- F. Compare competing historical narratives.

*Standard 5: Historical Issues-Analysis and Decision-Making*

- A. Identify issues and problems in the past and analyze the interests, values, perspectives, and points of view of those involved in the situation.
- D. Evaluate alternative courses of action, keeping in mind the information available at the time, in terms of ethical considerations, the interests of those affected by the decision, and the long- and short-term consequences of each.
- F. Evaluate the implementation of a decision by analyzing the interests it served; estimating the position, power, and priority of each player involved; assessing the ethical dimensions of the decision; and evaluating its costs and benefits from a variety of perspectives

The 6C's template is adapted from a lesson developed by Margaret Dubel, Canyon High School, Orange County, California. Source: The History Project, University of California, Irvine (see <http://www.humanities.uci.edu/history/ucihp/>).

## *Analysis of Primary Sources*

### CONTENT

What is the document talking about?

### COMMUNICATION

What is purpose of the document and how is that purpose expressed?

### CONNECTIONS

How does this connect to what you already know?

### CITATION

Created by whom, when, where?

**CONTEXT**

What was happening at the time that this document was created?

**CONCLUSIONS**

How does this document help you understand this time and event in history?

*Worksheet A*  
*Reports on the Violence in Chicago*

After reading the Daley administration report or the Walker Commission report, students should explain how the report answered the following questions:

1. What was the source of the violence?
2. What were the goals of the protesters?
3. What tactics did the protesters employ?
4. How does the report characterize the protesters?
5. What was the role of the media?
6. What was likely to be the long-term effect of the violence in Chicago?
7. Why is it important to determine the source of the violence?



*Worksheet B*  
*Testimony of the Defendants*

After reading the testimony of Hoffman or Davis, students should answer the following questions with reference to the testimony of the defendant:

1. What was attorney Leonard Weinglass trying to establish in his questioning of each witness?
  
2. What did the testimony of the defendant indicate about his goals and tactics?
  
3. What did the witness's testimony indicate about his attitude toward the trial?
  
4. How might the jury have responded to the testimony of the witness?

*Worksheet C*  
*Closing Arguments*

After reading the closing arguments of one of the four attorneys, students should answer how the attorney they were assigned to read would answer the following questions:

1. Was there a conspiracy to incite violence?
2. What were the defendants trying to accomplish during the week of the Democratic National Convention in Chicago?
3. What was the most important message the attorney was trying to convey to the jury?
4. What were the broader political objectives of the defendants?
5. What was at stake in this trial?

### *Addressing the Essential Questions*

Review the primary sources: the reports, the testimonies, and the closing arguments. Recall the analyses of these documents and the class discussions of each. Given this background, how would you respond to the following essential questions? What evidence from the primary sources led you to each response?

1. To what extent was the trial of the Chicago Seven a battle for public opinion?

Response:

Evidence:

2. Was the Chicago Seven conspiracy trial more a political trial than a criminal prosecution? What would define a political trial?

Response:

Evidence:

3. Were the defendants' activities in Chicago protected by the First Amendment or were they criminal threats to public safety?

Response:

Evidence: