

ABSTRACT

Title of Dissertation: THE CARNIVAL OF THE COURTROOM: PUBLIC MORAL ARGUMENT, ANTI-WAR PROTEST, AND THE CHICAGO EIGHT TRIAL

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In this project, I examined rhetorical activities of the 1969–1970 Chicago Eight Trial, focusing on discourse from the trial itself (e.g., from the eight defendants, the judge, the lawyers, and the court reports) and discourse occurring outside the trial (e.g., newspaper reports) from 1968 to the present. Because the Chicago Eight Trial played an important role in the discussion of the Vietnam War and the antiwar movement, I sought to interrogate the rhetorical dimensions of the discourse within the trial, in the media coverage of the trial, and among the participants during the trial. This case was situated within the context of antiwar protests in the United States as well as the transformative context of the 1960s, specifically contestations about the Cold War, civil rights, political assassinations, and the military draft. Overall, this project was intended to deepen understanding of how public moral argument, Bakhtinian carnival, and guerrilla theater functioned in discourses of the Chicago Eight Trial, whose defendants aimed to challenge the dominant sociopolitical culture over the U.S. war in Vietnam. In addition, the

Chicago Eight Trial was a prime example of the ways that public moral arguments can be used to disseminate messages about the political, ethical, and social conditions in the United States. Finally, in this project, I sought to understand how the rhetoric involving the Chicago Eight Trial was framed by the defendants and by the media. The project contributes to literature about framing, protest movements, and social change.

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by

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Dedication

To my family

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Introduction

The United States of America was founded on principles of dissent. Religious liberties, fair taxes, voting rights—these are just some of the topics that have motivated Americans to question the power structure under which they live. As a central element of American political culture, protest has provided a means to advocate for freedoms—of the press, of speech, of religious expression, of political beliefs and more.¹ One of the most contentious issues in U.S. history has been war. Although war is almost always controversial, protesting against war can be fraught with difficulties. Antiwar protesters often face accusations of being unpatriotic, un-American, or even traitorous, which at times have limited their abilities to dissent.² However, with each war the United States has entered, activists have learned new, innovative ways to convey their antiwar messages.

Beginning in the 1950s and lasting until the early 1970s, the U.S. political climate underwent radical changes. Within the context of the Cold War, the New Left movement emerged, the civil rights movement gained momentum, women's liberation took shape, and the Vietnam War escalated. Despite the public notions of prosperity that perpetuated American life,³ poverty, sexism, and racism proliferated.⁴ Many among the younger generation of Americans began to dissent, tired of what they viewed as the older generation's out-of-date politics and norms. This ideology of dissent soon cultivated in them the desire to act. "A striking feature of the 1960s," M. J. Heale contended, "was a pervasive belief in the power of action."⁵ Some protesters used resistance strategies learned from previous generations, and others sought to create new forms of protest.⁶ Although a pervasive sense of injustice persisted among multiple marginalized groups,

the increasingly protracted Vietnam War became the main cause for protest by the end of the 1960s,⁷ particularly for American college students.⁸

Antiwar activists can be found for every war throughout U.S. history; however, the new technologies of the 1960s, combined with a “belief in the power of action,” created the largest and most visible antiwar movement in the nation’s history.⁹ Young Americans, and college students in particular, became the driving force behind many of the emerging protest groups; they protested against the draft, the imperialist nature of U.S. foreign policy, and the morality of the war in Indochina. Pictures of young Americans protesting in the streets appeared on television, in newspapers, and in films; many of the leaders of antiwar groups consequently gained celebrity status.¹⁰ These protests, examined through the lens of the Vietnam War, offer a valuable opportunity to delve deeply into the activism of this era and to explore the responses and memories the protests prompted.¹¹

In this project, I examined rhetorical activities of the 1969–1970 Chicago Eight Trial, focusing on discourse from the trial itself (particularly discourse produced by the eight defendants, the judge, the lawyers, and the court reports)¹² as well as discourse surrounding and following the trial (through major newspapers) between 1968 and 1972. Although previous research has focused on historical reconstructions of the DNC protest and the trial,¹³ legal issues within the trial,¹⁴ and biographies of the defendants and lawyers,¹⁵ few rhetorical studies of the trial exist.¹⁶ In this dissertation, I sought to extend existing research in three ways. First, I recognized a broad range of discourses as relevant to understanding the Chicago Eight Trial. Second, I interrogated rhetorical dimensions of Chicago Eight Trial discourses within the contexts that give it meaning—particularly

U.S. antiwar protests, Cold War battles, civil rights movements, political assassinations, and changing sexual standards. Third, I introduced theories of public moral argument, carnival, the morality play, and media framing to the process of interpreting Chicago Eight Trial discourses.

Public Moral Argument, Carnival, the Morality Play, and Media Framing

In this dissertation, I sought to answer two research questions regarding the rhetoric of the Chicago Eight Trial and its news coverage:

1. How did the defendants' use of public moral arguments function as a means of social protest, particularly in a legal setting dependent on rules and decorum, and extend and transform traditional forms of American antiwar protest rhetoric in the process?
2. How did such public moral arguments transcend the trial and continue to circulate through media coverage, potentially influencing national discussions over the legitimacy of the war and the restrictions on free speech rights during wartime?

Public moral arguments serve as a key critical lens for this study. Celeste Michelle Condit noted that morality is constituted through public discourse.¹⁷ Such arguments, Walter R. Fisher claimed, are “publicized” and thus “made available for consumption and persuasion of the public at large.”¹⁸ This type of argument is commonly directed toward those who would not be considered “experts” on the subject.¹⁹ Defining what is or is not moral consequently lies at the heart of the public moral argument. Fisher wrote that such arguments are “founded on ultimate questions—of life and death, of how persons should be defined and treated, of preferred patterns of living.”²⁰ Thus, the public

moral argument addresses problems of social and/or political consequence that encourage identification and engagement with the community.²¹

Linking public moral argument with narrative theory, Fisher differentiated public moral arguments from reasoned discourse. Referring to nonexperts, Fisher noted the need to address ethical issues with “good reasons,” arguing that the definition of “expert” in the public moral argument is determined by the public. The public judges competing narratives based on their “fidelity”—in other words, “whether the stories they experience ring true with the stories they know to be true in their lives” and the stories’ “probability,” or “what constitutes a coherent story.”²² Elaborating further on Fisher’s narrative theory, Lisa M. Gring-Pemle noted that the public moral argument enacted through narrative is persuasive because it allows the audience to identify with one side of the argument over the other.²³ Because public moral arguments rely on narratives as a key component of persuasion,²⁴ different voices create competing narratives, requiring the members of the public to make complex decisions about moral issues in the midst of contested political disputes.

Court trials can easily become the sites of public moral arguments because of the dramatic nature of the genre,²⁵ the media attention often given these cases, and the inherent moral issues that often surround legal deliberations. Within the narrative paradigm, a public moral argument may well rise to the level of a “public controversy.”²⁶ Reggie Twigg, for example, explained the moral nature of the court system: “The Court and its translators, such as the media, use narratives to inculcate ‘new’ interpretations of ideology into the public. In doing so, the Court’s relationship to the public in shaping ideology can be understood.”²⁷ This process does not happen casually; court participants

can manipulate narratives in order to make grander arguments about the law and morality. For instance, in his analysis of the 1857 Supreme Court Case *Scott v. Sandford*, Todd F. McDorman argued that the court discerned the status of citizenship by defining who met the criteria of personhood, providing its own moral answer to a very controversial public question in the process.²⁸

When the public moral argument couples with media framing, it has the potential to transform the trial into a political spectacle. As Stephen Underhill writes, “spectacles can function as political tools designed to manipulate a public through constructing problems and offering policies that leaders work to pass for ulterior political purposes.”²⁹ Spectacles are constructed through language, as Murray Edelman writes. “It is language about political events, not the events in any other sense, that people experience; even developments that are close by take their meaning from the language that depicts them. So political language *is* political reality.”³⁰ Thus the public moral argument’s expression through language merges with media frames to shape the stories from and about the trial.

In certain circumstances, this spectacle is portrayed through the carnivalesque, a bawdy form of social satire. Public moral argument may be displayed through the carnival to express opposition to the dominant culture and its institutions, functioning as a form of social protest.³¹ Mikhail Bakhtin divided the carnivalesque into three categories: “ritual spectacles,” “comic verbal compositions,” and “various genres of billingsgate.”³² Accordingly, the carnival is a public creation, Bakhtin argued, because the community takes part in its festivities. “Carnival is not a spectacle seen by the people; they live in it, and everyone participates because its very idea embraces all the people.”³³ In *Rabelais and His World*, Bakhtin noted that people of the lower classes often engaged in unusual

behavior that might be considered vulgar by those in the upper classes. Consequently, the carnivalesque offers a new way of viewing the world, Bakhtin maintained, one based on the discourse and actions of a group that is ordinarily dismissed. Building upon Bakhtin's original conception of the carnival, John Fiske argued that the carnivalesque represents "a testament to the power of the 'low' to insist upon its rights to a place in the culture."³⁴ Proponents of carnival deny that rules must control; carnival "builds a world upside down."³⁵

The carnival thus roots itself in the activities of those whose voices may be ordinarily ignored or dismissed by the larger public and by those in power. As James A. Janack noted, "Carnival's historical role" has been a means of "protest against the dominant sociopolitical system and its manifestation as a response to alienation from the political elite."³⁶ Similarly, M. Lane Bruner acknowledged the power structures that are involved in carnival protest: "Those on the losing ends of the political and economic spectrums have periodically counteracted repressive forms of government with carnivalesque forms of protest."³⁷ The carnival thus offers credibility to the often misinterpreted or rejected forms of protest.³⁸

In this study, I applied the critical lens of public moral argument to analyze the discourse surrounding the Chicago Eight Trial. More specifically, I argue how the carnival (in the case of Abbie Hoffman and Jerry Rubin) and the morality play (in the case of Bobby Seale) created public moral arguments that used previous antiwar strategies and extended those tactics in new ways. To accomplish these research goals, I examined the transcripts from the trial, including the arguments and the descriptions of the courtroom behaviors of the defendants (e.g., guerilla theater, obscenity, and humor).

My intention was to demonstrate the ways that the defendants' protest activities reflected and differed from more traditional modes of protest seen during the Vietnam War. I situate the discourse and actions of the defendants within the larger context of U.S. antiwar protests to determine the ways these actions complemented, extended, and amended previous forms of protest.

In addition, I explored the circulation of such public moral arguments within the news coverage from the time of the Democratic National Convention in August 1968 to shortly after the seven defendants' sentences were overturned in November 1972. Of particular salience were issues of war protests and free speech rights. News framing theories guided the examination of the corresponding news coverage. Dietram A. Scheufele and David Tewksbury explained, framing "is based on the assumption that how an issue is characterized in news reports can have an influence on how it is understood by audiences."³⁹ Robert Entman argued that media frames function as narratives, serving four major functions: they "define problems," "diagnose causes," "make moral judgments," and "suggest remedies."⁴⁰ In addition, media framing often relies on visual images to strengthen its narrative.⁴¹ Therefore, in this study, I also examined verbal and visual media portrayals of the Chicago Eight Trial discourse in order to understand the circulation of the defendants' public moral arguments.⁴²

Ultimately, in this project, I sought to understand how the Chicago defendants targeted their public moral arguments to a larger public in order to transcend the immediate courtroom context, resulting in the media's circulation of such arguments throughout U.S. political culture. I argue such arguments transcended questions of the defendants' guilt and innocence and prompted larger discussions about the war, protest

strategies, the draft, and civil liberties, both while the trial was occurring and in the years and decades that followed.

Précis of Chapters

As suggested in the foregoing I contend that public moral arguments and carnival rhetoric used by the Chicago Eight helped punctuate the discourse about the country's war in Vietnam. In creating courtroom displays that attempted to get the attention and coverage of the U.S. news media, the defendants helped ensure a widespread circulation of their antiwar and antigovernment strategies, transforming the courtroom into another protest site. My examination of rhetorical discourse at this site interrogated the trial transcripts, news stories surrounding the trial, and visual portrayals of the defendants through popular newspapers. To contextualize my examination, I provided a brief account of antiwar discourse before and during the Vietnam War. Accordingly, the dissertation is divided into the following chapters.

Chapter 1 provides a history of antiwar discourse in American culture from the Revolutionary War to the Korean War, and outlines ways that civil liberties have been limited during times of war. The right to protest has been a significant and controversial issue within the United States since the time of the Puritans and continues to be a divisive issue even today, particularly during times of war. Antiwar protests represent arguments against the authority of the government, making this dissent even more contested. In addition, antiwar activism encourages citizens to question their religious beliefs, and often, to alter or strengthen their religious commitments.⁴³ Further, this sort of protest can promote an increased examination of societal structures and the need for social revision. Acts of protest, specifically against war, thus provide controversial, multilayered

arguments that may prompt questions about the underlying structures and practices of a nation, particularly in terms of civil liberties during times of war. Moreover, American antiwar protesters have built upon the strategies of previous activists, using successful strategies and repeating some mistakes. An understanding of previous antiwar efforts provides the foundation for understanding the similarities and differences of the Vietnam War protesters.

Chapter 2 provides a detailed account of the antiwar movement against the Vietnam War, focusing on the movement's similarities to previous protests and noting the numerous differences of this dissent. The Chicago Eight Trial cannot be understood apart from the larger context of the Vietnam War; this was a political trial in which the defendants attempted to make arguments about the morality of the war itself through their actions and testimony within the trial. In this chapter, I explain the context in which the defendants protested, the various groups to which each defendant belonged, and the actions at the Democratic National Convention that led to their arrests.

In Chapter 3, I examine the verbal discourse and nonverbal actions of the judge, defendants, and lawyers during the trial. I apply Bakhtin's construction of the carnival, using the three categories of "ritual spectacle," "comic verbal compositions," and "genres of billingsgate" as a framework for understanding how the carnival creates public moral arguments. The defendants used this strategy to challenge not only the charges against them, but the entire judicial system, a corrupt capitalist economy, and most important, the war in Vietnam. Finally, I analyze how the behaviors and discourses of the eight defendants, the lawyers, and the judge can be understood as a public moral argument containing carnivalesque strategies.

Chapter 4 provides a case study of one defendant in particular: Bobby Seale, cofounder of the Black Panther Party. Seale's role in the trial provides an interesting point of analysis for several reasons. Though vocally opposed to the Vietnam War, Seale was more concerned with racial justice domestically. He had no involvement in planning the demonstrations at the DNC; in fact, he was in Chicago for a short period of time to deliver a speech at the request of protest organizers. Further, Seale demanded to act as his own attorney in the trial. In addition, as the only African American defendant, Seale offered a unique perspective. In this chapter, I explore Seale's use of guerrilla theater as an act of public moral argument, through which he challenged the racism of the court system. Situating Seale's discourse within the context of the Cold War generally and the anti-Vietnam war movement in particular, I examine the unique positions of African American protesters and Bobby Seale, arguing that Judge Hoffman and the U.S. government used a different iteration of the same containment strategy it had begun against the Civil Rights movement in the Cold War period.

In Chapter 5, I discuss news framing and its role in creating meaning about the trial. Again, public moral argument serves as the critical template for this chapter, along with theories of news framing. I discuss how the trial was portrayed by national newspapers (*Washington Post*, *New York Times*, *Los Angeles Times*, and *Chicago Tribune*). My intention was to examine how the defendants attempted to circulate their public moral arguments through the news media. Finally, in this chapter I argue that the media's use of the marginalizing frame, in which the media favors the institution over the protestors, subvert the defendants' collective action frame, a frame used to portray the

public moral argument of the movement by motivating supporters and justifying the protest. Therefore, the defendants' public moral argument was often overshadowed.

Overall, this project was aimed at deepening understanding of how public moral argument functioned to challenge the dominant sociopolitical culture regarding the U.S. war in Vietnam. The Chicago Eight Trial exemplifies ways that public moral argument can be used to convey broad arguments about the political, ethical, and social conditions within the United States. The trial also shows how news framing can work to construct meaning for the larger audience that exists outside the immediate venue of protest discourse.

The trial involving the Chicago Eight has been called a “transforming event in American political and legal history,”⁴⁴ because its implications did not just involve the innocence or guilt of the defendants. The defendants in the case clearly sought media attention and desired to transform the trial into a forum for larger political ends. Abbie Hoffman explained the defendants' mission in his autobiography:

We wanted to reach young people. We wanted to “show” we were different from those prosecuting us. We wanted to present a synopsis of the issues dividing the nation, thereby elevating our cause to equal footing with the government. We could never hope to accomplish this power struggle with arms; we could only begin to manage it with imagery.⁴⁵

The ostensible goal of the defendants was of course to be acquitted, but more than that, they sought to change the political landscape of the country. In the following discussion, I argue that the Chicago Eight used a rhetoric that reflected the features of public moral argument they had learned and applied in their antiwar protests outside of

the courtroom. Throughout the trial, the defense called witnesses who spoke more about the immorality and illegality of the Vietnam War than about the innocence of the defendants. In fact, the defendants themselves took advantage by subverting the platform of traditional courtroom conduct to argue against the war whenever possible. As historian Jon Weiner wrote, “At the end of the sixties, it seems that all the conflicts in America were distilled and then acted out in the courtroom of the Chicago Conspiracy Trial.”⁴⁶

Notes: Introduction

¹ Charles Tilly and Lesley J. Wood, *Social Movements 1768-2012*, 3rd ed. (New York: Routledge, 2013).

² Frances Fox Piven and Richard A. Cloward, *Poor People's Movements: How They Succeed and Why They Fail* (New York: Vintage Books, 1979).

³ Todd Gitlin described the prosperous nature of the 1950s, including the proliferation of suburbs, the baby boom after WWII, the increasing numbers of drivers and cars on the road, and the swell in consumerism. Todd Gitlin, *The Sixties: Years of Hope, Days of Rage* (New York: Bantam Books, 1993), 12-17.

⁴ John Morton Blum, *Years of Discord: American Politics and Society 1961-1974* (New York: Norton, 1991), 3.

⁵ M. J. Heale, *The Sixties in America: History, Politics and Protest* (Edinburgh: Edinburgh University Press, 2001), 11.

⁶ John W. Bowers, Donovan J. Ochs, Richard J. Jensen, and David P. Schulz, *The Rhetoric of Agitation and Control* (Long Grove, IL: Waveland Press, 2010).

⁷ Although Congress never officially declared war in Vietnam, the military action in Vietnam is most often referred to as "The Vietnam War." In addition, most antiwar protesters used the phrase "Vietnam War" to refer to the activities in Vietnam. Therefore, I continue this usage here, although officially the title is not accurate.

⁸ Nathan Glazer, "Student Protest in the U.S.," *Economic and Political Weekly* 2 (1967): 601-605.

⁹ Tom Wells, *The War Within: America's Battle over Vietnam* (Lincoln, NE: iUniverse, Inc., 2005), 1.

¹⁰ Michael Mandelbaum, "Vietnam: The Television War," *Daedalus* 111 (1982): 157-169; Charles Chatfield, "The Antiwar Movement and America," in *An American Ordeal: The Antiwar Movement of the Vietnam Era*, eds. Charles DeBenedetti with Charles Chatfield (Syracuse, NY: Syracuse University Press, 1990), 387-408; Melvin Small, *Johnson, Nixon, and the Doves* (New Brunswick, NJ: Rutgers University Press, 1988), 20-23; Melvin Small, *Covering Dissent: The Media and the Anti-Vietnam War Movement* (New Brunswick, NJ: Rutgers University Press, 1994), 1-3; Andrew J. Huebner, "Rethinking American Press Coverage of the Vietnam War, 1965-1968," *Journalism History* 31 (2005): 150-161; Oscar Patterson III, "Television's Living Room War in Print: Vietnam in the News Magazines," *Journalism Quarterly* 61 (1984): 35-39, 136; Michael P. Boyle, Michael R. McCluskey, Douglas M. McLeod, and Sue E. Stein, "Newspapers and Protest: An Examination of Protest Coverage from 1960 to 1999," *Journalism and Mass Communication Quarterly* 82 (2005): 638-653.

¹¹ Despite considerable research, I could not locate any longitudinal analyses of antiwar protest in the United States. Situating the antiwar protest against the Vietnam War within the long history of antiwar protest will provide an understanding of the ways these protesters used and transformed the tactics and arguments of previous movements.

¹² Transcripts of the trial are available on microfilm from the Truman State University Pickler Memorial Library in Kirksville, MO. The transcript is on 8 reels of microfilm and is over 20,000 pages long. The author utilized an inductive model of

research regarding the transcripts; she skimmed each page looking for names of defendants, lawyers, and witnesses and printed the pages that offered important content from any of these parties. The author then noted the repetition of public moral argument, the carnival, and guerrilla theater utilized by the parties, and condensed the printed transcripts into examples of each of these categories.

¹³ *Contempt: Transcript of the Contempt Citations Sentences, and Responses of the Chicago Conspiracy* (Chicago: Swallow, 1970); Jason Epstein, *The Great Conspiracy Trial* (New York: Vintage Books, 1970); David R. Farber, *Chicago '68* (Chicago: University of Chicago Press, 1988); Jules Feiffer, *Pictures At a Prosecution* (New York: Grove Press, 1970); J. Anthony Lukas, *The Barnyard Epithet and Other Obscenities* (New York: Harper & Row, 1970); and John Schultz, *Motion Will Be Denied* (New York: Morrow, 1972).

¹⁴ “Invoking Summary Criminal Contempt Procedures: Use or Abuse? United States V. Dellinger: The ‘Chicago Seven’ Contempts,” *Michigan Law Review* 69 (1971): 1549-1575; David J. Danelski, “The Chicago Conspiracy Trial,” in *Political Trials*, ed. Theodore L. Becker (Indianapolis: Bobbs-Merrill, 1971), 134-180.

¹⁵ David Dellinger, *From Yale to Jail: The Life Story of a Moral Dissenter* (New York: Pantheon Books, 1993); Tom Hayden, *Trial* (New York: Holt, Rinehart and Winston, 1970); Abbie Hoffman, *The Autobiography of Abbie Hoffman* (New York: Four Walls Eight Windows, 1980); William M. Kunstler and Sheila Isenberg, *My Life as a Radical Lawyer* (Secaucus, NJ: Carol Publishing, 1996); Jerry Rubin, *We Are Everywhere* (New York: Harper Collins, 1971).

¹⁶ Most relevant to my study was the work of law professor Pnina Lahav, who analyzed the theatrical nature of the trial and the defendants' ability to construct identity within the courtroom. See Pnina Lahav, "The Chicago Conspiracy Trial: Character and Judicial Discretion," *University of Colorado Law Review* 71 (2000): 1327-1364; Pnina Lahav, "The Chicago Conspiracy Trial as a Jewish Morality Tale," in *Lives in the Law*, eds. Austin Sarat, Lawrence Douglas, and Martha Merrill Umphrey (Ann Arbor, MI: University of Michigan Press, 2002), 21-54; Pnina Lahav, "Theater in the Courtroom: The Chicago Conspiracy Trial," *Law and Literature* 16 (2004): 381-474.

¹⁷ Celeste Michelle Condit, "Crafting Virtue: The Rhetorical Construction of Public Morality," *Quarterly Journal of Speech* 73 (1987): 79-97.

¹⁸ Walter R. Fisher, "Public Moral Argument: The Nuclear Controversy" (Paper presentation at the Alta Conference on Argumentation, 1983): 450.

¹⁹ Fisher, "Public Moral Argument," 451.

²⁰ Fisher, "Public Moral Argument," 451.

²¹ A contemporary example of public moral argument is available in Lily Ledbetter's 2012 speech at the Democratic National Convention. In this oration Ledbetter argues for the need for equal pay for women by telling her personal story of discrimination, stating, "Some of you may know my story: How for nineteen years, I worked as a manager for a tire plant in Alabama. And some of you may have lived a similar story: After nearly two decades of hard, proud work, I found out that I was making significantly less money than the men who were doing the same work as me. I went home, talked to my husband, and we decided to fight. We decided to fight for our family and to fight for your family too."

We sought justice because equal pay for equal work is an American value. That fight took me ten years. It took me all the way to the Supreme Court. And, in a 5–4 decision, they stood on the side of those who shortchanged my pay, my overtime, and my retirement just because I am a woman.” Lily Ledbetter, “Speech at the Democratic National Convention” (speech, Charlotte, NC, Sept. 4, 2012).

²² Walter R. Fisher, “Narration as a Human Communication Paradigm: The Case of Public Moral Argument,” *Communication Monographs* 51 (1984): 8.

²³ Lisa M. Gring-Pemble, “‘Are We Going to Now Govern by Anecdote?’: Rhetorical Constructions of Welfare Recipients in Congressional Hearings, Debates, and Legislation, 1992-1996,” *Quarterly Journal of Speech* 87 (2001): 341-65.

²⁴ Fisher, “Narration as a Human Communication Paradigm,” 1-2. For an example, see William F. Lewis, “Telling America’s Story: Narrative Form and the Reagan Presidency,” *Quarterly Journal of Speech* 73 (1987): 280-302.

²⁵ Kurt Ritter, “Drama and Legal Rhetoric: The Perjury Trials of Alger Hiss” *Western Journal of Speech Communication* 49 (1985): 83-102.

²⁶ Fisher, “Narration as a Human Communication Paradigm,” 12.

²⁷ Reggie Twigg, “Narrative Justice: An Analysis of Selected Supreme Court Decisions” (Paper presentation at the Alta Conference on Argumentation, 1989): 88.

²⁸ Todd F. McDorman, “History, Collective Memory, and the Supreme Court: Debating ‘the people’ through the Dred Scott Controversy,” *Southern Communication Journal* 71 (2006): 213-34.

²⁹ Stephen Underhill, "J. Edgar Hoover's Domestic Propaganda: Narrating the Spectacle of the FBI's 'War on Crime,'" Paper presented at the National Communication Association Conference, San Diego, CA, 2008, 13.

³⁰ Murray Edelman, *Constructing the Political Spectacle* (Chicago: University of Chicago Press, 1988), 104.

³¹ Mikhail Bakhtin, *Rabelais and His World*, trans. Helene Iswolsky (Bloomington, IN: Indiana University Press, 1984).

³² Bakhtin, *Rabelais and His World*, 5.

³³ Bakhtin, *Rabelais and His World*, 7.

³⁴ John Fiske, *Television Culture* (New York: Routledge, 1987), 241.

³⁵ Fiske, *Television Culture*, 242.

³⁶ James A. Janack, "The Rhetoric of 'The Body:' Jesse Ventura and Bakhtin's Carnival," *Communication Studies* 57 (2006): 198.

³⁷ M. Lane Bruner, "Carnavalesque Protest and the Humorless State," *Text and Performance Quarterly* 25 (2005): 136.

³⁸ Some of these forms include graffiti, dressing in costumes and makeup, participating in festivals, humorous signs, and absurd demands. For examples see M. Lane Bruner, "Carnavalesque Protest and the Humorless States" *Text and Performance Quarterly* 25 (2005): 136-155.

³⁹ Dietram A. Scheufele and David Tewksbury, "Framing, Agenda Setting, and Priming: The Evolution of Three Media Effects Models," *Journal of Communication* 57 (2007): 11.

⁴⁰ Robert Entman, "Framing: Toward Clarification of a Fractured Paradigm," *Journal of Communication* 43 (1993): 52.

⁴¹ Barbie Zelizer, *Covering the Body: The Kennedy Assassination, the Media, and the Shaping of Collective Memory* (Chicago: University of Chicago Press, 1992).

⁴² According to Cara A. Finnegan, circulation "involves movement of the discourse." In addition, James Jasinski and Jennifer R. Mercieca noted, "constitutive rhetorics do not enter the public sphere fixed and fully developed....Over time, circulation practices produce a constitutive legacy that critical analysts can reconstruct." See Cara A. Finnegan, "Studying Visual Modes of Public Address: Lewis Hine's Progressive-Era Child Labor Rhetoric," in *The Handbook of Rhetoric and Public Address*, eds. Shawn J. Parry-Giles and J. Michael Hogan (Malden, MA: Blackwell Publishing Ltd., 2010), 258; James Jasinski and Jennifer R. Mercieca, "Analyzing Constitutive Rhetorics: The Virginia and Kentucky Resolutions and the 'Principles of '98,'" in *The Handbook of Rhetoric and Public Address*, eds. Shawn J. Parry-Giles and J. Michael Hogan (Malden, MA: Blackwell Publishing Ltd., 2010), 319-320.

⁴³ James Finn, ed., *Protest: Pacifism and Politics* (New York: Vintage Books, 1968).

⁴⁴ Alan M. Dershowitz, *America on Trial: Inside the Legal Battles That Transformed Our Nation* (New York: Warner Books, 2004), 390.

⁴⁵ Abbie Hoffman, *The Autobiography of Abbie Hoffman* (New York: Four Walls Eight Windows, 1980), 188-189.

⁴⁶ Jon Wiener, “Introduction: The Sixties on Trial,” In *Conspiracy in the Streets: The Extraordinary Trial of the Chicago Eight*, Jon Wiener, ed. (New York: The New Press, 2006), 1.

Chapter 1:

Antiwar Protest in United States History

The right to protest state-sponsored action has been a significant and controversial issue in American history since the time of the Puritans and continues to be a divisive issue, particularly during times of war. Robert L. Ivie suggested war has come to be considered an inevitability, needed to protect ideals and save lives. Protest against war, Ivie argued, is much more controversial than war: “Curiously, placing one’s self or loved ones in harm’s way seems less difficult and more reassuring than questioning the necessity, legitimacy, or sanity of war in any given case.”¹ Protests against war represent arguments against the authority of the government, making this dissent even more contested.² In addition, antiwar protest can also encourage citizens to question their religious beliefs and alter or strengthen their religious commitments,³ and can promote increased questioning of societal structures and the need for social revision. Acts of protest, specifically against war, thus represent a controversial, multilayered debate about the underlying structures of a country. These debates are the focus of this chapter.

Protesters are often accused of being disloyal. Thus, antiwar arguments and demonstrations are often linked to issues of patriotism. Just as American dissent has its roots in Puritan times, so does the ideology of American patriotism. According to George McKenna, patriotism—the idea that Americans have a special place in the world—has its roots in the Puritan belief that Americans are a “chosen people.”⁴ Alfred Jordan considered patriotism a type of bias in which a collectivity enhances the credibility of the belief.⁵ Jordan further noted that patriotism encourages a sort of ethnocentrism that hinders a person’s ability to compose arguments that counter his or her patriotic

sentiments.⁶ Patriotism is inherently connected to issues of war. John Somerville wrote, “To speak of patriotism was to think of war; to hear the words ‘a great patriot’ was to visualize a man with arms in hand risking his life on the field of battle.”⁷ Protest against a war, therefore, becomes an issue of patriotism, and those who choose to question the ethics, legality, politics, or motives of war often face questions about their loyalty to the nation and possible allegations of treason.

Despite the political risks of antiwar protest, however, Americans have participated in antiwar demonstrations and activities throughout American history. In this chapter, I examine the nature of antiwar protest beginning with the Revolutionary War and ending with a discussion of the Korean War, tracing developments in protest throughout the last three centuries. I treat the Vietnam War in a separate chapter, because the dissent against this war is the focus of this dissertation. Because “patriotism” is intrinsically linked to issues of war, in this chapter I will also discuss how protesters bridged (or failed to bridge) the gap between patriotism and antiwar sentiments. Finally, I examine how antiwar protesters emerged within the dominant discourse of the time. Thus, the purpose of this examination is to gain a larger understanding of how protest and the political actors who participated in such protest have been perceived throughout the country’s history. Previous scholarly efforts at exploring antiwar discourse in the United States have treated only one conflict at a time; thus, I combine these discussions with an emphasis on significant figures within each antiwar movement in an effort to trace some of the consistencies and differences involving antiwar protest in the United States.

I organize this chapter into six sections based on the national or ideological enemies in the wars against which protest was mounted. The first section deals with the

two wars that the United States fought against the British Empire: the Revolutionary War and the War of 1812. The second section deals with the Mexican-American War, which occurred from 1846 to 1848. The third section is devoted to the Civil War and the protests by citizens in both the North and in the South. In the fourth section, I discuss wars with Spain and its colonies, particularly the Spanish-American War and the Philippine-American War. The fifth section is dedicated to World War I and World War II. Finally, I have labeled the last section “The Cold War,” and included the Korean War within this section, because this war cannot be understood apart from the atmosphere created by the fear of communism.⁸

The Revolutionary War

Prior to the American Revolution, social movements began emerging in places like New England and the South in response to British regulations. For instance, the Continental Association of 1774, created by the First Continental Congress, encouraged its members not to import goods, but rather to rely on domestic products instead. In addition, the Association asked its members to spread the nonimportation, nonconsumption message to their friends and neighbors and to police those who were importing products that could be bought domestically.⁹ Behind these measures was the hope that Great Britain would give in to the demands of the colonies in response to the boycott.

The Association emphasized patriotism among its members and used the term to argue for the rightness of its cause. According to Barbara Clark Smith, “a patriot [according to the Association] was one who did not import, consume, or raise prices on scarce imported goods or the domestic products that replaced them.”¹⁰ Surveillance was

the main tool used by the Association members to enforce “patriotism” among the colonists, but the group also encouraged community members to sign petitions saying that they agreed to support the rules of the Association.¹¹ Those colonists who did not abide by the rules of the Association were subject to public hearings, and Association members boycotted their products or stores. This movement against Great Britain ended with the beginning of the Revolution, but clearly showed the willingness of the colonists to protest against treatment they deemed unjust.

Because the United States began as a British colony, it is not surprising that the country’s first war was one for independence from the British Empire. Not all American colonists desired to break from their mother country; in fact, many were hesitant to give up the protection offered by the crown and the loyalty they had cultivated toward the monarchy. Traces of the war opponents’ arguments may be found, for example, in Thomas Paine’s 1776 pamphlet *Common Sense*: “Why is it that we hesitate? From Britain we can expect nothing but ruin. If she is once admitted to the government of America again, the Continent will not be worth living in.”¹² Paine further sought to refute arguments of those who wished to stay under Britain’s power, contending that independence was inevitable because of the distance between Europe and the Americas, and because God was the true ruler of America, not a King.¹³ Despite the popularity of Paine’s arguments, some colonists remained unmoved by the pamphlet, continuing to pledge their allegiance to the crown. Joyce Appleby noted, “While there were radical leaders prepared to push for independence—for instance Samuel and John Adams—too many men and women were apprehensive, not just about the dangers of a struggle for independence, but about the rightness of such a move.”¹⁴ Many colonists perceived the

war as a rebellion, not a revolution, and were hesitant to take part in radical acts of rebellion against their government.¹⁵ These issues complicated the notion of “patriotism,” requiring colonists to choose between ties to their homes or to their British leaders.

Although today the Loyalist party is seen as a group of traitors, during the American Revolution, this party had considerable support from colonists and leaders. In fact, Robert Calhoun estimated that between 15% and 20% of colonial Americans would have been considered Loyalists.¹⁶ One famous loyalist who refused to support the American Revolution was Joseph Galloway. Galloway attempted to bridge the gap between Loyalists and Revolutionaries by creating a more beneficial union among the colonists and Great Britain. Galloway did not believe that Americans had suffered from oppression under the crown; in fact, he concluded that the Revolution was illegal and unwarranted. In addition, Galloway argued that a rebellion would not be beneficial for either the Americans or the British.¹⁷ In his rhetorical analysis of Galloway’s arguments, James Edward Sayer described the American dilemma as a choice of “foreign conquest and internal strife if her [America’s] rebellion were successful, or the loss of political and human rights at the hands of the British if the rebellion failed.”¹⁸ After his attempts to create a union between the colonists and the British failed and his service to the British crown ended, Galloway began publishing pamphlets outlining the reasons that the Revolution should be stopped. His protests went unheeded in America, so Galloway moved to England to profess his arguments to the British people. He encouraged the British to employ the support of American Loyalists more effectively and warned them against a domino effect should the American soldiers achieve their goal.¹⁹ Galloway’s

attempts at persuasion in England met with the same response as did his efforts in America, receiving little attention from the population or its leaders.

Another group of Loyalists, the Tories, enacted a different type of protest against the American Revolution: The Tories performed plays that emphasized the greatness of King George and the magnificence of the British Empire.²⁰ According to Ralph Borden Culp, the Tories used dialogues in which they berated the Whigs and glorified the Loyalist cause. Culp wrote, “Glittering generalities associated these three subjects [King George, the English Whigs, and Great Britain] with the heroic past, with peace and liberty, with material progress, and with the middle class attitudes of the viewers.”²¹ The Tories’ efforts proved unsuccessful; the American Revolution began in 1775 when the colonists formed the Continental Army and prepared for battle with the British.

Many African American slaves chose to remain loyal to the British crown. The British offered male slaves the promise of freedom in return for their loyalty. The presence of slavery in America provided a confusing contradiction noted by many African Americans. Mary Beth Norton noted the

primary intellectual paradoxes of the Revolution: the ironic fact that slave-holding Americans, who accepted without question doctrines of racial inferiority, wrote ringingly of the “equal rights of man” and inveighed resoundingly against the possibility that the colonists would be “enslaved” by Britain.²²

Because of this paradox, many African American slaves defected from their plantations to join the side of the British. Available means of protest for slaves were limited; their strongest means of conveying antiwar sentiments was to flee the country or to join the Loyalists in battle. In one case, a group known as the Royal Ethiopian Regiment scrawled

the words “Liberty to Slaves” onto their shirts in an effort to protest the paradox of freedom that the colonists represented.²³

In addition, women protested against the war, in part because many became destitute or widowed as a result of the Revolution. Although some suffered in silence, others sought change. They protested to their local authorities about the pay (or lack of pay) that their husbands received during their service. They protested the lack of pension money for those women who lost their husbands in the war.²⁴ Though no specific women’s organization emerged during this time to protest the war, individual women and small groups of women protested as issues arose.²⁵ Because women were most often confined to the private sphere, their complaints were frequently met with jeers and contempt from the government and the male public. Women’s rights were further restricted during the war as well: They were forced to take jobs that paid meager wages in order to support their families and were often forced to flee their homes for fear of British reprisal.²⁶

Despite fears, many women spoke out against their treatment during and after the war. For example, some women argued that they experienced the same conditions faced by slaves. Abigail Adams was perhaps the most famous woman to make the case for women’s rights during the Revolutionary War, discussing the position of women with her husband John Adams. In her study of women during the Revolution, Betsy Erkkila noted Abigail Adams became “one of the first to note and draw out the revolutionary implications of the analogy between the political position of America and the position of the female within a masculine economy.”²⁷ The ideals of the Revolution gave women a

foundation for their arguments, but their status in society ultimately limited their efforts to ultimately create change.

During the war, those who spoke out against the Revolution were quickly silenced or sanctioned. For example, in Charleston, South Carolina, those who opposed the Revolution were, according to Walter Edgar, “silenced by physical threats or banishment to the countryside.”²⁸ Loyalists were ridiculed and criticized in newspapers, speeches, and pamphlets and had their reputations mocked and their political ideas chastised.²⁹ Robert S. Lambert noted the confiscation of Loyalist property even after the war, explaining that prominent Tories’ property had been seized and sold at auction.³⁰ Special prisons were created for Tories, including the Simsbury Mine in Connecticut, which was particularly brutal to its inmates.³¹

With the passage of the Alien and Sedition Acts in 1798, protest became even more difficult for those seeking social and political change. Following the XYZ Affair of 1798–1799,³² President John Adams waged an undeclared war with France, often referred to by historians as the Quasi War. Rebellions occurred across the country, including Fries’s Rebellion in Pennsylvania. Participants in Fries’s Rebellion opposed the taxes being collected to fund the war with France, because the citizens in Fries’ city did not believe the benefits of the war justified the costs.³³ Though their arguments centered on issues of taxation, the citizens who took part in this rebellion argued against the constitutionality of the war as well. In one case, the Hembolt family and their neighbors created a “liberty pole” on which they attached a sign that read, “The Constitution Sacred, No Gagg [sic] Laws, Liberty or Death” to protest American participation in the Quasi War and the associated taxation.³⁴

In response to the increased public opposition to the war,³⁵ many courts had begun enforcing libel laws to punish protesters who spoke out against the government. Thomas F. Carroll noted, however, that the enforcement of these punishments was often excessive and sporadic:

The severity with which this law was administered and the doubts as to the exact provisions of it in regard to libels led to the demand for legislative enactments on the subject, and the Federalist majority in Congress hastily passed the Sedition Act to meet the situation.³⁶

The Alien and Sedition Acts were actually made up of four acts: (1) The Naturalization Act, which focused on the length of time aliens were required to reside in the United States before becoming eligible for citizenship; (2) The Alien Friends Act, which enabled Adams to deport aliens who were considered dangerous to American security; (3) The Alien Enemies Act, which allowed the President to deport citizens of countries currently at war with the United States; and (4) The Sedition Act, which read:

And be it further enacted, That if any person shall write, print, utter or publish, or shall cause or procure to be written, printed, uttered or published, or shall knowingly and willingly assist or aid in writing, printing, uttering or publishing any false, scandalous and malicious writing or writings against the government of the United States, or either house of the Congress of the United States, or the President of the United States, with intent to defame the said government, or either house of the said Congress, or the said President, or to bring them, or either of them, in contempt or disrepute; or to excite against them, or either or any of them, the hatred of the good people of the United States, or to excite any unlawful

combinations therein, for opposing or resisting any law of the United States, . . . then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years.³⁷

Thus, with the passage of the Sedition Act, speaking or writing any discourse that the government could possibly consider false, slanderous, or malicious became punishable by law.³⁸

The War of 1812

The War of 1812 is commonly thought of as a war to assert America's new power in the world.³⁹ However, Norman K. Risjord has argued that the War of 1812 was also inspired by economic factors and the desire of Republicans to pursue a more militant foreign policy.⁴⁰ Further, Risjord has asserted that James Madison, after taking over the office of the President in 1809, left the door open for war hawks to assert dominance over presidential decision making.⁴¹ In addition, Louis Morton Hacker has observed that the War of 1812 had expansionist underpinnings, because many agricultural workers in the United States desired the acquisition of Canada.⁴² Evidently, all these factors combined to ignite a war between the United States and Great Britain that left the U.S. Capitol Building and the White House burned and the principle of expansion unrealized for a time.

As a new nation, the United States was not yet seen as a world power by the European elite. Despite the victory in the Revolutionary War, U.S. leaders often felt bullied by Great Britain and other European powers—a point repeatedly emphasized by the Republican government. A major “American weakness,” according to Kate Caffrey,

was “the naïve longing to be liked” by the international community. Combined with the American reputation abroad as being “brash, boastful, crude, [and] money-mad,” this longing led many Republican leaders to condemn the British as a volatile enemy.⁴³ Robert L. Ivie noted that “Republican charges of British barbarity were persistent, thematic, and pervasive to the point of portending the ruination of American independence.”⁴⁴ By depicting the British as “evil,” “plotting,” and “diabolical,” Republican leaders could construct an enemy that required destruction and a justification for asserting American military and moral power.

Economic factors also provided a rationale for a U.S. declaration of war against Great Britain in 1812. Donald R. Hickey noted that the embargos imposed by Great Britain on the United States led to a “deep depression, perhaps the worst experienced [by the U.S.] since the beginning of colonial times.”⁴⁵ In particular, leaders in the Southern and Mid-Atlantic states felt that a war with England was the answer to an agricultural downturn related to previous naval embargos. Prices for many of the agricultural products produced by these states, such as cotton and tobacco, had been steadily declining, and many in the South blamed British trade restrictions, despite evidence that the decline in prices was actually a long-term trend.⁴⁶ According to Risjord, the “South and the West . . . went to war primarily to defend the right to export their products without interference from Britain.”⁴⁷ The perception of Great Britain as an enemy led many Americans to blame the British for economic hardship, even though most of the evidence shows Britain provided a large market for American goods.⁴⁸

In addition, many Republicans believed war would strengthen their hold on the American government. As James Madison took office in 1809, he was often accused of

being Thomas Jefferson's hand-picked successor. Madison relied heavily on Jefferson's opinions, and his presidency continued to strengthen the Republican hold in American government.⁴⁹ Although Jefferson sought a peaceful resolution to the conflicts with Great Britain, he also worried publicly that war would be the only possible solution.⁵⁰ Madison apparently shared his concerns, but pressure from his political party seems to have forced his hand.⁵¹ War offered several advantages for Republican leaders. In addition to the prestige of once again defeating the British, many Republicans believed war could, according to Hickey, offer "the prospect of significant political dividends" and "the best means of unifying the Republican Party."⁵² With the election of 1812 approaching, many Republicans believed that a war with Great Britain would secure the vote for Madison.

Finally, war with Great Britain offered the temptation of acquiring land north of the U.S. border. This motive had four distinct advantages: (1) attaining Canadian lands would mean an expansion of the republican form of government, (2) the United States would gain economically, (3) Canada would provide a strategic battleground for war, and (4) the United States could end the sale of arms by Great Britain to Native American tribes who sought to use them against the United States. Although Madison denied the expansionist explanation for his declaration of war, the benefits of gaining Canadian land seemed undeniable.⁵³

Opposition to the war began even before its declaration. The most vocal opponents of the War of 1812 were the Federalists, who believed war would be disastrous for the United States. Initial arguments focused on the problems that war would create for the American economy. As historian Lawrence Delbert Cress wrote, "Militia calls and enlistment campaigns disrupted farming and commercial enterprises

along the frontier. . . . The heavy burden of wartime taxation . . . would rest with equally destructive force on every region of the country.”⁵⁴ In an article in the *Columbian*

Centinel, for example, one anonymous citizen wrote,

I do not believe in the *justice*, and still less in the *expediency* of a British war. . . . Nor can I see any reason, why it is *prima facie* proof to greater patriotism, to be in favor of going to War, than to be in favor of remaining at Peace, especially if we think that war will bring nothing but disgrace and poverty, and that peace may be preserved with honor and advantage.⁵⁵

In addition, many Federalists feared that another downturn in America’s economy could lead to increased lawlessness and anarchy. “War meant unemployment . . . and with it discontent bred of idleness and want,” according to Cress.⁵⁶ Many merchants in Vermont and New York resisted the war effort by continuing to sell food and oil to the British even during the war, despite a strict embargo. As Harvey Strum wrote,

War did not stop New Yorkers or their Vermont neighbours from smuggling One reported caravan of smugglers was nearly a mile long. . . . Without American provisions the British could not have fed their troops and civilian population in Upper Canada (Ontario) in 1814.⁵⁷

Smuggling thus became a reaction to and protest against an economically unpopular war in New England.

Federalists warned this war was another example of how the United States had strayed from its original purpose. Cress summarizes the Federalist argument that the war was a punishment for America’s sins:

[The nation] had turned its back on the God who had made it free and independent. It had allowed individual ambition to replace a commitment to the common good as the driving force in society. For two decades . . . the lusts and passions of individuals in the pursuit of worldly goods had pushed the nation toward disaster. . . . Unjust laws, sometimes enforced in a cruel and arbitrary manner, had been passed and the public treasury squandered. Worst of all, a war had been declared that was neither necessary nor in self-defense.⁵⁸

Federalists claimed that God punished the citizens of the United States through the losses of this war, and the only way to be saved from God's wrath was to repent. Repentance meant speaking out against the war, refusing to participate physically or monetarily in the war, and working to unseat government officials who had pushed for the war.⁵⁹ In the *Trenton Federalist*, an anonymous "Hunterdonian" noted, "The moment we pronounce war against England, and as a necessary consequence, peace, union, and cooperation with France, our domestic endearments, our civil liberties, and our religious privileges, are in jeopardy."⁶⁰ William Gribbin noted, "[The message] was as simple as this: if the war was punishment for America's sins, then those sins must be immediately expurgated."⁶¹ Some citizens even engaged in fasts during the summer of 1812 in an effort to protest the war and to repent for their nation's sins.⁶²

The most extreme Federalist message came from New England Federalists, who called for the possible secession of New England from the Union. In the fall of 1814, the Massachusetts government met with representatives from Great Britain in an effort to secure a possible alliance with the crown at the Hartford Convention. According to J. S. Martell, "the principle object of this mission was to ascertain the British attitude toward a

separate peace with New England.”⁶³ New England considered itself extraordinary in many ways, particularly in its commitment to republican ideals. According to James Banner, Jr., “It was this potent combination of republican and exclusivist attitudes which led many people during the trying days of 1814 to talk of concerted protest, a separate peace with Great Britain, or, in the last extremity, disunion.”⁶⁴ Although secession was considered a last resort, one writer in the *Boston Daily Advertiser* noted its possibility:

I do not mean to say that this bond [the union] may not be broken. On the contrary, I have no doubt that from a federation of sovereigns, any one or more of the sovereigns may secede, if it sees fit to do so. . . . All other means of relief should be first tried.⁶⁵

Despite the dominance of the Republican Party in New York’s government, New York Federalists also emerged as a significant antiwar voice. In response to the Republican endorsement of war, New Yorkers elected antiwar Federalists to its Assembly and urged its Congressmen and Senators to vote against a war.⁶⁶ After war was declared, Federalists in the state urged the creation of a “Peace Party” to unite those who believed the war to be unjust.⁶⁷ Harvey Strum noted many New Yorkers refused to serve in the state militia.⁶⁸ Various antiwar and anticonscription rallies took place across the state.

Many Federalist leaders began disseminating their antiwar message through newspaper stories. Editors and columnists of these newspapers faced angry mobs, violence, and death threats for expressing their antiwar views, but the papers persisted in supporting the Federalist cause.⁶⁹ In Virginia, the *Alexandria Daily Gazette*, the *Norfolk Gazette and Publick Ledger*, and the *Virginia Patriot* emerged as Federalist bastions of opposition to the war.⁷⁰ Federalist newspaper editors and columnists across the country

were met with mobs, riots, destruction, and violence. The most violent attacks against Federalist-controlled newspapers occurred in Baltimore in the summer of 1812. As a Republican stronghold, Baltimore merely tolerated the existence of Federalist papers prior to the war. When war was declared, however, many Baltimore Republicans believed that the Federalist paper, the *Federal Republican*, was printing articles that amounted to treason. On June 22, two days after the *Federal Republican* published an official declaration against the war, a group of between thirty and forty men broke into the newspaper office and destroyed its contents, including the paper's printing press.⁷¹ Rioting continued throughout the city for weeks, targeting anyone or anything that the mobs believed to be un-American. Donald Hickey offered several examples of the violence:

An Irishman . . . had to flee because he had reportedly ridden express for the *Federal Republican*. Mobs dismantled several ships in the harbor, convinced that they were loaded with provisions for Britain or her allies. The city's black people came in for a share of the abuse as well. Two houses in the black section of town were pulled down because their owners were thought to be sympathetic to England.⁷²

Despite the violent and destructive nature of the mob, none of the rioters was punished. On this account, Hickey concludes that the conflict left "a legacy of fear among Federalists in the city."⁷³

The Mexican-American War

The empire-building nature of the War of 1812 remained in the American imagination following the conclusion of the war. This expansionist mentality extended

further into the nineteenth century as war with Mexico became a stronger possibility. The desire of the United States to annex Texas and other Mexican lands, combined with arguments blaming Mexicans for hostilities toward American citizens, resulted in a war between the two nations. The arguments of those who opposed war with Mexico were steeped in anti-imperialist sentiments.

The idea of “manifest destiny,” described by Julius W. Pratt as the “philosophy of territorial expansion,”⁷⁴ was evident in American minds during the early nineteenth century. John O’Sullivan, editor of the *Morning News* and the *Democratic Review* utilized the phrase:

The far-reaching, the boundless future will be the era of American greatness. In its magnificent domain of space and time, the nation of many nations is *destined to manifest* to mankind the excellence of divine principles; to establish on earth the noblest temple ever dedicated to the worship of the Most High—the Sacred and the True.⁷⁵

O’Sullivan later used the phrase “manifest destiny” directly when urging for the annexation of Texas, writing that other nations have placed themselves

between us and the proper parties to the case, in a spirit of hostile interference against us, for the avowed object of thwarting our policy and hampering our power, limiting our greatness and checking the fulfillment of our manifest destiny to overspread the continent allotted by Providence for the free development of our yearly multiplying millions.⁷⁶

It was fate, such logic indicated, that the United States would expand its territory in order to spread democracy and Christianity in foreign lands.

The election of James K. Polk in 1844 cemented the expansionist visions for the United States. A strong believer in manifest destiny, President Polk sought ways to expand American territory. Mexico became an appealing target to Polk for several reasons. Peter M. Jonas wrote, “Mexico’s stormy history following independence, its close proximity to the United States, and the presence of a considerable number of American citizens and businessmen in Mexico all strained relations between the two nations.”⁷⁷ Polk cited the death of American citizens in Mexican territory, the effort of his administration to foster peaceful negotiation, and the move by Mexico to declare war upon the United States first. In his “War Message” of May 11, 1846, he stated,

But now, after reiterated menaces, Mexico has passed the boundary of the United States, has invaded our territory, and shed American blood upon the American soil. She has proclaimed that hostilities have commenced, and that the two nations are now at war. As war exists, and, notwithstanding all our efforts to avoid it, exists by the act of Mexico herself, we are called upon by every consideration of duty and patriotism to vindicate with decision the honor, the rights, and the interests of our country.⁷⁸

Despite his expansionist goals, Polk’s message omitted any discussion of manifest destiny, instead arguing that military action was a defensive measure. In doing so Polk officially declared war on Mexico and began the first American foreign war.

The first group to oppose war with Mexico publicly was the Whigs, in contrast to the prowar Democrats who then held power. One of the most famous Whigs of the time, Daniel Webster, spoke publicly against the war in several speeches. Webster’s antiwar speeches were mostly anti-imperialistic in tone.⁷⁹ Craig R. Smith wrote in his analysis of

Webster's antiwar messages, "He claimed he opposed adding the territory acquired in the war as much as he opposed adding Canada to the United States. . . . Webster added that expansion would damage the Constitution and throw the Senate into disarray."⁸⁰ In his address to the Senate on March 23, 1848, Webster argued that the acquisitions gained from the war (New Mexico and California) were unnecessary, useless, and not worth the efforts of war. Further, Webster warned of the dangerous precedent that the Mexican-American War created for later imperialist leaders. He stated, "Sir, we take New Mexico and California; who is weak enough to suppose that there's an end?. . . . Who thinks that the hunger for dominion will stop here of itself?"⁸¹ Webster made further arguments about the interests of slaveholders in the new territory, which abolitionists took up and extended.⁸²

Many abolitionists believed that the war was started by slaveholders to expand slave-holding territory, and they used moral arguments to speak out against the war. Various church groups created open letters or published articles in their papers that publicly opposed the war on the grounds that it was seen as an attempt to extend slavery. In particular, the Congressionalists, the Quakers, and the Unitarians created resolutions that united their antiwar and antislavery messages.⁸³ In 1846, Theodore Parker noted the immoral nature of the war in "A Sermon of the Mexican War,"

Slavery has already been the blight of this nation, the curse of the North and the curse of the South. It has hindered commerce, manufacturers, agriculture. It confounds your politics. It has silenced your ablest men. It has muzzled the pulpit, and stifled the better life out of the press. It has robbed three million men of what is dearer than life; it has kept back the welfare of seventeen million more. You

ask, O Americans, where is the harmony of the Union? It was broken by slavery. Where is the treasure we have wasted? It was squandered by slavery. Where are the men we sent to Mexico? They were murdered by slavery.⁸⁴

Thus, abolitionists created a direct link between the Mexican-American War and the extension of slavery and warned against the immoral path America was taking.

The abolitionists' most strident move came in the form of the Wilmot Proviso, a rider attached to an appropriations bill, which stated that none of the new territory acquired in the war would ever be open to slavery. The proviso was never passed—it was defeated every time by unanimous votes from the South. The proviso had a divisive effect on antiwar Whigs and Democrats alike. It stated,

Provided that, as an express and fundamental condition to the acquisition of any territory from the Republic of Mexico by the United States, by virtue of any treaty which may be negotiated between them, and to the use by the Executive of the moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall first be duly convicted.⁸⁵

According to Frederick Merk, “The Wilmot proviso was the most ominous of the protests generated by the war. It was ominous because it so sharply divided the nation into quarreling sections.”⁸⁶ In fact, historian Eric Foner identified this proviso as an early marker on the path to Civil War: The proviso was to serve as a guarantee that the war was not being fought to extend slavery.⁸⁷

As in the past, antiwar protesters faced charges of treason and censure both verbally and physically. Newspapers covered the Mexican-American War voraciously

because it was America's first foreign war of significance. However, the nature of the war made suppression of news stories particularly convenient. According to Tom Reilly, the martial law imposed by American forces in Mexico led to the censorship of the press. Reilly argued, "In the same manner it found martial law effective in controlling civilian populations in general, the army found these broad, vague powers a useful tool to silence newspaper critics."⁸⁸ Reilly cited at least ten cases in which the United States army suppressed newspaper coverage of the war by censoring content or shutting down the papers altogether.⁸⁹

The Civil War

The abolitionist sentiment that had been building as a result of the Wilmot Proviso and other debates culminated in the early 1860s. Those who opposed slavery were willing to fight for the cause. On the other side, those who supported slavery as a necessity for the Southern economy were willing to defend their interests. Many Northerners were apathetic toward slavery and did not want to risk their lives and livelihoods in a war to abolish the practice. In addition, not all Southerners wanted to break from their Northern counterparts. The dissenters during this period often blamed slaves themselves and the institution of slavery as a whole for dividing the nation, expressing an antiwar sentiment that relied on economic, anticonscription, and racial arguments.

The abolitionist cause, combined with the political, economic, and social climate of the times, hastened the coming of the Civil War. As more Northerners joined the antislavery campaign, Southern resentment grew. David Zarefsky has observed that the "opportunities for compromise narrowed as North and South increasingly meant different

things by the same terms, such as liberty and constitutionalism.”⁹⁰ Abraham Lincoln described this polarization in his “House Divided” speech, delivered on June 16, 1858:

I believe this Government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved—do not expect the house to fall—but I do expect it will cease to be divided. It will become all one thing or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or its advocates will push forward, till it shall become alike lawful in all the States, old as well as new—North as well as South.⁹¹

In addition, Lincoln, in the “Cooper Union Address” of 1860, answered the threats of Southerners to secede from the Union: “Your [the South’s] purpose, then, plainly stated, is that you will destroy the government unless you be allowed to construe and force the Constitution as you please, on all points in dispute between you and us. You will rule or ruin in all events.”⁹² The election of Lincoln in November 1860 marked a turning point for many Southerners who feared the policies of the new president toward slavery. Believing that they could secede without starting a war—or if war would come they could repel the opposing forces—Southern states began to leave the Union.⁹³ Thus, the Civil War began as a war over not only slavery, but over the rights of states to remove themselves from the Union. The American Civil War began on April 12, 1861.

Many Americans did not want war, however, and began speaking out against the cause in both the North and the South. One group that bridged regional divides was the Peace Democrats, also known as the Copperheads.⁹⁴ Wyatt Kingseed explained the Copperheads’ opposition to war in economic terms: “Poor whites in cities did not want to

fight for black freedom, not when former slaves would compete for jobs. In rural areas, farmers could hardly afford to leave fields and livestock to take up arms.”⁹⁵ Many Copperheads blamed abolitionists for the war and did not want to fight on behalf of slaves.⁹⁶ Arnold M. Shankman cited an example in which Copperheads in Pennsylvania threatened an abolitionist clergyman: “A band of war critics interrupted the sermon of Reverent E. P. Eyer and demanded to know whether he was a Democrat or an abolitionist. They informed him that, if he was the former, he could continue to preach, but if he was the latter, they intended to hang him.”⁹⁷ Further, Copperheads spread rumors about black strikebreakers who would take white jobs in the cities and fictional stories “involving miscegenation and prostitution, since these could be used to persuade Pennsylvanians that continuation of the war would promote racial amalgamation and moral decadence.”⁹⁸ The Copperheads were resentful of the war and used various tactics to show their discontent like delivering public speeches, holding conventions, and in some cases even starting riots.⁹⁹

In combination with the economic and racial arguments against the war, many Americans protested based on anticonscription sentiments. On May 3, 1863, the U.S. government passed the first conscription act in its short history. That July, many New Yorkers took to the streets to protest the draft in what became one of the most violent riots of the nineteenth century.¹⁰⁰ Iver Bernstein noted how the Conscription Act of 1863 provoked the anger and resentment of many in New York by being “biased against the poor, magnifying white racial fears, and involving the federal government as never before in local affairs.”¹⁰¹ The rioters burned buildings, destroyed subway tracks and roads, and violently beat African Americans and any others who questioned their actions. According

to Bernstein, the riots began as an anticonscription protest, became a looting affair, and finally ended with the clash of the military and the mob.¹⁰² “Speechmaking,” noted

Winona L. Fletcher, “ran the gamut of rhetorical composition” during the riots,¹⁰³ where

Motives varied from a desire for political power to a genuine love of humanity.

Although there is no glib explanation for social upheaval, demagogues could

easily find disruptive causes to exploit: the inequities . . . of the draft; the

frustrations of a prolonged war; disgust with war profiteering; hostility to the

Republican administration and to Negroes; degrading urban poverty and

ignorance.¹⁰⁴

All these issues involving the war culminated in the riots, during which time blacks were lynched, businesses were destroyed, and homes were burned to the ground.¹⁰⁵

Although the Civil War differed from previous wars in many of its origins, the underlying theme of imperialism still troubled the nation during the 1860s. The acquisition of new lands from Mexico and France brought the question of slavery to the forefront, increasing tensions between North and South and culminating in the attempted dissolution of the Union and ultimately the entrance into war. Unfortunately, the issue of America’s imperialistic ambitions did not end with the last gunshots of the Civil War in 1865: The United States continued attempts to acquire new lands and continue the country’s march toward its “manifest destiny.”

War with Spain and its (Former) Colonies

In the late nineteenth century, the world’s major military and industrial powers vied to possess foreign lands and gain the wealth such lands could provide. The Spanish-American War and the War with the Philippines cannot be understood apart from the

scrambling of powerful nations to gain new colonial powers and to build larger empires.¹⁰⁶ Racial and classist stereotypes and a revised version of manifest destiny in 1898 expressed in both the Spanish-American War and the U.S. War with the Philippines.¹⁰⁷

At the beginning of the Cuban independence movement, Cuba sought American support as it attempted to break its colonial ties with Spain. According to James C. Bradford, the act of protecting Cuba was unprecedented; the United States had never before gone to war in defense of another nation's sovereignty.¹⁰⁸ H. W. Brands noted,

Their [Cuba's] entreaties drew strong support from certain segments of the American population. Manifest Destinarians argued for American intervention on grounds of both the welfare of the Cubans, who would be released from Spanish bondage, and the interests of the United States, which might win control of Cuba in the bargain.¹⁰⁹

However, prior to the war, some Americans argued against the expansionist nature of a war with Spain. The desire for war was confirmed, it seemed, when the *Maine* was destroyed off the coast of Havana, Cuba, on February 15, 1898. Although the sinking was not the only reason for war, it certainly affected public opinion regarding war with Spain. According to Brands, "Even much of that portion of American opinion that wasn't demanding war was no longer strongly opposing it" after the sinking of the *Maine*.¹¹⁰

Known as the "splendid little war," the Spanish-American War lasted only 100 days and had relatively few casualties compared to previous wars.¹¹¹ In addition, the United States "emerged as a colonial power, the possessors of the spoils of war."¹¹² Because the war resulted in few losses and many gains (possession of Guam, Puerto

Rico, and the Philippines), opposition to the war was limited. Frank Freidel claimed the Spanish-American war “was too brief and too successful to become unpopular.”¹¹³ Piero Gleijeses noted, however, that antiwar newspapers, particularly the *Boston Herald*, *Harper’s Weekly*, the *Richmond Dispatch*, the *Baltimore American*, and the *San Francisco Chronicle*, and a few antiwar Senators maintained their oppositional stance during those 100 days. Their arguments expressed concerns about the strength of the Spanish navy versus a newly formed and underdeveloped U.S. navy, the number of U.S. casualties, the soaring cost of the war, and the lack of clear rewards for the country.¹¹⁴ These arguments were often muted, however, in the face of the stronger prowar congressmen and journalists.¹¹⁵

The conclusion of the Spanish-American War and the acquisition of new colonies brought dissent from America’s new foreign lands, particularly the Philippines. Also, the treatment of Filipinos became a major point of dissent among Americans. For the United States, the Philippines represented a strategic military and economic base for further expansion. According to Stanley Karnow,

The conquest of the Philippines was ancillary to their [the U.S. government’s] paramount goal of dislodging Spain from Cuba, but they realized that by propelling American power into the Pacific, businessmen could boost their lucrative trade with China and Japan and profit from tapping their thriving markets and rich sources of raw materials.¹¹⁶

Having been exploited for years by the Spanish, Filipinos rejected America’s “colonial” rule and fought back against what they considered a new oppressor.

In an effort to curb the growing hostility toward the war, which was lasting far longer than had the Spanish-American war and generating a significant number of American and Filipino casualties, proponents of the war suggested that it was being fought for the good of the Filipinos themselves. President Theodore Roosevelt, the most outspoken promoter of the colonial war with the Philippines, framed the war as a necessary step toward civilizing the Filipino population.¹¹⁷ In a speech delivered on September 7, 1900, Roosevelt argued that liberty

is invoked to secure the abandonment of American honor and to throw the Philippines under the rule of a corrupt and tyrannous oligarchy. . . . [W]e cannot too clearly keep in mind that the success of the Aguinaldian rebels would mean not liberty for all Filipinos, but liberty for a certain bloodthirsty section to oppress a great majority of their fellow countrymen.

Roosevelt explained that the purpose of the American involvement in the Philippines “means to give the islands peace, and it is the only chance they have of getting peace or of getting good government.”¹¹⁸ Extending Roosevelt’s arguments, Albert Beveridge, in his speech entitled “The March of the Flag,” characterized American colonialism as a “duty to the world.” He characterized the Filipinos as uncivilized and argued that the United States was saving them from a life of savagery: “Would not the people of the Philippines prefer the just, human, civilizing government of this Republic to the savage, bloody rule of pillage and extortion from which we have rescued them?”¹¹⁹ By casting the Filipinos as savages in need of American intervention, advocates of war rationalized the war on moral and benevolent grounds.

In reaction to the War with the Philippines, a group of dissenters, particularly anti-imperialists, emerged to oppose the war.¹²⁰ In contrast to Theodore Roosevelt's framing of the acquisition of the Philippines as "expansionism,"¹²¹ the opposition, according to Stephen Rendahl, emphasized the term "imperialism."¹²² In an inaugural document published in the *Los Angeles Times*, the Anti-imperialist League decreed,

To the President and the Congress of the United States: The undersigned, citizens of _____ in the states of _____ protest against any extension of the sovereignty of the United States over the Philippines in any event, or other foreign territory, without the free consent of the people thereof, believing such action would be dangerous to the republic, wasteful of its resources in violation of constitutional principles, and fraught with moral and physical evils to our people.¹²³

These arguments countered Roosevelt's belief that the United States was bestowing republican virtues on the Philippines, occasionally arguing that the annexation of such a savage country would ultimately harm the United States. Paul Kramer wrote, "Many of these concerns were explicitly racial: annexation of the Philippines would lead to the 'corruption' of the U.S. body politic itself through Filipino citizenship and the 'degrading' of U.S. labor by additional waves of 'Asiatic' immigrants."¹²⁴

Anti-imperialist leagues emerged across the country, boasting such members as Jane Addams, Mark Twain, William Jennings Bryan, and Andrew Carnegie.¹²⁵ Mark Twain, in particular, wrote and spoke extensively against the imperialistic actions of the U.S. government. Emphasizing identification and morality, Twain attempted to reveal inconsistencies between the ideals of America and imperialist thinking.¹²⁶ Some women's suffrage advocates also expressed arguments against the war by discussing its imperial

nature. For example, Mary A. Livermore, member of the Anti-Imperialist League and one-time president of the American Woman Suffrage Association, aligned the causes of both groups in an effort to equate the struggles of both groups for liberation.¹²⁷ William Jennings Bryan, one of the most vocal of the anti-imperialists, used this platform in his contest against William McKinley in the 1900 presidential election. In his speech entitled, “Imperialism,” delivered on August 8, 1900, Bryan warned against the menaces of unbridled expansion. He argued that there existed no just reason for colonizing the Philippines and supported the creation of a “stable form of government in the Philippine Islands.” He also called for the protection of “the Filipinos from outside interference while they work out their destiny, just as we have protected the republics of Central and South America and are, by the Monroe Doctrine, pledged to protect Cuba.” Replacing one colonizing force with another, contended Bryan, was not only immoral, but also illegal.¹²⁸

Anti-imperialist sentiment grew as the war waged on, but subsided as military action in the Philippines came to an end. Imperialism won out in the Philippines; Emilio Aguinaldo, leader of the Filipino resistance, was captured, and his followers could not carry on the war without him. Utilizing a “policy of attraction,” the United States implemented an American-run and backed government in the Philippines, which existed until the archipelago achieved its independence in 1946.¹²⁹ The legacy of the wars with Spain and its former colony continued well into the twentieth century as the United States became even more involved in European and Asian affairs. These wars marked a significant change in the meanings of manifest destiny and the Monroe Doctrine as they

were understood up to that point—in fact, the discourse of benevolence and duty encouraged military intervention abroad.

World War I

After the conclusion of the War with the Philippines, the United States continued its aggressive foreign policy. Cyrus Veaser has claimed that reasons for this foreign policy included

the creation of world-class navy after 1890, the growing importance of New York as a world financial center, the desire to end social conflict at home through trade expansion abroad, and the emergence of the United States as a colonial empire after the Spanish-Cuban-American War of 1898.¹³⁰

The 1908 election of William Howard Taft, Theodore Roosevelt's hand-picked successor, led to a policy of "dollar diplomacy" in the United States, continuing America's involvement in foreign matters, particularly in Latin America. Emily S. Rosenberg defined dollar diplomacy as "a controversial U.S. policy that attempted to use private bank loans to leverage the acceptance of financial advisers by foreign governments that U.S. officials and investors considered unstable."¹³¹ This policy substituted "dollars for bullets" according to Taft,¹³² and tightly linked the financial sectors of the United States to the government sphere. Further, this policy allowed the United States to become more involved in foreign affairs and led to the continuation of American intervention abroad.

On June 28, 1914, Archduke Franz Ferdinand, heir to the Austro-Hungarian throne, was assassinated by a Serbian nationalist, effectively beginning what came to be known as World War I.¹³³ As the Central Powers and the Allied Forces began fighting the

Great War, the United States declared a policy of neutrality. The U.S. could not remain nonaligned for long, however, as the country continued to trade with Great Britain, infuriating Germany. The sinking of the *Lusitania* in 1915 and further provocations by the German government encouraged Woodrow Wilson to declare war, but the President continued his refusal to commit American troops. The German actions, in addition to British encouragement, led to feelings of anger and sympathy for many Americans, while others continued their adamant support of the President's neutrality.¹³⁴

Woodrow Wilson announced on April 2, 1917, that America would go to war, despite previous promises that he would keep the United States out of the European conflict. Citing naval violations by the Germans as the major reason for his decision, Wilson argued that entering the war would help make the world "safe for democracy." Wilson said,

Its peace must be planted upon the tested foundations of political liberty. We have no selfish ends to serve. We desire no conquest, no dominion. . . . We are but one of the champions of the rights of mankind. We shall be satisfied when those rights have been made as secure as the faith and the freedom of nations can make them.¹³⁵

Opposition to the war began even before American involvement, but became especially intense after Wilson's "War Message." Several diverse groups emerged and occasionally converged to contest the nature and conduct of the war, including, among others, the pacifists, union workers, anarchists, suffragists, religious leaders, and even government officials. The crux of their arguments lay in various interpretations of the war effort. Although U.S. involvement with World War I was comparatively short, the

country relied on the efforts of industrial workers, women, and immigrants to fight the war. In addition, the United States reinstated the draft in order to meet the military needs of the war.¹³⁶

As the United States entered into another foreign war, the government passed measures to ensure that antiwar activists would not hinder the war effort. The Espionage Act, passed on June 15, 1917, served to penalize those who would interfere in any way with the draft or the war. Section 3 of the Act stated,

Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies and whoever when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than twenty years, or both.¹³⁷

Less than a year later, Wilson signed the Sedition Act in May 1918, which extended the penalties of the Espionage Act to those who, “when the United States is at war, shall willfully utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the United States,” in addition to those who “intended to incite, provoke, or encourage resistance to the United States.”¹³⁸ Combined, these two acts created measures that allowed the U.S. government to prosecute anyone who voiced antiwar sentiments. According to Theodore Kornweibel, Jr., “These further

restrictions on free speech stemmed in part from the president's belief that the enemy was using surrogates such as liberals and labor leaders . . . to undermine the American war effort."¹³⁹ Resistance to these acts led to a number of American citizens being censured, jailed, or even deported.¹⁴⁰

One of the first antiwar advocates prosecuted under these acts was Emma Goldman. Goldman was arrested for speaking out against a war she defined as immoral, illegal, and unnecessary and for urging the citizens of the United States not to participate in the war effort. Goldman's indictment came after a speech she gave to a large group of immigrants on June 14, 1917, in which she urged men to resist the draft on the grounds that the war was unjust and unwanted by the American people. In that speech, Goldman stated,

If war is necessary, only the people must decide whether they want war or not, and as long as the people have not given their consent I deny that the President of the United States has any right to declare it; I deny that the President or those who back the President have any right to tell the people that they shall take their sons and husbands and brothers and lovers and shall conscript them in order to ship them across the seas for the conquest of militarism and the support of wealth and power in the United States. You say that is a law. I deny your law. I don't believe in it.¹⁴¹

Because she specifically recommended that citizens avoid conscription and questioned the reasoning behind the war, Goldman was arrested for having violated the Espionage Act. Her trial began on June 27, 1917, and despite the accusations waged against her, Goldman spoke out in her own defense. In her "Address to the Jury," Goldman stated,

We simply insist, regardless of all protests to the contrary, that this war is not a war for democracy. If it were a war for the purpose of making democracy safe for the world, we would say that democracy must first be safe for America before it can be safe for the world. . . . Free speech is suppressed. Free assemblies are broken up by uniformed gangsters, one after another. . . . So we say, gentlemen of the jury, our crime, if crime there be, is not having in any way conspired to tell young men not to register or having committed overt acts. Our crime, if crime there be, consists in pointing out the real cause of the present war.¹⁴²

Goldman was found guilty of violating the Espionage Act and was subsequently imprisoned prior to her deportation to Russia. In addition, the men in attendance at her June 14 speech were required by authorities to present their draft cards, and anyone who could not produce their card for police was arrested as well.¹⁴³

Eugene V. Debs was another famous figure indicted under the new Espionage and Sedition Acts. As a Socialist and pacifist, Debs was a controversial figure in American politics. He had condemned the Spanish-American War and the subsequent War with the Philippines and continued his activist activities during World War I. Speaking throughout the country on socialist issues, Debs spread his antiwar message while authorities watched and waited. In Canton, Ohio, Debs argued against the war during a speech he delivered on June 16, 1918. He was arrested and indicted for

attempting to cause insubordination, mutiny, disloyalty, and refusal of duty within the military forces of the United States, and the utterance of words intended to procure and incite resistance to the United States, and to promote the cause of the Imperial German Government.¹⁴⁴

In his Canton speech, he reportedly made only six references to the war. According to Bernard J. Brommel, Debs argued that although it was the working man who would ultimately fight the war, it was the elite who decided to wage wars. In addition, according to Brommel, Debs wanted workers to “know that they exist for something better than slavery and ‘cannon fodder.’”¹⁴⁵ Debs stated,

Every solitary one of these aristocratic conspirators and would-be murderers claims to be an arch-patriot; every one of them insists that the war is being waged to make the world safe for democracy. What humbug! What rot! What false pretense! These autocrats, these tyrants, these red-handed robbers and murderers, the “patriots,” while the men who have the courage to stand face to face with them, speak the truth, and fight for their exploited victims—they are the disloyalists and traitors. If this be true, I want to take my place side by side with the traitors in this fight.¹⁴⁶

During the trial, Debs mostly served as his own attorney, repeatedly arguing that his June 16 speech was protected by the First Amendment. Further, Debs continued to promote his socialist beliefs and reinforce his antiwar message. Despite his eloquence and logical arguments, Debs was convicted for his antiwar activities. In his final address to the court, he stated,

Years ago I recognized my kinship with all living beings and I made up my mind that I was not one bit better than the meanest of the earth. . . . In that day [when Socialism takes over] we will have the universal commonwealth . . . [of] the harmonious cooperation of every nation with every other nation on earth. In that

day war will curse this earth no more. . . . If I had my way, there would be no soldier.¹⁴⁷

Debs was sentenced to ten years in prison where he continued to write and advocate against the war, even running for president from his jail cell.

Despite the threat of severe sanctions for speaking out against the war, a few brave politicians chose to denounce both the war and the Espionage and Sedition Acts. One of these speeches was delivered by Republican Progressive Senator Robert LaFollette. Opposed to the war from the start, LaFollette voted against the Declaration of War and the War Revenue Act. Journalists began publishing stories that the Senator believed the United States had “no grievance” with Germany, although this was reportedly a misquote.¹⁴⁸ In reaction to these stories, citizens signed petitions urging LaFollette’s dismissal from the Senate. On October 6, 1917, LaFollette was given the chance to speak to the Senate chamber regarding the petition and his previous remarks. Instead, LaFollette delivered his “Free Speech in Wartime” address, arguing against wartime sanctions on free speech. In the speech, he stated, “Mr. President, our government, above all others, is founded on the right of the people freely to discuss all matters pertaining to their government, in war not less than in peace, for in this government the people are the rulers in war no less than in peace.”¹⁴⁹ Although LaFollette was not impeached from the Senate, his speech did little to convince the proponents of war. He was still maligned in the press and in the Senate for his antiwar views; news articles demanding LaFollette’s resignation (or worse) abounded.¹⁵⁰

Finally, women involved in the U.S. suffrage movement emerged as antiwar advocates after the start of World War I. These suffragists tended to belong to the more

radical organizations of the woman's suffrage movement, including the National Woman's Party (NWP). As the President of the NWP, Alice Paul became a significant figure in the suffrage movement. Paul was not particularly antiwar, but believed that the United States should honor democracy at home before claiming to fight for democracy abroad. According to Sally Hunter Graham,

Most woman suffrage associations, including NAWSA [National American Woman Suffrage Association], supported the war effort. . . . NWP members used Wilson's war goals to point out his hypocritical attitude toward woman suffrage, but refused to lend their services in any way to the war effort.¹⁵¹

The NWP continued to picket outside of the White House during the war years, despite vocal and violent protests. Many picketers were arrested and charged with "obstructing the sidewalk," and sentenced to lengthy jail terms. When Paul was finally arrested, she waged a protest in which NWP prisoners refused to eat. According to Graham, these protests, combined with public outrage over the women's treatment in prison, forced Wilson to attend to the suffrage matter. Graham wrote, "Wilson realized by late 1917 that in order to maintain the integrity of his demands for democracy abroad, he would have to acknowledge the right of women to democratic participation at home."¹⁵² Wilson brought the Nineteenth Amendment to Congress shortly after Paul's release. Wartime pressures, in addition to public outcry, were at least in part responsible for Wilson's attentiveness to the issue. According to Philip N. Cohen, "Congress passed the Nineteenth Amendment as an emergency war measure."¹⁵³ Although the suffragists did not explicitly argue against the war, their messages still prompted accusations of treason and disloyalty.

In addition to suffrage, women argued for an end to the war based on their desire for peace. Creating organizations such as the Woman's Peace Party and the Anti-Enlistment League, many women argued against the war because of the death and destruction that this conflict would bring.¹⁵⁴ In "What War is Destroying," prominent social activist Jane Addams argued that women were in a unique position to protest the war. She believed that the "protection . . . nurture . . . fulfillment . . . conservation . . . [and] ascent of human life" required women to protest against the war.¹⁵⁵ Referring to the war as a "holocaust," Meta Lilienthal Stern encouraged women to act even before the war involved the United States. Asking "What can you, the individual woman, do?" Lilienthal Stern urged women to send postcards to the President and Secretary of State, write letters to the newspapers, join a peace organization, discuss their anti-war beliefs with their families and communities, and "fight false patriotism" by teaching their children the "truth about war and making them hate it."¹⁵⁶

The end of the First World War brought new tensions to the country. Although it would seem logical that the infringements on antiwar speech and action would cease as the war ended, the enforcement of sanctions on anti-American or unpatriotic language continued. Patrick Renshaw explained, "Reds, radicals, foreigners, and dissenters of all kinds were harried, persecuted, prosecuted and deported in the years 1917-20."¹⁵⁷ The first Red Scare in the United States, precipitated by the Bolshevik Revolution in Russia, lasted three years and served as an important precedent for future indictments against radical and antiwar words and behaviors.

World War II

The period between the end of World War I and the start of the World War II was one of highs and lows for the American people. Following the war, U.S. citizens saw a brief boom in manufacturing and production. According to Charles Poor Kindleberger, the invention of the automobile, the refrigerator, and talking motion pictures significantly increased the country's ability to recover after the war.¹⁵⁸ In addition, the United States continued to make loans to European governments for recovery efforts, despite the billions of dollars already owed to the United States for the war effort and reparations. The economic boom increased efforts of workers' unions to increase the rights of workers, including advocating for the eight-hour work day, promoting safer working conditions, and championing increased benefits from employers. The economic high was short-lived, however; in 1929, the stock market crashed, and the period of the Great Depression began. The Depression spanned more than a decade, and ended with the creation of Franklin Delano Roosevelt's New Deal efforts and the start of World War II in Europe.

World War II began in September 1939 when Germany under the leadership of Adolf Hitler advanced into Poland in an attempt to seize Polish lands and exterminate enemies of Hitler's Germany. Almost immediately after Germany's invasion, the United Kingdom and France declared war on Germany. Shortly after, Italy and Japan allied with the Germans, forming the Axis Powers. Although initially allied with Germany, the Soviet Union eventually joined with Great Britain and France to form the Allied Powers in 1940. France, however, was soon occupied by Germany, and its international efforts quickly ceased.

Initially, the United States sought a policy of neutrality in the new World War. Although loosely tied to Great Britain through FDR's Lend-Lease program, many U.S. leaders and citizens did not wish to become involved militarily in the conflict—that is, until December 7, 1941, when Japan attacked the American Naval base at Pearl Harbor, Hawaii. According to Stephen E. Ambrose, this attack gave the United States reason to enter the war. Hitler had no reason to push America into the war; however, FDR, promoting his “arsenal of democracy” appeal, believed that the Soviet Union and Great Britain could not win the war alone.¹⁵⁹ In his “War Message,” delivered to Congress on December 8, 1941, President Roosevelt asked Congress to declare war against Japan. He stated,

I believe that I interpret the will of the Congress and of the people when I assert that we will not only defend ourselves to the utmost, but will make it very certain that this form of treachery shall never again endanger us.¹⁶⁰

U.S. citizens, enraged at the seemingly unprovoked attacks on its own soil, largely clamored for the country's entry into the war. Still, antiwar sentiment swelled in two significant groups: conscientious objectors and isolationists.

The United States began planning for the war in 1940, reintroducing the Selective Service Act as a prewar preparation measure. Just as in previous wars, however, many Americans opposed the draft for religious, moral, and political reasons. Alex Sareyan estimated that roughly 15,000 men claimed Conscientious Objector (CO) status during World War II, and between 2,000 and 3,000 of these men were turned down or jailed for nonparticipation.¹⁶¹ Patricia McNeal noted that three types of COs emerged during the WWII period:

[T]here were the men who, on the basis of religious opposition to war, refused all combatant military service or training, but were willing to perform non-combatant military service under military direction within the armed forces. . . . Secondly, there were also men whose opposition to World War II involved the actual violation of the Selective Training and Service Act by either refusing to register or failing to report for induction or assuming some other posture of non-cooperation. . . . The third group was opposed to war and to all military service, combatant or non-combatant.¹⁶²

COs were still obligated to serve their country in some capacity, but the new terms of the Selective Service Act allowed religious pacifists to serve in the domestic, private sector by performing social work. These provisions, however, did not deter those COs who chose to speak out against the evils of war.¹⁶³

Catholics represented a major religious group that objected to the war on moral grounds. Robert Lowell, a famous poet in the late 1940s and early 1950s, and a newly converted Catholic, refused to serve in any capacity to aid the war effort. As a Catholic, Lowell argued that he could not participate in the war on the grounds that it violated the just war theory.¹⁶⁴ He believed that the war was being fought for profit, and war profiteering could not be justified in religious or moral terms.¹⁶⁵ Further, the Catholic Worker Movement, founded in 1933, maintained a pacifist stance during WWII. Their newsletter, *The Catholic Worker*, featured articles with antiwar messages and even urged men not to register for the draft.¹⁶⁶

In addition to religious groups that objected to the war based on religious views, many African American men refused military service on political grounds. Timothy

Stewart-Winter noted, “For men living in increasingly militant black communities, Selective Service and other draft-related hearings represented yet another encounter with powerful white men who enacted the obligations without conferring the rights of citizenship.”¹⁶⁷ Further, African Americans embraced a new type of discourse during the 1940s that emphasized the broken promises of World War I.¹⁶⁸ In an article published in the *Arkansas State Press*, an opinion writer stated,

We fought one war to make the world safe for democracy. We are engaged in a greater struggle today in which our men are to fight our enemies whether they be the yellow men of the Empire of the Rising Sun, or the pale-faced Germans who would Nazisfy the world. How can you feed them on doctrines of liberty, self respect and tell them to get ready to fight and die and at the same time expect them to run like a timid fawn at the appearance of a white policeman?¹⁶⁹

The National Association for the Advancement of Colored People (NAACP) and the black press joined to protest African American involvement in the war. The press noted the reluctance of the military to accept black volunteers, the segregated nature of the armed forces, the violence against blacks in military and civilian quarters, and the compartmentalizing of blacks into the most dangerous military positions.¹⁷⁰ The black press wanted to support the war effort, but could not deny the inequities the war compounded. The press thus created the slogan “Double V,” or “Double Victory,” which supported more equal participation in the foreign war and the need for more equality at home. The Double V strategy encouraged blacks to fight a war on two fronts, suggesting that African Americans could remain part of the military structure while also questioning

the leadership domestically. Despite the encouragement of the black press to support the war, many African Americans rejected this plan and continued to resist conscription.¹⁷¹

Civilian reactions to conscientious objectors ranged from antipathy to outright hostility while government leaders continued to prosecute those whom they believed did not have a suitable reason for refusing service. The term “slackers” was used to describe those who would not register for the draft or chose not to serve the war effort in any capacity.¹⁷² Stewart-Winter noted,

Several thousand men went to prison during the Second World War, either because they refused to register for the draft or submit to a physical . . . or because they could not persuade their draft boards that their convictions were sincere and religious.¹⁷³

COs protested even from prison, engaging in work strikes to protest their containment.¹⁷⁴

Isolationists became another important group that emerged to protest American entry into World War II. The most famous of the isolationist groups was called the America First Committee (AFC) and boasted such members as future President Gerald Ford and Charles Lindbergh. The Committee argued against the war on economic, moral, and political grounds. They did not believe that Germany posed a significant threat to the United States and feared that the economy would boom and then fall as it had after World War I. Further, the Committee worried that the repressive measures and propaganda techniques adopted during the World War I would strike again as America entered into the new battle.¹⁷⁵ The main goal of the AFC was to ready the United States for any potential attack. The group stressed a strong defense at home and encouraged the country to keep out of European affairs.¹⁷⁶ Under the leadership of R. Douglas Stewart, Jr., the

AFC wrote position papers, spoke to the media, and lobbied Congress against the war. In addition, the AFC believed that movies influenced Americans' opinions about intervening in the war and consequently called for theater boycotts throughout the country.¹⁷⁷

The America First Committee's efforts against intervention in Europe were met with hostility and suspicion by the U.S. government. FBI Director J. Edgar Hoover, working under the guidance of FDR, attempted to undermine the committee using various controversial techniques. For example, Roosevelt ordered Hoover to perform surveillance on various groups, including the AFC. In particular, wiretapping became the predominant form of AFC surveillance. According to Douglas M. Charles, "Bureau officials targeted prominent individuals who were not in the forefront but were associated with anti-interventionists and America First." They ultimately presented their findings to the president.¹⁷⁸ Information gained from wiretapping was used by FDR and Hoover to counter the messages of the isolationists in newspapers and public speeches in an effort to sway public opinion in their favor.¹⁷⁹ The headline of one brochure boldly stated, "Is Lindbergh a Nazi?" The ensuing twenty-seven pages were intended to prove that the AFC and Lindbergh were partners of the Nazi regime.¹⁸⁰

The Korean War

The end of World War II created a changed landscape, both literally and politically, for much of the world. When the Axis Powers surrendered, the Allied Powers were left to pick up the pieces of a destroyed Europe and Asia. Gary A. Donaldson wrote, "The end of the war simply brought on a new series of international problems, the most serious of which was the postwar disposition of the German and Japanese empires."¹⁸¹

The 1917 revolution in Russia established communism in the nation and its territories and sent a wave of communist fear throughout the world, including the United States. The establishment of the communist People's Republic of China in 1949 by Mao Zedong significantly increased this fear. Korea, which had been occupied by Japan since 1910, had become a battleground in WWII, and Russia wanted to gain Korean territory. As Russia began marching from China into Korea, U.S. political leaders feared the entire nation of Korea would fall to communism as well, and a compromise was proposed. Donaldson noted, the United States "proposed to the Soviets an arbitrary division of Korea. The dividing line was set at the 38th parallel. . . . To the surprise of Pentagon experts, the Soviets accepted the proposal and halted their advance."¹⁸² The Soviet Union established a procommunist government in North Korea, and the United States sought to establish democracy in the South. Although attempts to unify the country were numerous, a consensus on how best to achieve unification failed.

As the theory of containment became the primary foreign policy strategy popularized by the Truman Doctrine, U.S. government leaders feared any extension of communism in Asia. When North Korea launched an attack in an attempt to take over South Korea in June 1950, the Truman administration knew it had to intervene. Allan R. Millett wrote, "The American leaders saw the invasion as a direct challenge to the American policy of 'containing' Communism and Russian imperialism and the U.S. strategic corollary of forward, collective defense and nuclear deterrence."¹⁸³ The war expanded as China entered the conflict after the United States pushed back the North Koreans and continued U.S. efforts north of the 38th parallel. The United States had not believed that China would intervene and thus were not militarily prepared to handle the

new enemy.¹⁸⁴ Although General Douglas MacArthur, commander of United Nations' troops in Korea, advocated an extension of the war into China, President Truman rejected the notion of extending the war further.¹⁸⁵ The Korean War ended in a stalemate, with the division between North and South returning to the 38th parallel and neither country claiming victory or defeat.

Opposition to the war began almost immediately. Although the fighting was called a "police action" by President Truman, this linguistic difference did not matter much to many war-weary Americans, but did serve as a preemptive move designed to reduce the potential for resistance. Noting that the policy of containment advocated by the Truman administration had not worked in keeping China from turning to communism, some Americans wondered why the United States bothered to continue the policy in Korea. John W. Spanier expressed American sentiments during the Korean conflict: "The frustrations of containment were bad enough; but the failures made it intolerable."¹⁸⁶ The lack of progress in the war furthered Americans' distaste.

Despite the lack of popular support for the war, few groups emerged to protest the U.S. war in Korea. Isolationist Republicans emerged as the largest group opposed to the Korean War, but for political reasons, most Republicans remained reserved in their denunciations of the war for fear of being labeled unpatriotic or even communist. Senator Robert Taft of Ohio became one of the most vocal Republican opponents of the Korean War, questioning the legality of the war and President Truman's usurpation of power by bypassing Congress to engage in the "police action."¹⁸⁷ Although Taft did not disagree with the war on a moral or political level, he did express fear that President Truman's actions could become a slippery slope for future military action.¹⁸⁸

As the war dragged on, Republican senators put away their fears of communist accusations and once again found their antiwar voices. Often, their arguments centered on the characterization of the conflict as a “limited war.”¹⁸⁹ In fact, Republican politicians, including Douglas MacArthur, took an all-or-nothing approach to Korea, calling for either full-scale war or complete isolation. According to MacArthur, “those who advocate appeasement and defeatism through the waging of a limited war] . . . do not grasp that it is in the pattern of Oriental psychology to respect and follow aggressive, resolute and dynamic leadership.”¹⁹⁰ However, fears of direct Russian involvement, combined with the worry that a deeper involvement in Korea would tie up American forces that would be needed if the Soviets decided to spread their communist doctrine to other parts of the world, quickly quelled this type of antiwar argument.¹⁹¹

The muted opposition to the Korean War can be ascribed to the intense fear of communism throughout the United States, along with highly-engineered influence attempts from the U.S. government. Average Americans would not have had sufficient understanding of what was going on to support anything but pacifist opposition. Arguably, a major development in the Korean War was a new set of anti-anti-war discourse strategies designed for mass consumption. In particular, many Americans feared any further extension of communism, believing that this would lead to what became known as the “domino effect” throughout the world.¹⁹² News that the Soviet Union had exploded its own atomic bomb in 1949 exacerbated these fears. In addition, McCarthyism (named after Republican Senator Joseph McCarthy of Wisconsin), the establishment of the House un-American Activities Committee, blacklisting, and a

second Red Scare all served to suppress motivation to protest any government actions to combat communism at home and abroad.¹⁹³

Conclusion

Robert L. Ivie wrote, “War is easy. Peace is difficult.”¹⁹⁴ In terms of antiwar dissent, this statement is particularly true. The antiwar activists whose goals were to keep the United States out of war and to create a more peaceful world were met with verbal harassment, imprisonment, deportation, privacy invasion, and violence. In this chapter, however, I have shown that despite all of the difficulties that came with maintaining an antiwar stance, many Americans chose to voice their beliefs anyway. Severe sanctions could be levied against those who spoke against American war policy. The Espionage and Sedition Acts of 1917 and 1918 were heirs to the Alien and Sedition Acts of 1798 and contained much of the same xenophobia and oppressive language as their predecessors. Protestors were initially met with surveillance, forced oaths, verbal, and physical attacks during the early years of American independence. Censorship, banishment, and containment soon followed. New technologies, such as wiretapping and motion pictures, allowed the government to gain even more control over the antiwar messages presented in the media. Notwithstanding the numerous ways their messages were obstructed, contradicted, or silenced, antiwar protesters continued to speak out against what they believed was an unnecessary or unjust war.

Despite the immense differences in rationale, enactment, enemies, and context, many of the antiwar strategies from the Revolutionary War remained the same until the Korean War. The utilization of the press, in particular, has been a key to antiwar protest throughout U.S. history. From Galloway’s pamphlets in the 1770s to the Federalist

newspapers of the 1810s, abolitionist newspapers of the 1830s to the 1860s, and the isolationist editorials of the World Wars, the press has been a major tool for protest. The use of the press to disseminate antiwar messages and to counter those messages maintained the importance of the press into the twentieth century.

In addition to publications, public speeches and gatherings have been a major tool of protestors from the Revolutionary War to the Korean War. In the 1770s Tories created theatrical plays to display their discontent with the war. In response to another war with Great Britain, antiwar activists held rallies, even threatening session from the union at their assemblies. Others formed Leagues based on topics ranging from Anti-imperialism to Abolition to Peace Activism. The America First Committee wrote papers and lobbied Congress as an antiwar organization.

Refusal of service was another major strategy of the antiwar activists. Women, immigrants, and African Americans noted the hypocrisy of fighting for freedom abroad while repressing freedom at home, and refused to take part in the war. Others believed that the war hurt the United States economically and refused to allow their own livelihood to be destroyed by their participation in war. Some refused to enlist based on religious or moral objections, while others protested the purpose or execution of the war specifically. Americans continued to question the consequences of an expanded military, the disregard for the Monroe Doctrine, the expansion of war in the Eastern Hemisphere, and the increasing demand for equality by immigrants, African Americans, and women.

The Chicago Eight extended and transformed many of the techniques used by previous antiwar activists in their efforts against the Vietnam War, positioning themselves within a larger history of antiwar protest. Using the tactics of public speeches,

brochures, sit-ins, and conscientious objection, Vietnam War protesters continued the traditions of previous activists. The scale of the Vietnam War, combined with the new forms of media coverage, the lack of a clear enemy, the numbers of men being drafted, and the seemingly unending length of the war required new strategies, including press conferences, large-scale protest marches, veteran testimony, guerilla theater, and even self-immolation.

Notes: Chapter 1

¹ Robert L. Ivie, *Dissent from War* (Bloomfield, CT: Kumarian Press, 2007), 1.

² Ivie, *Dissent from War*, 1-10.

³ James Finn, ed., *Protest: Pacifism and Politics* (New York: Vintage Books, 1968).

⁴ George McKenna, *The Puritan Origins of American Patriotism* (New Haven, CT: Yale University Press, 2007), 6-7.

⁵ Alfred Jordan, "The Bias of Patriotism," *International Journal of Ethics* 15 (1904): 4-5.

⁶ Jordan, "The Bias of Patriotism," 5-9.

⁷ John Somerville, "Patriotism and War," *Ethics* 9 (1981): 568.

⁸ I have chosen not to treat smaller battles in this chapter, in part because of space limitations, but in large measure because these incidents were often unnoticed by the average citizen, or untreated by the media. In addition, I have chosen not to treat battles fought against Native Americans. I consider these battles important in American history,

but for the purpose of this chapter and this dissertation, they are not necessarily relevant, and space limitations do not allow for their treatment here.

⁹ The Avalon Project: Documents in Law, History and Diplomacy, “The Articles of Association: October 20, 1774,” *Journals of the Continental Congress 1774-1779*, http://avalon.law.yale.edu/18th_century/contcong_10-20-74.asp.

¹⁰ Barbara Clark Smith, “Social Visions of the American Resistance Movement,” in *The Transforming Hand of Revolution: Reconsidering the American Revolution as a Social Movement*, eds. Ronald Hoffman and Peter J. Albert (Charlottesville, VA: University Press of Virginia, 1995), 38.

¹¹ Smith, “Social Visions of the American Resistance Movement,” 39-40.

¹² Thomas Paine, *Common Sense*, in *Common Sense and Other Writings*, ed. Joyce Appleby (New York: Barnes and Noble Classics, 2005), 51.

¹³ Paine, *Common Sense*, 38-44.

¹⁴ Joyce Appleby, *Introduction to Common Sense and Other Writings by Thomas Paine*, ed. Joyce Appleby (New York: Barnes and Noble Classics, 2005), xxi.

¹⁵ Appleby, *Introduction*, xxi.

¹⁶ Robert Calhoon, “Loyalism and Neutrality,” in *A Companion to the American Revolution*, eds. Jack P. Greene and J. R. Pole (Malden, MA: Blackwell Publishers, 2000), 235.

¹⁷ Joseph Galloway, “Speech to the Continental Congress, September 28, 1774,” *Journals of the Continental Congress, 1774-1779*, ed. Worthington C. Ford et al. (Washington DC, 1904-1937).

- ¹⁸ James Edward Sayer, "Joseph Galloway: Revolutionary Loyalist," *Communicator* 7 (1977): 33.
- ¹⁹ Sayer, "Joseph Galloway," 35.
- ²⁰ Robert Munford, *A Collection of Plays and Poems* (Petersburg, VA: William Prentis, 1798).
- ²¹ Ralph Borden Culp, "Drama-and-Theater in the American Revolution," *Speech Monographs* 32 (1965): 83.
- ²² Mary Beth Norton, "The Fate of Some Black Loyalists of the American Revolution," *The Journal of Negro History* 58 (1973): 402.
- ²³ Alan Gilbert, *Black Patriots and Loyalists: Fighting for Emancipation in the War for Independence* (Chicago: University of Chicago Press, 2012), 141-142.
- ²⁴ Elizabeth Cometti, "Women in the American Revolution," *The New England Quarterly* 20 (1947): 330.
- ²⁵ Harriet Hyman Alonso, *Peace as a Women's Issue: A History of the U.S. Movement for World Peace and Women's Rights* (Syracuse, NY: Syracuse University Press, 1993).
- ²⁶ Cometti, "Women in the American Revolution," 329.
- ²⁷ Erkkila, "Revolutionary Women," 192.
- ²⁸ Walter Edgar, *Partisans and Redcoats: The Southern Conflict that Turned the Tide of the American Revolution* (New York: HarperCollins, 2001), 29.
- ²⁹ Merrill Jensen, "The American People and the American Revolution," *The Journal of American History* 57 (1970): 29.

³⁰ Robert S. Lambert, "The Confiscation of Loyalist Property in Georgia, 1782-1786," *The William and Mary Quarterly* 20 (1963): 80-94.

³¹ Claude Halstead Van Tyne, *The Loyalists in the American Revolution* (New York: MacMillan Company, 1902), 235.

³² The XYZ affair occurred when France, at war with England and suspicious of an Anglo-American alliance, began seizing American ships in the Atlantic Ocean and the Caribbean. When President John Adams attempted to send delegates to France to negotiate, the French officers refused to meet with the delegates unless a bribe was paid to help aid France's war with England. The delegates refused, and returned home without meeting with the French officers. After news of the French officers' behavior was made public in the United States, relations between France and the U.S. became even more strained. For Adams' arguments regarding the Quasi War, see Yale Law School, "Quasi War with France 1791-1800," *The Avalon Project: Documents in Law, History and Diplomacy*, http://avalon.law.yale.edu/subject_menus/quasi.asp.

³³ Paul Douglas Newman, *Fries's Rebellion: The Enduring Struggle for the American Revolution* (Philadelphia, PA: University of Pennsylvania Press, 2004).

³⁴ Newman, *Fries's Rebellion*, 1.

³⁵ Dwight F. Henderson, "Treason, Sedition, and Fries' Rebellion," *The American Journal of Legal History* 14 (1970): 308-318.

³⁶ Thomas F. Carroll, "Freedom of Speech and of the Press in the Federalist Period: The Sedition Act," *Michigan Law Review* 18 (1920): 615.

³⁷ United States, "Sedition Act," *Statutes at Large*, Vol. 1 (Boston: Charles C. Little and James Brown, 1848), 596-97.

³⁸ Douglas Bradburn, *The Citizenship Revolution: Politics and the Creation of the American Union, 1774-1804* (Charlottesville, VA: University of Virginia Press, 2009), 171.

³⁹ Kate Caffrey, *The Twilight's Last Gleaming: Britain vs. America, 1812-1815* (New York: Stein and Day, 1977).

⁴⁰ Norman K. Risjord, "1812: Conservatives, War Hawks and the Nation's Honor," *The William and Mary Quarterly* 18 (1961): 197.

⁴¹ Risjord, "1812," 209.

⁴² Louis Morton Hacker, "Western Land Hunger and the War of 1812: A Conjecture," *The Mississippi Valley Historical Review* 10 (1924): 366.

⁴³ Caffrey, *The Twilight's Last Gleaming*, 81.

⁴⁴ Robert L. Ivie, "The Metaphor of Force in Prowar Discourse: The Case of 1812," *Quarterly Journal of Speech* 68 (1982): 241. Ivie noted that government leaders often use metaphors that portray an enemy as evil and power-hungry during times of war, and cited the War of 1812 as a particularly fertile example of this practice.

⁴⁵ Hickey, *The War of 1812*, 21.

⁴⁶ Risjord, "1812," 203.

⁴⁷ Risjord, "1812," 203.

⁴⁸ Risjord, "1812," 203.

⁴⁹ Caffrey, *Twilight's Last Gleaming*, 74.

⁵⁰ Caffrey, *Twilight's Last Gleaming*, 73-74.

⁵¹ Hickey, *The War of 1812*, 28.

⁵² Hickey, *The War of 1812*, 27.

⁵³ Irving Brant, "Madison and the War of 1812," *The Virginia Magazine of History and Biography* 74 (1966): 56.

⁵⁴ Lawrence Delbert Cress, "'Cool and Serious Reflection': Federalist Attitudes toward War in 1812," *Journal of the Early Republic* 7 (1987): 127.

⁵⁵ "Speculations on the Debates in Congress on the Interested Subject of a British War," *Columbian Centinel* (Boston, MA), Jan. 1, 1812.

⁵⁶ Cress, "'Cool and Serious Reflection,'" 128.

⁵⁷ Harvey Strum, "Smuggling in the War of 1812," *History Today* 29 (1979): 536-37.

⁵⁸ Cress, "'Cool and Serious Reflection,'" 130.

⁵⁹ Cress, "'Cool and Serious Reflection,'" 130-132.

⁶⁰ "Peace and Neutrality our Best Policy," *The Trenton Federalist* (Trenton, NJ), Jan. 6, 1812.

⁶¹ William Gribbin, "The Covenant Transformed: The Jeremiad Tradition and the War of 1812," *Church History* 40 (1971): 299.

⁶² Gribbin, "The Covenant Transformed," 298.

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⁶⁴ James Banner, Jr., "A Shadow of Secession? The Hartford Convention, 1814," *History Today* 38 (1988): 27.

⁶⁵ "Political Miscellany from the New York Examiner," *Boston Daily Advertiser* (Boston, MA), Apr. 15, 1814.

⁶⁶ Harvey Strum, "The Politics of the New York Anti-War Campaign, 1812-1815," *Peace and Change* 8 (1982): 9

⁶⁷ Strum, "The Politics of the New York Anti-War Campaign, 1812-1815," 9. For examples of the Peace Party's messages, see "Peace Party," *Cooperstown Federalist* (Cooperstown, NY), Aug. 1, 1812; "Peace Party," *Long Island Star* (Brooklyn, NY), Aug. 26, 1812.

⁶⁸ Strum, "The Politics of the New York Anti-War Campaign," 11.

⁶⁹ John E. Talmadge, "Georgia's Federalist Press and the War of 1812," *The Journal of Southern History* 19 (1953): 488-500.

⁷⁰ Myron F. Wehtje, "Opposition in Virginia to the War of 1812," *The Virginia Magazine of History and Biography* 78 (1970): 65-86.

⁷¹ Paul A. Gilje, "The Baltimore Riots of 1812 and the Breakdown of the Anglo-American Mob Tradition," *Journal of Social History* 13 (1980): 548.

⁷² Hickey, *The War of 1812*, 59-60.

⁷³ Hickey, *The War of 1812*, 68.

⁷⁴ Julius W. Pratt, "The Origin of 'Manifest Destiny,'" *The American Historical Review* 32 (1927): 795.

⁷⁵ John O'Sullivan, "The Great Nation of Futurity," *United States Magazine and Democratic Review* 6 (1839): 427. Emphasis added.

⁷⁶ John O'Sullivan, "Annexation," *United States Magazine and Democratic Review* 17 (1845): 5.

⁷⁷ Peter M. Jonas, "William Parrott, American Claims, and the Mexican War," *Journal of the Early Republic* 12 (1992): 213.

⁷⁸ James K. Polk, "War Message to Congress, 11 May 1846," *Public Papers of the Presidents of the United States* (Washington, D.C.: United States Government Printing Office, 1899), 438.

⁷⁹ Daniel Webster, "Objects of the Mexican War," in *The Great Speeches and Orations of Daniel Webster*, ed. Edwin Percy Whipple (Boston: Little Brown and Company, 1879), 551-568.

⁸⁰ Craig R. Smith, "The Anti-War Rhetoric of Daniel Webster," *Quarterly Journal of Speech* 85 (1999): 10.

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⁸² Webster, "Objects of the Mexican War."

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⁸⁴ Theodore Parker, "A Sermon of the Mexican War," in *Sermons on War by Theodore Parker* from *The Collected Works of Theodore Parker*, ed. Frances P. Cobbe (New York: Garland Publishing, 1973), 76.

⁸⁵ "Passage of the Wilmot Proviso," *Baltimore Sun* (Baltimore, MD), Aug. 4, 1848.

⁸⁶ Frederick Merk, "Dissent in the Mexican War," *Proceedings of the Massachusetts Historical Society* 81 (1969): 132.

⁸⁷ Eric Foner, "The Wilmot Proviso Revisited," *The Journal of American History* 56 (1959): 262, 277.

⁸⁸ Tom Reilly, "Newspaper Suppression during the Mexican War, 1846-1848," *Journalism Quarterly* 54 (1977): 263.

⁸⁹ Reilly, "Newspaper Suppression during the Mexican War, 1846-1848," 263.

⁹⁰ David Zarefsky, "Rhetorical Interpretations of the American Civil War," *Quarterly Journal of Speech* 81 (1995): 108.

⁹¹ Abraham Lincoln, "A House Divided," in *The Collected Works of Abraham Lincoln*, Vol. 2, ed. Roy B. Basler (New Brunswick, NJ: Rutgers University Press, 1953), 461-69.

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⁹⁵ Wyatt Kingseed, “The Fire in the Rear,” *American History* 42.3 (2007): 47.

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⁹⁸ Shankman, *The Pennsylvania Antiwar Movement*, 165.

⁹⁹ “Copperhead Policies on the War,” *Chicago Tribune* (Chicago, IL), Apr. 15, 1865; “The Copperhead State Convention,” *New York Times* (New York, NY), Sept. 11, 1863; “A Copperhead View,” *Chicago Tribune* (Chicago, IL), May 26, 1863. In April 1861, the Pratt Street Riots occurred in Baltimore, Maryland, in which Copperheads, combined with Southern sympathizers, attacked Massachusetts and Pennsylvania militia marching South.

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Chapter 2:

The Vietnam Antiwar Movement, the Democratic National Convention, and the Chicago Eight Trial

Antiwar protests aimed at the conflict in Vietnam began in the early 1960s, but many historians have argued that the years 1965 to 1968 marked the most volatile time in the movement against the war.¹ Growing out of the array of social movements that began in the early 1960s, the antiwar activists engaged in various forms of protest, from sit-ins to marches to guerilla theater,² attempting to convey their discontent with the U.S. government's involvement in Vietnam. Some of these efforts culminated in the protests outside of the Chicago Democratic National Convention in 1968, where thousands of demonstrators converged to protest the war. Rallies, clashes with police, and rioting ensued. After the riots, eight highly visible members of the antiwar movement were charged with inciting riots at the convention. In order to understand the charges against the defendants and their resulting trial, details of the American antiwar movement, the activities leading up to the Democratic National Convention, and the events of the Convention must be examined.

The Start of U.S. Involvement in Vietnam

American involvement in Vietnam began well before most U.S. citizens were aware of the problems troubling the small Asian country. The presence of the French in the region, combined with the intervention of the Chinese and the increasing fear over the spread of Communism, compelled the United States to provide assistance to Vietnam.³ In 1950, American neutrality in the region ended, and the United States committed to assisting France in its efforts against the Communist Vietminh.⁴ George C. Herring

wrote, “By early 1950, American policymakers had firmly embraced what would become known as the ‘domino theory,’ a belief that the fall of Indochina would cause in rapid succession the collapse of the other nations of Southeast Asia.”⁵ Fearing the fall of Vietnam to the Communists, President Harry S. Truman committed sizeable funds, military equipment, and strategic input to the French, with the hope that American troop involvement would be unnecessary.⁶

As President Dwight D. Eisenhower took office, the situation in Vietnam had not improved, despite the increased amounts of U.S. aid pouring into the country. Eisenhower found himself in a difficult predicament; he had condemned the Democratic leaders prior to his presidency for losing China to the Communists, and he did not want to allow Vietnam to suffer the same fate.⁷ Yet, he had learned many lessons from the Korean War; like Douglas MacArthur, Eisenhower saw the half-hearted U.S. commitment in Korea as the reason for the stalemate.⁸ Without committing American troops, Eisenhower sought to intervene in the region to “maintain and support a friendly and independent non-Communist government in Viet-Nam.”⁹

The Geneva Conference began in 1954, and was an attempt at resolving many issues in Asia, including a discussion around the situation in Vietnam. In addition to decisions about the fate of North and South Korea, the conference participants also agreed that France would withdraw its troops from Vietnam. The area in Indochina was then divided into the three countries of Cambodia, Laos, and Vietnam, with Vietnam being further divided into “military regrouping zones” of North and South.¹⁰ The Geneva Agreements of 1954 also called for free elections in Vietnam. However, neither the United States nor the State of Vietnam (South Vietnam) accepted the final declaration at

the Conference. Leader of South Vietnam Ngo Dinh Diem refused to hold elections as required by the Agreements, and the United States continued to back Diem's illegal regime, despite doubts about his qualifications. Although the Geneva Agreements led to an end to the conflict between France and Vietnam, it set the stage for renewed conflict between North and South Vietnam.¹¹

When President John F. Kennedy took office in 1961, he continued Eisenhower's commitment to send military advisers, dramatically increasing their numbers. Like Eisenhower, Kennedy viewed the Vietnam conflict in terms of the Cold War. Melvin Small noted, "When the time came to consider options for Vietnam, Kennedy feared that he had to set limits or face more provocations from the Communists."¹² Replacing Eisenhower's "massive retaliation" foreign policy with a "flexible response" strategy, Kennedy built up the country's ability to fight both conventional and nuclear wars.¹³ However, Kennedy was unconvinced that American military intervention in Vietnam was the best course for the war.¹⁴ Eventually, though, soldiers originally represented as "advisers" became actively involved in military combat,¹⁵ even supporting the overthrow of South Vietnamese President Ngo Dinh Diem.¹⁶ Sanctioning the military coup was the last decision Kennedy made regarding Vietnam; three weeks after Diem's fall, Kennedy was assassinated in Dallas, Texas, on November 22, 1963.

Inheriting a troubled and confused foreign policy toward Vietnam, President Lyndon B. Johnson created a new policy, which led to an escalation of American ground troops and the eventual full-scale involvement of the U.S. military. The turning point for Johnson's increased military involvement in Vietnam occurred on August 1, 1964, when the North Vietnamese fired on the U.S. destroyer *Maddox*. Despite conflicting evidence

and competing stories about the prewar exigencies, Johnson took the “Tonkin Gulf Incident” as his opportunity to respond militarily.¹⁷ The resulting Gulf of Tonkin Resolution gave President Johnson the authority to prevent and retaliate against any attacks targeting U.S. forces in Vietnam.¹⁸

In two short years, American involvement in Vietnam escalated to unprecedented proportions. According to Herring, “By 1967, the United States had nearly a half million combat troops in Vietnam. It had dropped more bombs than in all theaters in World War II and was spending more than \$2 billion per month on the war.”¹⁹ In addition, the military drafted more than 30,000 men per month, and the number of Americans killed already numbered 13,000.²⁰

The Tet Offensive in January 1968 represented another major setback to the Johnson administration’s war strategy. The offensive occurred when Viet Cong troops launched a large-scale military attack against numerous South Vietnamese cities and major U.S. strongholds. Donaldson noted the devastation of the Tet Offensive:

The United States lost nearly 4,000 soldiers in eight weeks of fighting; ARVN [Army of the Republic of Vietnam] lost nearly 5,000 men; and some 14,000 noncombatants were killed. At Hue, 500 U.S. and ARVN soldiers were killed in battle that was partly house-to-house urban fighting. That ancient city was virtually destroyed by U.S. bombing attacks and artillery barrages that left 100,000 civilian refugees in their wake. Some 2,800 Vietnamese civilians were reported executed by Communist troops during the occupation; another 2,800 were declared missing.²¹

Although the Viet Cong experienced even more severe casualties, their surge inflicted heavy losses on the United States and allied forces. After Tet, Johnson attempted negotiations with the North Vietnamese, but these talks ultimately failed.²²

By the time President Richard M. Nixon took office in 1969, the situation in Vietnam seemed grim. Nixon, however, was determined not to have a U.S. military loss on his record. Seeking an end to the war that would allow the United States to achieve “peace with honor,”²³ Nixon remained committed to the anti-Communist cause. In his book *No More Vietnams*, Nixon described the predicament he faced when taking office:

I recognized that my first priority had to be to end the Vietnam War in a way that would achieve the goal for which we had fought for so long. The war was tearing American society apart. . . . And the way in which the United States met its responsibilities in Vietnam could also be crucial to the Soviet and Chinese assessments of American will, and thus to the success of any new relationships with those two powers.²⁴

However, as Herbert Y. Schandler noted, “The Nixon administration, like the Johnson administration before it, soon came to the realization that it did not control events and did not control the pace of the war.”²⁵ In an effort to keep South Vietnam from falling to the Communist forces, Nixon engaged in various covert operations involving Vietnam, Laos, and Cambodia.²⁶ Publicly espousing the policy of Vietnamization,²⁷ Nixon was secretly ordering the bombing of Viet Cong strongholds in Cambodia and Laos.²⁸ In addition, Nixon ordered the withdrawal of American troops on a precipitous scale, causing many soldiers to abandon the cause. Although Nixon’s public discourse made it appear that he

was ending the war, “an additional 20,553 Americans were killed in the last four years of the war.”²⁹

Continued peace talks with Hanoi produced little room for negotiation. By the time Viet Cong forces launched the Easter Offensive in March 1972, the number of U.S. troops in Vietnam was too minimal to protect the South.³⁰ Each side experienced large numbers of casualties, and both the United States and the North Vietnamese seemed finally ready to settle the war. In total, the military costs of the war was \$111 billion³¹ and the loss of American troops totaled over 58,000.³² In late June 1973, Congress approved an amendment to end U.S. military involvement in Vietnam, and in November of the same year, passed the War Powers Act over Nixon’s veto, requiring the president to “terminate any use of United States Armed Forces with respect to which such report was submitted” within sixty days.³³ After the complete withdrawal of American forces, the North Vietnamese quickly drove south and defeated the ARVN.³⁴ The North Vietnamese troops renamed the former South Vietnamese capital of Saigon Ho Chi Minh City and united the North and South as one country governed by Communism.³⁵

The Beginning of a Movement

Very few Americans spoke out against the war in the years prior to 1963, when journalists began covering the events in Vietnam more visibly.³⁶ Lifelong pacifist David Dellinger was among the first major dissenters regarding U.S. policy in Vietnam. Dellinger, a Yale graduate and World War II draft resister, participated in the Easter Peace Walk in April 1963, where he argued for the right of marchers to carry signs that denounced the war in Vietnam.³⁷ Nancy Zaroulis and Gerald Sullivan noted, however, “In early 1963 the American peace movement was small, isolated, and relatively

ineffective.”³⁸ The largest pacifist group at the time, the Committee for a Sane Nuclear Policy (SANE), was not particularly prominent prior to 1964. In fact, Zaroulis and Sullivan called the years 1963 to 1964 “the years of lonely dissent—the years when a few isolated voices began to cry out against American involvement in Vietnam.”³⁹

As American involvement in Indochina grew, however, groups with diverse backgrounds and varied interests emerged to protest the Vietnam War, including religious groups, civil rights leaders, politicians, college students, and even Vietnam War veterans. The antiwar movement did not require membership in any one organization, and often groups worked across lines to advocate antiwar positions.⁴⁰ Small noted the fluid boundaries of the various antiwar groups:

If you said you were in the movement, you were accepted as a member in good standing. You became part of an ever-shifting coalition of pacifists, liberals, social democrats, socialists, Communists, and cultural radicals, many of whom were college students, working people, suburbanites, clerics, politicians, journalists, intellectuals, and even proverbial little old ladies in tennis shoes. By 1969 there may have been as many as 17,000 national, regional, and local organizations that could be considered in the movement.⁴¹

These groups often formed coalitions, working together to encourage the largest number of people to participate in their rallies.⁴² The 1968 Democratic National Convention offered a prime opportunity for antiwar advocates, particularly those from the New Left, to hold a large demonstration that would be sure to draw large crowds and receive substantial media coverage.

The New Left

As the class structure and familial patterns of American society underwent radical changes after World War II, the Baby Boomers gained access to higher education in larger numbers than ever before. In addition, a newfound focus on self-direction, combined with a growing distaste for the ongoing Cold War, encouraged this generation to question authority. In his sociological account of the rise of the New Left, George R. Vickers wrote,

The contradiction between the values and relations within the family, and those within the university, led to discontent among the children from the most advanced layers of the bureaucratic, white-collar strata, which took the form of political and cultural opposition based on self-directed values.⁴³

The New Left did not have any one particular ideological underpinning, but rather relied on a variety of theories. As K. L. Julka described, the New Left “emerged at the confluence of various streams of thought: Maoism, existentialism, neo-anarchism, Surrealistic thought and neo-Marxism tinged with Freudian psychoanalysis.”⁴⁴ However, much of the group’s theoretical foundation was based on the theories of Herbert Marcuse, a Frankfurt School political theorist. Marcuse contended that the intellectual must live outside of institutional fear in order to change the infrastructure of society. Thus, Marcuse advocated a move away from capitalism and Communism, because both structures reified the repression of particular groups.⁴⁵ Many in the New Left found Marcuse’s vision of a more tolerant society inspiring, particularly in the wake of the civil rights movement.⁴⁶

During the civil rights movement, many student organizations, both in the North and the South, joined the cause for racial equality.⁴⁷ Groups began emerging on college campuses, seeking to extend the rights of African Americans in the United States, often to the dismay of university officials. After being denied their right to protest or after being sanctioned by their universities, many students added protests against these restrictions to their civil rights causes. In 1964, for example, students began the Free Speech Movement (FSM) at the University of California at Berkeley to combat the limitations they experienced when trying to protest for civil rights.⁴⁸

One of the major New Left groups with roots in the civil rights movement was the Student Nonviolent Coordinating Committee (SNCC). The SNCC became involved in various civil rights causes, including desegregation and voter registration drives. Following the Supreme Court ruling in 1961 that ended segregation in bus terminals, the SNCC began what they called “freedom rides” to test the desegregation ruling, riding buses throughout the South and encountering intense violence.⁴⁹ In addition, the SNCC created the “freedom summer” of 1964, during which the group planned to engage in voter registration drives for African Americans in Mississippi, and according to Joe Street, to “highlight the brutality inherent in Mississippi’s culture.”⁵⁰

A second major group that emerged from the activism of the New Left was Students for a Democratic Society (SDS). Originally conceived in 1962 by college students in Port Huron, Michigan, SDS had over 300 chapters on college campuses at its peak.⁵¹ SDS modeled much of its protest style after the SNCC and the civil rights movement, including tactics of nonviolent sit-ins, marches, and conventions. According to Maurice Isserman, “SDS’s first public demonstration against the war, the April 1965

march on Washington was infused with the imagery and spirit of the civil rights movement.”⁵² In addition to its “spirit,” SDS applied civil rights protest methods to their anti-war protest, combining these two issues while also appropriating protest methodologies from their previous repertoire. As the United States became deeply entrenched in the Vietnam war, SDS made antiwar protest its most important cause.

SDS became involved in draft-resistance efforts in 1966 and encouraged many college students to do the same. Arguing against the 2-S student deferment that allowed college students to defer their service, many members of SDS, including one of its founders, Thomas Hayden, believed that the Vietnam War was being fought by a disproportionate number of working-class and African American soldiers.⁵³ The group created teach-ins at universities around the country, instituted student strikes at Columbia University and other campuses, and encouraged young men to “resist” the draft.⁵⁴ After touring North Vietnam during a bombing halt in early 1966, Hayden returned with a renewed commitment to end the war, and he encouraged members of SDS to help lead the country on a more peaceful path. SDS leader Rennie Davis also worked closely with Hayden to organize antiwar protests. After traveling to Vietnam to witness firsthand the devastation of the fighting, Davis became a central figure in SDS’s demonstrations against the war.⁵⁵

Another prominent group that surfaced to protest the Vietnam War was the National Mobilization Committee to End the War in Vietnam (Mobe), of which David Dellinger became a chair and prominent leader. Dellinger had a long history of antiwar protest and pacifism, having been jailed for refusing to register for the draft during World War II and having worked as an antiwar advocate throughout the 1950s and 1960s.

Dellinger insisted that Mobe dedicate itself to civil disobedience and strongly argued against the use of violence as a tool of protest. As a central organizing group for the antiwar movement, Mobe was responsible for mass rallies and marches, including a huge demonstration at the Lincoln Memorial in 1967.⁵⁶

The Yippies, or Youth International Party, was another counterculture group that emerged in the 1960s as a response to the war in Vietnam, the civil rights movement, and apolitical hippie groups. While Mobe professed nonviolent means of protest, the Yippies advocated the use of more radical tactics to bring an end to the war. In his book *Revolution for the Hell of It*, Abbie Hoffman, the Yippies' leader, espoused the goals as conceived by the group:

1. The blending of pot and politics into a political grass leaves movement—a cross-fertilization of the hippie and New Left philosophies;
2. A connecting link that would tie together as much of the underground as was willing into some gigantic national get-together;
3. The development of a model for an alternative society; [and]
4. The need to make some statement, especially in revolutionary action-theater terms, about LBJ, the Democratic Party, electoral politics, and the state of the nation.⁵⁷

Both Hoffman and Yippie co-founder Jerry Rubin used the news media to disseminate their antiwar messages. Perhaps more than any other group in the antiwar movement, the Yippies served a polarizing function within the movement because of their bizarre antics and drug-induced messages.⁵⁸ Molly Hite characterized their tactics as “subversive fun,” citing an example of the Yippies turning in a permit application wrapped in a *Playboy*

centerfold.⁵⁹ The Yippies' main tactic was guerilla theater. Theodore Otto Windt, Jr. compared the strategies of the Yippies to that of the ancient Greek Cynics, whose refusal to compromise with the dominant order and extreme behavior led to their use of what Windt termed "the diatribe." The diatribe relied on shock, exaggeration, and laughter, but as Windt noted, this form left its users open to ad hominem attacks. The Yippies reinvented the Cynic's diatribe in the 1960s, engaging in public sexual acts and nudity, wearing unconventional clothing, throwing cash onto the floor of the New York Stock Exchange, and attempting to exorcise demons from the Pentagon.⁶⁰ Other antiwar groups with similar messages, including religious groups, legal analysts, war veterans, and politicians, often found the Yippies' tactics unappealing and chose to protest against the war through different means.

Religious, Legal, and Political Dissenters

Some of the first visible protests against the Vietnam War that surfaced in the U.S. press occurred among religious groups and individuals—for example, Buddhist monks lighting themselves on fire. In 1963, the South Vietnamese leader, Ngo Dinh Diem, was violently suppressing Buddhists throughout the Southern region. Buddhist monks resorted to self-immolation to protest Diem's rule. Described by Small as "burning themselves in protest against his tyranny," self-immolation became a horrifying form of protest that shocked many Americans into action.⁶¹ Following the June 11, 1963, self-immolation of Buddhist monk Thich Quang Duc,⁶² American Catholics emerged to protest the treatment of Buddhists by South Vietnamese Catholics. They carried signs reading, "We demand an end to U.S. military support of Diem's government."⁶³ Their

protests were broadcast on ABC news, but largely went unheeded as the civil rights movement captured Americans' attention.

Many religious groups argued over the morality of the mass bombings inflicted on Vietnam by the United States. As Small noted,

The images of a modern air force raining down death on helpless peasants who were not engaged in comparable attacks on Americans took away the moral high ground from the United States in its battle to win . . . the hearts and minds of its own citizens.⁶⁴

In protest of the mass bombings in Vietnam, a few Americans emulated the actions of the Vietnamese Buddhists at home.⁶⁵ Zaroulis and Sullivan described the 1965 self-immolation of Norman R. Morrison, a thirty-two-year-old Quaker, who

walked to the river entrance to the Pentagon across the Potomac from the nation's capital, doused himself with kerosene from a can that he carried, and set himself on fire. He was about one hundred yards from Secretary of Defense Robert S.

McNamara's office and within full view of its windows.⁶⁶

Zaroulis and Sullivan also noted the stories of Alice Herz, an eighty-two-year-old Holocaust survivor who immolated herself in Detroit in 1965 and Roger A. LaPorte, a twenty-one-year-old member of the Catholic Worker movement, who set himself on fire in front of the United Nations in New York,⁶⁷ both protesting "against a great country trying to wipe out a small country for no reason."⁶⁸ Protesting the war on moral grounds, these religious activists took an extreme action to demonstrate their objections toward the escalation of the Vietnam War.

As the bombings continued, many Catholic groups became involved in various antiwar protests. The Catholic Worker movement and its leader, Dorothy Day, engaged in both moderate and radical protests. For example, in November 1965, a large-scale demonstration was held in New York's Union Square to rally against the Selective Service Act of 1965. Many younger protesters intended to burn their draft cards in defiance of the act; however, Day offered a more moderate speech that explained the position of the Catholic Workers in religious and pacifist terms.⁶⁹ The Catholic Worker movement continued its protest throughout the tenure of the war; however, the tension between radicals and moderates in the movement was never perfectly resolved.⁷⁰

On May 8, 1968, another group of Catholic protesters entered a Selective Service Office, stole a large number of draft cards from the files, and burned the cards in the parking lot. Later called the Catonsville Nine, this group consisted of two priests and seven parishioners, who prayed over the blazing draft cards.⁷¹ As part of what J. Justin Gustainis called the "Catholic Ultra-Resistance," the Catonsville Nine mailed "manifestos" to various reporters in the Baltimore, Maryland area.⁷² The Nine were arrested for interfering with the draft and served their time in prison, but the story of their protest was disseminated throughout the country.

Catholics were not the only religious denomination to protest the war. Many religious groups worked across their denominational divides to protest the war. Harold E. Quinley noted, "the clergy's positions on the war . . . were found to be part of a highly structured political and theological belief system."⁷³ In November 1969, various religious groups participated in the Mobe-sponsored "March Against Death" protest in Washington, D.C. Protesters included Catholic bishops and priests, Episcopal priests, and

other religious parishioners, who marched from Arlington National Cemetery to the White House, where each person read the name of a fallen soldier.⁷⁴ In addition, these religious leaders attempted to hold a mass in the Pentagon Mall called the “Mass of Peace,” but these demonstrators were dispersed or arrested.⁷⁵

The leader of the Southern Christian Leadership Conference (SCLC), Martin Luther King, Jr., spoke out against the Vietnam War, combining his religious arguments with his quest for civil rights. On April 4, 1967, King delivered the well-known speech, “A Time to Break Silence,”⁷⁶ in which he criticized the Vietnam War against the advice of friends, fellow ministers, and the Johnson administration.⁷⁷ In the speech, King expressed regret for not speaking out against the war sooner and noted the kinship between the plight of the Vietnamese peasant and the African American. King expanded his moral arguments to include international affairs, arguing that African Americans were dying in disproportionate numbers in Vietnam and that the war was distracting Americans from their domestic problems.⁷⁸

Some Americans felt that U.S. involvement in the war violated the 1954 Geneva accords and various Articles of the United Nations Charter. In the Geneva Accords of 1954, the United States had promised to keep out of the affairs of other countries.⁷⁹ In addition, many international lawyers noted that the war violated Articles 2 and 53 of the U.N. Charter, which prohibited nations from interfering in the affairs of sovereign countries and required the approval of the U.N. Security Council to wage war.⁸⁰ The most prominent promoter of the idea that the war was illegal was Ho Chi Minh, leader of the North Vietnamese Communists. David L. DiLeo wrote,

Ho Chi Minh had declared regularly, with only minor variations, that the American presence in South Vietnam was an egregious violation of the 1954 Geneva accords and that, as fundamental preconditions to negotiations, the DRV [Democratic Republic of Vietnam] required that the United States cease bombing and withdraw its military forces and political agents from the South.⁸¹

In addition, government figures spoke out against the illegality of the war in Vietnam. Senate Majority Leader Michael J. Mansfield noted the need for the U.N. Security Council to oversee American involvement in Vietnam and claimed that the United States required U.N. support if the nation wanted to win the war.⁸² J. William Fulbright, chairman of the Senate Foreign Relations Committee, noted the illegality of the war, citing the country's violation of the 1954 Geneva Accords:

Mr. President, in terms of flaunting by Government officials of the people's right to know the facts, there has been no period in American history comparable to that of our involvement in Vietnam. From the shoddy disregard of the Geneva accords, through the misrepresentation surrounding passage of the Tonkin Gulf resolution, down to the present-day attempt to pass off the dictatorial Thieu regime as a government which shares our values, the executive branch of the Government has failed—and continues to fail—to come clean with the American public.⁸³

In addition, the Russell Tribunal, made up of various international political, religious, and social movement leaders, took up the argument against the Dow Chemical Company and the use of napalm against Vietnamese civilians, the treatment of Vietnamese POWs that violated the Laws of War, and the use of weapons that had not been approved by the

Laws of War.⁸⁴ According to Zaroulis and Sullivan, the Tribunal concluded that the United States had violated “numerous international treaties in its conduct of the war,” including the Hague Convention of 1907, the Kellogg-Briand Pact of 1928, the Geneva Convention of 1949 . . . and the UN Charter—in addition, of course, to repeating offenses for which Germans and Japanese were tried after World War II at Nuremberg and Tokyo.⁸⁵

The Vietnam Veterans against the War (VVAW), one of the most credible yet controversial antiwar groups, extended the arguments of the Russell Tribunal by testifying against the use of napalm and other weapons of war. In addition, the veterans spoke out against the war atrocities committed by both the United States and the Vietnamese. Speaking publicly about their own experiences during the war, the antiwar veterans argued that dissent was their patriotic duty. The clearest example of this dissent occurred in February 1971 when the VVAW held a three-day event called the Winter Soldier Investigations, in which over 100 veterans testified that they had witnessed or committed war crimes in Vietnam.⁸⁶ As Richard Moser noted, “Beatings, rape, murder, and the destruction of crops and livestock—the veterans portrayed a war, not against an enemy, but against a people.”⁸⁷ The testimony of the soldiers, disseminated through a documentary entitled *Winter Soldier* and a book entitled *The New Soldier*, was intended to expose the widespread nature of the soldiers’ abuses and to urge an ending to the war. Soldiers recalled their experiences watching other soldiers kill children, throw enemy bodies out of planes for fun, rape Vietnamese women, and disembowel dead bodies.⁸⁸ Many veterans began to desert the military, either by moving to Canada or staying in “sanctuaries” throughout the United States.⁸⁹

The diverse strategies of Vietnam War protesters in many ways extended the tactics and ideologies of the previous 200 years, but also offered a few departures. Similarities included the use of speeches, draft resistance, civil disobedience, marches, and rallies as discussed in Chapter 1. A major difference was not *how* dissenters were protesting, but *who* was protesting. Military veterans returning to testify against the war represented a significant departure from the usual critics of war. Another important difference came from the New Left, especially the Yippies. The use of guerrilla theater, and specifically the carnival, was a new tactic for opposing war in the United States. The Yippies threw money on the New York Stock Exchange, they attempted to exorcise evil spirits from the Pentagon, held a “Yip-In” at Grand Central Station, and produced a “Festival of Life” at the Democratic National Convention.⁹⁰ As will emerge in later chapters, the use of the carnival and guerrilla theater seeped into the strategies used by the defendants in the courtroom, extending their antiwar tactics from the political arena to the judicial.

The 1968 Democratic National Convention and its Aftermath

Despite the different tactics and views of all of these diverse antiwar groups, many of them came together at the 1968 Democratic National Convention to protest American involvement in Vietnam. The convention was expected to attract not only politicians but extensive media coverage as well, and thus it afforded the demonstrators a large audience for their message. In addition, the convention drew diverse groups from various political affiliations. “Some represented factions of the New Left. Many were committed Marxists, wedded to revolutionary change. Others were apostles of the counterculture whose politics were as nebulous as their religious beliefs,” wrote James S.

Olson and Randy Roberts. “The only conviction they shared was the notion that liberal politics were moribund. It was that firmly held belief that they brought to Chicago.”⁹¹

The Yippies originally conceived the idea for a nonviolent demonstration to be held outside of the Democratic National Convention as a protest against the policies of President Lyndon B. Johnson. Thus, the original intention of the demonstration, according to its organizers, was to protest the Democratic Party, particularly the president. When Johnson announced that he would not seek reelection, “he did the one thing no one counted on,” according to Hoffman—leave office at the end of his first full term as president.⁹² When Robert F. Kennedy announced his candidacy for president, the Yippies thought of disbanding and discussed whether to cancel their plans to attend the convention. Abbie Hoffman explained,

It took two full weeks of debate to arrive at a method of dropping-out which would not further demoralize the troops. The statement was all ready when up stepped Sirhan Sirhan [the man who assassinated Robert Kennedy], and in ten seconds he made it a whole new ball game. We postponed calling off Chicago and tried to make some sense out of what the hell had just happened.⁹³

Phone calls poured into the newly founded Yippie office, asking when they should leave for Chicago. Apparently, the Yippies were not the only protesters who were thinking about the convention.⁹⁴

The Yippies’ next task was to decide what sort of demonstration to hold. Hoffman and other organizers finally settled on a mixture of a rock festival, a protest workshop, and a large march—a Festival of Life. The next step was to get a permit. Here, the Yippies experienced cognitive dissonance; getting a permit countered their

antiestablishment commitments. The difficulty in obtaining a permit was linked to several factors. First, the city was apprehensive about issuing permits because of the previous violence associated with protests in the past.⁹⁵ Second, the city did not want to grant a permit too early, because this would attract even more demonstrators to the city. Third, the city officials were hesitant to allow the protesters to sleep in the park.⁹⁶

Regardless of the dissonance and difficulty, the Yippies, along with Mobe and the Coalition for an Open Convention (COC),⁹⁷ persisted in their efforts to organize the protest. On March 26, protest leaders met with David Stahl, Deputy Mayor of Chicago, to present their permit application. Over the next four months, battles ensued regarding the nature of the permit. Hoffman referred to the permit as a “treaty” between the protesters and the city of Chicago:

This matter of a permit is a cat-and-mouse game. The Chicago authorities do not wish to grant it too early, knowing this would increase the number of people that descend on the city. They can ill afford to wait too late, for that will inhibit planning on our part and create more chaos. It is not our wish to take on superior armed troops who outnumber us on unfamiliar enemy territory. It is not their wish to have a Democrat nominated amidst a major bloodbath. The treaty will work for both sides.⁹⁸

On August 22, the Yippies joined an already existing lawsuit enacted by Mobe to sue the city of Chicago “to require the issuance of a permit for Lincoln park.”⁹⁹ The Yippies eventually withdrew from the suit because they realized its futility. According to Walker, “After Judge Lynch rendered his decision in the National Mobilization [Mobe] case, it

became clear to the Yippies that no permit was going to be issued for the festival of life.”¹⁰⁰ They began to plan despite the lack of a permit.

As the convention opened, police and other federal officials converged on Lincoln Park. David Farber described the preparations that took place prior to the protests: “By the time the convention began, there were approximately one thousand federal agents in Chicago. By midweek, military intelligence estimated that one in six demonstrators was an undercover government agent.”¹⁰¹ The police planned to enforce the 11:00 p.m. curfew at the park. The Saturday activities went as planned: Various workshops were held, and at 11:00 p.m., the demonstrators were led out of the park.¹⁰²

Despite the obvious police presence and the lack of a permit, the protest leaders decided to hold the music festival anyway. David Dellinger and Eric Weinberger attempted to meet with Chicago Deputy Mayor David Stahl on Sunday morning to again attempt to acquire a permit, but the Deputy Mayor did not appear.¹⁰³ The Sunday demonstration was not as successful as the one held the day before. When the 11:00 p.m. curfew came, many protesters refused to leave the park. As the police began to clear the park, the protesters resisted, yelling obscenities at the officers. According to Farber, a storm of violence ensued:

Then, suddenly, the police moved forward, some screaming, “Get the fuck out of here.” A police captain tried to restrain his men, “Don’t leave the line. . . . Get back.” He raised his own club to one of his men who was threatening a photographer. But he had lost control. The crowd bolted, moving into Clark Street. A few police gave chase, clubbing people in the head and in the back. A police lieutenant, acting on his own initiative, ordered a group of approximately

forty policemen to “clear” Clark Street in order to keep traffic flowing. With this break in the line, the skirmish formation dissolved. The police began to methodically club people.¹⁰⁴

The next day, the protesters came back to the park. Hoffman, along with other leaders, walked through the crowds, encouraging members to leave the park by 11:00. The police were hearing rumors that the crowd was armed and planned to shoot police officers. These rumors, combined with the brewing hostility of the protesters, led to a tense and aggressive atmosphere. As had happened the previous night, violence erupted when the curfew was broken: Police attacked both protesters and journalists, clubbing without regard to age or sex. Although no demonstrators were shot or fatally beaten, hundreds were treated for serious wounds at local hospitals or by the medics brought to Chicago by the protesting groups. That night, seventy protesters were arrested.¹⁰⁵

The Democratic National Convention began that night. The Democrat’s nominee for president was then-Vice President Hubert Humphrey. Humphrey was known for endorsing the policies of the Johnson administration; he supported the war in Vietnam and Johnson’s civil rights legislation. He ran, however, on a significantly more moderate platform.¹⁰⁶ His choice for Vice President was Edmund Muskie, the Democrat Senator from Maine, “a man whose views on policy at home and abroad almost exactly parallel[ed] Humphrey’s.”¹⁰⁷ At the convention, both men explained their positions on both foreign and domestic policies. Regarding Vietnam, Humphrey argued for “a continued strong American war effort,” unlike Republicans, who publicly favored a decrease in American involvement.¹⁰⁸ For the situation at home, Humphrey proposed no new legislation in terms of jobs, poverty, education, and health; instead, he argued mainly

for the continuation of Johnson's programs.¹⁰⁹ Because the counterculture groups severely disliked Johnson's policies, they transferred their frustrations to Humphrey's candidacy. In his acceptance speech, Humphrey condemned the actions of the protesters outside of the convention:

This moment is one of personal pride and gratification. Yet one cannot help but reflect the deep sadness that we feel over the troubles and the violence which have erupted regrettably and tragically in the streets of this great city, and for the personal injuries which have occurred. Surely we have learned the lesson that violence breeds more violence and that it cannot be condoned—whatever the source.¹¹⁰

Humphrey did, however, condemn the behavior of the police officers as well, stating, "We do not want a police state but we need a state of law and order, and neither mob violence nor police brutality have any place in America."¹¹¹

The next morning, the leaders of the protest, including Hoffman, held press conferences condemning the behavior of the police officers. The media also condemned such treatment, writing letters to Chicago Mayor Daley and demanding meetings with Chicago officials. Despite these meetings, violence again erupted between the police and the protesters after the protesters once again violated the 11:00 p.m. curfew. This time, though, the police had new weapons, including very potent tear gas. The riots persisted well into the night, and eventually Mayor Daley called in the National Guard to relieve police. After a long night of protest, Hoffman went to a restaurant for breakfast with some fellow protesters. Around 8:00 a.m., Hoffman was arrested for having the word "FUCK" written on his forehead. Farber contended that the "police were making sure that

he would not be involved in the Grant Park rally and convention march,”¹¹² which were scheduled for that afternoon. That march did take place, and again, police met protesters with violence.

As a result of the riots on the Chicago streets, eight policemen and eight demonstration leaders were arrested. The officers were arrested on charges that they were “depriving citizens of their civil rights by inflicting summary punishment.”¹¹³ Seven of the eight policemen were acquitted of the charges, and all charges were dropped for the other officer. This was not the case for the eight demonstration leaders, however. Abbie Hoffman, Jerry Rubin, Bobby Seale, David Dellinger, Rennie Davis, Tom Hayden, John Froines, and Lee Weiner were charged with the intent to “travel in interstate commerce . . . to incite, organize, promote, encourage, participate in, and carry on a riot and to commit acts of violence in furtherance of a riot, and to aid and abet persons in inciting of a riot.”¹¹⁴

The Chicago Eight Trial

The Chicago Eight Trial began on September 24, 1969. The jury was made up of ten women and two men, all chosen by Judge Julius Hoffman in one day. On the first day of court, Judge Hoffman had four of the defense attorneys arrested for failing to show up to court on time, despite their having withdrawn from the case. Also on this day, Bobby Seale asked for a postponement in order to wait for his attorney to recover from surgery. This motion was denied.¹¹⁵

Both the prosecution and defense laid down solid cases. The prosecution called fifty-three witnesses to the stand, including FBI officials, Chicago police, and newspaper

reporters.¹¹⁶ They attempted to show that the eight defendants conspired to create rioting in the streets of Chicago. According to J. Anthony Lukas of the *New York Times*,

Most of the Government's evidence has focused on what the seven defendants said, not what they did. For the defendants are charged not so much with doing anything here in Chicago during the 1968 Democratic National Convention, but crossing state lines with an "evil intent," a "common state of mind," "a mutual understanding" of what to do: namely, to incite a riot.¹¹⁷

The defense attempted to call surprise witnesses, including Mayor Daley, but was continuously sanctioned by the judge.¹¹⁸ Other defense witnesses included poet Allen Ginsberg, writer Norman Mailer, activist Timothy Leary, civil rights activist Jesse Jackson, and singer Country Joe McDonald.¹¹⁹

Throughout the trial, various antics and outbursts were cause for Judge Hoffman to hold the defendants and their lawyers in contempt. David Dellinger, in his book *Contempt*, allocated over 250 pages to outlining all of the various contempt charges. Over the course of the trial, Abbie Hoffman was charged with twenty-four counts of contempt. The following represent examples of these charges:

Specification 1: On September 26, during the opening statement by the Government, defendant Hoffman rose and blew a kiss to the jurors.

Specification 3: On October 28, at the close of the session, the defendant Hoffman refused to rise in the customary manner when directed to do so by the marshal.

Specification 14: On January 9, the defendant Hoffman openly laughed at the Court again.¹²⁰

Hoffman was ordered to spend eight months in prison for the counts of contempt, and David Dellinger, Jerry Rubin, and Rennie Davis were sentenced to just over two years for contempt charges. Thomas Hayden's sentence for contempt totaled 1 year, 2 months, and 13 days, and Lee Weiner and John Froines were sentenced to 2 months and 6 months, respectively. Bobby Seale received the longest sentence on contempt charges, totaling four years.¹²¹

Notably, the trial changed in November of 1969 from the "Chicago Eight" to the "Chicago Seven" after Bobby Seale was severed from the trial and given four years in prison on his charges of contempt. Seale had attempted to act as his own attorney because Judge Hoffman would not postpone the trial to wait for Seale's attorney to recover from surgery. After various outbursts from Seale, Judge Hoffman ordered the marshals to bind and gag the defendant. For six days, Bobby Seale was bound and gagged by the court. When Seale attempted to talk through the gag, it was reinforced with heavy tape. On November 4, 1969, Judge Hoffman ordered a mistrial for Seale and severed him from the case, so that he could face trial on his own at a future date, without the other seven defendants present.¹²²

The witnesses called by the defense were not as effective as the attorneys had hoped. On February 18, 1970, the jury acquitted two of the defendants (Froines and Weiner), but found five of the defendants—Hoffman, Dellinger, Davis, Rubin, and Hayden—guilty. They were each given the maximum five-year sentence and sent to jail without bail.¹²³ The defendants appealed. On May 11, 1972, the contempt convictions of the seven defendants and their two defense attorneys were reversed. Six months later, the convictions of the five defendants found guilty on conspiracy charges were also

overturned. Seale, conversely, spent the entire span of the trial in prison, unlike the other defendants who were allowed to leave after court. Seale's jail time was extended because of murder charges he faced in Connecticut at the end of his Chicago trial. After his trial in Chicago, he was sent to New Haven to face the murder charges. He was ultimately acquitted, and he was never retried for the conspiracy charges.¹²⁴

Notes: Chapter 2

¹ Sandra C. Taylor, "Tracing the Origins of U.S. Involvement in Vietnam," *OAH Magazine of History* 1 (1985): 19, 21-23; Melvin Small, *Antiwarriors: The Vietnam War and the Battle for America's Hearts and Minds* (Wilmington, DE: Scholarly Resources, Inc., 2002).

² Peter Braunstein and Michael William Doyle defined guerilla theater as the converging of "the forms of political activism and the content of avant-garde theater." Peter Braunstein and Michael William Doyle, *Imagine Nation: The American Counterculture in the 1960s and '70s* (New York: Routledge, 2002), 72.

³ George C. Herring, *America's Longest War: The United States and Vietnam, 1950-1975* (3rd ed.) (New York: McGraw Hill, Inc., 1996), 13-17.

⁴ Herring, *America's Longest War*, 17.

⁵ Herring, *America's Longest War*, 17.

⁶ Herring, *America's Longest War*, 21-26.

⁷ Dwight D. Eisenhower, "The President's News Conference, April 7, 1954," in *Public Papers of the Presidents of the United States, Book 2—January 1, 1954–December 31, 1954*, 381-390 (Washington, DC: Government Printing Office, 1956).

⁸ Gary A. Donaldson, *America at War since 1945: Politics and Diplomacy in Korea, Vietnam, and the Gulf War* (Westport, CT: Praeger Publishers, 1996), 84.

⁹ Dwight D. Eisenhower, "Top Secret to Joseph Lawton Collins, 3 November 1954." In *The Papers of Dwight David Eisenhower*, eds. L. Galambos and D. van Ee, doc. 1140. (Baltimore, MD: The Johns Hopkins University Press, 1996)

¹⁰ Daniel G. Partan, "Legal Aspects of the Vietnam Conflict," in *The Vietnam War and International Law*, ed. Richard A. Falk (Princeton, NJ: Princeton University Press, 1968), 216.

¹¹ Kathryn Statler, "The Diem Experiment: Franco-American Conflict over South Vietnam, July 1954-May 1955," *The Journal of American-East Asian Relations* 6 (1997): 145-173.

¹² Melvin Small, *At the Water's Edge* (Chicago: Ivan Dee, 2005), 13.

¹³ Donaldson, *America at War since 1945*, 91.

¹⁴ William Conrad Gibbons, *The U.S. Government and the Vietnam War: Executive and Legislative Roles and Relationships, Part II: 1961-1964* (Princeton, NJ: Princeton University Press, 1986), 58-66.

¹⁵ Herring, *America's Longest War*, 96.

¹⁶ U.S. Department of State, *Cable 243, August 24, 1963*, JFK Memorial Library. <http://www.jfklibrary.org/NR/rdonlyres/6AC25418-26B5-4C16-A252->

FAE3E59F5863/51840/Deptel244.pdf. Cable 243 signaled the beginning of U.S. support of overthrowing the inept Diem government in South Vietnam.

¹⁷ Robert McNamara, Secretary of Defense at the time of the Gulf of Tonkin incident, expressed doubt that the attack on August 4 actually occurred. He wrote, “The evidence of the first attack [on August 2] is indisputable. The second attack appears probable but not certain.” Robert S. McNamara, *In Retrospect: The Tragedy and Lessons of Vietnam* (New York: Random House, 1995), 128.

¹⁸ United States, Congress, House and Senate, *Tonkin Gulf Resolution*, H.J. Resolution 1145, August 7, 1964.

¹⁹ Herring, *America’s Longest War*, 160.

²⁰ Herring, *America’s Longest War*, 190.

²¹ Donaldson, *America at War since 1945*, 115-116.

²² Guenter Lewy, *America in Vietnam* (New York: Oxford University Press, 1978), 127. This negotiation was not Johnson’s first attempt at peace talks; however, Benjamin T. Harrison argues that any negotiations prior to the Tet Offensive were for political show and not real attempts to end the war. Benjamin T. Harrison, “Johnson, the Wise Men, and Vietnam ‘Peace’ Publicity,” *Peace Research* 32.2 (2000): 53-71.

²³ Richard M. Nixon, “The War in Vietnam,” *Weekly Compilation of Presidential Documents: Week Ending Saturday November 8, 1969* (Washington, DC: Office of the Federal Register, 1969), 1546-1555.

²⁴ Richard M. Nixon, *No More Vietnams* (New York: Arbor House, 1985), 98.

²⁵ Herbert Y. Schandler, *America in Vietnam: The War that Couldn't be Won* (Lanham, MD: Rowman and Littlefield, 2009), 139.

²⁶ Donaldson, *America at War since 1945*, 121-122.

²⁷ Vietnamization was conceived as a new policy towards Vietnam that required American troops to train the Vietnamese to fight on their own behalf, so that U.S. group troops could be withdrawn. See Nixon, "The War in Vietnam."

²⁸ Donaldson, *America at War since 1945*, 121-122; Herring, *America's Longest War*, 265.

²⁹ Herring, *America's Longest War*, 282.

³⁰ Herring, *America's Longest War*, 271.

³¹ Stephen Daggett, "Costs of Major U.S. Wars," *Congressional Research Services Reports for Congress* (Washington DC: Library of Congress, 2008).

³² "Statistical Information about Fatal Casualties of the Vietnam War," *National Archives*, April 29, 2008, <http://www.archives.gov/research/military/vietnam-war/casualty-statistics.html>.

³³ U.S. Congress. Senate and House of Representatives, *The War Powers Resolution of 1973*, 93rd Cong., 1973, H. J. Res. 542. In addition, President Nixon became embroiled in the Watergate crisis in February 1973, further complicating his Vietnam policy. Melvin Small wrote, "Consumed by the crisis, the president was virtually powerless to help the South Vietnamese resist the Communists. Indeed, he later claimed that he could have saved his former allies from defeat had it not been for the way Watergate had crippled his presidency." Small, *Antiwarriors*, 160.

³⁴ ARVN stands for Army of the Republic of Vietnam, and was a major force in the South Vietnamese effort to combat the North Vietnamese forces. Often seen as ineffective or cowardly, the ARVN were easily defeated after American troops left Vietnam. See Andrew A. Wiest, *Vietnam's Forgotten Army: Heroism and Betrayal in the ARVN* (New York: New York University Press, 2008).

³⁵ Herring, *America's Longest War*, 267.

³⁶ Small, *Antiwarriors*, 11.

³⁷ Nancy Zaroulis and Gerald Sullivan, *Who Spoke Up?: American Protest against the War in Vietnam, 1963-1975* (Garden City, NY: Doubleday and Company, Inc., 1984), 8.

³⁸ Zaroulis and Sullivan, *Who Spoke Up?*, 8.

³⁹ Zaroulis and Sullivan, *Who Spoke Up?*, 9.

⁴⁰ Allen H. Barton, "The Columbia Crisis: Campus, Vietnam, and the Ghetto," *The Public Opinion Quarterly* 32 (1968): 333-351.

⁴¹ Small, *Antiwarriors*, 3.

⁴² Charles DeBenedetti with Charles Chatfield, *An American Ordeal: The Antiwar Movement of the Vietnam Era* (Syracuse, NY: Syracuse University Press, 1990), 81-138.

⁴³ George R. Vickers, *The Formation of the New Left: The Early Years* (Lexington, MA; Lexington Books, 1974), 124. Vickers argued that the generation of Americans born after World War II were continuously encouraged to carve their own paths, to make their own decisions, and to rely less on their parents for support.

⁴⁴ K. L. Julka, "Herbert Marcuse's Messianic Humanism: Politics of the New Left," *Social Scientist* 7 (1979): 13.

⁴⁵ Herbert Marcuse, "Repressive Tolerance," in *A Critique of Pure Tolerance*, eds. Robert Paul Wolff, Barrington Moore, Jr., and Herbert Marcuse (Boston: Beacon Press, 1969), 95-137.

⁴⁶ Julka, "Herbert Marcuse's Messianic Humanism," 20.

⁴⁷ James P. O'Brien, "The Development of the New Left," *Annals of the American Academy of Political and Social Science* 395 (1971): 15-25.

⁴⁸ Bret Eynon, "Community in Motion: The Free Speech Movement, Civil Rights, and the Roots of the New Left," *Oral History Review* 17 (1989): 39-69.

⁴⁹ Robert Weisbrot, *Freedom Bound: A History of America's Civil Rights Movement* (New York: Plume Books, 1991).

⁵⁰ Joe Street, "Reconstructing Education from the Bottom Up: SNCC's 1964 Mississippi Summer Project and African American Culture," *Journal of American Studies* 38 (2004): 273.

⁵¹ Nella Van Dyke, "Hotbeds of Activism: Locations of Student Protest," *Social Problems* 45 (1998): 205.

⁵² Maurice Isserman, "You Don't Need a Weatherman but a Postman can be Helpful: Thoughts on the History of SDS and the Antiwar Movement," in *Give Peace a Chance: Exploring the Vietnam Antiwar Movement*, eds. Melvin Small and William D. Hoover (Syracuse, NY: Syracuse University Press, 1990), 25.

⁵³ DeBenedetti with Chatfield, *An American Ordeal*, 57-58.

⁵⁴ SDS created buttons that expressed the “Resist” slogan and distributed them throughout the country. Michael S. Foley, *Confronting the War Machine: Draft Resistance during the Vietnam War* (Chapel Hill: The University of North Carolina Press, 2007), 58.

⁵⁵ Rennie Davis organized the “Maydays” protests in May 1971, which attracted over 15,000 protesters to Washington D.C. See George W. Hopkins, “‘May Day’ 1971,” in *Give Peace a Chance: Exploring the Vietnam Antiwar Movement*, eds. Melvin Small and William D. Hoover (Syracuse, NY: Syracuse University Press, 1990), 71-88.

⁵⁶ Dave Dellinger. Interview. Published in *The Loyal Opposition: Americans in North Vietnam 1965-1972*, ed. James W. Clinton (Niwot, CO: University Press of Colorado, 1995), 25-61.

⁵⁷ Abbie Hoffman, *Revolution for the Hell of It* (New York: Thunder’s Mouth Press, 1968), 102.

⁵⁸ Gitlin also noted Hoffman and Rubin’s love of marijuana and their belief that “the right drugs, rightly used, would flood you with ecstasy and the giggles, open your eyes to the true nature of things.” Gitlin, *The Sixties*, 236.

⁵⁹ Molly Hite, “‘Fun Actually Was Becoming Quite Subversive’: Herbert Marcuse, the Yippies, and the Value System of *Gravity’s Rainbow*,” *Contemporary Literature* 51 (2010): 696.

⁶⁰ Theodore Otto Windt, Jr., “The Diatribe: Last Resort for Protest,” *Quarterly Journal of Speech* 58 (1972): 1-14.

⁶¹ Small, *Antiwarriors*, 11.

⁶² David W. Levy, *The Debate over Vietnam* (Baltimore: Johns Hopkins University Press, 1991), 42.

⁶³ Zaroulis and Sullivan, *Who Spoke Up?*, 12.

⁶⁴ Small, *Antiwarriors*, 20.

⁶⁵ For further discussion of self-immolation as a protest strategy, see Michelle Murray Yang, “Still Burning: Self-Immolation as Photographic Protest,” *Quarterly Journal of Speech* 97 (2011): 1-25.

⁶⁶ Zaroulis and Sullivan, *Who Spoke Up?*, 1.

⁶⁷ Zaroulis and Sullivan, *Who Spoke Up?*, 3.

⁶⁸ Alice Hertz, qtd. in Zaroulis and Sullivan, *Who Spoke Up?*, 3.

⁶⁹ Dorothy Day, “In Peace is My Bitterness Most Bitter,” *The Catholic Worker*, Jan. 1967, 1-2, <http://www.catholicworker.org/dorothyday/articles/250.html>

⁷⁰ Sara Ann Mehlretter, “Dorothy Day, the Catholic Workers, and Moderation in Religious Protest during the Vietnam War,” *Journal of Communication and Religion* 32 (2009): 10-26.

⁷¹ J. Justin Gustainis, “The Catholic Ultra-Resistance: Rhetorical Strategies of Anti-War Protest,” *Communicator* 13 (1983): 38.

⁷² Gustainis, “The Catholic Ultra-Resistance,” 42.

⁷³ Harold E. Quinley, “The Protestant Clergy and the War in Vietnam,” *Public Opinion Quarterly* 34 (1970): 46.

⁷⁴ Levy, *The Debate over Vietnam*, 156.

⁷⁵ Zaroulis and Sullivan, *Who Spoke Up?*, 283-284.

⁷⁶ King later republished this speech in an anthology of his work. Martin Luther King, Jr., “Conscience and the Vietnam War,” in *The Trumpet of Conscience* (New York: Harper and Row, 1968), 21-34.

⁷⁷ Small, *Johnson, Nixon, and the Doves*, 99.

⁷⁸ King, Jr., “Conscience and the Vietnam War.” For a detailed discussion of this speech see George N. Dionisopoulos, Victoria J. Gallagher, Steven R. Goldzwig, and David Zarefsky, “Martin Luther King, the American Dream, and Vietnam: A Collision of Rhetorical Trajectories,” *Western Journal of Communication* 56 (1992): 100.

⁷⁹ A reprinting of the Geneva Accords of 1954 can be found in Mike Gravel, ed., *The Pentagon Papers: The Defense Department History of United States Decisionmaking on Vietnam*, Vol. 1 (Boston: Beacon Press, 1971), 279-282. Also see David L. DiLeo, *George Ball, Vietnam, and the Rethinking of Containment* (Chapel Hill, NC: The University of North Carolina Press, 1991), 88.

⁸⁰ Levy, *The Debate over Vietnam*, 49.

⁸¹ DiLeo, *George Ball, Vietnam, and the Rethinking of Containment*, 88.

⁸² Michael J. Mansfield, “Senator Mansfield Honored at the University of Maine,” *Proceedings and Debates of the 90th Congress 2nd Session*. Vol. 114, Part 3. (Washington, DC: U.S. Government Printing Office, 1968), 3211-3213. For more discussion of Mansfield’s antiwar activities, see Gregory Allen Olson, *Mansfield and Vietnam: A Study in Rhetorical Adaptation* (East Lansing, MI: Michigan State University Press, 1995), 178, 182.

⁸³ J. William Fulbright, "Background of U.S. Intervention in Vietnam," *Proceedings and Debates of the 91st Congress 1st Session*. Vol. 119, Part 20. (Washington, DC: U.S. Government Printing Office, 1969), 25306-25307. For an extended discussion of Fulbright's antiwar activities, see Randall B. Woods, "Dixie's Dove: J. William Fulbright, the Vietnam War, and the American South," in *Vietnam and the American Political Tradition: The Politics of Dissent*, ed. Randall B. Woods (Cambridge: Cambridge University Press, 2003), 162-163.

⁸⁴ Zaroulis and Sullivan, *Who Spoke Up?*, 351. According to Michael Howard, George J. Andreopoulos, and Mark R. Shulman, the Laws of War included issues such as "belligerent rights, the treatment of prisoners and civilians, the observation of truces and immunities, the acceptability or otherwise of particular weapons and weapon systems, the distinction between the treatment of 'civilized' and 'uncivilized' combatants, codes of honor, and war crimes in general." The Laws of War are contained in both formal writing, as in the Geneva Conventions, and understood as unwritten commitments. See Michael Howard, George J. Andreopoulos, and Mark R. Shulman, "Preface," In *The Laws of War: Constraints on Warfare in the Western War*, eds. Michael Howard, George J. Andreopoulos, and Mark R. Shulman (New Haven, CT: Yale University Press, 1994), vii.

⁸⁵ Zaroulis and Sullivan, *Who Spoke Up?*, 352. Documents from the Russell Tribunal are archived at the Tamiment Library, Robert F. Wagner Labor Archives at New York University. Offenses claimed by the Tribunal included the targeting of civilians,

violating the neutrality of Cambodia, committing genocide against the people of Vietnam, and using weapons prohibited by the Laws of War.

⁸⁶ Richard Moser, *The New Winter Soldiers: GI and Veteran Dissent during the Vietnam Era* (New Brunswick, NJ: Rutgers University Press, 1996), 106-111.

⁸⁷ Moser, *The New Winter Soldiers*, 111.

⁸⁸ Vietnam Veterans against the War, *Winter Soldier* (1972; Harrington Park, NJ: Milliarum Zero and Winterfilm, 2006), DVD.

⁸⁹ “Sanctuaries” were churches that provided safe havens for servicemen who refused to return to war. Foley, *Confronting the War Machine*, 275-277.

⁹⁰ Susanne Elizabeth Shawyer, “Radical Street Theater and the Yippie Legacy: A Performance History of the Youth International Party, 1967-1968” (PhD diss, University of Texas at Austin, 2008).

⁹¹ James S. Olson and Randy Roberts, *Where the Domino Fell: American and Vietnam, 1945-1990* (New York: St. Martin’s Press, 1991), 201.

⁹² Foley, *Confronting the War Machine*, 103.

⁹³ Hoffman, *Revolution for the Hell of It*, 105.

⁹⁴ Hoffman, *Revolution for the Hell of It*, 105-108.

⁹⁵ For example, on April 27, 1968, between 3,000 and 8,000 people marched in Chicago to protest the war. When they were told to disperse, violence ensued; 15 people were injured, and 51 were arrested. “15 Hurt in Chicago as Police Break Up Antiwar Protest,” *New York Times*, 28 April 1968, 73.

⁹⁶ Daniel Walker, *Rights in Conflict* (New York: Bantam, 1968), 70.

⁹⁷ David Farber described the COC as “young, committed McCarthyites,” who were “dedicated to contesting the nomination in Chicago.” David Farber, *Chicago '68* (Chicago: University of Chicago Press, 1988), 101.

⁹⁸ Hoffman, *Revolution for the Hell of It*, 107.

⁹⁹ Walker, *Rights in Conflict*, 72.

¹⁰⁰ Walker, *Rights in Conflict*, 73.

¹⁰¹ Farber, *Chicago '68*, 170.

¹⁰² Farber, *Chicago '68*, 170.

¹⁰³ Farber, *Chicago '68*, 176.

¹⁰⁴ Farber, *Chicago '68*, 181-82.

¹⁰⁵ Farber, *Chicago '68*, 185-87.

¹⁰⁶ Congressional Quarterly Service, *The Presidential Nominating Conventions: 1968* (Washington, D.C.: Congressional Quarterly Inc., 1968), 85.

¹⁰⁷ Congressional Quarterly Service, *The Presidential Nominating Conventions*, 83.

¹⁰⁸ Congressional Quarterly Service, *The Presidential Nominating Conventions*, 92.

¹⁰⁹ In his autobiography, Humphrey noted the many ways he felt forced to concede to President Johnson's platform. After Johnson challenged Humphrey's planned platform that was to be presented at the Convention, Humphrey gave in to the President's demands. He wrote, “Our choice was to stand and fight the President's emissaries or to give in to the inevitable. Now I know, in retrospect, that I should have stood my

ground. . . . I didn't put up a real fight." Hubert H. Humphrey, *The Education of a Public Man* (New York: Doubleday, 1976), 390.

¹¹⁰ Hubert H. Humphrey, "A New Day for America," *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=25964>.

¹¹¹ Humphrey, "A New Day for America"

¹¹² Farber, *Chicago '68*, 194.

¹¹³ Richard Cahan, *A Court that Shaped America: Chicago's Federal District Court From Abe Lincoln to Abbie Hoffman* (Evanston, IL: Northwestern University Press, 2002), 166.

¹¹⁴ *The Conspiracy Trial: The Extended Edited Transcript of the Trial of the Chicago Eight*, eds. Judy Clavir and John Spitzer (Indianapolis, IN: The Bobbs-Merrill Company, 1970), 602.

¹¹⁵ J. Anthony Lukas, "Judge Orders Arrest of 4 Defense Attorneys as Trial Begins for Leaders of '68 Chicago Demonstrations," *New York Times* 25 Sept. 1969: 28.

¹¹⁶ Cahan, *A Court that Shaped America*, 170.

¹¹⁷ J. Anthony Lukas, "Incredible End to an Incredible Trial," *New York Times* 15 Feb. 1970: 168.

¹¹⁸ Cahan, *A Court that Shaped America*, 173.

¹¹⁹ Cahan, *A Court that Shaped America*, 173.

¹²⁰ David Dellinger, *Contempt* (Chicago: Swallow Press Inc., 1970), 115-18.

(emphases in original)

¹²¹ *The Conspiracy Trial*, eds. Judy Clavir and John Spitzer, 610-614.

¹²² Cahan, *A Court that Shaped America*, 173.

¹²³ Cahan, *A Court that Shaped America*, 178.

¹²⁴ Cahan , *A Court that Shaped America*, 173.

Chapter 3:

Public Moral Argument and Carnival in the Courtroom

Arguments about the morality of war are often presented by antiwar protesters in the form of narrative. Walter Fisher noted that public moral argument is “founded on ultimate questions—of life and death, of how persons should be defined and treated, of preferred patterns of living.”¹ The previous chapters showed that arguments over war not only involve questions of life and death, but other “ultimate questions” as well, including issues of citizenship, colonization, slavery, justice, freedom, and similar “ultimate” principles. Extending Fisher’s views on the moral, Celeste Condit argued that public moral arguments rely upon the collective understanding of what constitutes “moral,” as created through stories.²

The average person, Condit contended, must compete with those in power to define the moral. “Dominant elites” can seek to “hijack the moral potential [of public arguments] for partisan ends” because they are able to “control the means of communication.”³ In a social movement context, then, activists must strive to create strong narratives that can persuade the public about the moral nature of the cause. Linking narrative and persuasion, Lisa M. Gring-Pemle argued that public moral argument enacted through the narrative form becomes persuasive because it offers a story that is accessible to the public, allowing the audience to identify with either side of the argument.⁴ Thus, public moral argument depict problems of social and/or political consequence that encourage identification and engagement with the community.⁵

One way that activists are able to organize and create a strong narrative, and therefore a public moral argument, comes in the form of Mikhail Bakhtin’s notion of

“carnival.” Bakhtin asserted that carnival is based on its opposition to the dominant culture and its institutions as it becomes a form of social protest that centralizes the role of the people: “Carnival is not a spectacle seen by the people; they live in it, and everyone participates because its very idea embraces all the people.”⁶ Building upon Bakhtin’s original conception of carnival, John Fiske explained that the carnivalesque “is a testament to the power of the ‘low’ to insist upon its rights to a place in the culture.”⁷ Encompassing Hauser’s concept of “vernacular rhetoric,”⁸ carnival also relies upon a heavy emphasis on the element of humor. Carnival challenges the rules and control of dominant culture and “builds a world upside down.”⁹

According to Juliet Dee, the defendants also faced three specific constraints in expressing their public moral argument within the trial: (1) “Normative Constraints” like the conventions of traditional storytelling and norms of persuasion; (2) “Political Constraints” in which the media utilized their agenda setting function to report, ignore, or celebrate the antiwar stance of the defendants; and (3) “Production Constraints” in which the media emphasized the deviant and exciting and “conferred celebrity status upon the defendants . . . at the expense of deliberative debate on Vietnam.”¹⁰

In this chapter, I explore how the defendants created public moral arguments, utilizing the elements of the carnivalesque in a legal setting dependent on rules and decorum. Before examining this matter, however, I discuss carnival as conceived by Bakhtin and developed by later scholars through the elements of ritual spectacle, comic verbal composition, and various genres of billingsgate, so it may serve as the lens through which the public moral arguments of the defendants can be understood. Utilizing this concept, I analyze the trial transcripts to illustrate the ways in which the lawyers and

defendants in the Chicago Eight Trial engaged in carnivalesque actions in the courtroom. When viewed through the lens of carnival, the discourse of the Chicago defendants can be seen as a narrative of conflict that exposes the absurdity of the trial and the war in Vietnam. The chapter closes with an examination of the government's response to these carnivalesque techniques employed by the defense.

Carnival

Ritual Spectacle, Comic Verbal Compositions, and Billingsgate

According to Bakhtin, the foundation of the carnival is laughter, without which this form has little meaning. First, Bakhtin writes, carnival laughter is “the laughter of the people.” Second, laughter is universal, meaning the “entire world is seen in its droll aspect.” Third, carnival laughter is “ambivalent,” both fun and mocking at the same time.¹¹ This laughter is public, as hierarchies are denied in the carnival and “a special form of free and familiar contact reigned among people who were usually divided by the barriers of caste, property, profession, and age.”¹² Laughter is the overarching theme of the carnival, and each of the three categories within the carnival form (ritual spectacle, comic verbal compositions, and billingsgate) holds this common, universal, and ambivalent theme as its foundation. The defendants in the Chicago Eight Trial used all three elements of the carnival when crafting their public moral argument.

All three elements of the carnival—ritual spectacle, comic verbal compositions, and the genres of billingsgate—are intended to invert hierarchies and induce laughter according to Bakhtin. These strategies can and often do offer a political and/or social critique according to Paul “Pablo” Martin and Valerie Renegar, but these authors warn that “simply because a text employs a selection of carnivalesque tropes does not

necessarily qualify it as being carnivalesque. The persons employing carnivalesque strategies must be somehow questioning the social structure and encouraging critical awareness,”¹³ while also creating laughter.

Ritual spectacle. The first element of the carnival is ritual spectacle, which serves to place individuals on equal footing with each other, no matter what their social status, and occasionally even reverses the hierarchy or power. According to Bakhtin, in the medieval world, these spectacles were “carnival pageants” and “comic shows of the marketplace.”¹⁴ In contrast to official ceremonies, ritual spectacles were not plays to be watched, but realities to be experienced. In fact, ritual spectacles did not “acknowledge any distinction between actors and spectators.”¹⁵ The spectacle offered the people a “second life” outside of the “existing world order” in which they experienced “community, freedom, equality, and abundance.”¹⁶

In modern times, the ritual spectacle may incorporate laughter to create political arguments against what M. Lane Bruner called the “humorless state.”¹⁷ The essence of the political message in the ritual spectacle is to invert hierarchy and symbolically protest the current system. Bruner argues that although these techniques can serve to reinforce political norms, these carnivalesque approaches can also “create a space for critique that would otherwise not be possible in ‘normal’ society.”¹⁸ Finally, Bruner observes the blending of the high and low cultures in a “real” (versus a “pretend”) way that in the everyday world could have serious consequences. The fictional can blend with the real, and the real with the fictional, during the ritual spectacle of the carnival.¹⁹

The main purpose of the ritual spectacle is to invert hierarchical structure, thus defying discipline and order in favor of the suspension of formalities and the expression

of freedoms. Masquerades, role reversals, and closing formalities give those in the lower order a chance to resist this structure. Bruner offers the following explanations for each of these modes:

Masks signify a breaking away from ordinary time and entrance into fictive or sacred time via anonymity and normal role loss; role reversals—or the turning of the world upside down—signify a divine instance of group fusion as people enter liminal spaces where normally highly disciplined social roles are temporarily exchanged or discarded; and closing formalities (e.g., orderly processions, ritual reinstatement of officials) occur at the end of the carnival period to signify a return to the normal world of humorless repression where . . . politically consequential fictions . . . become “real” again.²⁰

As we shall see the Chicago Eight created ritual spectacles throughout their trial, often combining two or more of these methods,.

Comic verbal compositions. The second element of carnival, comic verbal compositions, centers on the importance of laughter. Laughter may serve as a sign of truth and freedom, says Bakhtin, as people respond to these compositions: “Laughter created no dogmas and could not become authoritarian; it did not convey fear but a feeling of strength.”²¹ According to Bakhtin, this comic practice of the carnival consists mostly of parodies, which include types of “mock rhetoric” such as “debates, comic dialogues, and *euloges*” and is “also reflected in the *fabliaux* and in the peculiar comic lyrics of vagrant scholars.”²² Priscilla Marie Meddaugh describes parody in the carnival: “Of particular significance to carnival laughter is ‘parodia sacra,’ or the parody of reversing texts and official discourse. In the ‘reverse of the world,’ sanctioned deities—

government, industry, and religion—provide fodder for carnival as cultural critic.”²³ In addition, Robert Stam argues that the laughter of the carnival is embedded in the form of parody as “the privileged mode of artistic carnivalization.”²⁴

Billingsgate. Various genres of billingsgate comprise the third element of carnivalesque manifestation, including categories such as abusive language, profanities, and oaths.²⁵ All three, according to Bakhtin, are relegated to the carnival of the “low” because they defy the norms of official speech. Bakhtin defined abusive language as “insulting words or expressions . . . that while humiliating and mortifying . . . [are] at the same time revived and renewed.”²⁶ Abusive language is double-sided in the sense that it performs the tasks of both complimenting and criticizing.²⁷ Similarly, profanity links the sacred and nonsacred through language. The use of profanity is, at its root, outside of the church, thus defying hierarchical authority. Oaths, at times forbidden by authorities and/or the church, can be seen as “a certain rejection of official philosophy, a verbal protest.”²⁸

All three elements of the carnival—ritual spectacle, comic verbal compositions, and the genres of billingsgate—are intended to invert hierarchies and induce laughter for the nonelites. According to Paul “Pablo” Martin and Valerie Renegar, these strategies can and often do offer a political and/or social critique; however, Martin and Renegar warn that “simply because a text employs a selection of carnivalesque tropes does not necessarily qualify it as being carnivalesque. The persons employing carnivalesque strategies must be somehow questioning the social structure and encouraging critical awareness.”²⁹ The political message and comedic performance create a dialectical tension through which a public moral argument may ultimately emerge.³⁰

The Defendants and Carnival in the Courtroom

The Chicago Eight defendants were—in the context of the courtroom, at least—the “low” commenting on the “high.” The interactions between the judge, lawyers, and defendants showed both the lack of power the defendants officially had in the courtroom, as well as their attempts to destabilize the hierarchies and create a space of equality among the three roles. Despite the Chicago Eight defendants’ disparate economic backgrounds, mostly white racial makeup, and all male gender, the judge treated the defendants as criminals,³¹ thus defining their status in the courtroom as lower than that of the judge. Expressions of the carnival form, however, help erase the differences between the defendants’ backgrounds and unite them based on their commonality *as defendants*. Thus, the tactics of the defendants can be understood through the carnival lens as they constructed public moral arguments regarding the Vietnam War, the nature of the United States judicial system, racism, and “high” society.

Although not all the defendants agreed on the best method to create public moral arguments while also winning their case,³² they all repeatedly chose to violate the rules of the court in various ways—some laughed openly at court rulings, wore inappropriate clothing, applauded statements made by the other defendants, and spoke out of turn when they felt they had something to say. The defendants were constantly fighting the restraints of scene, as evidenced by the numerous contempt charges they faced during the trial.³³ In particular, the Yippies (Abbie Hoffman and Jerry Rubin) sought to fight against the system.

Such an approach mirrored their protest outlook and behavior outside the courtroom. Theodore Windt, Jr. argued, “Unlike other factions within the peace coalition

that sought to transform institutions to fit ideological concerns, Yippies sought to do away with institutions all together.”³⁴ Hoffman claimed that the court was not a place of justice, and in fact, justice should be placed in the hands of the people. In response to his contempt charges, Hoffman argued,

We don't consider it [this court] the highest [court in the land]. We consider the people the highest court in the land. We cannot respect an authority that we regard as illegitimate. We can only offer resistance to such illegitimate authority. We cannot respect a law that is tyranny and the courts are in a conspiracy of tyranny. And when the law is in tyranny, the only order is insurrection and disrespect, and that's what we showed, and that's what all honorable men of free will show.³⁵

The court was just one example of the institutions the defendants sought to destroy; thus, the scene became a dominant element in the rhetoric of the trial as they fought against its restrictions and rules and sought to create their own arguments about justice, subverting the scene into a carnival-like context. This subversion occurred in three ways: ritual spectacles, comic verbal compositions, and various genres of billingsgate.

Constructing the Ritual Spectacle

On October 28, 1969, all eight defendants began one of their first ritual spectacles; they refused to rise when Judge Hoffman called for a recess.³⁶ When Bobby Seale made a motion to act as his own attorney, the other defendants began speaking out in support of his motion. After they were silenced and a recess was called, Judge Hoffman demanded that the defendants rise for the Court Marshal; the defendants refused to rise. Bobby Seale yelled, “I am not rising. I am not rising until he recognizes my

constitutional rights. Why should I rise for him? He is not recognizing —.”³⁷ Later that day, Attorney Leonard Weinglass explained his clients’ decision not to stand:

MR. WEINGLASS: If the Court please, it is my understanding that there is no constitutional or legal obligation on the part of the defendants to rise so long as his failure to rise is not disruptive.

THE COURT: You advise your clients not to rise, do you?

MR. WEINGLASS: I have no obligation to advise my clients to rise. He is doing nothing disruptive in the courtroom.

THE COURT: We will determine that later.³⁸

Attorney William Kunstler again explained why the defendants did not stand:

“They are protesting, your Honor, and I think that is protective of the First Amendment.”³⁹ In this case, the refusal to participate in the sanctioned spectacle of the courtroom became a ritual spectacle for the defendants, protesting their unfair treatment. The defendants’ apparent disrespect for the judge was used to protest Judge Hoffman’s disrespect for them.

On February 6, 1970, Defendants Jerry Rubin and Abbie Hoffman began wearing judges’ robes to court. Further, when Rubin and Hoffman removed their robes, they tossed them to the ground and stomped on them, indicating that the robes were supposed to represent justice, but through the course of the trial, the robes had become a symbol of racism.⁴⁰ By dressing as judges, Rubin and Hoffman symbolically reversed the role of the judge and the defendant, becoming the prosecutor of the trial and implying that the government and the court system should be on trial instead. By appearing in the uniform of the judge, these men sought to be viewed as judges of the court, rearticulating what

and who was in fact on trial. Thus, Rubin and Hoffman used clothing as a ritual spectacle, masquerading in the attire of the officials and reversing the roles of prosecutor and prosecuted. Janack wrote, “Consistent with its anti-institutional nature, carnival inverts the roles of spectator and participant, commoner and elite.”⁴¹

Abbie Hoffman used his body to create comic spectacles in a variety of ways. When being sworn in before he testified, Hoffman raised his right hand and created a fist, creating the symbol for Black Power.⁴² On another occasion, Hoffman lifted his middle finger as he was being sworn in. In another show of physical protest, Hoffman lifted his shirt and danced around the courtroom. Additionally, Hoffman discussed his bodily urges during his testimony, inciting laughter from the audience and perpetuating the sense of spectacle. When Schultz asked Hoffman, “Did you ever state that a sense of integration possesses you and comes from pissing on the Pentagon?” Hoffman replied, “I said from combining political attitudes with biological necessity, there is a sense of integration, yes.” The exchange continued:

MR. SCHULTZ: You had a good time at the Pentagon, didn’t you Mr. Hoffman?

THE WITNESS: Yes, I did. I’m having a good time now too. I feel that biological necessity now. Could I be excused for a slight recess?

THE COURT: Ladies and gentlemen of the jury, we will take a brief recess.⁴³

Bakhtin argued that the use of urination and defecation fits within a historical tradition of debasing gestures. Because carnival gestures are ambivalent, urination can be a symbol of “destruction, a grave for the one who is debased,” or it can stand for fertility.⁴⁴ Both meanings, however, create humor and laughter for the audience. Using his body to create spectacle, Hoffman subverted the traditional courtroom decorum and

created larger arguments against the court system and the political scene. The body is a central theme within the comic spectacles of the carnival; for example, Bakhtin noted, “The material bodily principle is contained not in the biological individual, not in the bourgeois ego, but in the people, a people who are continually growing and renewed. This is why all that is bodily becomes grandiose, exaggerated, immeasurable.”⁴⁵ Thus the body becomes a site at which individual protest becomes public argument in which the protest within the courtroom moves beyond the immediate scene and encourage community conversation and debate.⁴⁶

The Comics of the Courtroom

During his defense testimony, Abbie Hoffman often used comic verbal composition to respond to questions asked by both the prosecution and defense, creating a public moral argument by providing fabrications or political diatribes instead of the expected details of the case. At the beginning of his testimony, defense attorney Leonard Weinglass asked Hoffman where he resided, to which he replied, “I live in Woodstock Nation.”⁴⁷ When asked where that was, he stated,

It is a nation of alienated young people. We carry it around with us as a state of mind in the same way as the Sioux Indians carried the Sioux nation around with them. It is a nation dedicated to cooperation versus competition, to the idea that people should have better means of exchange than property or money, that there should be some other basis for human interaction.⁴⁸

By telling a story about where he lived, Hoffman created a larger moral argument about capitalist culture and property ownership.

In another line of introductory questioning, Hoffman was asked when he was born, to which he replied, “Psychologically, 1960.”⁴⁹ In this short response, Hoffman was offering to the court and to the news audience an understanding of his life in terms of his cultural awakening. His answers mimicked the answers a typical defendant would or should give. Hoffman extended this discourse of mockery by offering a cultural claim about the education system in the United States. Asked by Mr. Weinglass, “Between the date of your birth, November 30, 1936, and May 1, 1960, what if anything occurred in your life?” Hoffman replied, “Nothing. I believe it is called education.”⁵⁰ This statement subverted the expected factual answer into cultural criticism.

Hoffman also created comic dialogues by playing on the names of those officials who had a hand in his prosecution. For instance, when asked to tell about his experience attempting to get a permit for the protest, he stated,

We explained to the press that we were leaving in our permit application but withdrawing our Federal injunction to sue the city. We said it was a bit futile to end up before a judge, Judge Lynch, who was the ex-law partner of Mayor Daley, that the Federal judges were closely tied in with the Daley and Democratic political machine in Chicago and that we could have little recourse of grievance. Furthermore, that we suspected that the judge would order us not to go into Lincoln Park at all and that if we did, that we would be in violation of contempt of court, and that it was a setup, and *Judge Lynch* planned to *lynch* us in the same way that *Stahl* was *stalling* us.⁵¹

In this example, Hoffman used the names of actual officials to make a joke about the defendants’ treatment during the Democratic National Convention, creating a comic

composition that caricaturized the men in charge through a mockery of their names. Hoffman's jokes about the irony of these names also served to blur the lines between fiction and reality; personification this opportune rarely happens in the real world.

Abbie Hoffman and David Dillinger continued to challenge the formality of naming in the courtroom by referring to everyone by their first names whenever possible. Often calling Judge Julius Hoffman "Julie," Hoffman argued that it was unnecessary to speak to a judge as if he were an authority.⁵² Further, Hoffman refused to refer to himself as "Mr. Hoffman," despite the Court's efforts to force him into this formal naming structure; he referred to himself as "Abbie" throughout the trial.⁵³ Similarly, David Dellinger refused to refer to Judge Hoffman as "Judge" or "Your Honor," noting, "I believe in equality, sir. I prefer to call people Mr. or by their first name."⁵⁴ By referring to the judge, prosecutors, witnesses, and defendants by their first names, these defendants worked to subvert the hierarchy of the court system in an attempt to create a level field.

All the defendants laughed out loud repeatedly during the trial, occasionally even rising to their feet to emphasize their pleasure. David Dellinger explained succinctly, "We are not ashamed to laugh."⁵⁵ The defendants laughed at various points throughout the trial, for example, when another defendant made a joke, when they believed that a witness was lying, and when Judge Hoffman ruled against them. John Froines, for example, laughed freely at the testimony of William Frapolly, a Chicago police officer:

MR. KUNSTLER: And Tom Hayden said that if there was rough going, that instead of the march there should be a vigil at the Amphitheatre?

THE WITNESS: He said that fifty to a hundred thousand people would mass at the Amphitheatre. . . . [T]hen they'd reform into a snake dance and leave the area.

MR. KUNSTLER: They'd leave the area by a snake dance?

THE WITNESS: Yes, Sir.

MR. KUNSTLER: Fifty to a hundred thousand people would snake dance through the streets of Chicago, is that what Mr. Hayden said?

MR. FORAN: Objection, your Honor. And I also would like the record to note the character of the noises and giggling and laughing from the defense table.

THE COURT: Yes. I've repeatedly asked that there be no loud laughing, and there was after that question.

MR. FORAN: Your Honor, may the record show that the defendant Froines just made a comment saying, "We laughed—we laughed because it was a stupid answer."⁵⁶

Although repeatedly warned that they would be cited for contempt if the laughter continued, the defendants defied the judge and repeatedly engaged in the kind of laughter characteristic to carnival.⁵⁷

Abusive Language and Billingsgate

Throughout the trial, the defendants repeatedly used abusive language and profanity to argue against the formality of scene and the trial itself. For instance, Abbie Hoffman often referred to Judge Hoffman as a "Nazi," "racist," and "pig." Suggesting that Judge Hoffman was Nazi-like, Hoffman stated,

MR. HOFFMAN: Your idea of justice is the only obscenity in the room. . . .

THE COURT: Mr. Marshal, will you ask the defendant Hoffman to —

MR. HOFFMAN: This ain't the Standard Club.

THE MARSHAL: Mr. Hoffman —

MR. HOFFMAN: Oh, tell him to stick it up his bowling ball. How is your war stock doing, Julie [Judge Julius Hoffman]? You don't have any power. They didn't have any power in the Third Reich either.⁵⁸

Referring to Judge Hoffman as someone who “would have served Hitler,”⁵⁹ Hoffman argued that he was being prosecuted based on his beliefs and not his actions.

Many of the defendants used abusive language to refer to Judge Hoffman. For example, during his objections to having the judge's chosen legal counsel represent him, Bobby Seale pointed to the pictures on the walls of the court: “You have George Washington and Benjamin Franklin sitting in a picture behind you, and they was slave owners. That's what they were. They owned slaves. You are acting in the same manner, denying me my Constitutional rights being able to cross examine this witness.”⁶⁰ He made it clear that he considered Judge Hoffman a racist, yelling, “I still want to defend myself, and I know I have a right. I just want to let him know. That racist [Judge Hoffman], that fascist [Judge Hoffman].”⁶¹ David Dellinger called Judge Hoffman a “fascist,”⁶² and a “Nazi,”⁶³ Abbie Hoffman noted the courtroom was more like a “neon oven,”⁶⁴ and Rennie Davis referred to the judge as a “disgrace.”⁶⁵

The defendants used some form of “fuck” as their profanity of choice most of the time. Sometimes the phrase “mother fucker [sic]” was used to refer to the court marshals; for example, Jerry Rubin yelled, “Don't hit me in my balls, mother fucker.”⁶⁶ In his testimony, Hoffman used the word “fuck” to refer to sexual intercourse and noted that he wrote “FUCK” on his head to keep his picture from being taken and to condense his frustrations about the planned Chicago demonstrations: “I like that four letter word—I thought it was kind of holy, actually,” Hoffman stated.⁶⁷ Through abusive language and

profanity, the defendants challenged the formality of the courtroom and the rules of language contained within.

Reactions from the Court

In order to maintain at least the semblance of power, Judge Hoffman, the prosecutors, and the government witnesses expressed strong responses to the carnival constructed by the defendants. James C. Scott claims,

Every visible, outward use of power—each command, each act of deference, each list and ranking, each ceremonial order each public punishment, each use of an honorific or a term of derogation—is a symbolic gesture of domination that serves to manifest and reinforce a hierarchal order.⁶⁸

In line with this view, the government figures used various tactics to reinforce their own power, while the defendants attempted to undermine that power. Scott calls these kinds of acts “public transcripts,” which he defined as the “self-portrait of dominant elites as they would have themselves seen . . . [and that] is a decidedly lopsided discussion.”⁶⁹ The most severe tactic was the binding and gagging of Bobby Seale, which will be discussed in the next chapter.

Conclusion

Although carnival is not always the most successful form of conveying a message of social displeasure, it has the *possibility* of prompting a dialogue of social and political change. As Walter Fisher wrote, “The presence of ‘experts’ in *public* moral arguments makes it difficult, if not impossible for the public of ‘untrained thinkers’ to win an argument or even judge them well—given, again, the rational world paradigm.”⁷⁰ While some authors have argued that the carnivalesque is actually a way for the powerful to

continue to oppress the powerless by offering a short, sanctioned time and space for this form of protest,⁷¹ others, including Bakhtin, have noted the emancipatory potential of the carnivalesque form and its possibilities for questioning the established structures of a society.⁷² When the defendants lacked expertise, they attempted to use narrative and storytelling to express their arguments.⁷³

Notes: Chapter 3

¹ Walter Fisher, "Narration as Human Communication Paradigm: The Case of Public Moral Argument," *Communication Monographs* 51 (1984): 12.

² Celeste Michelle Condit, "Crafting Virtue: The Rhetorical Construction of Public Morality," *Quarterly Journal of Speech* 73 (1987): 84-87.

³ Condit, "Crafting Virtue," 83.

⁴ Lisa M. Gring-Pemle, "'Are We Going to Now Govern by Anecdote?': Rhetorical Constructions of Welfare Recipients in Congressional Hearings, Debates, and Legislation, 1992-1996," *Quarterly Journal of Speech* 87 (2001): 341-65.

⁵ Here I use the term "argument" in the sense expressed by Perelman and Olbrechts-Tytecha in *The New Rhetoric*. Extending Perelman and Olbrechts-Tytecha's notion of argument in *The New Rhetoric*, David A. Frank noted that argument takes on both philosophical and pragmatic expressions. He wrote, "In this realm [of New Rhetoric], deduction does not rule and many different logics flourish. . . . Perelman sought a rapprochement between reason and rhetoric, and broadened the domain of

reason to include sentiment and values.” David A. Frank, “Argumentation Studies in the Wake of *The New Rhetoric*,” *Argumentation and Advocacy* 40 (2004): 270.

⁶ Mikhail Bakhtin, *Rabelais and His World*, trans. Helene Iswolsky (Bloomington, IN: Indiana University Press, 1984), 7.

⁷ John Fiske, *Television Culture*, (New York: Routledge, 1987), 241.

⁸ Gerard Hauser, *Vernacular Voices: The Rhetoric of Publics and Public Spheres* (Columbia: University of South Carolina Press, 1999).

⁹ Fiske, *Television Culture*, 242.

¹⁰ Juliet Dee, “Constraints on Persuasion in the Chicago Seven Trial,” in *Popular Trials: Rhetoric, Mass Media, and the Law*, ed. Robert Hariman (Tuscaloosa: University of Alabama Press, 1993), 87.

¹¹ Bakhtin, *Rabelais and His World*, 11-12.

¹² Bakhtin, *Rabelais and His World*, 10.

¹³ Paul “Pablo” Martin and Valerie Renegar, “‘The Man for His Time’: *The Big Lebowski* as Carnavalesque Social Critique,” *Communication Studies* 58 (2007): 303.

¹⁴ Bakhtin, *Rabelais and His World*, 5.

¹⁵ Bakhtin, *Rabelais and His World*, 7.

¹⁶ Bakhtin, *Rabelais and His World*, 9.

¹⁷ M. Lane Bruner, “Carnavalesque Protest and the Humorless State,” *Text and Performance Quarterly* 25 (2005): 136-155.

¹⁸ Bruner, “Carnavalesque Protest and the Humorless State,” 140.

¹⁹ Bruner, “Carnavalesque Protest and the Humorless State,” 140-141. Examples of this “blending” include mock fights that turn into real battles, or a Quaker dressing like a Quaker.

²⁰ Bruner, “Carnavalesque Protest and the Humorless State,” 139-140.

²¹ Bakhtin, *Rabelais and His World*, 95.

²² Bakhtin, *Rabelais and His World*, 15.

²³ Priscilla Marie Meddaugh, “Bakhtin, Colbert, and the Center of Discourse: Is There No ‘Truthiness’ in Humor?” *Critical Studies in Media Communication* 27 (2010): 379.

²⁴ Robert Stam, *Subversive Pleasures: Bakhtin, Cultural Criticism, and Film* (Baltimore, MD: The Johns Hopkins University Press, 1989), 173.

²⁵ Bakhtin, *Rabelais and His World*, 15-16.

²⁶ Bakhtin, *Rabelais and His World*, 16.

²⁷ Abusive language can be used in a complimentary way, as in “How are you, you old bastard?” or in a critical way, as in “You are a mean bastard.”

²⁸ Bakhtin, *Rabelais and His World*, 189.

²⁹ Paul “Pablo” Martin and Valerie Renegar, “‘The Man for His Time’: *The Big Lebowski* as Carnavalesque Social Critique,” *Communication Studies* 58 (2007): 303.

³⁰ Building on the work of Kenneth Burke, James Klumpp argues that “dialectical tension” urges us to ask questions about how a conflict has emerged and why, as tension “constructs experience.” The tension is dialectical in that they “emphasize how words do not define through their platonic ideal, but through their relationship with other terms.”

James Klumpp, Keynote Address. "Conflict and Communities: The Dialectic at the Heart of the Burkean Habit of Mind." Kenneth Burke Society Triennial Conference, East Stroudsburg PA, June 2017.

³¹ In the sense of "guilty before proven innocent."

³² Some defendants did not initially want to use the trial for the purposes of expressing anti-war arguments. Douglas O. Linder noted that Tom Hayden, in particular, wanted to play it straight and not antagonize the jury with comic antics. Douglas O. Linder, "The Chicago Eight Conspiracy Trial," <http://law2.umkc.edu/faculty/projects/ftrials/Chicago7/Account.html>.

³³ David Dellinger, *Contempt* (Chicago: Swallow Press Inc., 1970).

³⁴ Windt, "The Diatribe," 11.

³⁵ "Transcript of Record," 18650.

³⁶ Each of the defendants was held in contempt at least three times for refusing to rise when the judge demanded it. Dellinger, *Contempt*.

³⁷ "Transcript of Record," 4615.

³⁸ "Transcript of Record," 4615.

³⁹ "Transcript of Record," 4728. Here Kunstler is referring to the defendants' right to free speech and the right of citizens to petition the government with grievances.

⁴⁰ Dellinger, *Contempt*, 118. These actions were omitted from the official court transcript.

⁴¹ James A. Janack, "The Rhetoric of 'The Body': Jesse Ventura and Bakhtin's Carnival," *Communication Studies* 57 (2006): 204-205.

⁴² “Transcript of Record,” 18665-18666.

⁴³ “Transcript of Record,” 18665-18666.

⁴⁴ Bakhtin, *Rabelais and His World*, 148.

⁴⁵ Bakhtin, *Rabelais and His World*, 19.

⁴⁶ Caitlin Wills Toker, “Debating ‘What Ought To Be’: The Comic Frame and Public Moral Argument,” *Western Journal of Communication* 66 (2002): 53-54.

⁴⁷ “Transcript of Record,” 12399.

⁴⁸ “Transcript of Record,” 12399-12400.

⁴⁹ “Transcript of Record,” 12402.

⁵⁰ “Transcript of Record,” 12404.

⁵¹ “Transcript of Record,” 18665-18666, emphasis added.

⁵² For examples, see “Transcript of Record,” 19801, 19877.

⁵³ “Transcript of Record,” 4639. As John Schultz noted, “the formality of this respect [of calling officials by their last names] runs counter to another trend in American society where if you do not first-name a person at the right time . . . you have placed yourself in a lower status position and no useful exchange will occur.” John Schultz, *The Chicago Conspiracy Trial* (New York: Da Capo Press, 1993), 198.

⁵⁴ “Transcript of Record,” 2501.

⁵⁵ “Transcript of Record,” 6258.

⁵⁶ “Transcript of Record,” 4609.

⁵⁷ Bakhtin stated, “Carnival laughter is the laughter of all the people, Second, it is universal in scope; it is directed at all and everyone, including the carnival’s participants.

. . . Third, this laughter is ambivalent: it is gay, triumphant, and at the same time mocking, deriding. It asserts and denies, it buries and revives. Such is the laughter of carnival.” Bakhtin, *Rebelais and His World*, 11-12.

⁵⁸ “Transcript of Record,” 19877.

⁵⁹ “Transcript of Record,” 19782.

⁶⁰ “Transcript of Record,” 4720.

⁶¹ “Transcript of Record,” 3147-3148.

⁶² “Transcript of Record,” 4815

⁶³ “Transcript of Record,” 18665-18666.

⁶⁴ “Transcript of Record,” 18665-18666.

⁶⁵ “Transcript of Record,” 18665-18666.

⁶⁶ “Transcript of Record,” 4815.

⁶⁷ “Transcript of Record,” 18665-18666.

⁶⁸ James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven, CT: Yale University Press, 1990), 45.

⁶⁹ Scott, *Domination and the Arts of Resistance*, 18.

⁷⁰ Fisher, “Narration as Human Communication Paradigm,” 12. Emphasis in original.

⁷¹ Umberto Eco, “The Frames of Comic ‘Freedom,’” in *Carnival!*, ed. Thomas A. Sebeok (New York: Mouton Publishers, 1984), 1-10; Tom Sobchack, “Bakhtin’s ‘Carnavalesque’ in 1950s British Comedy,” *Journal of Popular Film and Television* 23 (1996): 179-186.

⁷² Harold, "Pranking Rhetoric," 189-211; Caryl Emerson, "Coming to Terms with Bakhtin's Carnival: Ancient, Modern, Sub Specie Aeternitatis," in *Bakhtin and the Classics*, ed. R. Bracht Branham (Evanston, IL: Northwestern University Press, 2001), 5-26; M. Keith Booker, *Techniques of Subversion in Modern Literature: Transgression, Abjection, and the Carnavalesque* (Gainesville, FL: University of Florida Press, 1991).

⁷³ W. Lance Bennett, "Storytelling in Criminal Trials: A Model of Social Judgment," *Quarterly Journal of Speech* 64 (1978): 1-22.

Chapter 4:

Bobby Seale and the Containment of the Black Voice

On October 29, 1969, Bobby Seale, National Chairman and cofounder of the Black Panther Party, was bound and gagged in the courtroom in response to his repeated interruptions as he demanded to act as his own attorney. Seale's treatment within the trial was evidence of a larger ideological debate occurring in the United States over the role of the U.S. citizen within the context of the Cold War. Freedom of speech and judicial rights had been under attack during the era of the McCarthy hearings and had not fully recovered by 1969.¹ Violence had been spreading throughout the country over issues of civil rights and the U.S. involvement in the Vietnam War. The Chicago Eight Trial represented a culmination of these tensions, with judicial and political implications that would extend far beyond a simple guilty or innocent verdict. Seale's public moral argument within the trial provided a particularly poignant view of the conflicting ideologies that were dividing the country.

Bobby Seale's experience in the Chicago Trial prompts an emotional view of the importance of oppositional discourse and images in the context of the Cold War. More specifically, the binding and gagging of Seale and the discourse leading up to these acts emerged as important rhetorical acts within the trial. In this chapter, I examine Bobby Seale's public moral argument through the lens of guerrilla theater operating in the Chicago Conspiracy Trial. My objective is to analyze the ways in which Seale's rhetoric of opposition and his testimony challenged the dominant Cold War ideologies that still existed in the late 1960s and early 1970s. The binding and gagging of Seale by the court exemplified the government's policy of containment as it applied to African Americans

and the civil rights movement; however, Seale's reaction to his restraint also represents an emancipatory act within the trial. Ultimately, I hope to offer insight into the larger societal implications of Seale's treatment within the trial and into the public moral argument that Seale was attempting to make, first by situating Seale and the Black Panthers within the Cold War context.

Intersection of the Cold War and the Civil Rights Movement

The Cold War ideology that germinated in the 1940s and 1950s continued to strengthen throughout the ensuing three decades as the United States government sought to censor suspicious actions and discourse perceived as communistic “in an effort to protect the ‘free world.’”² During the Truman and Eisenhower administrations, the domestic response to the Cold War was to “root out any and all communists and their friends and allies and *suppress* communistic, socialistic, un-American ways of thinking and acting.”³ Speaking out against the war, governmental activities, or capitalism was considered un-American, and this behavior was quickly censored or condemned by the U.S. government or by other American citizens.

This policy targeted the civil rights movement as well; its leaders were often treated as sympathetic to communist ideals—some were alleged to have ties with the Communist Party based on the content of their public discourse. As Suzanne Clark has observed, “Associating powerful rhetoric with ideological threat suggests a major tenet of Cold War poetics.”⁴ The political instability that the movement caused was seen by some as evidence of communist infiltration—as a way for communists to divide the American people, making it easier to spread the communist doctrine. Stephen J. Whitfield points out, “The FBI was especially quick to connect a commitment to racial justice with

political subversion.”⁵ Thus, the NAACP was the target of Southern hostilities, attacked for supposed communist infiltration and subsequently outlawed in some states.⁶ Some extremists used the communist label for the U.S. Supreme Court, because of its rulings banning racial segregation. Mary Dudziak comments,

The primacy of anticommunism in postwar American politics and culture left a very narrow space for criticism of the status quo. By silencing certain voices and by promoting a particular vision of racial justices, the Cold War led to a narrowing of acceptable civil rights discourse.⁷

The symbolism of containment proved to be an important concept in the Cold War and the battle over African American civil rights. The United States government espoused a policy of containment in reaction to the perceived communist threat. First championed by George Kennan in *The Long Telegram* of 1946,⁸ containment became a central policy and a key discursive symbol in the nation’s approach toward communist aggression. This linguistic framing of policy was felt domestically as well. Elaine Tyler May proposed in her book *Homeward Bound* that containment also applied to American families. She wrote,

The family was the arena in which that adaptation was expected to occur; the home was the environment in which people could feel good about themselves. In this way, domestic containment and its therapeutic corollary undermined the potential for political activism and reinforced the chilling effects of anticommunism and the cold war consensus.⁹

As the U.S. government attempted to stifle the perceived aggressiveness of the Black Power movement, evidence of containment also became visible in the context of African American civil rights.

For those groups adamantly concerned with the perception of the United States in the eyes of foreign powers, the civil rights movement could not have come at a worse time. The treatment of black men and women in the United States was widely covered in the foreign press, especially in African and Middle Eastern countries. According to Haig A. Bosmajian and Hamida Bosmajian, “Because the nation and the entire world had their attention focused on Montgomery and the actions of civil-rights leaders, this larger audience also had to be considered, for they too were watching and being persuaded.”¹⁰ Pictures of riots and people being bitten by dogs, sprayed with fire hoses, and beaten by police were shown throughout the world, severely undermining the U.S. Cold War agenda abroad. To counter such negative images, great care was paid to creating images that would portray African Americans as having substantial rights in the United States.¹¹ These efforts were not completely effective, however. As Dudziak reports, “Soviet propaganda exploited U.S. racial problems, arguing that American professions of liberty and equality under democracy were a sham.”¹² Civil rights thus became a tool for the Soviet Union to show the world that the United States was not the paragon of freedom that its leaders professed the country to be.

The Black Panther Party for Self Defense (BPP) was perhaps the most difficult group to digest for even sympathetic whites who supported the civil rights movement as a whole, especially because some factions of the movement seemed to exhibit strong commitments to violence. Bobby Seale and Huey P. Newton founded the Party on

October 15, 1966, as a means of helping the poor black citizens of Oakland, California. They were tired of being represented in the civil rights movement by college-educated, middle-class African Americans, and sought to give power to those who had been disenfranchised even from their own movement. Their ten-point program included various demands for freedom and equal rights, such as the desire for “an end to the robbery by the capitalists of our Black Community,”¹³ for the “freedom for all Black men held in federal, state, county, and city prisons and jails,”¹⁴ and for “all Black people” to “be tried . . . by a jury of their peer group or people from their Black communities, as defined by the Constitution of the United States.”¹⁵ The group advocated a socialist doctrine, which stood in opposition to the existing U.S. capitalist system the group labeled “racist.”

The gun was considered the “key to the rise of the Party,”¹⁶—a commitment that attracted considerable attention from American citizens, the U.S. government, and foreign countries. The Black Panthers became experts on firearms legislation, and used the weapons specifically for symbolic purposes. Sol Stern noted, “For the Panthers, their guns have had both real and symbolic meaning[,] . . . symbolic because of the important political effects they think that a few blacks, openly carrying guns, can have in the black community.”¹⁷ The guns captured the anger of the black community regarding their treatment by the government, by southern racists, and, perhaps most significantly, by the police. Many Americans worried that the guns were for offensive rather than defensive purposes, however, and reacted negatively to the group. Because the BPP was often portrayed as being anti-white, many white Americans felt threatened by the prominence

of guns in the group. The U.S. government, also feeling threatened, attempted to combat the group by enacting new gun law legislation.¹⁸

International powers took notice of the BPP as well; the group argued that their cause was not only domestic but also “part of an *international* struggle against imperialism.”¹⁹ As Stern noted, “To Newton and Seale the identification with world revolution is a serious business. They see the United States as the center of an imperialist system which suppresses the worldwide revolution of colored people.”²⁰

“Black Power” emerged as the dominant ideology of the Black Panther Party, demonstrating a commitment to the renewal of black culture. Richard B. Gregg, A. Jackson McCormack, and Douglas J. Pedersen wrote, “The rhetoric of black power is essentially a call for the black man to rediscover himself as a substantial human being. Its primary themes center around black pride, black cohesiveness, and the need for political and economic power.”²¹ These authors argued that “Black Power” was not intended to persuade white audiences; instead the phrase was aimed at African Americans to push them to become involved in their communities and to help create a more positive black identity. The BPP had no interest in assimilating into the dominant white culture; rather, they desired an empowerment of black culture.

Government officials used various tactics to contain the voices of civil rights protesters, ranging from completely ignoring the violence being perpetrated against the African American community to wiretapping the phones of prominent movement leaders. Kenneth O’Reilly argued that the FBI, and particularly J. Edgar Hoover, strategically sought to charge all civil rights workers as communists, “a category Hoover defined broadly enough to include anyone interested in racial justice.”²² O’Reilly continued,

The story of Hoover's FBI and black civil rights is largely the story of a powerful police bureaucracy's reluctance to enforce the law and its willingness to break it. . . . The bureau began the 1960s by passively observing the brutalization of civil rights workers and ended the decade by egging on the racists.²³

Emory J. Tolbert likewise noted Hoover's desire to suppress the work of civil rights leaders. He claimed,

Hoover . . . was a major actor in the federal suppression of the [Marcus] Garvey movement. He [Hoover] was also a tenacious opponent of Garvey who, without Garvey's awareness, led a two year long effort to find grounds for prosecuting and/or deporting the Black nationalist leader.²⁴

In addition, in a controversial article, Jeff Gottlieb and Jeff Cohen artfully accused the FBI of executing Chicago Black Panther leader Fred Hampton, who was killed suspiciously in his bed during an FBI raid.²⁵

The attempts of local police and the government to control the BPP can be considered through the lens of containment as the police attempted to keep black men with guns off the streets and as the government attempted to stifle the voices of black militants. The government distorted various laws in order to contain "un-American" voices, as evidenced by the numerous court cases during the 1950s and early 1960s involving the motion picture community. Many civil rights leaders, including Dr. Martin Luther King, Jr., Huey P. Newton, and Stokely Carmichael were arrested in the government's efforts to silence the messages the leaders were trying to promote.

Seale and the Chicago Eight Trial

The events leading up to Seale's arrest and his subsequent treatment by the Illinois Supreme Court are evidence of the anxieties of the U.S. government and many Americans regarding the civil rights movement and the Black Panther Party. This experience was not new to Seale, who had grown up amid the racism and segregationist culture of the 1940s and 1950s. However, this trial was different from Seale's previous battles with an oppressive culture—the media attention given to the Chicago Eight afforded him a new outlet through which to express his frustrations. For Seale, the trial was another means for exposing the suppression of black voices and publicizing the inability of black men to receive fair treatment from the United States government.

In the late 1960s, the Black Panthers became involved with other leftist groups, including SNCC and the Yippies. Through this involvement, Seale, now a notable figure in the civil rights movement, was asked to participate in the demonstrations at the 1968 Democratic National Convention in Chicago. Tom Hayden, a founder of Students for a Democratic Society (SDS) and a leader of the National Mobilization to End the War in Vietnam, personally invited Seale to participate in the protests, and Seale willingly accepted.²⁶

Prior to his arrival at the convention, various confrontations with police had already occurred. Chicago officials had been trying to enforce an 11:00 p.m. curfew for the park in which the demonstrations were being held. With no place to sleep because delegates had taken all available hotel rooms, the demonstrators refused to leave. When police tried to force the protesters out of the park, protesters assaulted the police with

rocks and verbal insults. The police retaliated by storming the park and the city streets, clubbing and beating demonstrators.²⁷

The violence primed the audience for the rhetoric of Bobby Seale. On August 27, 1968, between two and three thousand people convened in the park to hear Seale speak, and “after its own baptism by clubbing, [the crowd] was ready for his fiery rhetoric.”²⁸ The speech had several objectives: to expose the violent nature of the government, to legitimize the use of weapons as a defense against the perverse capitalist power structure, and to encourage people to organize to occupy their own communities.²⁹ An undercover police officer was a member of the crowd, and his account of Seale’s speech was in large part responsible for Seale’s later arrest. After only a few hours in Chicago, and a few more short, impromptu speeches,³⁰ Seale flew back to California to take care of other Black Panther business.

Seale saw his arrest in connection with the Convention demonstrations as racist. He had not been a part of the violence that occurred during that week, had never met any of the defendants before, and had only spoken with Tom Hayden once over the phone. His inclusion in the indictments was based on the speech that he gave at the demonstrations, despite the fact that he had been in Chicago for less than twenty-four hours and had not even booked his own flight in or out of Chicago. As Jason Epstein noted, “When the indictments were handed down in March, it was at first unclear to the other defendants why Seale, of all the radicals who had been involved in the Chicago demonstrations, was included. . . . [He] had nothing to do with planning the protests.”³¹ Seale argued that his indictment was part of a larger conspiracy by the government to prosecute the Black Panthers because they saw the group as threatening. As Epstein

observed, “[W]hen Jerris Leonard, . . . head of the Civil Rights division of the Justice Department, was asked . . . the reason for Seale’s indictment, he replied, ‘The Panthers are a bunch of hoodlums. We’ve got to get them.’”³² Seale was singled out as a dominant voice of the civil rights movement and was thus included in the Chicago Eight Trial. The Justice Department desired to contain Seale by legal means, singling him out among numerous other leaders. Thus, even though Seale was not a part of the planning of the demonstrations and did not encourage the protesters to stay in the park after curfew when many of the leaders and demonstrators were arrested, he was indicted with the seven other defendants who played much larger roles in the protest.

The Chicago Eight trial began on September 24, 1969. On September 26, the first official day of court, Bobby Seale asked for a postponement in order to wait for his attorney to recover from surgery. This motion was denied. Over the course of the trial, Seale was charged with sixteen counts of contempt for a variety of reasons, including calling the judge a “racist” and demanding to cross-examine government witnesses.³³ After repeated pleas from Seale to act as his own attorney, on October 29, 1969, Judge Hoffman ordered the defendant to be removed from the courtroom, and when he returned, he was bound to a chair with a cloth gag in his mouth. Each day from October 29 through November 4, Seale was not allowed to enter the courtroom without the chains and gag. Finally, on November 5, 1969, Seale’s case ended in a mistrial as Judge Julius Hoffman severed him from the case and sentenced him to four years in prison on charges of contempt. Seale was charged independently of the others and forced to undergo a separate trial. Thus, the Chicago Eight became the Chicago Seven.³⁴

Seale's Public Moral Argument through Guerrilla Theater

Seale's public moral argument in the Chicago Eight Trial had implications not only for African Americans, but for all Americans living within the Cold War context. Seale sought to expose the injustices that he and other Americans felt in the political climate of the Cold War. Two major themes emerged in Seale's public moral argument: (1) the fight for the constitutional rights of all Americans during a time when these rights were being systematically taken away and (2) the exposure of racist practices both in the government and in the court system. These themes were similar to the goals expressed by the Black Panther Party, yet Seale provided a new context and media outlet for these goals to be espoused.

Seale's profanity and harsh words might not have been as laughter-producing as were his codefendants', but the purposes of the language were similar: to reject the authority of the court and to create a public moral argument that questioned the status quo. To this end, Seale's public moral argument came in the form of guerrilla theater. The difference between guerilla theater and ritual spectacle in the carnival is twofold: (1) laughter is not a goal or even a condition within guerilla theater; and (2) although actors and spectators become one in the carnival, they are kept separate in guerilla theater. Guerrilla (Spanish for "little war") theater stems from the theories of Che Guevara, who stated, "The Guerrilla fighter . . . has the intention of destroying an unjust order and therefore an intention, more or less hidden, to replace the old with something new."³⁵ According to R. G. Davis, who first conceptualized the concept of guerrilla theater, this form has three purposes: "To teach, direct toward change, [and] be an example of change."³⁶ By 1968, the Yippies had slightly altered these purposes, using guerrilla

theater as a way to gain media attention through the spectacle of the act and to “intentionally trigger a violent reaction.”³⁷ Seale used guerrilla theater in two distinct phases. The first was during his time as one of the eight defendants within the trial; the second was during his return to the courtroom as a witness for the defense. In the first phase, Seale used historical revision, “little” narratives, strategic juxtaposition, and body rhetoric to argue for legal and social change. In the phase of the trial when Seale was a witness, he used historical revision almost entirely.

Seale as Defendant

Prior to the opening statements, Seale asked for a postponement until his lawyer, Charles Garry, was available to act as his counsel; Judge Hoffman denied his request.³⁸ In light of this denial, Seale chose to act as his own attorney: “I would like to speak on behalf of my own self and have my counsel handle my case in behalf of myself. How come I can’t speak in behalf of myself? I am my own legal counsel. I don’t want these lawyers to represent me.”³⁹ Two weeks later, Seale again demanded his right to act as his own attorney:

MR. SEALE: What about my Constitutional right to defend myself and have my lawyer?

THE COURT: Your Constitutional rights—

MR. SEALE: You are denying them. You have been denying them. Every other word you say is denied, denied, denied, denied, and you begin to oink in the faces of the masses of the people of this country. That is what you begin to represent, the corruptness of this rotten government of four hundred years—. ⁴⁰

Seale blamed the court system for denying him his Constitutional rights, but turned the dialogue between himself and the judge into a public moral argument against the corruptness of the U.S. government's treatment of African Americans since the republic's genesis. Seale responded to the denial of his constitutional rights through spacial and historical references. Pointing to the pictures on the walls of the court, he stated,

You have George Washington and Benjamin Franklin sitting in a picture behind you, and they was slave owners. That's what they were. They owned slaves. You are acting in the same manner, denying me my Constitutional rights being able to cross examine this witness.⁴¹

Anne Teresa Demo referred to this guerrilla tactic as "history by incongruity," wherein the actor revises the dominant historical narrative to account for and radicalize the traditional story and expose the inequalities of the past.⁴² Seale questioned the appropriateness of the portraits on the wall, which would normally have remained unquestioned, creating a strategic juxtaposition between himself and the other members of the court and "remoralizing" the social order.⁴³

Seale also sought to expose the illegal practices of government officials in connection with the Black Panther Party through what Julia M. Allen and Lester Faigley called "little" narratives.⁴⁴ When the prosecution attempted to question an undercover police officer who allegedly followed Seale throughout his stay in Chicago, Seale attempted to ask the man questions in order to show how the government was acting illegally:

MR. SEALE: Why did you follow me, could you please tell me, Mr. Witness—

THE COURT: Mr. Seale—

MR. SEALE: —at the airport?

THE COURT: Mr. Seale, I ask you to sit down.

MR. SEALE: Have you ever killed a Black Panther Party member?

THE COURT: Mr. Seale, I will have to ask you to sit down, please.

MR. SEALE: Have you ever been on any raids in the Black Panther Party's offices or Black Panther Party members' homes?

THE COURT: Mr. Seale, this is the third time I am asking you to sit down as courteously as possible.⁴⁵

“Little” narratives are individual, specific stories that work by “raising issues of human rights and countering political wrongs.”⁴⁶ In this instance, Seale attempted to overturn the allegations of the witness into accusations of his own, showing that he was the target of violence and intimidation, not the witness.

Seale sought to expose racism in the courts by showing how his specific treatment was the result of racist structures. He argued,

If a black man stands up and speaks, if a black man asks for his rights, if a black man demands his rights, if a black man requests and argues his rights, what do you do? You're talking about punishing. If a black man gets up and speaks in behalf of the world . . .”⁴⁷

Using strategic juxtaposition of his own treatment to compare his experience to that of the other defendants, Seale argued that African Americans were being treated unfairly in the courtroom and in Cold War society. His intention was to expose the silencing practices of both the courts and the U.S. government.

Seale's most dramatic act of guerrilla theater occurred between October 29 and November 4, 1969, when he was bound and gagged for disruptive behavior in the courtroom. Although Seale could have sat quietly, bound and gagged in the courtroom, instead he chose to struggle against the shackles and continue disrupting the trial. Thus, Seale took advantage of the opportunity to use his body to create a public moral argument. J. Anthony Lukas described the scene on day two of the binding:

The Black Panther Leader . . . somehow managed to shout through and around the elaborate gag, which was first wound over his mouth yesterday. Time and again, his voice could be heard through the courtroom, maintaining his demand that he be allowed to defend himself. Once, he managed to slip free of the leather strap on his left arm. Several Federal marshals rushed to his side, and a wild scuffle ensued, during which Mr. Seale's chair toppled backwards into the press section.

Mr. Seale shouted that the policemen were kicking him in the groin.⁴⁸

By maintaining his place in the court even though he was bound and gagged, he was maintaining what Chaim Perleman and Lucy Olbrechts-Tyteca called an argumentative "presence," which served to concentrate the audience's (in this case, the jury's) attention and "occupy the foreground of the hearer's consciousness."⁴⁹

Seale's body represented a visual example of the Cold War containment policy toward African Americans generally and toward the civil rights movement specifically, encompassing the attempts of African Americans to break out of those restrictions and oppressions. His body became a site of resistance to the rules of the courtroom, and by extension, to the silencing of African American voices. Thus, Seale's body was a site of both oppression and resistance. Kevin DeLuca noted that although body rhetoric does not

always seem rational, it does convey passion and commitment.⁵⁰ Seale's choice to remain in the courtroom bound and gagged and to shout through those restraints may seem irrational in terms of the immediate context of convincing the jury to acquit, but his actions expressed his dedication to enacting his constitutional rights.

Seale as Witness

Bobby Seale returned to Chicago on January 29, 1970, to testify on behalf of the now-Chicago Seven. His acts of guerrilla theater were notably less defiant on this date, perhaps because of the change of role from defendant to witness. Seale was not obligated to testify; he took the stand freely to speak on behalf of the defendants, despite still being under indictment for the charges.⁵¹ The majority of Seale's testimony was an attempt at historical revision; he told his version of events in an effort to set the record straight. His testimony offered a counterdiscourse consisting of alternative theories to account for the defendants' motives and behavior.⁵²

Early in his testimony, the defense played a tape of his speech from August 27, 1968, at the Democratic National Convention. Seale allowed the tape of the speech to be played in its entirety for the jury, then responded to questions to clarify his meaning. In the speech, Seale retold the story of Huey P. Newton's arrest in October 1967.

He was charged with making a couple of pigs act in a desired manner. And from there, . . . the Peace and Freedom Party . . . and the Black Panther Party . . . formed this coalition based on the fact that the white people said they were concerned by the fact that their racist power structure in Oakland in California was going to try to railroad Huey P. Newton to the gas chamber and kill him.⁵³

When questioned by the prosecution, Seale noted,

MR. SCHULTZ: So when you said that “individuals should make pigs act in a desired manner,” you were referring to shooting policemen in defense if necessary, isn’t that right?

THE WITNESS [SEALE]: Organizationally and functionally, if you look at the whole context of the sentence, what I mean is not what you are inferring. What I mean is this here—

MR. SCHULTZ: I am asking you what you said, sir. I am asking you, did you not state that?

THE WITNESS [SEALE]: But you also asked me what I mean, Mr. Schultz.

MR. KUNSTLER: I thought he asked him what he meant too, your Honor.

MR. SCHULTZ: Let me rephrase the question if I did.⁵⁴

This line of questioning continued with Seale repeatedly noting that any acts of violence would have only occurred in self defense.⁵⁵ Seale corrected the prosecution, giving himself a voice in the (re)construction of the events in Chicago.

Toward the end of Seale’s testimony, Prosecutor Schultz asked Seale about a previous incident in which Seale was convicted for possession of a gun in the vicinity of a jail. The question about this case appeared out of place in the context of the other questions, falling between questions about the Black Panther’s objectives and questions about Seale’s speech in Chicago. By bringing up previous convictions, the government attempted to show that Seale had a pattern of breaking the law, as well as to demonstrate that Seale was dangerous. In response, Seale used historical revision to counter the attacks on his character. He provided a counternarrative that revised the story constructed by the defense.

MR. SCHULTZ: Mr. Seale, are you the same Bobby G. Seale who was convicted on April 11, 1968, of being in possession of a shotgun in the vicinity of a jail?

SEALE: Yes, I am the same person who was convicted later of being in possession of a shotgun as they charged me of being adjacent to a jail, but as I know by the law, you could have a shotgun as long as it wasn't concealed and as long as you are in a public place, and I was actually in fact on a public sidewalk. Yes, I was convicted, and the thing was appealed.

MR. SCHULTZ: Were you convicted of having a loaded shotgun? Were you convicted of having a loaded shotgun at a jail in California?

SEALE: No, it was not in a jail.

MR. SCHULTZ: At a jail, sir.

SEALE: The law in the state of California says that I violated a law, what they call having a gun on ground adjacent to the jail made in 1880-something. That law they charged me with, and charged me with this law and they railroaded me through and convicted me and violated my constitutional rights because I have a right to have a gun on public property as long as it wasn't concealed.

MR. SCHULTZ: You had five shotgun shells in that gun, did you not?

SEALE: Yes, in a magazine.

MR. SCHULTZ: Now, Mr. Seale, on a Wednesday morning, you gave the second speech, right?

SEALE: You are talking about the park?

MR. SCHULTZ: Yes.

SEALE: I guess that was Wednesday morning, in the middle of the week somewhere.

MR. SCHULTZ: You said to the people—that was Grant Park, right?

SEALE: Yes, this is across, this is where the convention was going on?

MR. SCHULTZ: Yes.

SEALE: Yes.

MR. SCHULTZ: And you said to the people, Mr. Seale, “If the pigs get in the way of our march, then tangle with the blue-helmeted mother-fuckers. Kill them and send them to the morgue slab,” and you were pointing to policemen at that time, isn’t that a fact?

MR. KUNSTLER: I don’t recall anything on direct examination on that.

SEALE: The first thing, it is impossible for me—wait a minute—it is impossible for me to have been pointing at any policeman at such-and-such a time because I was over here, and all the people was in front of me, and people was all over in the trees. I don’t know what you mean. I don’t know what you are talking about. I think you are taking a statement or a speech, or something, out of context.

MR. KUNSTLER: This is completely out of the scope of the direct examination, your Honor. It is improper and it is wrong.

THE COURT: No, the witness was brought here to testify about his activities during that period. I think the Government has the right to inquire. Treating your remarks as an objection which you have not made, I overrule the objection.⁵⁶

In this interaction, Seale offered a historical revision in which he retold the story of the prosecutor in his own words, explaining how and why Mr. Schultz’s version of events

was wrong. In the end, Bobby Seale refused to allow himself or his voice to be contained by the court.

Conclusion

Murray Edelman argued that court trials themselves can be viewed as spectacles, as they “help maintain and legitimate a social system that allocated benefits and penalties unequally, minimize unconventional expression of discontent, and help avert severe political challenges and rebellious action.”⁵⁷ Restrictions of free speech and constitutional rights have often been part of the trials of defendants during the Cold War era, similar to events seen in wartime eras since the country’s founding. However, Seale’s role within the trial of the Chicago Eight exemplifies an extreme case of ideological and physical containment of such rights in an immediate and national context designed to expose “un-American” activities.

Neil Smelser argued that opposition is necessary for a movement to be successful, because the opposition serves to legitimize the movement’s cause. In this way, Seale was successful—he created severe oppositional discourse between himself and Judge Hoffman, culminating in the Judge’s decision to restrain Seale during the trial and ultimately to sever Seale’s case from the trial entirely. This opposition may have served to legitimize the claims not only of Seale but of the Black Panthers as well—in fact, the trial provided evidence of their claims that racism was a structural problem. Discussions ensued over Judge Hoffman’s right to enforce such a stiff punishment, his legal right to deny Seale’s desire to represent himself in court, and the constitutionality of such extreme measures to ensure an orderly trial. These discussions are discussed in further detail in the next chapter.

In the end, though, the attempts by various government agencies to counter the message of the civil rights movement helped lead to the containment and ultimate silencing of the Black Panther Party. As John Morton Blum noted,

Police informers and police action also contributed to the decline of the Black Panthers, who were increasingly feared and rejected by the people in the ghettos. Huey Newton admitted the Panthers had lost their following. Eldridge Cleaver fled into exile to escape both a jail sentence and the hired guns of his Panther opponents. . . . [B]y 1970 the Panthers were becoming insignificant as agents of revolution.⁵⁸

As their leaders were jailed, killed, or exiled, civil rights agitators became increasingly disheartened about their ultimate ability to change society. Seale's inclusion in the Chicago Eight trial is a representative example of the government's efforts to contain the voices of those dissenters who were deemed dangerous to the goals of the Cold War.

Notes: Chapter 4

¹ For examples see M.J. Heale, "Red Scare Politics: California's Campaign against Un-American Activities, 1940-1970," *Journal of American Studies* 20 (1986): 5-32; Ellen Schrecker, "McCarthyism: Political Repression and the Fear of Communism," *Social Research* 71 (2004): 1041-1086; Jerold Simmons, "The Origins of the Campaign to Abolish HUAC, 1956-1961, The California Connection," *Southern California Quarterly* 64 (1982): 141-157; Jeff Woods, "The Cold War and the Struggle for Civil Rights," *OAH Magazine of History* 24.4 (2010): 13-17.

² Martin J. Medhurst, Robert L. Ivie, Philip Wander, and Robert L. Scott, *Cold War Rhetoric: Strategy, Metaphor, and Ideology* (New York: Greenwood P, 1990), 191.

³ Medhurst et al., *Cold War Rhetoric*, 191. (Emphasis added)

⁴ Suzanne Clark, *Cold Warriors: Manliness on Trial in the Rhetoric of the West* (Carbondale, IL: Southern Illinois UP, 2000), 36.

⁵ Stephen J. Whitfield, *The Culture of the Cold War* (Baltimore: Johns Hopkins UP, 1996), 21.

⁶ Whitfield, *The Culture of the Cold War*, 21.

⁷ Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton: Princeton UP, 2000), 13.

⁸ Parts of *The Long Telegram* entitled “The Sources of Soviet Conduct” were reproduced in *Foreign Affairs* in 1947 by George Kennan, under the pseudonym X. X, “The Sources of Soviet Conduct,” *Foreign Affairs* 25 (1947): 566-582.

⁹ Elaine Tyler May, *Homeward Bound: American Families in the Cold War Era* (Basic Books, 1999), 14.

¹⁰ Haig A. Bosmajian and Hamida Bosmajian, eds., *The Rhetoric of the Civil-Rights Movement* (New York: Random House, 1969), 5.

¹¹ Frank D. Durham, “Anti-Communism, Race, and Structuration: Newspaper Coverage of the Labor and Desegregation Movements in the South, 1932-40 and 1953-61,” *Journalism and Communication Monographs* 4.2 (2002): 48-107. John Kaplan, in his biographical work on photographer Charles Moore, also implies the connection between images of the civil rights movement and censorship for anti-Communist reasons.

See John Kaplan, "The Life Magazine Civil Rights Photography of Charles Moore, 1958-1965," *Journalism History* 25.4 (1999/2000): 127-39.

¹² Dudziak, *Cold War Civil Rights*, 37.

¹³ The Black Panther Party for Self Defense, "What We Want Now!" *The Black Panther: Black Community News Service* 1.6 (November 23, 1967): 3.

¹⁴ The Black Panther Party for Self Defense, "What We Want Now!" 3.

¹⁵ The Black Panther Party for Self Defense, "What We Want Now!" 3.

¹⁶ Robert H. Brisbane, *Black Activism* (Valley Forge, PA: Judson P, 1974), 204.

¹⁷ Sol Stern, "The Call of the Black Panthers," in *Black Protest in the Sixties*, eds. August Meier, John Bracey, Jr., and Elliot Rudwick (New York: Markus Wiener Publishing, Inc., 1991), 232.

¹⁸ State Legislator Don Mulford attempted to introduce a bill that would prohibit citizens from carrying or transporting loaded guns in public places. See Brisbane, *Black Activism*, 203.

¹⁹ Dudziak, *Cold War Civil Rights*, 226. (Emphasis added)

²⁰ Stern, "The Call of the Black Panthers," 239.

²¹ Richard B. Gregg, A. Jackson McCormack, and Douglas J. Pedersen, "The Rhetoric of Black Power: A Street-Level Interpretation," *Quarterly Journal of Speech* 55 (1969): 152.

²² Kenneth O'Reilly, "J. Edgar Hoover and Civil Rights," *Policy Studies Journal* 21 (1993): 610.

²³ O'Reilly, "J. Edgar Hoover and Civil Rights," 610.

²⁴ Emory J. Tolbert, “Federal Surveillance of Marcus Garvey and the U.N.I.A.,” *Journal of Ethnic Studies* 14.4 (1987): 27. (Capitalization in original)

²⁵ Jeff Gottlieb and Jeff Cohen, “Was Fred Hampton Executed?” *Nation* 223 (1976): 680-84.

²⁶ David Farber, *Chicago '68* (Chicago: U of Chicago P, 1988), 190.

²⁷ Farber, *Chicago '68*, 190.

²⁸ Farber, *Chicago '68*, 190.

²⁹ “Transcript of Record in the United States vs. David T. Dellinger,” Microform Collection, Truman State University Pickler Memorial Library, 18770-18772.

³⁰ For an example of an impromptu speech, see Bobby Seale, “Speech at Chicago Convention,” YouTube Video, 01:21, filmed August 1968, posted May 2010, <https://www.youtube.com/watch?v=PagDhU6JcrY>.

³¹ Epstein, *The Great Conspiracy Trial*, 93.

³² Epstein, *The Great Conspiracy Trial*, 95.

³³ Transcripts of Seal’s contempt charges are summarized in David T. Dellinger, *Contempt* (Chicago: Swallow Press, Inc., 1970), 1-38. Specifications 1 (September 26, 1969), 2 (October 14, 1969), 4 (October 20, 1969), 5 (October 22, 1969), 7 (October 22, 1969), 8 (October 27, 1969), 9 (October 27, 1969), 10 (October 28, 1969), 11 (October 29, 1969), 12 (October 29, 1969), 13 (October 29, 1969), 15 (October 30, 1969) , and 16 (November 5, 1969) were all comtempt charges that centered on Seale’s demand to act as his own attorney. Specification 3 (October 16, 1969) was for a comment Seale made regarding the dismissal of spectators in the courtroom, “I think there is a bit of racism

involved myself” (“Transcript of Record,” 2700). Specification 6 (October 22, 1969) also involved Seale’s accusation of racism, when he tried to teach the court the difference between the “black power” fist and the “power to the people” fist (“Transcript of Record,” 3599-3601). Specification 14 (October 30, 1969) occurred when Seale’s restraints became painful, and the defendants and court marshals got into a physical altercation (“Transcript of Record,” 4814). The total time Seale was sentenced for contempt was four years in prison.

³⁴ “Transcript of Record,” 4752-5822. For a discussion of the legality of binding and gagging defendants, see Gilbert J. Helwig, “Coping with the Unruly Criminal Defendant: The Options of the Allen Case,” *Gonzaga Law Review* 7.17 (1971): 17-33.

³⁵ Che Guevara, *Guerrilla Warfare* (New York: Monthly Review Press, 1961), 43.

³⁶ R. G. Davis, “Guerrilla Theater,” *The Tulane Drama Review* 10.4 (1966): 131.

³⁷ Michael William Doyle, “Staging the Revolution: Guerrilla Theater as Countercultural Practice, 1965-1968,” in *Imagine Nation: The American Counterculture of the 1960s and 1970s*, eds. Peter Braunstein and Michael William Doyle (New York: Routledge, 2002), 96.

³⁸ “Transcript of Record,” 3138.

³⁹ “Transcript of Record,” 3147.

⁴⁰ “Transcript of Record,” 4219.

⁴¹ “Transcript of Record,” 4720.

⁴² Anne Teresa Demo, "The Guerrilla Girls' Comic Politics of Subversion," *Women's Studies in Communication* 23 (2000): 144.

⁴³ Demo, "The Guerrilla Girls' Comic Politics of Subversion," 147.

⁴⁴ Julia M. Allen and Lester Faigley, "Discursive Strategies for Social Change: An Alternative Rhetoric of Argument," *Rhetoric Review* 14 (1995): 167-168.

⁴⁵ "Transcript of Record," 4735.

⁴⁶ Allen and Faigley, "Discursive Strategies for Social Change," 167.

⁴⁷ "Transcript of Record," 4730.

⁴⁸ J. Anthony Lukas, "Seale Disrupts Courtroom Again: Panther Leader Gagged and Bound for Second Day," *New York Times*, October 31, 1969, 38.

⁴⁹ Chaim Perleman and Lucy Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation*, trans. John Wilkinson and Purcell Weaver (Notre Dame: University of Notre Dame Press, 1969), 142.

⁵⁰ Kevin DeLuca, "Unruly Arguments: The Body Rhetoric of Earth First!, ACT Up, and Queer Nation," *Argumentation and Advocacy* 36 (1999): 15.

⁵¹ Judge Hoffman stated, "It is my duty and obligation under the law to inform you that you are under no obligation to testify. You are still under indictment here, and it is your constitutional right here not to testify if you choose not to. "Transcript of Record," 18751.

⁵² Murray Edelman, *Constructing the Political Spectacle* (Chicago: University of Chicago Press, 1988), 129.

⁵³ "Transcript of Record," 18770.

⁵⁴ "Transcript of Record," 18771.

⁵⁵ “Transcript of Record,” 18771-18778.

⁵⁶ “Transcript of Record,” 18780-18782.

⁵⁷ Murray Edelman, *From Art to Politics: How Artistic Creations Shape Political Conceptions* (Chicago: University of Chicago Press, 1995), 98.

⁵⁸ John Morton Blum, *Years of Discord: American Politics and Society, 1961-1974* (New York: WW Norton and Co., 1991), 357.

Chapter 5:

Framing of the Trial and its Defendants

The previous chapter focused on the internal workings of the Chicago Eight trial; in contrast, this chapter concentrates on the ways that defendants and media framed *the story* of the Chicago Eight for different segments of the American public and sometimes for a worldwide audience. The defendants attempted to create a frame that challenged the political system in general, and specifically, the Vietnam War. Newspapers created frames from various perspectives--often in opposition to the frames offered by the defendants.

Framing theories offer a lens through which defendant messages and media messages can be analyzed. According to Robert M. Entman, framing “illuminates the precise way in which influence over a human consciousness is exerted by the transfer (or communication) of information from one location—such as a speech, utterance, news report, or novel—to that consciousness.”¹ Frames help audiences make sense of the world and “function to organize experience and guide action.”² The tension between frames—between the meanings that the protesters wanted to express and the coverage of the trial by the dominant media outlets—is the focus of this chapter.

Because of their dramatic story lines and vivid imagery, social movements often make excellent news stories. The relationship between social movements and news media is complicated, as news media may often have what scholars have referred to as a “status quo bias,” while the purpose of the social movement is to disrupt the status quo.³ These stories show the conflict between the movement and mass media, contrasting the beliefs of the movement with the attempts of the establishment to restore social order. As Lisa

M. Burns suggests, “Since journalists must draw on a variety of sources in constructing their narratives, framing often becomes a process of negotiation, especially when the subjects of news stories are aware of the importance of image-making.”⁴ The way that these stories were framed is especially important because the frames shaped ways that the audience created meaning from the social movement’s messages. In addition, just gaining the attention of the news media grants credibility to a movement, serving as “validation that it is having an impact, that what participants in the movement are doing matters.”⁵

Defendants in the Chicago Eight Trial competed with the dominant media outlets to define and explain the major issues at stake in the trial. I shall analyze the defendants’ messages through the construct of the collective action frame. Snow and Benford defined collective action frames as “action-oriented sets of beliefs and meanings that inspire and legitimate the activities and campaigns of a social movement organization (SMO).”⁶ Within Snow and Benford's conception, collective action frames function to guide viewers’ understanding of particular topics, but do so “to mobilize potential adherents and constituents, to garner bystander support, and to demobilize antagonists.”⁷

Conversely, I shall analyze the coverage of the trial from the dominant media outlets by examining the story frames (marginalizing, biased, mixed, and sympathetic) used to cover the defendants and the trial. According to McLeod and Detenber, media coverage of social movements often serves to “marginalize challenging groups, especially those that are viewed as radical in their beliefs and strategies.”⁸ I therefore ask whether coverage of the Chicago Eight Trial followed or strayed from this pattern.

The first section of this chapter provides a brief description of framing insofar as it functions as a strategy in discourses concerned with social movements. As part of this

description, two conceptions of framing will be distinguished and explained--namely collective action framing and story framing. The second section applies collective action framing to examine how the defendants in the Chicago Eight Trial constructed their public moral argument regarding the Vietnam war for audiences outside of the immediate courtroom. In the third section of this chapter, I examine the dominant media's framing of the trial, using the four story frames as a guide. Both the second and third sections of this chapter employ sources from newspapers (*New York Times*, *Washington Post*, *Chicago Tribune*, and *Los Angeles Times*)⁹ as evidence of the framing process.

Framing

In what is perhaps the most often cited definition of framing, Robert M. Entman emphasizes its dynamic nature:

To frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation for the item described.¹⁰

Entman elaborated by outlining the four functions of media frames: (1) to define problems, (2) to diagnose causes, (3) to make moral judgments, and (4) to suggest remedies.¹¹ Framing is thus linked to the public moral argument through these functions as problems, solutions, and judgments are constructed through different frames.

At times, journalists have exploited the elements of framing to add bias to a story. As Todd Gitlin noted more critically,

The routines of journalism, set within the economic and political interests of the news organizations, normally and regularly combine to select certain versions of reality over others. Day by day, *normal* organizational procedures define “the story,” identify the protagonists and the issues, and suggest appropriate attitudes toward them. Only episodically, in moments of political crisis and large-scale shifts in the overarching hegemonic ideology, do political and economic managers and owners intervene directly to regear or reinforce the prevailing journalistic routines. But most of the time the taken-for-granted code of “objectivity” and “balance” presses reporters to seek out scruffy-looking, chanting, “Viet Cong” flag-waving demonstrators and to counterpose them to reasonable-sounding, fact-brandishing authorities.¹²

Journalistic conventions combine with economic and political interests to define what constitutes “news,” and thus frames are constructed that conform to and perpetuate those notions. Therefore framing by journalists might be totally unconscious, or adaptive framing designed to attract attention, or brazen ideological framing insisted upon by political and economic managers. Similarly, social movement agents may engage in framing for analogous reasons.

Collective Action Frames

Collective action frames are used by social movement leaders to challenge the status quo and create meaning for their audience. According to Benford, “Whatever else social movement actors do, they seek to affect interpretations of reality among various audiences.”¹³ Social movement leaders utilize collective action frames to shape the audience’s understanding of their movement and their social issue, and to mobilize

potential advocates to join their cause. These frames have two sets of characteristic features: (1) “core framing tasks,” which involve three “action-oriented functions”: Diagnostic framing, prognostic framing, and motivational framing,¹⁴ and (2) “interactive framing tasks,” which represent the process through which social movement leaders choose to develop particular frames over others through discursive, strategic, and contested processes.¹⁵ Thus, collective action framing is an active process of constructing messages that encourage an audience to think and mobilize in the ways the movement desires.

Collective action frames are inextricably linked to the actions of social movements, revealing and complicating the options that leaders and organizations have for framing their messages. Social movements must construct frames that resonate with their audiences in order to mobilize individuals to act. The audiences must ultimately find the frame compelling, particularly in terms of cultural compatibility, internal consistency, and relevance to the lives of the audience, if they are to be persuaded.¹⁶ These qualities must be found in the frames used by the protesters.

Story Framing

Journalists have the power to shape the coverage of political events through framing. Economics, social responsibility, public interest, community values, and other factors influence the way that media frame an issue.¹⁷ The media often promote a narrative framing structure (story framing) in which stories of good versus evil, police versus protesters, or protagonist versus antagonist emerge. According to McLeod and Hertog, four particular frames arise within these narratives: marginalizing, mixed, sympathetic, and balanced.¹⁸ The marginalizing frame is used to ostracize protesters by

constructing stories of violence and property crimes.¹⁹ This frame may also be used to warn society about the moral decay and threat that protesters pose. The marginalizing frame is the most biased against protesters. Of the other types of story frames, the mixed frame also creates a narrative, but does so without bias toward one side or the other.²⁰ The sympathetic frame conveys the message of the protesters positively, allowing social movement leaders to express their stories and create connections with the audience by printing an interview transcript in its entirety or making connections between movement groups.²¹ Finally, the balanced frame works by offering a policy debate that features both sides of the argument through a debate-type format.²² According to McLeod and Hertog, all of these frames position the reader to focus upon the actions of the protestors, rather than the issues they represent.²³

Authors of news stories utilizing the marginalizing frame question the legitimacy of the movement, marginalize its members, and may even demonize the protest group. A major hurdle for many social movement organizations is to be seen as legitimate and worthy of attention. Journalists can remove that legitimacy by using denigrating quotation marks or belittling phrasing to refer to the movement's activities.²⁴ McLeod and Hertog described an example in which a journalist covering an anti-Vietnam War protest placed the words *peace march* in quotation marks, thus questioning the intentions of the protesters. These authors also noted that, although journalists often quote their official sources directly, protesters are less likely to be given the same voice. The protest leaders' legitimacy is reduced when their messages are paraphrased by reporters instead of quoted directly from the speakers.²⁵

Similarly, marginalization occurs when journalists suggest protesters are deviant and unlike the average citizen. This type of framing occurs when journalists underreport the level or number of protest activities, framing the issue or event as unrelated to the interests of mainstream society. Journalists are unlikely to deem a protest successful, often because social movements do not have concrete, pragmatic, attainable goals on which to be judged. Thus, journalists may marginalize the movement through this win-or-lose gauge. Finally, journalists might move beyond downplaying the effects or size of a protest to actually demonizing the protesters. To this end, reporters might describe violent protests, link the protests to undesirable groups such as Communists or Nazis, or refer to the protesters as “extremists.”²⁶

However, sympathetic framing also occurs, particularly if the movement members are easily constructed as victims. For instance, journalists might frame protestors as unjustly persecuted, as similar to other like-minded groups or issues, or to show the aesthetic or emotional expression of a protest group.²⁷ According to Pamela J. Shoemaker, if journalists perceive a group to be radical, they are more likely to cover the protestors negatively.²⁸ It would follow, then, that sympathetic framing might be possible if a group is perceived less radical, or more closely linked to popular causes.²⁹ In many cases, it is more likely to be “alternative media” that covers stories sympathetically, according to Hertog and McLeod.³⁰

In the rest of this chapter, I analyze the news coverage of the Chicago Eight trial using the lenses of the collective action frame and story framing. I examined major newspapers, including the *New York Times*, the *Chicago Tribune*, the *Los Angeles Times* and the *Washington Post*, in order to analyze the ways that framing was used throughout

coverage of the trial. Only materials dated between August 1, 1969 (when the media started covering the impending trial) and December 21, 1972 (one month after the Seventh Circuit Court of Appeals reversed all convictions of the defendants) were examined in order to isolate the framing of the trial during its duration and to avoid confusing this framing with issues of collective memory.³¹

The Defendants' Public Moral Argument and Collective Action Framing

The Chicago Eight defendants wanted their public moral argument carried by all of the major media outlets to the world utilizing the sympathetic frame. However, social movement leaders have little control over the media. Sidney G. Tarrow suggested, "Against the inherent power of the media to shape perceptions, movements possess little cultural power."³² In some ways, the defendants had more power to disseminate their antiwar messages in the courtroom than they did in the dominant media outlets. Newspapers quoted the defendants' and lawyers' testimony gathered during the trial and their messages from the press conferences, enabling the Chicago Eight to express messages of discontent, but not always giving them the power to shape how that message was framed. The most sympathetic newspaper coverage generally appeared in 1970 in the *New York Times* and particularly by J. Anthony Lukas, who quoted the defendants verbatim, followed the case daily, and noted the larger political consequences of the trial.

Through the collective action frame, the defendants attempted to mobilize existing and potential social movement members to support the cause of the leaders.³³ This mobilization involves "core framing tasks," which are useful to social movement leaders who must negotiate difficult problems between the social movement organization and the institution, between social movement organizations, or even among the SMO's

own members. In addition, these tasks are important for motivating the general public to acknowledge or understand the movement's existence and ideology, and to get them to agree with the social movement leader's solution. In this study, the diagnostic framing task, also known as the "injustice frame," is most relevant. Within this framing task, the social movement organization or leader defines individuals or groups as victims.³⁴

According to Gamson and Benford and Snow, the injustice frame accuses an authority of wrongdoing, encouraging the public to view the problem as an injustice rather than as the norm. The defendants relied heavily on the diagnostic or injustice frame as they constructed their public moral argument using collective action framing.

Lawyers and defendants in the Chicago Eight case utilized the diagnostic (injustice) frame to construct the trial itself as an act of political persecution in order to gain support for their cause. Jerry Rubin described an incident to the press in which the police followed three different men because they could not identify which one was actually Rubin. He described the incident as "hilarious[,] were it not for the fact that the government is trying to jail us for 10 years and use this trial to attack an entire generation of young people."³⁵ In this instance the defendants also used motivational framing by claiming to the press that the real jury in the case was "the young people of the world"; one journalist quoted a defendant who said, "This ain't the ground I would have chosen to fight on now, but since we have to be here we will use the trial to carry on the revolution."³⁶

The defendants also used the diagnostic frame to depict themselves as victims of the police and the American justice system as a whole. For example, David Dellinger noted that the defendants were not receiving a fair trial. J. Anthony Lukas, who covered

the trial for the *New York Times*, quoted an outburst from Dellinger, “You’re being very prejudicial and unfair. . . . You’re depriving us of a fair trial. That’s why I call this a fascist court. We’re interested in the truth and you’re not and that’s what the conflict is here.”³⁷ The defendants spent most of the morning of February 5, 1970, positioning themselves as victims, according to a *New York Times* article published the next day. The journalist reported that Jerry Rubin equated Judge Hoffman to Adolf Hitler; Abbie Hoffman asked the Judge about his “war stock”; and David Dellinger accused Judge Hoffman of punishing him because of an antiwar speech he delivered the week before and not because of his behavior during the trial.³⁸ Thus, the Chicago defendants continued to frame themselves as victims of the U.S. justice system.

On October 22, 1969, the defendants brought a birthday cake for Bobby Seale to the courtroom. The “turmoil” that ensued was covered by the *New York Times*. When the defendants brought the cake into the courtroom (despite being told repeatedly that cake was not allowed), the marshals wrestled the cake from their hands. The article quoted the defendants’ humorous retorts: Abbie Hoffman yelled, “That’s a cake-napping” and Rennie Davis stated, “Hey, Bobbie [sic] they arrested your cake,” to which Seale responded, “But they can’t arrest a revolution.” The defendants also made the most of the cake’s message, writing “Free Huey and Bobby” in the icing.³⁹ Again, the defendants used the diagnostic frame in this example, making a larger public moral argument about their victimization in the courtroom by portraying the marshals as dramatic and abusive, and themselves as merely trying to celebrate a birthday.

In October 1969, the defendants made another attempt to frame themselves as victims using the diagnostic frame, arguing they had been the victims of a setup designed

to make the defendants look violent and aggressive. The *New York Times* article by J. Anthony Lukas noted that two members of the jury had received threatening letters, both of which were signed, “The Black Panthers.” The defendants spoke to the press after the incident in court; the prosecutors declined comment. Lukas noted that the targeted jurors were most likely to sympathize with the defendants, with the article referring to them as “open-minded” and “the ones the prosecution would most want to remove.” Tom Hayden was quoted, saying, “Why would we want to threaten jurors like that? . . . It just doesn’t make sense.”⁴⁰ By framing the story in the diagnostic form, the defendants implicated that they were not bullies who threatened jurors, but victims of prosecutorial misconduct (the subtitle of the article reads “Defendants Contend Letters Signed by ‘Black Panthers’ are Part of ‘Frame’”) and potentially gained sympathy from the reading public.

Mainstream Media Frames

Although at times the media used sympathetic, balanced, or mixed frames to tell the story of the Chicago Trial, marginalizing frames led the coverage of the trial from its beginning in September 1969 to the sentencing of the defendants in February 1970 (see Table 1). At times, the quotes from the trial within news stories described only the prosecution’s side to create the marginalizing narrative frame, without giving voice to the objections raised by the defense lawyers. For example, the author of an article published on October 27, 1969 in *The Washington Post* entitled “One of ‘Chicago 8’ Urged Firebombing, Trial Told” accused Froines and Weiner of suggesting that the protesters use firebombs, acid, and other chemicals to hurt the police and convention attendees. Although the reporter noted that Seale and Dellinger “interrupted” this testimony, the content of their “outbursts” was not detailed.⁴¹

Table 1: Newspaper Coverage of the Chicago Eight Trial, Aug. 1969 to Dec. 1972⁴²

| | 1969 | 1970 | 1971 | 1972 | Total |
|----------------------|------|------|------|------|-------|
| Marginalizing | 80 | 119 | 7 | 4 | 209 |
| Sympathetic | 40 | 95 | 14 | 21 | 170 |
| Balanced | 26 | 34 | 3 | 5 | 68 |
| Mixed | 23 | 47 | 5 | 4 | 79 |

Often the media used official spokespersons to question the legitimacy of the protesters and the movement, rather than to support the defendants. Journalists tend to seek out official spokespersons, adopting their language and often their perspective on the protest activity. McLeod and Hertog offered three reasons for this reliance: “(1) to add prestige to the story; (2) to increase the efficiency of news production; and (3) to maintain the illusion of objectivity.”⁴³ Officials include government workers, politicians, police officers, city council members, and even business owners. The trouble with only using official sources, these authors noted, is that the news frame then features only one side and supports only the status quo.⁴⁴

In an article published September 25, 1969 entitled “Daley Certain Crowd at Conspiracy Trial is There to Bait Cops” from the *Chicago Tribune*, Edward Schreiber quoted Mayor Richard Daley, who warned that the defendants were trying to incite additional violence in Chicago. Schreiber wrote, “Asked about threats ‘to create another August 1968 [violence outside of the DNC],’ Daley said: ‘There’s no doubt about it. Some people, not all of them, want a confrontation and have to have it with the police.’”⁴⁵ When Daley was questioned about his own stake in the trial, he said he had no personal interest in the trial. In fact, the defendants had repeatedly blamed Daley for the

violence in Chicago, noting Daley had refused to give the protesters the needed permits.⁴⁶ However, Schreiber did not discuss those charges; in his article, only Daley's side was presented.

Instead of quoting the defendants or their objections, news stories often quoted the testimonies of the witnesses as official experts in the trial, offering only small details of the defendants' rebuttals. In an article published on October 4, 1969 entitled "Tells Abbie's Advice: Arm Against Cops," Robert Enstad and Robert Davis extensively quoted the testimony of Mary Ellen Dahl and Robert Murray, undercover police officers who infiltrated the protest groups at the Democratic National Convention. Dahl was quoted throughout the story regarding Abbie Hoffman's suggestions that the protesters at the Democratic National Convention should "gather up weapons, including golf balls studded with nails, to use against police."⁴⁷ In addition, the testimony of another undercover police officer, Richard L. Thompson, was quoted at length in the *Chicago Tribune*. Thompson recalled that Abbie Hoffman intended to take a deputy police superintendent hostage.⁴⁸

In a *Chicago Tribune* article dated November 12, 1969, the reporter used an official spokesperson of North Vietnam as a source. Although the content of the Vietnamese radio broadcast was supportive of the Chicago Eight, the fact that North Vietnam was the enemy of the United States in the Vietnam War framed the defendants as allies of the enemy. Entitled "Hanoi Demands End to Chicago Trial of 8," the article referred to the defendants as "antiwar militants" and contrasted the violence of the war in Vietnam to the violence of the American government against its own people (the defendants).⁴⁹ Linking the Chicago Eight and the Communist government of North

Vietnam created an unsympathetic view of the defendants for an American audience. In an earlier article from the same newspaper, the defendants and their attorneys were referred to as “Hanoi’s Helpers” and “latter-day Judases,” making the connection of the defendants to the Communist North Vietnamese obvious and contemptible.⁵⁰

Newspapers often framed stories using official spokespersons to praise the Judge and prosecution in the trial and to condemn the defendants. After Judge Hoffman sentenced the defendants, the *Chicago Tribune* ran a marginalizing story in which the author used official spokespersons to praise the Judge’s ruling in the trial. Entitled “Chicago 7 Trial Judge Given High Praise,” the article, published February 23, 1970, detailed the approval offered to Judge Hoffman. For example, Representative Roman Pucinski was quoted as saying, “No judge in modern history has taken as much abuse and filth as has Judge Hoffman from the seven defendants now properly ensconced in the Cook County jail.” The reporter quoted other Congressmen who called Judge Hoffman “courageous,” “patient,” and “a very able, learned, and fair man.” In a description of defense attorney William Kunstler, the reporter quoted Congressman Thomas Abernethy, who called the lawyer “one of the most ruthless lawyers ever admitted to the bar in this country.”⁵¹ No mentions of the various condemnations of Judge Hoffman nor the accolades of Mr. Kunstler occurred in the article. In a more extreme version, a reporter quoted Senator John Stennis, who argued that the Chicago defendants did not deserve a trial at all, stating that the trial “should have been stopped until they [defendants] were willing to proceed as human beings entitled to a trial. . . . They should have been kept in jail,” and calling the defendants’ tactics “a continuation of their street riots.”⁵² This use of

official sources marginalizes the defendants by casting them in a poor light and supporting existing institutions.

Occasionally during the trial, certain reporters seemed to be on the side of the defendants, displaying the sympathetic frame to write stories, quoting the voices of the defendants themselves or those compassionate toward their cause. For example, in “Group to Ask End to Chicago Trial” in the *New York Times*, published October 18, 1969, Seth S. King quoted a legal expert who called the entire trial a “miscarriage of justice.”⁵³ In a later article published February 21, 1970, a *New York Times* reporter interviewed then-New York Mayor John Lindsay, who called the Chicago Eight Trial a “mockery of the judicial process,” continuing,

When you try political activists under a conspiracy charge—long considered to be the most dubious kind of criminal charge, difficult to define or to limit—and when a trial becomes fundamentally an examination of political acts and beliefs, then guilt or innocence becomes almost irrelevant.⁵⁴

Media framing of the defendants in the above newspapers became more sympathetic, balanced, or mixed after trial concluded, when the contempt charges against the defendants came into question and lawyers and judges criticized the government and Judge Hoffman’s judicial overstepping. For example, in an article dated April 25, 1970, the author questions the constitutionality and legal standing of the conspiracy law used to indict the Chicago defendants.⁵⁵ Another story in the *New York Times* published November 18, 1972, explains the ways that Judge Hoffman acted unconstitutionally in his overuse of contempt citations throughout the trial.⁵⁶ Table 1 indicates the trend in

story framing showed the most sympathetic coverage in 1972, two years after the trial ended.

Seale's Body and Cold War Containment

The major news outlets tended to cover Bobby Seale's use of guerrilla theater in the courtroom separate from the rest of the defendants.⁵⁷ Though the tactics used by Seale throughout the trial differed from his white counterparts, the tendency of the mainstream media to use the marginalizing frame when covering the trial remained the same, particularly because Seale exited the trial early on. Though this may seem surprising at first, the collective action frame is similar for all eight of the defendants. Under the umbrella of the collective action frame, the purposes are the same; it is the tactics that differ. Thus Seale's purpose of expressing his role as victim and mobilizing his supporters remains consistent with the collective action frame. In particular, Seale's resistance to his court-ordered restraints show how his efforts to frame his message differed from the other defendants.

Seale's tactics for the collective action frame become evident in his forcible resistance against his binding and gagging, described in detail in Chapter 4. By refusing to quietly accept his restraints, and to instead shout his arguments through the gag and physically fight the bindings, Seale attempted to shape the coverage of his role within the trial. J. Anthony Lukas, in his book published seven months after the end of the trial, wrote,

But the [Seale's] interjections were not random disruptions of the trial. By and large, he spoke only when it would have been proper for his attorney to speak in his behalf; his message, however phrased, was usually an appeal for his

constitutional rights; and his language was often perfectly apt (Judge Hoffman: “You are making it very difficult for me, Mr. Seale”; Seale: “You are making it difficult for me, Judge Hoffman”). And whatever technical points the judge could find to buttress his position, the right to be represented by a lawyer you trust or alternately, to speak in your own behalf seemed to me so fundamental that I came to admire Seale’s dogged persistence in its behalf.⁵⁸

Seale’s outbursts and his binding and gagging was covered widely by the mainstream press, offering Seale a platform to attempt to construct his own message for the audience.

Despite Seale’s attempts at framing his own message, media coverage often blamed him for his plight. Coverage of Seale often featured an image of him being bound and gagged in the courtroom. Beginning October 30, 1969, the *New York Times* published a drawing of the scene.⁵⁹ The drawing portrayed a side view of the defendant, showing both his hands and feet chained and strapped to a chair, his head tilted all the way back, a white cloth wrapped around his mouth and tied at the back of his head, and a painful expression on his face.⁶⁰ The image communicated a sense of ideological containment, as discussed in the last chapter, symbolically silencing Black Power as a perceived violent, subversive, and anti-white force, simultaneously re-empowering whiteness. In addition, the drawing reinforced the existing Cold War ideology that the civil rights movement was un-American, suggesting that those who were subversive would be subject to legal and physical suppression.

In order to combat Black Power and the Black Panthers who expressed this idea, police and other government officials established special agencies that often employed

media framing as a tactic.⁶¹ The images portrayed in the media of the BPP were disproportionately negative. Black Panther member Mumia Abu-Jamal wrote,

There was scarcely a city with a functioning BPP chapter that did not experience trumped-up arrests, police raids, firefights, and, in some instances, the death or wounding of Party members. However, what made these raids and attacks acceptable to the public was the role of the American media. In a campaign of demonization and stigmatization, the FBI, working through its media “newsfriendlies,” would circulate rumor, slander, innuendo, and lies to further COINTELPRO objectives . . .⁶²

Such familiar images of repression served to lessen anxieties about Black Power for the white communities. Thus, in the reception context generated by pre-existing government framing of the Black Panthers, the drawing of Bobby Seale bound and gagged could function to re-empower whiteness, psychologically reassuring anxious community members.⁶³ For the community of Americans who feared the Black Panther Party, the drawing could take on a comforting role, showing that the government was successfully containing the problem. As previously mentioned, the image of Seale could have been of any black man, and in this way, the image of one Black Panther could represent the entire organization. The image of Bobby Seale reaffirmed faith in the system and the government, in contrast to many photographs from the civil rights movement in which protesters and police clashed in violence.

Some stories emphasized that the act of Seale displayed a legal, as opposed to vigilante or violent, means for silencing the African American message, thus marginalizing the Black Panther message generally and Seale’s trial message particularly.

In contrast with the images of police brutalizing protesters, in this case, a judge had perpetrated the act of binding and gagging Seale *legally*. As Herbert H. Hinman, Jr. wrote in a Letter to the Editor of the *New York Times* on November 12, 1969,

In the final analysis, the survival of our individual rights is dependent on the continued existence of the system. While defending individual rights one must remain wary of the vice of extremism in the defense of liberty, the results of which may wreck the system so necessary for the preservation of our liberty.⁶⁴

For Hinman, the act represented a legal means for containing dissenting voices and preserving the “system.” By containing one member of the Black Panther Party, the government could “control” the Panthers and thereby protect American citizens.

Much of the coverage constructed Seale as “getting what he deserved” for being a disruptive defendant. For example, in *The Washington Post*, William Chapman described the courtroom setting as “pandemonium,” and noted that the jurors “were reluctant to look at Seale.”⁶⁵ J. Anthony Lukas even published a heading in the *New York Times* on November 8, 1969 referring to Seale as a “Major Threat.”⁶⁶ In an editorial entitled “Shortcircuiting the Judicial Process,” the author defended Judge Hoffman’s actions: The judge “had abundant reasons to punish Seale for contempt of court.”⁶⁷

Other mainstream news media utilized the sympathetic frame, condemning the use of gagging in the courtroom. For example, an article published November 3, 1969 in the *New York Times* noted the various Constitutional rights that the restraints violated.⁶⁸ Another article in the *New York Times* referred to the binding and gagging of Seale as “unprecedented,”⁶⁹ while a *Chicago Tribune* article notes the support of the other defendants for Seale to have his Constitutional rights.⁷⁰ These stories tended to take a

legal angle, arguing more about legitimacy than morality. Despite these occasional sympathetic frames, the most prevalent type of coverage adhered to the marginalizing frame, blaming Seale for his treatment in the courtroom.

Table 2: Newspaper Coverage of the Bobby Seale in relation to the Chicago Eight Trial, Aug. 1, 1969 to Dec. 31, 1972⁷¹

| | 1969 | 1970 | 1971 | 1972 | Total |
|----------------------|-------------|-------------|-------------|-------------|--------------|
| Marginalizing | 24 | 8 | 1 | 0 | 32 |
| Sympathetic | 15 | 7 | 7 | 9 | 38 |
| Balanced | 3 | 6 | 5 | 0 | 14 |
| Mixed | 12 | 7 | 0 | 0 | 19 |

The coverage of Bobby Seale provided two potentially contradictory messages. On the one hand, Seale's image troubled some, fostering a sympathetic reading. Occasionally, an act of protest can reveal the flaws in the system so that some members of the mainstream press agencies are encouraged to frame the story in a sympathetic way.⁷² On the other hand, news coverage blamed Seale for his own plight and encouraged the audience to condemn Seale and his organization. As J. Anthony Lukas noted, "At one extreme, those who regard the Founding Fathers as sacred objects may feel a gag is precisely the right attire for Bobby Seale. At the other extreme, those committed to revolution will see the gag as merely another symbol of repression."⁷³

In his book *Discipline and Punish*, Michel Foucault argued that public execution and torture were linked to political culture, because these actions became public spectacles. He wrote,

In the ceremonies of the public execution, the main character was the people, whose real and immediate presence was required for the performance. An execution that was known to be taking place, but which did so in secret, would scarcely have had any meaning. The aim was to make an example, not only by making people aware that the slightest offence was likely to be punished, but by arousing feelings of terror by the spectacle of power letting its anger fall upon the guilty person.⁷⁴

Although Seale was not executed, the illustration of Seale may have been framed in a way that scared the public away from the actions of the civil rights movement for fear that they, too, would become victims.

Conclusion

In this chapter, I showed that framing can be used by both protesters and mainstream media sources to construct public moral arguments in ways that can promote or challenge the legitimacy of the movement. The population receives their news from these sources, and the ultimate decision regarding how a story gets framed rests with the mainstream media sources. The way that media sources frame a protestor, issue, or movement on the spectrum of marginalizing to sympathetic has implications for the way society generally understands the demands of a social movement organization. Although the defendants attempted to construct and frame their side of the case in the mainstream media, their messages were often tempered or countered with those of the status quo created by the mainstream press.

The results of this chapter raise the question, why did sympathetic coverage increase after the trial ended? Past scholarship offers a few possible answers. The first

possibility for the sympathetic coverage is that the Chicago Eight seemed less radical as the trial ended and the Vietnam War waged on. Although some scholars argue that the protests had little impact on public opinion of the war in Vietnam, it is at least true that the duration of the war and the increasing death toll led to public disapproval of the war.⁷⁵ By the end of 1969, for example, 69% of college students described themselves as doves.⁷⁶ These public opinion numbers could potentially lead to more sympathetic coverage of protests of the war; as the status quo changes, so does the coverage of that status quo.⁷⁷

Second, it is possible that the increase in sympathetic coverage occurred because the Chicago Eight seemed tame in comparison with the new protest groups of the early 1970s. In particular, the emergence of the Weather Underground (or Weathermen), whose emphasis was violence and destruction,⁷⁸ and whose choice of weapon was the bomb, encouraged a more moderate reading of the Chicago Eight.⁷⁹ Michael P. Boyle, Douglas M. McLeod, and Cory L. Armstrong note that a protest group's tactics play a strong role in the type of coverage it receives.⁸⁰ In addition, the more radical the protest, the more critical the news coverage, according to Shoemaker.⁸¹

Finally, the increase in sympathetic coverage is possibly because the American people became desensitized to protests. David S. Meyer and Sidney Tarrow refer to a "social movement society," in which protest becomes "a perpetual element in modern life," and protests "lose its power to inspire challengers and to impress antagonists and authorities."⁸² It is possible that this phenomenon occurred to the public in the late 1960s and early 1970s, what has lately been called "resistance fatigue."⁸³ As protests against the

Vietnam War became normalized, coverage of the Chicago Eight and their activism may have become less radical over time.

This chapter has analyzed media coverage of the Chicago Eight Trial using the lenses of collective action framing and story framing from the beginning of the trial in 1969 to the overturning of the convictions in 1972. Collective action framing was used by all defendants as an attempt to shape their message for the public and to mobilize their supporters. For the mainstream media, four types of media frames, marginalizing, sympathetic, biased, and mixed frames, were employed. Although the status quo was supported through the marginalizing frame during the trial, a relatively more sympathetic frame emerged after the trial, as the war lost popularity, even more radical groups emerged, and protests became somewhat mundane. Importantly, despite Seale's differing tactics within the trial, his use of the collective action frame to construct himself as victim was similar to the other defendants. However, the coverage of Seale being bound and gagged offered a more contentious and problematic framing for the mainstream press.

Notes: Chapter 5

¹ Robert M. Entman, "Framing: Toward a Clarification of a Fractured Paradigm," *Journal of Communication* 43.4 (1993): 51-52.

² Robert D. Benford and David A. Snow, "Framing Processes and Social Movements: An Overview and Assessment," *Annual Review of Sociology* 26 (2000): 614.

³ Gaye Tuchman, *Making News* (New York: Free Press, 1978); Herbert Gans, *Deciding What's News: A Study of CBS Evening News, NBC Nightly News, Newsweek, and Time* (New York: Vintage Books, 1979).

⁴ Lisa M. Burns, *First Ladies and the Fourth Estate: Press Framing of Presidential Wives* (DeKalb, IL: Northern Illinois University Press, 2008), 10.

⁵ Monica Brasted, "Framing Protest: The *Chicago Tribune* and the *New York Times* during the 1968 Democratic Convention," *Atlantic Journal of Communication* 13 (2005): 3.

⁶ Benford and Snow, "Framing Processes and Social Movements," 614.

⁷ David A. Snow and Robert D. Benford, "Ideology, Frame Resonance, and Participant Mobilization," *International Social Movement Research* 1 (1988): 198.

⁸ Douglas M. McLeod and Benjamin H. Detenber, "Framing Effects of Television News Coverage of Social Protest," *Journal of Communication* 49, no. 3 (1999), 6.

⁹ These newspapers were chosen after a Lexis Nexis search revealed that these four papers contained the largest number of search results for "Chicago Eight Trial," "Chicago Seven Trial," and "Conspiracy Trial" for the dates August 1, 1969, to December 31, 1972. These newspapers also had the highest Sunday circulation rates in 1968, according to the Association of National Advertisers. Association of National Advertisers, Inc. *Newspaper Circulation and Rate Trends (1946-1968)*, (New York, NY: ANI Inc., 1969).

¹⁰ Entman, "Framing," 52. (Emphasis in original)

¹¹ Entman, "Framing," 52.

¹² Todd Gitlin, *The Whole World is Watching: Mass Media in the Making and Unmaking of the New Left* (Berkeley, CA: University of California Press, 1980), 4.

¹³ Robert D. Benford, "An Insider's Critique of the Social Movement Framing Perspective," *Sociological Inquiry* 67 (1997): 410.

¹⁴ Diagnostic framing is used to identify problems and attribute blame for those problems, defining villains and most importantly, victims. Prognostic framing offers solutions to the identified problem. Finally, motivational framing creates agency in the audience and encourages them to act. Benford and Snow, "Framing Processes and Social Movements," 615-617.

¹⁵ These processes include the discursive processes of constructing a coherent story from the varied information available and highlighting accomplishments of the movement; the strategic processes of mobilizing and transforming meaning, and contested processes, such as counterframing. Benford and Snow, "Framing Processes and Social Movements," 623-626.

¹⁶ John A. Noakes and Hank Johnston, "Frames of Protest: A Roadmap to a Perspective," In *Frames of Protest: Social Movements and the Framing Perspective*, edited by Hank Johnston and John A. Noakes (Lanham, MD: Rowman and Littlefield, 2005), 15.

¹⁷ Warren Breed, "Mass Communication and Socio-Cultural Integration," *Social Forces* 37 (1958): 109-116.

¹⁸ Douglas M. McLeod and James K. Hertog, "Social Control and the Mass Media's Role in the Regulation of Protest Groups: The Communicative Acts Perspective," In *Mass Media, Social Control, and Social Change: A Macrosocial Perspective*, edited by David Demers and K. Viswanath (Ames, IA: Iowa State University Press, 1999), 312-314.

¹⁹ McLeod and Hertog, "Social Control and the Mass Media's Role in the Regulation of Protest Groups," 312-313.

²⁰ McLeod and Hertog, "Social Control and the Mass Media's Role in the Regulation of Protest Groups," 313.

²¹ McLeod and Hertog, "Social Control and the Mass Media's Role in the Regulation of Protest Groups," 313.

²² McLeod and Hertog, "Social Control and the Mass Media's Role in the Regulation of Protest Groups," 313.

²³ McLeod and Hertog, "Social Control and the Mass Media's Role in the Regulation of Protest Groups," 313-314.

²⁴ This technique is similar to what Chaim Perelman describes as "the dissociation of ideas," in which a rhetor splits an idea into two to avoid incompatibility. Chaim Perelman, *The Realm of Rhetoric*, trans. William Kluback (Notre Dame: University of Notre Dame Press, 1982), 126-137.

²⁵ McLeod and Hertog, "Social Control and the Mass Media's Role in the Regulation of Protest Groups," 319.

²⁶ McLeod and Hertog, "Social Control and the Mass Media's Role in the Regulation of Protest Groups," 319-320.

²⁷ McLeod and Hertog, "Social Control and the Mass Media's Role in the Regulation of Protest Groups," 313.

²⁸ Pamela J. Shoemaker, "Media Treatment of Deviant Political Groups," *Journalism Quarterly* 61 (1984): 66-82.

²⁹ Francis L. F. Lee, "Triggering the Protest Paradigm: Examining Factors Affecting News Coverage of Protest." *International Journal of Communication* 8 (2014): 2725-2746.

³⁰ James K. Hertog and Douglas M. McLeod, "Anarchists Wreak Havoc in Minneapolis: A Multi-Level Study of Media Coverage of Radical Protest," *Journalism and Mass Communication Monographs* 151 (1995): 1-48.

³¹ For examples of articles that show this differentiation, see Brian L. Ott and Eric Aoki, "The Politics of Negotiating Public Tragedy: Media Framing of the Matthew Shepard Murder," *Rhetoric and Public Affairs* 5 (2002): 583-505; Theon E. Hill, "Sanitizing the Struggle: Barack Obama, Selma, and Civil Rights Memory," *Communication Quarterly* 65 (2017): 354-376; Nathalie Casemajor, "Framing Openness: The Digital Circulation of Israel's National Photographic Memory," *tripleC* 12 (2014): 286-298.

³² Sidney G. Tarrow, *Power in Movement: Social Movements and Contentious Politics* (New York: Cambridge University Press, 1994), 23.

³³ Noakes and Johnston, "Frames of Protest," 11.

³⁴ William A. Gamson, "The Social Psychology of Collective Action," in *Frontiers in Social Movement Theory*, eds. Aldon D. Morris and Carol McClung Mueller (New Haven, CT: Yale University Press, 1992), 53-76.

³⁵ Richard T. Cooper, "'System' Goes on Trial with Chicago Eight," *Los Angeles Times*, October 6, 1969, 8.

³⁶ Cooper, "'System' Goes on Trial," 8.

³⁷ J. Anthony Lukas, "Defendant in Trial of Chicago 7 Calls the Judge 'Very Unfair,'" *New York Times*, December 16, 1969, 40.

³⁸ J. Anthony Lukas, "Judge Hoffman is Taunted at Trial of the Chicago 7 After Silencing Defense Counsel," *New York Times*, February 6, 1970, 41.

³⁹ J. Anthony Lukas, "Party Disrupts Chicago 8 Court: Turmoil Starts after Judge Bars Cake for Defendant," *New York Times*, October 23, 1969, 24.

⁴⁰ J. Anthony Lukas, "Threats against 2 'Chicago 8' Jurors Reported," *New York Times*, October 1, 1969, 34.

⁴¹ "One of 'Chicago 8' Urged Firebombing, Trial Told," *The Washington Post*, October 27, 1969, 3.

⁴² This table was compiled using the ProQuest Historical Newspapers database. Searches were conducted for news stories between August 1, 1969 and December 21, 1972. The search terms were "Chicago Seven Trial," "Chicago 7 Trial," "Chicago Eight Trial," "Chicago 8 Trial," and "Chicago Conspiracy Trial." The newspaper searched were *The Chicago Tribune*, *The Los Angeles Times*, *The New York Times*, and *The Washington Post*. Articles were placed into categories based on the word choice of the author, the

overall tone of the article, and quotes used within the article (both the person quoted and the content were considered). See Appendix A for a detailed list of news stories and their categorization.

⁴³ McLeod and Hertog, “Social Control and the Mass Media’s Role in the Regulation of Protest Groups,” 314.

⁴⁴ McLeod and Hertog, “Social Control and the Mass Media’s Role in the Regulation of Protest Groups,” 314-315.

⁴⁵ Edward Schreiber, “Daley Certain Crowd at Conspiracy Trial is There to Bait Cops,” *Chicago Tribune*, September 25, 1969, 8.

⁴⁶ See Chapter 3 for examples.

⁴⁷ Robert Enstad and Robert Davis, “Tells Abbie’s Advice: Arm Against Cops,” *Chicago Tribune*, October 4, 1969, W1.

⁴⁸ Robert Enstad and Robert Davis, “Jury Told Abbie’s Plan to Seize Rochford,” *Chicago Tribune*, October 8, 1969, 8.

⁴⁹ “Hanoi Demands End to Chicago Trial of 8,” *Chicago Tribune*, November 12, 1969, 6.

⁵⁰ “Hanoi’s Helpers,” *Chicago Tribune*, October 30, 1969, 28.

⁵¹ William Kling, “Chicago 7 Trial Judge Given High Praise,” *Chicago Tribune*, February 17, 1970, 3.

⁵² “Stennis Hits Trial Antics in Chicago,” *Chicago Tribune*, February 23, 1970, 20.

⁵³ Seth S. King, “Group to Ask End to Chicago Trial,” *New York Times*, October 18, 1969, 33.

⁵⁴ Martin Tolchin, “Lindsay Condemns the Chicago Trial as a ‘Mockery,’” *New York Times*, February 21, 1970, 63.

⁵⁵ “Conspiracy Charge: The Margin for Error,” *The Los Angeles Times*, April 25, 1972, C6.

⁵⁶ “U.S. Offers to Limit Chicago 7 Contempt,” *The New York Times*, November 18, 1972, 16.

⁵⁷ When Seale was covered with the rest of the defendants, those stories were included in Table 1. Usually Seale was included with the rest of the “Chicago 8” when their antics overlapped, such as the instance with Seale’s birthday cake, as described above. Stories that cover Seale’s actions and words as separate from the rest of the defendants are considered in Table 2.

⁵⁸ J. Anthony Lukas, *The Barnyard Epithet and Other Obscenities* (New York: Harper & Row, 1970), 37.

⁵⁹ J. Anthony Lukas, “Seale Put in Chains at Chicago 8 Trial,” *New York Times*, October 30, 1969, 39.

⁶⁰ The media was not allowed into the courtroom, so only court sketches were available to media outlets to portray events inside the trial.

⁶¹ Jane Rhodes, *Framing the Black Panthers: The Spectacular Rise of a Black Power Icon* (Urbana, IL: University of Illinois Press, 2007).

⁶² Mumia Abu-Jamal, *We Want Freedom: A Life in the Black Panther Party* (Cambridge: South End Press, 2004), 152. COINTELPRO was an FBI program designed to thwart groups that the government could no longer prosecute legally. See www.cointel.org for archival papers regarding COINTELPRO activities.

⁶³ In their article “Whiteness: A Strategic Rhetoric,” Thomas K. Nakayama and Robert L. Krizek argued that “whiteness” is itself a taken for granted social construction, having various meanings for different audience. Therefore, reinforcement of the meaning of “whiteness” is necessary to keep consistent definition for the majority. See Thomas K. Nakayama and Robert L. Krizek, “Whiteness: A Strategic Rhetoric,” *Quarterly Journal of Speech* 81 (1995): 291-309.

⁶⁴ Herbert H. Hinman, Jr., “Verdict in Chicago,” *New York Times*, Nov. 12, 1969, 46. In this commentary, Hinman appeared to be referring to a famous phrase uttered by Barry Goldwater. In his 1964 speech accepting the nomination for the Republican candidate for president, Barry Goldwater stated, “I would remind you that extremism in the defense of liberty is no vice.” See Barry Goldwater, “Speech Accepting the Republican Presidential Nomination,” 16 July 1964, *American Rhetoric*, <http://www.americanrhetoric.com/speeches/barrygoldwater1964rnc.htm>.

⁶⁵ William Chapman, “Curses, Accusations Rock Chicago 8 Trial,” *The Washington Post*, Oct. 31, 1969, A1, A14.

⁶⁶ J. Anthony Lukas, “Seale Denied Bail as ‘Major Threat,’” *New York Times*, November 8, 1969, 16.

⁶⁷ “Shortcircuiting the Judicial Process,” *The Washington Post*, Nov. 12, 1969, A22.

⁶⁸ “Seale’s Lawyer Will Sue to Halt Gagging in Court,” *New York Times*, November 3, 1969, 28.

⁶⁹ “Gagging of Seale is Termed Unprecedented by Lawyer,” *New York Times*, November 2, 1969, 27.

⁷⁰ Robert Enstad and Robert Davis, “Seale is Bound, Gagged as He Disrupts Trial,” *Chicago Tribune*, October 30, 1969, 1.

⁷¹ This table was compiled using the ProQuest Historical Newspapers database. Searches were conducted for news stories between August 1, 1969 and December 31, 1972. The search terms were “Bobby Seale” and “Chicago Trial.” The newspapers searched were *The Chicago Tribune*, *The Los Angeles Times*, *The New York Times*, and *The Washington Post*. Articles that discussed Seale’s trial in New Haven, CT were excluded unless mentioning the Chicago Trial. See Appendix B.

⁷² McLeod and Hertog, “Social Control and the Mass Media’s Role in the Regulation of Protest Groups,” 313.

⁷³ J. Anthony Lukas, “Chicago Trial: It Has Become a Political Confrontation,” *New York Times*, November 2, 1969, E7.

⁷⁴ Michel Foucault, *Discipline and Punish*, 2nd ed. (New York: Vintage, 1991), 56.

⁷⁵ See, for example, E.M. Schreiber, “Anti-War Demonstrations and American Public Opinion of the War in Vietnam,” *British Journal of Sociology* 27 (1976): 225-236;

Scott Sigmund Gartner and Gary M. Segura, "War, Casualties, and Public Opinion," *The Journal of Conflict Resolution* 42 (1998): 278-300; George C. Herring, "America and Vietnam: The Unending War," *Foreign Affairs* 70 (1991): 104-119.

⁷⁶ Joseph A. Fry, "Unpopular Messages: Student Opposition to the Vietnam War," in *The War that Never Ends: New Perspectives on the Vietnam War*, eds. David L. Anderson and John Ernst (Lexington: University of Kentucky Press, 2007), 227.

⁷⁷ The relationship between media coverage and public opinion of the Vietnam War seems to be reciprocal. G. Ray Funkhouser, "The Issues of the Sixties: An Exploratory Study in the Dynamics of Public Opinion," *The Public Opinion Quarterly* 37 (1973): 62-75.

⁷⁸ Dan Berger, *Outlaws of America: The Weather Underground and the Politics of Solidarity* (San Francisco: AK Press, 2006).

⁷⁹ Ron Jacobs, *The Way the Wind Blew: A History of the Weather Underground* (London: Verso, 1997).

⁸⁰ Michael P. Boyle, Douglas M. McLeod, and Cory L. Armstrong, "Adherence to the Protest Paradigm: The Influence of Protest Goals and Tactics on News Coverage in U.S. and International Newspapers," *The International Journal of Press/Politics* 17 (2012): 127-144.

⁸¹ Shoemaker, "Media Treatment of Deviant Political Groups," 66-82.

⁸² David S. Meyer and Sidney Tarrow, "A Movement Society: Contentious Politics for a New Century," in *The Social Movement Society*, eds. David S. Meyer and Sidney Tarrow (Lanham, MD: Rowan and Littlefield, 1998), 4.

⁸³ Ranjit Dwivedi, “Why Some People Resist and Others Do Not: Local Perceptions and Actions Over Displacement Risks on the Sardar Sarovar,” *Institute of Social Studies* 265 (December 1997): 1-31.

Afterword

According to Robert L. Scott and Donald K. Smith, “A rhetorical theory suitable for our age must take into account the charge that civility and decorum serve as masks for the preservation of injustice, that they condemn the dispossessed to non-being, and that as transmitted in a technological society they become the instrumentalities of power for those who ‘have.’”¹ In this dissertation, I examined the discourse, behavior, silencing, and media framing of the various agents involved throughout the Chicago Eight Trial. The defendants’ carnivalesque behavior combined with the Cold War seriousness of the judge and prosecution to create a perfect storm of protest, an important event in the contentious climate of the 1960s but also in the history of anti-war rhetoric. This trial served as an important object of study because of its timing at the intersection of the antiwar movement, the Cold War, and the height of protest movements in the United States. The courtroom as a venue for anti-war protest was unique to anti-war protest as well. Also significant were the high profile defendants and their comical protest tactics (particularly by Abbie Hoffman and Jerry Rubin), the binding and gagging of Bobby Seale in the courtroom, and the wide coverage of the trial in the press. The argument constructed by the defendants and the various frames used by the mainstream press served as an interesting case study of the ways that public moral arguments are created, constructed, and disseminated.

Protest does not occur in isolation. Often, social movements precede other movements; other times, movements are sparked from or come to fruition alongside existing movements. Chapter 1 of this dissertation provided the long history of antiwar protest in the United States. I noted that the Vietnam War was not the first or only

unpopular war in U.S. history. Perhaps because of the larger audience that the protesters gained because of the advent of the television, Vietnam is often remembered as the only war that United States citizens opposed. A historical analysis showed, however, that antiwar protesters used whatever means necessary to distribute their pacifist, isolationist, federalist, or other arguments against war. This chapter joined many disparate works that focused on individual cases of antiwar demonstrations and leaders, combining them into a longer history so that the anti-Vietnam War protesters in general and the Chicago Eight defendants in particular could be understood as part of that longer history.

Chapter 2 provided a detailed account of the antiwar movement against the Vietnam War. I discussed its similarities to previous protests and noted the numerous differences of this dissent. In this chapter, I explained the context in which the defendants were protesting, the various groups to which each defendant belonged, and the actions at the Democratic National Convention that led to their arrests. The Chicago Eight Trial cannot be understood apart from the larger context of the Vietnam War; this was a political trial in which the defendants were attempting to make arguments about the morality of the war itself through their actions and testimony within the trial.

In Chapter 3, I argued that the Chicago Eight defendants' actions instantiated Bakhtin's concept of carnival as they enacted protest activities within the limits of the courtroom setting. The defendants in the Chicago Eight Trial used carnivalesque techniques to make fun of the elite and to question the dominance of the elite over the powerless. In addition, the defendants used carnivalesque techniques to create public moral arguments they hoped would expose the injustices of the U.S. justice system, and of their trial in particular, and illuminate the larger place of the United States in the Cold

War, particularly U.S. involvement in the Vietnam War. Although carnival is created by and addressed to those who do not have power, the audience does not always appreciate the humor of the protesters, making carnival a precarious way to create public moral arguments, as the protesters risk alienating potential supporters. In this case, the use of carnival by the Chicago Eight provoked the audience to consider the absurd nature of the Vietnam War and the role of government in foreign affairs.

Chapter 4 reflected a slight departure from the antiwar history and Democratic National Convention events, focusing on Bobby Seale's role within the Chicago Eight Trial independently from the other defendants. Seale's case was unique because he represented the intersection of the trial with the civil rights movement. Bobby Seale's experience reflected the Cold War policy of containment that was being applied to the civil rights movement as well as to the Communist menace abroad. Seale's case was also unique because he was bound and gagged in the courtroom to keep him from enacting his guerilla theater. Although the other defendants were confined to jail, Seale's physical containment in the courtroom proffered messages regarding the authority of the court system, the racism present in much of the United States, and the fear of civil rights leaders in the Cold War climate.

Finally, in Chapter 5, I examined the ways that stories were framed about the Chicago Eight Trial using theories of journalistic framing. The defendants' messages can be understood through the collective action frame as they attempted to gain adherents to their movement, and the media often presented narratives through the marginalizing frame, in which they diminished the protesters by disseminating one-sided stories told by official spokespersons. Because officials had more access to the media, and because it

was easier for media to support the status quo based on economic, social, and political reasons, stories about the Chicago Eight Trial often sided with the judge, prosecutors, mayor, and the police at the Democratic National Convention, at least towards the beginning of the trial. The defendants struggled to advocate for their innocence and for their antiwar cause, using their court testimonies, speaking engagements, and press conferences to disseminate their side of the story to the mainstream press. However, as time went on, more sympathetic coverage of the trial occurred, perhaps due to public disapproval of the continued war, apathy towards ongoing protest, or obfuscation by even more radical groups.

Directions for Future Research

This dissertation has contributed to the literature on antiwar discourse, the Chicago Eight Trial, Bakhtin's conception of carnival, civil rights, and media framing. The history of antiwar discourse, along with the account of Vietnam War protest, can be used to interpret antiwar discourse and media response concerning later U.S. wars. Additionally, future research could extend the discussion of framing. In particular, this dissertation contributes to the literature regarding story framing in terms of the trial and antiwar rhetoric. Future studies could utilize these notions to interpret media coverage of wars beyond Vietnam, particularly the War on Terror, and of social movements like the Black Lives Matter Movement, for example.

Another future research trajectory would be to examine the collective memory of the trial. Collective memory would extend beyond media coverage of the trial to study the ways the American public has remembered (or forgotten) the trial. Examining the media coverage of the trial during the forty-four years since the end of the trial would

provide an interesting capstone to the history provided in the Introduction and first chapter of this dissertation. This research could examine film versions of the trial,² for example, and the implications that remembering or forgetting this trial has for future antiwar protest.

Finally, this dissertation complicates the notion of the protest paradigm in media framing research. Journalists have the power to shape the coverage of political events through framing. Though there is room for journalists to form this coverage in a variety of ways, researchers tend to agree that the media follows a consistent pattern when covering stories about dissent and protest, which they call the protest paradigm. In their study of the Golden Jubilee School Affair, Joseph Man Chan and Chi-Chuan Lee argue that the political leaning of the news outlet influenced the coverage of the protest, either supporting, depoliticizing, or moralizing the protests.³ Because the media coverage of this trial included a large number of sources outside of the marginalizing frame, this research seems to challenge the protest paradigm, rather than uphold it. More research on the protest paradigm in terms of trials, multiple individual voices (8 defendants rather than one spokesperson), and the role of the celebrity protestor within media framing could be explored.

Notes: Afterword

¹ Robert L. Scott and Donald K. Smith, "The Rhetoric of Confrontation," *Quarterly Journal of Speech* 55 (1969): 8.

² Jeremy Kagan, *Conspiracy: The Trial of the Chicago 8*, directed by Jeremy Kagan (1987; Maple Plain, MN: Simitar Entertainment, 1998), DVD; Brett Morgan, *The Chicago 10*, directed by Brett Morgan (2007; Los Angeles, CA: Paramount, 2008), DVD; Pinchas Perry, *The Chicago Eight*, directed by Pinchas Perry (2012; New Jersey: Passion River Films, 2013), DVD.

³ Joseph Man Chan and Chi-Chuan Lee, “Journalistic ‘Paradigms’ of Civil Protests: A Case Study in Hong Kong,” in *The News Media in National and International Conflict*, eds. Andrew Arno and Wimal Dissanayake (Boulder, CO: Westview Press, 1984), 183-202.

Appendix A: List of News Stories on Chicago Eight/Seven

Stories Listed by Year, Newspaper, and Category of Framing

1969

New York Times

Marginalizing

J. Anthony Lukas, "Judge Orders Arrest of 4 Defense Attorneys as Trial Begins for Leaders of '68 Chicago Demonstrations," Sept. 25

Seth King, "'Chicago 8' Denied Moratorium Day: Judge Bars Adjournment to Join in War Protests," Oct. 14

John Kifner, "Two of 'Chicago 8' Are Denied Paris Trip to Discuss P.O.W.'s," Oct. 24

J. Anthony Lukas, "Rubin Surrenders After He Leaves Trial," Nov. 12

J. Anthony Lukas, "Police Agent Says 2 Chicago Defendants Plotted Firebombings," Nov. 13

J. Anthony Lukas, "'Chicago 7' Judge Denies Motion for Mistrial by Lawyer Who Charges Bias," Nov. 19

J. Anthony Lukas, "Chicago Judge is Weighing Plea on Subversive Unit," Nov. 21

Special to the *New York Times*, "Plea on Informers Denied in Chicago," Nov. 24

Special to the *New York Times*, "Hoffman Rejects Defense Witness: Denies Permission to Bring Witness to Chicago Trial," Nov. 26

J. Anthony Lukas, "Clash Described at Chicago Trial: Police Official Says He Was Attacked by Demonstrator," Nov. 28

J. Anthony Lukas, "Judge Bars Film at Chicago Trial: Reverses Earlier Decision in Ruling For the Defense," Dec. 1

Seth S. King, "Defense Witness Barred from Trial by Chicago Judge," Dec. 8

J. Anthony Lukas, "'Om,' Ginsberg's Hindu Chant, Fails to Charm a Judge in Chicago,"

Dec. 12

J. Anthony Lukas, "Chicago Witness Backs Violent Revolt," Dec. 16

J. Anthony Lukas, "U.S. Prosecution of Chicago Police Called a 'Sham,'" Dec. 19

Sympathetic

Seth S. King, "Group to Ask End to Chicago Trial: Lawyers Petition to Allege Political Persecution," Oct. 17

Special to the *New York Times*, "Chicago Defendants Plan Capital March," Oct. 27

John Kifner, "Witness Denies Seeing Chicago 7 Commit Violence," Nov. 18

J. Anthony Lukas, "Allen Ginsberg Meets a Judge and is Clearly Misunderstood," Dec.

11

J. Anthony Lukas, "Defendant in Trial of Chicago 7 Calls the Judge 'Very Unfair,'" Dec.

15

J. Anthony Lukas, "Trial in Chicago Told of Beating: Ohio Editor Said He Saw

Policeman Strike Youth," Dec. 17

J. Anthony Lukas, "First 'Chicago 7' Defendant Testifies," Dec. 23

J. Anthony Lukas, "Hoffman Ailing, Trial Adjourned: 1 of Chicago 7 in Hospital - Said to Have Pneumonia," Dec. 24

Balanced

J. Anthony Lukas, "Daley to Appear as Defendants' Witness in Chicago," Nov. 11

John Kifner, "Order on Police Agents Modified in Chicago Trial," Nov. 25

Special to the *New York Times*, "U.S. Set to Rest Case in Chicago 7 Trial," Dec. 3

Special to the *New York Times*, "City Aide Testifies in Chicago 7 Trial," Dec. 4

J. Anthony Lukas, "Government Rests Case in Chicago Conspiracy Trial," Dec. 5

Special to the *New York Times*, "Chicago Conspiracy Trial Adjourned Until Monday,"

Dec. 26

Mixed

Seth S. King, "Chicago 8 Defense Denied Bid to End Jury's Confinement," Oct. 10

"Chicago Defendants Send a Telegram to Seaver," Oct. 16

J. Anthony Lukas, "Party Disrupts Chicago 8 Court: Turmoil Starts after Judge Bars
Cake for Defendant," Oct. 23

J. Anthony Lukas, "Seale Put in Chains at Chicago 8 Trial," Oct. 30

Herbert H. Hinman, Jr., "Verdict in Chicago," Nov. 12

J. Anthony Lukas, "Trial of Chicago 7 Goes Into Overtime," Nov. 14

Special to the *New York Times*, "Chicago Film Shown Despite Objections," Nov. 20

J. Anthony Lukas, "British Woman M.P. is Heard at Chicago Trial," Dec. 9

J. Anthony Lukas, "Yippies' Leader Tells the Judge Just What His 'Party' Believes,"

Dec. 29

J. Anthony Lukas, "Attorneys Clash on 'Yippie Myths,'" Dec. 30

Washington Post

Marginalizing

William Chapman, "Edgy Chicago Awaits Trial of '8,'" Sept. 24

William Chapman, "Tempers Flare at Trial of '8,'" Sept. 25

William Chapman, "Judge Jails 2 Lawyers in Chicago Trial of '8,'" Sept. 27

William Chapman, "Lawyers for '8' Are Cleared: Cited Last Week 'Permissive' Stance,"

Sept. 30

William Chapman, “‘Chicago 8’ Jurors Threatened,” Oct. 1

William Chapman, “Yippie Leader Urged Violence, Witness Says,” Oct. 3

Nicholas Von Hoffman, “‘A Nation Infiltrated:’ Poster ‘Guilty or Not Guilty is Immaterial,’” Oct. 6

“Court is Told of Groin-Kick Riot Training,” Oct. 7

Agent Hoped to Unveil Yippie Plot,” Oct. 9

“Judge, ‘Chicago 8’ Lawyer Clash on Courtroom Guards,” Oct. 16

“2 Clash Over Flag at Trial of ‘8,’” Oct. 16

“Witness Says One of ‘8’ Incited Lawbreaking,” Oct. 17

“Birthday Cake Furor Roils Chicago Trial,” Oct. 22

“‘Friend’ Testifies Against the ‘Eight,’” Oct. 23

“Judge Bans Paris Trip by Riot Figures,” Oct. 24

“One of ‘Chicago 8’ Urged Firebombing, Trial Told,” Oct. 27

William Chapman, “Judge Rejects Mistrial Motion by Riot-Conspiracy Defendants,”

Nov. 7

“Shortcircuiting the Judicial Process,” Nov. 12

Ronald Goldfarb, “On Courting Contempt: Akin to Despotism,” Nov. 16

“‘Chicago 7’ Lose Mistrial Motion,” Nov. 18

“Chicago 7 Counsel Lectured by Judge,” Nov. 19

Tom Fitzpatrick, “Defense Aide Ball Shocks Hoffman,” Nov. 20

William Chapman, “Plot Proved, Chicago Prosecution Says,” Nov. 25

“Chicago Judge Rejects Motion to Call Convict,” Nov. 26

William Chapman, "Chicago Trial Told of Clash During March," Nov. 26

"Chicago 7' Defense to Urge Jury to Disobey Judge's Instructions," Dec. 6

William Chapman, "First Defense Witness in '7': Trial Barred From Testifying by
Judge," Dec. 9

"Judge, Defense Clash at 'Seven' Trial While Poet Chants on Witness Stand," Dec. 12

"Snickers Cause Ejection of Attorney for Chicago '7'," Dec. 15

Sympathetic

William Chapman, "Chicago 8' Charge Judge With Bias," Sept. 23

"Lawyers Group Seeks Judge's Impeachment," Sept. 26

"Chicago Judge Fails in Effort to Jail 2 'Conspiracy 8' Defense Lawyers," Sept. 28

William Chapman, "Defense Says Chicago Police Erred on Identity of Yippie," Oct. 4

William Chapman, "Chicago Defendants Hold Own 'Trial' Out of Court," Oct. 5

Paul W. Valentine, "Two Yippies Plan District March to Demand End of Chicago Trial,"
Oct. 28

"Chicago 7 Counsel Lectured by Judge," Nov. 19

"Lying is Suggested by Chicago Defense," Nov. 21

Nicholas von Hoffman, "The Judge: Poster The Judge as the Prosecutor," Sept. 27

William Greider, "Rubin: 'It's Like Peace Is Respectable,'" Nov. 16

William Chapman, "Dellinger Role a Riot Trial 'Confusion,'" Nov. 30

"7' Witness Tells of Belief in Revolution," Dec. 16

"Chicago '7' Trial Told of 'Love Politics' Drive," Dec. 20

F. Richard Ciccone, "Trial of 'Chicago Seven' Recessed Because of Abbie Hoffman's
Illness," Dec. 25

Balanced

“U.S. Judge Curbs Trial Coverage,” Sept. 17

“Official Frees Chicago Newsmen Arrested in Test of Camera Ban,” Sept. 18

“Press Curb in Chicago is Modified,” Sept. 19

William Chapman, “Jury Selected for Trial of ‘8’,” Sept. 26

“Judge Won’t Recess Chicago Riot Trial,” Oct. 15

“Daley to Appear as ‘8’ Witness,” Nov. 11

“‘Chicago 7’ Trip to D.C. is Delayed,” Nov. 15

“State Rests in Chicago 7 Trial,” Dec. 6

“Trial of Chicago ‘7’ to Recess for Day,” Dec. 19

“Daley Testimony at Trial Put Off,” Dec. 27

Mixed

William Chapman, “Curses, Accusations Rock Chicago 8 Trial,” Oct. 31

“Judge Frees Rubin, Gives Warning,” Nov. 13

Thomas W. Lippman, “Court Delays Challenge to Wiretaps,” Nov. 20

“Chicago Fights Order For Undercover Files,” Nov 21

William Chapman, “Chicago Judge Partially Reverses Order to Open Secret Police

Records,” Nov. 26

“Sanskrit Prayer Sparks Dispute at Chicago Trial,” Dec. 11

Chicago Tribune

Marginalizing

Ronald Kozoil, “Rubin, Seale Taken from Jail to Riot Trial Here,” Sept. 13

Ronald Kozaol, "Court's Security Tightened for Conspiracy Trial Here," Sept. 24

Edward Schreiber, "Daley Certain Crowd at Conspiracy Trial Is There to Bait Cops,"

Sept. 25

Robert Enstad and Robert Davis, "Tells Abbie's Advice: Arm Against Cops," Oct. 4

Robert Enstad and Robert Davis, "Jury Told Abbie's Plan to Seize Rochford," Oct. 8

"N. Viets Meet with Lawyer of Chicago 8: Talks Reportedly on Prisoners," Oct. 26

"Hanoi's Helpers," Oct. 30

"Conslick Blames Riots for Crime Increase," Nov. 1

"Hanoi Demands End to Chicago Trial of 8," Nov. 12

"Judge Group Backs Riot Trial Conduct," Nov. 14

Robert Enstad, "Lawyers Shout as Riot Trial Ends for Week-end," Dec. 20

Sympathetic

"Conspiracy Charge: The Margin for Error," Apr. 25

Richard T. Cooper, "'System' Goes on Trial with Chicago Eight," Oct. 6

"3 Defendants Ask Lie Tests of Witnesses: Conspiracy Trial Challenge Issued," Oct. 24.

Michael Kilian, "A Reporter Tells of Day as Witness," Oct. 25

Michael McGuire, "Chicago 8 Lawyer Defends Right to Dissent," Nov. 2

Robert Enstad and Robert Davis, "Poet's Chants Incite Laughter During Conspiracy
Trial," Dec. 13

"Defendant Predicts Sentence," Dec. 15

Robert Enstad, "Gregory Tells Fear for Life in Protests: Comic Testifies in Riot Trial of
7," Dec. 16

Robert Enstad and Robert Davis, "Abbie Hoffman in Hospital; Testify He Has

Pneumonia,” Dec. 25

Robert Davis, “Conspiracy Trial Waits; Abbie’s Sick; Court Recessed until Monday,”

Dec. 27

Robert Enstad and Robert Davis, “Abbie Explains his Yippies’ Background,” Dec. 30

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“U.S. Court’s Ban on News Cameras Upheld,” Sept. 26

Robert Enstad, “Judge Denies Trial Recess for ‘Chicago 8’: Observance Asked for

Moratorium Day,” Oct. 15

Richard Philbrick, “Bishop Backs Methodist Aid to SDS Rioters: Rejects Request for

Censure of Churches,” Oct. 17

Robert Davis, “2 Riot Trial Defendants Denied Request to Go to Talks in Paris,” Oct. 25

“Abbie, Rubin in D.C., Wear Boxing Gloves,” Oct. 27

Robert Enstad and Robert Davis, “LBJ’s Subpoena Returned Unserved in Conspiracy

Trial,” Nov. 15

Robert Enstad and Robert Davis, “U.S. May Rest in Conspiracy Trial Today: Defense

Subpoenas FBI Chief Hoover,” Dec. 4

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Robert Davis, “Conspiracy Trial—The Scene Here as Hearing Begins Today,” Sept. 24

Robert Enstad and Robert Davis, “Daley Will Testify in Riot Trial: He’ll Be Witness for

Defense,” Nov. 11

Robert Enstad and Robert Davis, “U.S. Rests Its Case in Trial of Chicago 7: Defense to

Move for Acquittal,” Dec. 6

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J. Anthony Lukas, “‘A Bathroom Debate’ at Chicago Trial,” Jan. 10

J. Anthony Lukas, “Song by Guthrie Banned at Trial: ‘Alice’s Restaurant’ Rejected in Testimony at Chicago,” Jan. 15

J. Anthony Lukas, “‘68 Riot Warning Given to Chicago: Official Memo is Disclosed at Conspiracy Trial,” Jan. 21

J. Anthony Lukas, “Court Bars Paper on Nonviolence,” Jan. 23

J. Anthony Lukas, “Daley Aide’s Talk Recalled in Trial: Radical Says Lawyer Felt Protest Wasn’t Urgent,” Jan. 25

J. Anthony Lukas, “Judge Says Daley is ‘a Good Mayor,’” Jan. 27

J. Anthony Lukas, “Chicago 7 Judge Bars Ramsey Clark As Defense Witness,” Jan. 29

J. Anthony Lukas, “Conspiracy Jury Hears Ex-U.S. Aide: He Reports Bid to Achieve Negotiations in Chicago,” Jan. 30

J. Anthony Lukas, “Yippie Film on 1968 Convention is Kept From Jury,” Jan. 30
“Inadmissible Witness,” Feb. 1

J. Anthony Lukas, “Vietcong Flag Is Chicago Trial Issue: Answer Changed Showing the Scare Judge Changes Mind,” Feb. 4

J. Anthony Lukas, “Disorder Erupts at Chicago Trial After Judge Jails a Defendant for Using a Vulgarity,” Feb. 4

J. Anthony Lukas, “Prosecutor Calls Chicago 7 ‘Evil’: Final Arguments Presented Jury Gets Case Today,” Feb. 4

J. Anthony Lukas, “Judge Hoffman is Taunted at Trial of the Chicago 7 After Silencing

Defense Counsel,” Feb. 6

J. Anthony Lukas, “Chicago: A Trial Not by Rules But Incentive,” Feb. 8

J. Anthony Lukas, “Chicago Trial Testimony Ends; Four Last Defense Items Barred,”
Feb. 10

J. Anthony Lukas, “Prosecution Says Chicago 7 Planned a Revolution,” Feb. 11

“Disorder in the Courts,” Feb. 11

J. Anthony Lukas, “U.S. Judge Orders Contempt Terms in Chicago Trial,” Feb. 14

J. Anthony Lukas, “Kunstler Given 4-Year Sentence for Contempt by U.S. Judge in
Chicago,” Feb. 16

“15 Seized and 10 Hurt Here Protesting Trial in Chicago,” Feb. 17

“Contempt and Response,” Feb. 17

Anthony Lewis, “Breeding Contempt for Law,” Feb. 20

Martin Tolchin, “Lindsay Condemns the Chicago Trial as a ‘Mockery,’ Feb. 21

Special to the *New York Times*, “Bail in Chicago Case is Opposed by the U.S.,” Feb. 25

“Federal Prosecutor Criticizes the Chicago 7 Defendants and Their Lawyers,” Feb. 27

“Agnew Deplores Chicago 7 Tactics: Says Conspiracy Defendants Tried to Disrupt
Court,” Feb. 27

Special to the *New York Times*, “Rutgers Speech by Rubin Delayed by Bomb Scare,”
Mar. 6

“Court Rejects Intervention by Judges in Chicago Case,” Mar. 14

J. Anthony Lukas, “The Second Confrontation in Chicago,” Mar. 29

Louis Nizer, “What to Do When the Judge is Put Up Against the Wall,” Apr. 5

Special to the *New York Times*, “Abbie Hoffman Barred From White House Tea,” Apr.

Alfonso A. Navarez, "Buckley Asks Disbarment of Kuntsler," Sept. 9

Special to the *New York Times*, "U.S. Marshal in Chicago 7 Trial Recalls Only One
Deadlock Bid," Nov. 25

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J. Anthony Lukas, "Daley on Stand in Chicago Today; Defense Plans an 'Indictment,'" Jan. 5

J. Anthony Lukas, "Witness Says Police in Chicago Broke His Arm During Protest," Jan. 5

J. Anthony Lukas, "Chicago 7 Witness Criticizes Judge," Jan. 7

J. Anthony Lukas, "2 Radicals Offer Contrast at Trial: Chicago Witnesses Reflect
Diversity of Movement," Jan. 9

J. Anthony Lukas, "Park Permit Ban Linked to Daley: Witness Says Mayor Sought to
Keep Protesters Out," Jan. 12

John Kifner, "Will the Violence Beget Repression?" Jan. 12

J. Anthony Lukas, "Bond Says Two Chicago Defendants Feared Police Violence Would
Occur," Jan. 13

J. Anthony Lukas, "Goodwin Tells Jury in Chicago He Knew of No Plans for Violence," Jan. 17

J. Anthony Lukas, "Another Folk Singer Silenced By Judge at Conspiracy Trial," Jan. 23

J. Anthony Lukas, "'68 Yippie Plans Stunned Mailer: Writer Says Chicago Idea Was a
'Beautiful' One," Jan. 27

J. Anthony Lukas, "Two of Chicago 7 Don Black Robes: Judge Soon Rules They Are

Still Just Defendants,” Feb. 6

J. Anthony Lukas, “Chicago 7 Defense Charges U.S. Concocted Case to Justify Police Violence,” Feb. 12

J. Anthony Lukas, “Chicago 7 Likened to ‘Key Agitators’: Defense’s Closing Argument Cites Historical Figures,” Feb. 13

Special to the *New York Times*, “Mother of Defendant Admitted to Hospital,” Feb. 15

Special to the *New York Times*, “A.C.L.U. Deplores Contempt Terms in Chicago Trial,” Feb. 16

Fred P. Graham, “Contempt Sentences Are Raising Judicial Questions,” Feb. 16

J. Anthony Lukas, “Chicago 7 Defense Asks For Mistrial: Feels Jury, Adjourned for 4th Day, is Deadlocked,” Feb. 17

J. Anthony Lukas, “Chicago 7 Cleared of Conspiracy in ‘68 Convention Violence,” Feb. 19

“Panthers’ Lawyer Describes Verdict in Chicago as ‘Sad,’” Feb. 19

J. Anthony Lukas, “Rallies Protest Trial in Chicago: Thousands Hear Speakers in Chicago and Washington,” Feb. 22

John Kifner, “Ex-U.S. Aide Urge Bonds in Chicago: Clark, Marshall Sign Brief Drawn Up by the A.C.L.U.,” Feb. 25

“Dellinger Says Chicago Presented ‘Rational’ Case,” Mar. 6

Michael T. Kaufman, “5,000 Striking Students at State University in Buffalo Turn Out to Hear Jerry Rubin Speak,” Mar. 11

John Kifner, “Chicago Group 7 Bails 16 Out of Cook County Jail: Action Marks Start of Campaign to Attack Bonding System,” Mar. 31

Linda Charlton, "134 Wall Street Lawyers Criticize Behavior of Judge Hoffman," Apr. 1

J. Anthony Lukas, "U.S. Court Urged to Free Chicago 8: Surveillance of Seale Cited in
Plea for Reversal," Jul. 31

Joseph P. Fried, "Article Interests Chicago 7 Lawyer: Magazine Says That Judge Twice
Rejected Deadlock," Aug. 27

Special to the *New York Times*, "Chicago Defendant Quits Teaching Post," Sept. 22

Tom Hayden, "At Issue: Peaceful Change or Civil War: A Grim Prediction from the New
Left," Nov. 14

"Federal Court Orders Bail for Conspiracy Defendants," Dec. 23

J. Anthony Lukas, "Yippie Denies Bid to Kidnap Officer: Protests Line of Questioning at
Trial of Chicago 7," Dec. 31

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J. Anthony Lukas, "Defense Nears End of Chicago 7 Case," Jan. 30

"Chicago 7 to be Allowed to Reply to U.S. Rebuttal," Feb. 8

J. Anthony Lukas, "Jury for Chicago 7 Ends Its Third Day Without a Verdict," Feb. 17

"The Chicago Decision," Feb. 20

"Chicago Lawyers Post Bond in Contempt Case," Mar. 8

Victor S. Navasky, "Right On! With Lawyer William Kuntsler," Apr. 9

Seth S. King, "Jurors on Stand in Chicago 7 Case: Hearing Opens on Messages During
Deliberation," Nov. 20

Seth S. King, "A Hoffman Order to Jury Recalled: Marshal Says Judge Called for More
Deliberations," Nov. 24

Seth S. King, "Chicago Juror Recalls Deadlock Notes," Nov. 21

John Kifner, "Hoffman Recalls 2 Jury Messages: Got First Deadlocked Note on First Day of Deliberation," Dec. 4

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J. Anthony Lukas, "Daley is Curbed as Chicago 7's Witness," Jan. 7

J. Anthony Lukas, "Chicago Lawyer and Judge Clash Over Abernathy," Feb. 3

J. Anthony Lukas, "Incredible End to an Incredible Trial," Feb. 15

J. Anthony Lukas, "5 in Chicago Trial Get 5-Year Terms and \$5,000 Fines," Feb. 20

John Kifner, "Chicago 7 Jurors Tell of Compromise," Feb. 20

J. Anthony Lukas, "Chicago 7 Freed on \$155,000 Bail: U.S. Court of Appeals Acts – Defendants Are Hailed After Two Weeks in Jail," Mar. 1

J. Anthony Lukas, "Chicago Rulings Secured by Clark: Conspiracy Case Prompting a Rash of Publications," Mar. 29

Christopher Lemann-Haupt, "Chicago: the Trial in History," Oct. 30

Seth S. King, "Chicago 7 Judge Ordered to Review Link to Jury," Nov. 4

Garry Willis, "When 'the Movement' Meets 'the System:' Trial," Nov. 8

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Richard Homan, "Judge Bars Film Spoof of Daley," Jan. 3

William Chapman, "Daley Cool, Tells Little at '7' Trial," Jan. 7

"Chicago 7' Defendants Protest Over Rest Room," Jan. 10

"Judge Curbs 'Chicago 7' Testimony," Jan. 17

William Chapman, "Pre-Chicago Warning Cited: Meeting With Daley," Jan. 20

“Songs, Kisses Disrupt Trial of Chicago 7,” Jan. 22
 Tony Fuller, “Clark Barred from Testifying to ‘7’ Jury,” Jan. 29
 “Abernathy Declines to Testify at Chicago,” Feb. 3
 “Dellinger Jailed After Court Outburst,” Feb. 4
 William Chapman, “‘7’ Called ‘Evil’ by Prosecutor: Passionate Finale,” Feb. 4
 “Chicago Trial Focuses on Hippies’ Costumes,” Feb. 4
 “Chicago Riot Trial Defendants Shout Insults at Judge, Prosecutor,” Feb. 5
 “Defendant’s Mother Takes Drug Overdose,” Feb. 15
 “Lindsay Hits Chicago Trial as ‘Parody’,” Feb. 17
 Joseph Kraft, “Extremism and Reaction Underline Liberty’s Fragility,” Feb. 19
 Jean Heller, “Some U.S. Lawyers Foresaw Chicago 7 Trial as Travesty,” Feb. 22
 William Clairborne, “Police Scatter 2,000 in Mar.,” Feb. 22
 “Agnew Says ‘7’ Prevented Test of Law,” Feb. 27
 Tony Fuller, “Prosecutor of ‘7’ Denounces ‘Fag Revolution’,” Feb. 28
 “Peaceful Protests Are Urged,” Mar. 2
 Sally Quinn, “Abbie Left at the Gate,” Apr. 25
 Louis Harris, “Chicago 7 Trial Considered Fair by 71 to 19 Per Cent,” Apr. 27
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 Richard Homan, “Yippie Denies Urging Violence,” Jan. 1
 “Two Defendants Feared Violence, Julian Bond Tells ‘Chicago 7’ Trial,” Jan. 13
 “Defendant Scolds Judge for ‘Lies’ in Trial of Chicago ‘7,’” Jan. 14
 Sanford J. Ungar, “The Chicago Trial: A Comic Morality Play,” Jan. 17
 “One of ‘7’ Asked U.S. Aid for March, Jury is Told,” Jan. 19

Marquis Childs, "Chicago '7' Trial: A Repetition of Former National Follies," Jan. 23

William Chapman, "Davis Says Chicago Barred Moves to Get March Permit," Jan. 25

Tony Fuller, "'7' Judge Relents on Final Witness," Feb. 3

William Chapman, "Jury Told Acts of '7' Was Plans for Revolution," Feb. 11

William Chapman, "'7' Defense Says Trial is 'Scapegoat' Search," Feb. 12

William Chapman, "Defense Likens '7' to Lincoln, Dr. King," Feb. 13

"Dissident Democrats Support '7,'" Feb. 15

"ACLU Criticizes Judge as Overstepping Power," Feb. 16

"Contempt Sentences Protested," Feb. 17

William Chapman, "Chicago 7 Defense Moves for Mistrial," Feb. 18

John P. MacKenzie, "Verdict Leaves Issues for Appeal," Feb. 19

"5,000 March in Boston to Protest Sentences," Feb. 20

"3,000 March in Chicago Trial Protest," Feb. 21

John Lindsay, "Freedom Could Use Some Defense from Lawyers," Feb. 22

Robert F. Levey, "Prosecutor of '7' Criticized," Mar. 1

"Rubin Accuses FBI of Raid," Mar. 7

Leonard Downie Jr., "Chief Critical of Police Action," Mar. 17

"Rennie Davis Aids Cellmates," Mar. 30

Carol Honsa, "Yippie Rubin Denounces AU as Students Cheer," Apr. 8

Kenneth Gross, "Kuntsler's Crusade to Change a System," Apr. 12

"Jerry Rubin Begins Jail Sentence," Jun. 23

"Chicago Defendant Quits College Post," Sept. 21

"Rubin Arrested in Belfast Hideout," Nov. 13

William Chapman, "Chicago 7 Deadlock Ignored, Jurors Say," Nov. 20

William Chapman, "Juror Says Judge Hoffman Pressed 'Seven' Jury in Private Messages," Nov. 21

William Chapman, "'Chicago 7' Messages Detailed: Hearing Ordered," Nov. 24

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William Chapman, "Closing Arguments in Chicago '7' Trial Will Begin Today," Feb. 10

William Braden, "Jurors Overcame 3-Day Deadlock," Feb. 20

"Chicago 7 Jury Hearing is Ordered," Nov. 13

"Judge Delays Statement on Chicago Jury," Nov. 27

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Nicholas von Hoffman, "Chicago Trial After 5 Months," Feb. 13

Nicholas von Hoffman, "'Judicious' Justification," Feb. 16

"Punishment for Contempt of Court," Feb. 17

William Chapman, "'7' Trial: A Question of Men's Thoughts," Feb 20

Nicholas von Hoffman, "Politics in Court," Feb. 20

"And Then There Were Five," Feb. 20

"'Chicago 7' Seek Appeal Bond," Feb. 25

William Chapman, "Judge Tells of Messages to Chicago 7 Jury," Dec. 4

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Robert Enstad and Robert Davis, "Judge Rates Yippie Film 'X' for Jurors: Hoffman Bars it from Use as Evidence," Jan. 3

“Partial Transcript of Mayor Daley’s Testimony in Conspiracy Trial,” Jan 7

“Justice Mocked by Guerilla Theater,” Jan 8

Robert Davis and Barry Polsky, “Four Ejected as Hisses Fill Riot Trial Air: Rennie Davis Takes Witness Stand,” Jan. 24

Robert Enstad and Robert Davis, “Judge: Clark Can’t Testify in Riot Trial: Appearance of LBJ Aid Inadmissible,” Jan. 29

Robert Enstad, “Riot 7 Hit Judge with Tirades,” Feb. 6

Robert Enstad and Robert Davis, “U.S. Prepares to Call Last Riot Witness: Hectic Trial Could End in Week,” Feb. 7

Robert Enstad and Robert Davis, “Guilt of ‘Chicago 7’ Proved, U.S. Aid Says at Riot Trial,” Feb. 12

“25 Seized in Protest of War, Riot Trial,” Feb. 13

Robert Enstad and Robert Davis, “Tighten Riot Case Guard: Fear Disorder at Court Today,” Feb. 14

“Riot Trial Defendants Represent Cross Section of the Radical Left,” Feb. 17

“Smith Hails Judge’s Contempt Sentences,” Feb. 17

William Kling, “Chicago 7 Judge Given High Praise,” Feb. 17

“Contemptuous and Contemptible,” Feb. 17

Patricia Krizmis, “1,000 March, Yell to Show Support of 7,” Feb. 18

“Bar to Probe Riot Lawyer , Pucinski Says,” Feb. 18

“Lindsay Terms Trial of ‘7’ Tawdry Parody,” Feb. 18

“Seattle Mob Fights Police in Protest of Riot Trial,” Feb. 18

“How Can a Judge Protect Himself,” Feb. 18

Rudolph Unger, "Riot Trial Upholds U.S. System of Justice," Feb. 19

"Daley Hails Verdict in Conspiracy Trial," Feb. 19

"Justice Prevails," Feb. 19

David Thompson, "Mob Rampages After Kunstler's N.U. Talk, Windows Smashed:
Students Protest Trial Verdicts," Feb. 20

William Kling, "Ford Hails Verdict in Riot Trial: Called a Victory for People," Feb. 20

"Agnew Denounces Chicago 7 as Misfits Praises Jury Verdict," Feb. 21

"Guard Against Protests," Feb. 21

Robert Enstad, "U.S. Marshal Relieved at End of Babysitting Role in Trial," Feb. 22

"Humphrey Hails Jury in Conspiracy Trial," Feb. 22

"The Fitting End of a Sorry Story," Feb. 22

"Stennis Hits Trial Antics in Chicago," Feb. 23

"Tribune Poll Shows: Readers Approve of '7' Trial Results," Feb. 25

"Court Rioters Peril Justice, Agnew Warns," Feb. 28

"Just Finishing Trial Called U.S. Victory by Prosecutor Foran," Mar. 2

William Curie, "Chicago 7 Perverted Dissent, Foran Says," Mar. 5

Michael Kilian, "'7' Trial Speakers Encourage Violence, Sen. Smith Asserts," Mar. 9

Robert Enstad, "Speeches Hike Policing Costs," Mar. 10

"Inbau Group Backs '7' Contempt Rulings," Mar. 10

Robert Enstad, "Schultz Tells U.S. Side of the '7' Trial: Talks on Conspiracy Despite
Shouts," Mar. 12

Michael Kilian, "Smith Expects '7' Trial Will Affect Voting: Says Public's Fed Up with
Violence," Mar. 16

“Order in the Court,” Apr. 1

“Defending the Courts,” Apr. 3

“Hoffman Gets High Praise in State Senate,” Apr. 24

Louis Harris, “The Harris Survey: Fair Trial for ‘Seven,’” Apr. 27

“Judge Hoffman to Get V.F.W.’s Gold Medal,” Jul. 16

“Rubin Denied Permission for Cuban Trip: U.S. Judge Says He Might Stay There,” Aug.

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“Rubin’s Book Profits go to Tax-Free Fund,” Sept. 4

“3 Chicago 7 Figures Can’t Go to Africa: Logan Act is Cited in Court Denial,” Sept. 10

Patrick Carville, “Belfast Cops Arrest Yippie Chief Rubin,” Nov. 14

Robert Enstad, “Hoffman’s Account of Trial Expected,” Nov. 26

Robert Enstad, “Judge Hoffman Tells of Riot Jury Notes, Orders,” Dec. 4

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Robert Enstad and Robert Davis, “Yippie Movement is a Myth Created by the Media:

Abbie,” Jan 1

Robert Enstad and Robert Davis, “Defense Tries Again to Call Daley: The Conspiracy

Plan to ‘Indict’ Him,” Jan 6

Robert Enstad and Robert Davis, “Humor Finds Place in Conspiracy Trial,” Jan. 9

Robert Enstad, “Daley’s Testimony Doesn’t Help Riot Trial Defense,” Jan. 11

Robert Enstad and Robert Davis, “2 of 7 Feared Police Rage, Bond Testifies,” Jan. 14

Robert Enstad and Robert Davis, “David Dellinger Brands Judge Hoffman a ‘Liar,’” Jan.

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“Davis Tells of Beating by Police in Park: Defendant Testifies at Conspiracy Trial,” Jan.

Robert Enstad, "Davis Denies '61 Rehearsal for Disorders: Clashes with Foran in Riot Trial," Jan. 27

Robert Enstad and Robert Davis, "Seale (Very Quietly) Testifies," Jan. 30

Robert Enstad, "Abernathy May Testify: Judge," Feb. 3

Robert Enstad and Robert Davis, "Letter From Absent Abernathy Read to Hoffman by Defense," Feb. 4

"Rubin Takes His 'Judge Act' to Salt Lake City," Feb. 9

Robert Enstad and Robert Davis, "Defense Rips Presentation in Trial of 7: Leaders are Called Guiltless," Feb. 13

"A.C.L.U. Raps Sentences in Riot 7 Trial," Feb. 15

"Jane Kunstler Proud of Her Dad's Actions," Feb. 17

Robert Enstead, "Defense's Trial Strategy: Challenge Court System," Feb. 19

"'Not a Victory': Trial Result is an Outrage," Feb. 19

"A.C.L.U. Will Join Riot Trial Appeals," Feb. 20

Edward Rohrbach, "Urge U.S.: Free '7,'" Feb. 20

Robert Nolte, "Lawyers Vow Fight to Get 5 Rioters Bond: Their Release on Appeal Sought," Feb. 23

Robert Enstad, "Ramsey Clark Joins in Bail Plea for Conspiracy Trial 7," Feb. 26

William Currie and Joseph Boyce, "Sobs, Kisses Greet Chicago 7," Mar. 1

"Threat by FBI is Charged by Jerry Rubin," Mar. 6

"Further Vindication of Judge Hoffman," Mar. 21

"Top Court Decision Immaterial: Kunstler," Apr. 1

Robert Enstad, "Judge Denied Two Deadlocks on Riot 7," Aug. 27

Robert Enstad, "Riot Juror Tells of Deadlock Notes," Nov. 21

Rudolph Unger, "Judge Lets Dellinger Travel to European Parley on War," Nov. 26

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Robert Enstad and Robert Davis, "Subpoena by Defense for Walker Report Information Quashed," Jan. 8

Robert Enstad and Robert Davis, "Conspiracy Witness Tells of Fund Role," Jan. 10

Robert Enstad and Robert Davis, "Sunday Riot Trial Sessions Canceled," Jan. 23

Robert Enstad and Robert Davis, "Bobby Seale to be Witness in Riot Trial," Jan. 28

Robert Davis, "U.S. Rests Its Case in Conspiracy Trial," Feb. 8

"Chicago Conspiracy Trial Draws Near End," Feb. 9

"Excerpts from Final Pleas in U.S. Riot Trial: By the Prosecution: By the Defense," Feb. 14.

"Nation-Wide Protest Follows '7' Verdict," Feb. 20

"Trial Tactics," Feb. 20

"A.B.A. Unit Calls Probe of '7' Trial: Questions Raised on Sentences," Feb. 21

"U.S. Answer Seen Today on Bonds for 7: Condemning the Trial," Feb. 25

"Conspiracy 7 'Duns' U.S.," Mar. 14

"Abbie Misdemeanor Conviction is Upheld," Mar. 25

"Chicago 7 Juror to Talk Tuesday," Apr. 19

"Yippie Rubin Must Start 30-Day Term," Jun. 23

"Rubin Gets 60 Days in County Jail," Jul. 2

Robert Enstad, "Chicago 7 Jurors Disagree Over Behind-Door Messages," Nov. 20

Robert Enstad, "Marshal Positive on Jury's Note," Nov. 25

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Robert Enstad and Robert Davis, "'That's a Lie,' Riot Witness Yells at Foran: Judge Warns Him He is Acting in Contempt," Jan. 16

Robert Enstad and Robert Davis, "Judge Extends Riot Trial to 6 Days a Week: Defendants Moan at Hoffman Ruling," Jan. 17

Robert Enstad and Robert Davis, "Trial of Seven Will be Held 7 Days a Week: Judge OKs Sessions for Sundays," Jan. 20

Robert Enstad, "Riot Defense May Rest Its Case Monday: Judge Pressures for Trial End," Jan. 31

Michael Kilian, "Terms of Riot 7 Could be Cut," Feb. 17

"View of Verdict: 'Great', 'Unfair,' 'Glad Its Over,'" Feb. 19

"Cost of Conspiracy Trial is Heavy for Prosecution, Defense," Feb. 20

"Riot 5 Use Court Speeches to Forecast Youth Rebellion," Feb. 21.

Robert Enstad and Robert Davis, "Riot 5 Get 5-Year Terms," Feb. 21

"Foran Speech Prompts Plea for 7 Retrial," Feb. 28

"Rentschler Calls Riot 7 Trial Overplayed," Mar. 2.

"Appeal Court Denies Plea by 10 Judges," Mar. 14

"Rennie Davis Posts Bail for Jail Inmates," Mar. 31

Robert Enstad, "Chicago 7 Jurors' Testimony Differs on Report of Notes," Nov. 23

Robert Enstad, "Chicago 7 Marshal Says He Took 2 Messages to Judge," Nov. 24

LA Times

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Richard T. Cooper, “‘Chicago 7’ Find Mayor Daley Still Master—In Court or Out,” Jan.

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Richard T. Cooper, “Ramsey Clark Barred as Chicago 7 Witness,” Jan 29

“Dellinger Bail Revoked During Chicago Melee: Chairs and Curses Fly as Abbie

Hoffman Wrestles Marshals After Judge’s Ruling,” Feb. 5

“Appeals Court Backs Jailing of Dellinger: Judge in Chicago 7 Trial Refuses to Let

Defendants Give Own Closing Arguments,” Feb. 7

“Chicago Seven Refused Verdict of Acquittal,” Feb. 10

Richard T. Cooper, “Chicago 7 Accused of Planning Revolt ‘Front,’” Feb. 11

Richard T. Cooper, “Prosecution Tactics Hit at Chicago Trial,” Feb. 12

Ernest Conine, “Judgment Day for Chicago 7,” Feb. 15

“Chicago Seven Riot Erupts in Berkeley,” Feb. 17

“Daley Says Verdict Proves Wrongdoing,” Feb. 19

“Chicago 7 Protests Spread Across Nation,” Feb. 20

“Demonstrations Follow Trial,” Feb. 22

“Agnew Raps Chicago 7 as Arrogant, Childish,” Feb. 28

“Rafferty Seeks to Bar Talks by Chicago 7,” Apr. 24

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Richard T. Cooper, “Strange Bedfellows: Chicago 7 Defense Gets Unexpected Aid,” Feb.

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Richard T. Cooper, “Chicago 7 Compared to Debs, King, Ghandi,” Feb. 13

Kay S. Richards, “Were Some Influenced? Juror for Chicago 7 Tells of Prejudices,” Feb.

Bryce Nelson, "Judge Hoffman Derided at Chicago Rally," Apr. 16

"Tales of Hoffman: He's Still a Square," Jul. 27

Bryce Nelson, "Hearing Could Reverse Chicago Seven Verdict," Nov. 22

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"Prosecution Ends Case in Chicago Seven Trial," Feb. 14

"Verdict in Chicago 7 Case," Feb. 22

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Richard T. Cooper, "Defense Nears End of Case in Chicago Trial," Jan. 31

Richard T. Cooper, "Judge Closes Defense in Chicago Trial," Feb. 3

"Rebuttal by Prosecution Ends in Chicago 7 Case," Feb. 8

Richard T. Cooper, "Jury in Chicago Seven Trial Retires Early," Feb. 17

Richard T. Cooper, "Jury Still Out, Chicago 7 Ask for Mistrial," Feb. 18

"Verdict on the Chicago Seven," Feb. 20

James J. Kilpatrick, "Chicago Seven to Swagger Now as Junior Dr. Spocks," Feb. 20

"Bar Group to Study Hoffman Actions, Trial," Feb. 21

"Chicago 7, Judge Hit by Humphrey," Feb. 22

Kay S. Richards, "Trial, Not a Forum: Chicago 7 Defense Poor, Juror Believes," Feb. 26

Kay S. Richards, "How Verdict Was Reached: Jurors Tell Ordeal in Chicago 7 Case,"

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Noel Greenwood, "Yippie Leader Rubin to Talk as USC, UCLA," Apr. 14

Scott Moore, "'Chicago 7' Figures to Speak at UC Irvine," Apr. 14

"5 of Chicago 7 Bow Out of Rally at UC Irvine," Apr. 22

“Abbie Hoffman Gets Gate at White House,” Apr. 25

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New York Times

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“Griffin Praises F.B.I.,” Apr. 15

Deirdre Carmody, “State Courts Get Behavior Rules: Conduct at Trials Subject of First
Such Compilation,” Mar. 25

Vincent Canby, “Screen: Godard’s Social Mix, ‘Vladimir and Rosa’: Chicago Conspiracy
Trial is One Item Political Cartoon Style Evident Throughout,” Apr. 30

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Special to the *New York Times*, “Supreme Court to Weigh Curb on Judges’ Power,” Jan.

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John Kifner, “Chicago 7 Defense Files Appeal Brief,” Feb. 27

Special to the *New York Times*, “U.S. Seeks Review of Chicago 7 Case,” Mar. 25

Steven V. Roberts, “The Goal - A New Kind of Political Trial,” Aug. 22

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“Chicago Seven Prosecutor Runs for Illinois Governor,” Sept. 22

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J. Anthony Lukas, “Bobby Seale’s Birthday Cake,” Oct. 31

Washington Post

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Stanford J. Ungar, "Chicago 8 Granted Inquiry on Suit Against Wiretap," Feb. 17

"New Hearing is Sought on Chicago 7 Contempt," Mar. 26

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"Hoffman's Hair," Oct. 5

"Julius Hoffman, 76, Retires From Bench," Dec. 2

Chicago Tribune

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"Preserving Order in the Courts," Jan. 21

"FBI Seizes Hoffman on Riot Charge," May 6

Robert Enstad, "Rennie Davis Fails Again to Gain Goal," May 7

"The Bar Comes Out Against Disorder," Jul. 12

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Robert Enstad, "Their Appeals Lag, but Chicago 7 Don't," Jan. 31. [s]

"Chicago 7 Win a Round," Feb. 17. [s]

"Chicago 7 File 547-Page Appeal," Feb. 28. [s]

"Abbie Hoffman Cuts Hair, Urges Voting," Oct. 5

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Robert Enstad, "Contempt Ruling Called Aid to Chicago 7," Jan. 21

"Rubin Gets OK to Travel South," Jul. 29

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“Who Judges Contempt?” Mar. 27

LA Times

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“War Protest Leaders Reply to President,” Jun. 3

“Chicago 7 Figure Teaching Course at School for Girls,” Sept. 22

Jennings Parrott, “Yippie! Abbie Finds Some Peerless Peers,” Sept. 24

Jennings Parrott, “Abbie Cuts it Short, Still Curls Your Hair,” Oct. 5

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“Petition to End War Signed by Humphrey: Froines of Chicago 7 Gets His Signature
After Radicals Heckle Senator in Speech,” Dec. 28

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New York Times

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John Kifner, “Principals in Chicago Trial Still at Odds, But Some Are Less Active,” Nov.

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Seth S. King, “Oral Arguments Challenge Law That Permitted Chicago 7 Trial,” Feb. 9

“New Trials for Chicago 7 Go to Judge Outside Region,” Jul. 10

“U.S. Offers to Limit Chicago 7 Contempt,” Nov. 17

John Kifner, “Court Voids 5 Convictions in 1968 Convention Case,” Nov. 21

John Kifner, “A Chicago Retrial Tied to Wiretaps,” Nov. 23

Tom Wicker, “Liberty in Shackles,” Nov. 23

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None

Mixed

None

Washington Post

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None

Sympathetic

Jon R. Waltz, “Trial and Errors,” Feb. 20

Sally Quinn, “Defense Trial Benefit,” Mar. 11

“Chicago Seven Base Appeal on Wiretap Ruling,” Jun. 27

Joel Weisman, “Prosecutor Opposes New Chicago 7 Trial,” Dec. 9

Balanced

“Chicago 7 Sentences Limited,” Nov. 19

Mixed

F. Richard Ciccone, “5 of Chicago 7 Appeal Riot Convictions,” Feb. 9

Pamela Reeves, “Julius Hoffman: On the Bench,” May 28

Chicago Tribune

Marginalizing

David Gilbert, "Foran Has No Apology for His Conduct in 'Chicago 7' Trial," Nov. 23

Sympathetic

Robert Davis, "Defense Attorneys Put Blame on Hoffman in Contempt Case," Feb. 10

Robert Enstad, "Chicago 8 Ruling Leaves Questions," May 20

Robert Davis, "Outside Judge Asked for Retrial," Jun. 16

David Gilbert and Robert Davis, "React to Ruling: 2 from Defense Call Government
Chicago 7 Villain," Nov. 22

Robert Davis and Robert Enstad, "U.S. Ponders 'Chicago 7' Retrial, but Most View
Action as Doubtful," Nov. 23

Robert Davis and Robert Enstad, "U.S. Will Drop Many 'Chicago 7' Contempt Charges,"
Nov. 28

"Chicago 7 Retrial Hinges on Appeal," Dec. 28

Balanced

"Outside Judge to Get Retrial of 'Chicago 7,'" Jul. 11

"Judge Named to New Chicago 7 Case," Nov. 1

"Court Authors Best Seller," Dec. 2

Mixed

Robert Davis, "U.S. Sets Contempt Sentence Limit of 177 Days on Chicago 7," Nov. 18

LA Times

Marginalizing

Pamela Reeves, “Beautiful Women More Trouble than Chicago 7—Judge Hoffman,”

May 11

Bob Greene, “Judge Hoffman the Only Victim of Chicago 7 Trial,” Dec. 3

Sympathetic

“Chicago 7 Contempt Charges Voided: New Trial Ordered for 8 Defendants, 2 Lawyers,”

May 12

“Dellinger Gets Court OK For Hanoi Trip to Pick Up POWs,” Sept. 13

Francis Ward, “Court Reverses Convictions of 5 in Chicago Seven Rioting Trial,” Nov.

22

“War Protestors Vindicated, Hayden Says,” Nov. 23

Balanced

“U.S. Offers to Limit Chicago 7 Sentences,” Nov. 18

Mixed

“Losers in the Chicago Seven Case,” Nov. 23

Appendix B: List of Articles about Bobby Seale

Stories Listed by Year, Newspaper, and Category of Framing

1969

New York Times

Marginalizing

“U.S. Marshals Move Seale from Coast as Lawyers Appeal,” Sept. 13

“Seale in Chicago Jail,” Sept. 19

J. Anthony Lukas, “‘Party’ Disrupts Chicago 8 Court: Turmoil Starts after Judge Bars
Cake for Defendant,” Oct. 23

J. Anthony Lukas, “Judge Threatens to Chain and Gag Seale at Trial,” Oct. 29

J. Anthony Lukas, “Seale Disrupts Courtroom Again: Panther Leader Bound and Gagged
for Second Day,” Oct. 31

J. Anthony Lukas, “Judge and Seale Resume Their Verbal Warfare,” Nov. 5

J. Anthony Lukas, “Seale Denied Bail as ‘Major Threat’: Black Panther Leader Will be
Returned to Coast,” Nov. 8

Sympathetic

J. Anthony Lukas, “2 ‘Chicago 8’ Defendants Say They Were ‘Kidnapped’ on Coast by
Marshals,” Sept. 28

“Gagging of Seale is Termed Unprecedented by Lawyer,” Nov. 2

“Seale’s Lawyer Will Sue to Halt Gagging in Court,” Nov. 3

Balanced

“Court to Review Disrupted Trial: Will Rule on Banishment of a Shouting Defendant,”
Dec. 9

Mixed

J. Anthony Lukas, "Judge Says Seale Can't Plead Case: Bitter Clash Follows Hoffman

Ruling at Chicago Trial," Oct. 21

J. Anthony Lukas, "'Chicago 8' Trial Recessed to Seek Coast Lawyer," Nov. 1

J. Anthony Lukas, "Gag and Shackles are Removed from Seale in Conspiracy Trial,"

Nov. 4

J. Anthony Lukas, "Judge in Chicago 8 Case Rejects Mistrial Plea for Seven Remaining

Defendants; Seale Gets a Lawyer," Nov. 7

J. Anthony Lukas, "Chicago 8: New Phase After Seale," Nov. 9

Robert McGeehan, "Seale Sentence," Nov. 12

Washington Post

Marginalizing

"Birthday Cake Furor Roils Chicago Trial," Oct. 23

"Chicago '8' Judge Warns Panther He Could be Gagged for Outbursts," Oct. 29

William Chapman, "Judge Vows to Bar new Outbursts at Trial of '8,'" Nov. 1

"Spectacle in Chicago," Nov. 4

"Judge Denies Bail During Seale Appeal," Nov. 8

"Shortcircuiting the Judicial Process," Nov. 12

Sympathetic

William Chapman, "Seale Unfettered as Trial of '8' Resumes: Suit Promised," Nov. 4

William Chapman, "Hearing Sought for Seale on Defense Issue," Nov. 5

Balanced

None

Mixed

None

Chicago Tribune

Marginalizing

“Leader Gave Death Order, Says Panther: Links Seale to May Torture-Killing,” Aug. 23

Ronald Koziol, “Rubin, Seale Taken from Jail for Trip to Riot Trial Here,” Sept. 13

“U.S. Marshals Take Panther Seale to Jail,” Sept. 18

Robert Enstad and Robert Davis, “Judge Threatens to Gag Seale,” Oct. 29

Robert Enstad and Robert Davis, “Seale is Bound, Gagged as He Disrupts Trial,” Oct. 30

Robert Enstad and Robert Davis, “Marshals, Seale Tussle in Riot Trial,” Oct. 31.

Robert Enstad and Robert Davis, “Meeting Set with Lawyer for Seale: Quick Entry into
Trial Sought,” Nov. 1

“Probe is Asked on Disruption in Courtroom,” Nov. 6

Robert Enstad and Robert Davis, “Judge Rejects Mistrial Plea by Kunstler: Lawyer Says
Hoffman Prejudiced Riot Trial,” Nov. 20

Sympathetic

Robert Enstad and Robert Davis, “7 Try to Hold Birthday Fete at Riot Trial: Defendants
Want to Honor Bobby Seale,” Oct. 23.

“Seale Lawyer Plans Suit to Bar Gagging,” Nov. 3

“Seale Lawyer Plans Suit to Bar Gagging: Cites Violations of Constitution,” Nov. 3

Robert Enstad and Robert Davis, “Bonds, Gag Taken Off of Bobby Seale,” Nov. 4

Robert Enstad and Robert Davis, "Seale Quietly Seeks O.K. as Own Attorney: Judge Ignores Him; 4 Witnesses Heard," Nov. 5

Joseph Boyce, "Lawyer to Appeal Seale Contempt Case," Nov. 6

"Rev. Jackson Raps Hoffman in Seale Case," Nov. 7

Balanced

"40 Panthers March on Federal Building," Oct 26.

"Seale Leaves Chicago," Nov. 11

Mixed

Robert Enstad and Robert Davis, "Bonds, Gag Taken Off of Bobby Seale," Nov. 4

Robert Enstad and Robert Davis, "Judge Denies Bobby Seale Bail," Nov. 8.

John O'Brien, "The Black Panther Quandary: A Force Bent on Good or Evil?" Dec. 7

LA Times

Marginalizing

Richard T. Cooper, "Seale Gagged, Chained After Refusing to Be Silent at Trial," Oct.

30

Richard T. Cooper, "Seale Disrupts Trial 3 Times, Rips Off Gag," Oct. 31

"Chicago Judge Refuses to Free Seale on Bail," Nov. 8

Sympathetic

"Lawyer for Panther Seale to File Suit," Nov. 3

Richard T. Cooper, "Seale Freed of Gag at Chicago Trial Session," Nov. 4

"30 Lawyers Sue for Halt to Seale Trial," Nov. 5

Balanced

None

Mixed

D. J. R. Bruckner, "A Trial of More Than the People," Sept. 24

Richard T. Cooper, "Judge Approves Talks With Seale's Attorney," Nov. 1

D. J. R. Bruckner, "Bound, Gagged and Trouble..." Nov. 7

"Judge Refuses to Free Seale on Bail," Nov. 8

1970

New York Times

Marginalizing

"Panther Defendant Exhorts Radicals," March 13

Joseph B. Treaster, "Seale in Connecticut for Murder Trial," March 14

John Darnton, "Seale, Under Guard, Shows Up In New Haven Court in Slaying," March
19

"Seale's Supporters Clash With Police," June 8

Sympathetic

J. Anthony Lukas, "Seale, Peaceable Returns to Trial: Panther Who Angered Judge

Testifies for Chicago 7," Jan. 29

Balanced

"Seale's Trial for Conspiracy Put Off to June by Hoffman," April 17

Special to the *New York Times*, "Judge Accepts Data in Seale Inquiry," July 31

Mixed

Seth King, "Seale Plot Case Ended in Chicago: Hoffman Dismisses Charge at the

Request of U.S.," Oct. 20

Juan M. Vasquez, "Order in Court Urged by Seale: Backers Told to Behave 'Not

Chicago,' He Says," Nov. 21

Joseph Lelyveld, "Kuntsler is on the Stand in New Haven Panther Trial," Aug. 13

Washington Post

Marginalizing

"Supporters of Seale Clash With Marshals," June 8

Sympathetic

Larry Weintraub, "U.S. Acknowledges Bugging in Bobby Seale Contempt Case," Aug. 1

"Seale May Stand Trial Within a Month," Sept. 17

Balanced

"Panther Returns as '7' Witness," Jan. 29

"Seale Picked Up for Conn. Trial," Mar. 14

"Chicago Trial of Bobby Seale is Postponed," April 17

Mixed

Lawrence Meyer, "Judge Denies Bail in Panther Case: Kuntsler for Defense," Dec. 25

Chicago Tribune

Marginalizing

"Reagan Oks Bobby Seale Extradition," Jan. 1

"Order in the Court," Apr. 1

Sympathetic

Robert Enstad and Robert Davis, "Seale (Very Quietly) Testifies," Jan. 30

"Black Panther Attorneys Rip Court System," Mar. 8

Balanced

"Seale Charges Dropped," Oct. 20

Mixed

Robert Enstad and Robert Davis, "Bobby Seale to be Witness in Riot Trial," Jan. 28

"The New Devotee of Law and Order," Apr. 26

Rudolph Unger, "Judge Hoffman Gets Wiretap Logs in Seale's Contempt Case," Aug. 1

LA Times

Marginalizing

Richard T. Cooper, "Seale 'Explains' Ghetto Talk at Chicago Trial," Jan. 30

Sympathetic

Richard T. Cooper, "Chicago Trial Poses Test for U.S. Justice: Court Faces Challenge of
Dealing Fairly with Militant Defendants Who Scorn It," Jan. 4

Balanced

None

Mixed

None

1971

New York Times

Marginalizing

None

Sympathetic

John Kifner, "Chicago 7 Defense Files Appeal Brief," Feb. 28

J. Anthony Lukas, "Bobby Seale's Birthday Cake (Oh Far Out!)," Oct. 31

Balanced

Steven V. Roberts, "Court Requires a Warrant for Domestic Wiretaps," Jan. 13

"Seale to be Freed on \$25,000 Bond," May 27

Mixed

None

Washington Post

Marginalizing

None

Sympathetic

"New Hearing is Sought on Chicago 7 Contempt," Mar. 26

William Chapman, "Seale Legal Episode Ranks Among Most Controversial," May 26

Balanced

"Seale is Freed on Bond in Chicago Case," May 28

Mixed

None

Chicago Tribune

Marginalizing

“Preserving Order in the Courts,” Jan. 21

Sympathetic

“Lawyer Says Blacks Can’t Get Fair Trial,” Apr. 18

“U.S. Court Frees Seale on Bond,” May 28

“Bobby Seale Leaves Prison,” May 29

Balanced

None

Mixed

None

LA Times

Marginalizing

None

Sympathetic

None

Balanced

“Panther Seale Granted Bond,” May 28

“Seale, Free on Bond, Leaves for California,” May 29

Mixed

None

1972

New York Times

Marginalizing

None

Sympathetic

Seth S. King, "Lawyer Says Seale Was Upset by Hoffman's Actions in Chicago," Feb. 10

"U.S. is Dropping Action on Seale," Sept. 27

Balanced

None

Mixed

None

Washington Post

Marginalizing

None

Sympathetic

F. Richard Ciccone, "Seale Asks Reversal of Sentence," Feb. 10

Sanford J. Ungar, "U.S. to Drop Seale's Contempt Charges," Sept. 28

Balanced

None

Mixed

None

Chicago Tribune

Marginalizing

None

Sympathetic

Gerald West, "Bobby Seale Vows Panthers to Work Peacefully in System," Feb. 8

Balanced

None

Mixed

None

LA Times

Marginalizing

None

Sympathetic

Isabelle Hall, "Can Blacks Get Justice in U.S. Courts?" Jan. 9

Jack Jones, "Black Panthers and the Courts—A New Mood: But Lawyers, Radicals,

Prosecutors Disagree on Meaning of Acquittals," Mar. 17

"Ruling on Wiretap Leads U.S. to Drop Bobby Seale Case," Sept. 27

"Contempt Case Waived Against Bobby Seale," Sept. 28

Balanced

None

Mixed

None

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- . "Seale is Bound, Gagged as He Disrupts Trial." *Chicago Tribune*. October 30, 1969: 1.
- . "Tells Abbie's Advice: Arm Against Cops." *Chicago Tribune*. October 4, 1969: W1.
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