

Tom Hayden: Chicago Eight

(Originally edited by Andrew Lutsky and edited for the classroom by Cari Ladd. The longer interview is available at: http://www.pbs.org/pov/disturbingtheuniverse/interview_hayden.php)

Did I expect it to be violent? Yes. The reason to expect violence was first of all experiential. That is, since the invasion of Vietnam in '65, um, the state had been increasingly violent towards demonstrators. Uh, demonstrators had escalated from purely peaceful protest to non-violent civil disobedience to, uh, what you could call confrontations in the streets, unarmed, non-violent, but physical, uh, usually started by police attacks on demonstrations. So I had experienced that several times before Chicago '68, and there was no reason to believe it would be otherwise. Um, it didn't mean that one favored violence, it's that one anticipated it and took precautions.

The Justice Department under Ramsey Clark sent community relations people out, Roger Wilkins was one of them, Wesley Pomeroy was another. And they sat down with Rennie and Tom Foran in a bar and talked, and they concluded verbally and in writing that our position was reasonable and that the city should accommodate it. That there was no reason, since all kinds of youth organizations could sleep in the parks, there was no reason to deny permits to sleep in parks [even] if it meant that it was going to be chaos. They also favored permits for marching within eyesight of the Convention. And the position of the city of Chicago, which I think was backed by others in the federal government, was 'No, no, no. Why don't you understand. No.'

We kept thinking that this was the customary tactic to keep people away because of fear-- how could musicians come if they didn't know if they had a permit, for instance?-- and that at the end the city would give in and give us permits. Well, they never did. And so then it just became, uh, a rising self-awareness that the police would be physical, and we should either leave town, surrender our civil liberties to protest, or take to the streets in what we thought was an embodiment of the First Amendment right to protest that cannot be suspended. And maybe, we thought, maybe the shock of the confrontation would force the city and the federal government to back up. There were many in the Democratic party, many in the government who thought it was ridiculous not to allow permits, but it never happened until the final day. Strangely this permit came floating out of City Hall, which was surreal, nobody knew whether to believe it. That was the day of the greatest violence; it was the day we had a permitted rally.

Um, I was beaten up a couple of times, but I don't remember any bruises. Uh, I was gassed. The gas is bad. You know, every serious American should be pepper-gassed once because, you know, the police always say, 'Oh, that's our less-than-lethal weapon.' (Laughs) But exposure to it and the way it shuts your organs down and makes you nauseous and there's no escaping it is a form of less-than-lethal torture, but definitely, uh, torture. And I think a number of people were hurt more than I was. Um, wounds to the head bleed profusely, so you can't tell how bad it is. Rennie had his head cracked open and blood was all over him, but he recovered without a concussion. Um, one person was shot and killed: A seventeen-year-old Native American the night before it all began in Lincoln Park. He's been completely eliminated from the narrative of Chicago. Um, medical teams were beaten up. Approximately sixty reporters, mainstream reporters, were beaten up or gassed. Um, Dan Rather was punched by Chicago police on the floor of the Convention. It was outside and inside. It wasn't limited to, uh, a wild-in-the-streets kind of operatic thing that is portrayed in the media.

I was chosen to have responsibility for making sure that the whole defense carried forward, um, and I wasn't a lawyer. So I was kind of the shot-caller, the strategist. As for myself I wanted to try to win the case within the system, um, or expose the system in such a way that we would win

on appeal. So I was always preoccupied with, you know, what's the government's evidence? What's our rebuttal to that evidence? What witnesses do we have? How can we put on a story of who we are? Uh, and my hope was that we would find one juror out of twelve who would go with us and vote for acquittal no matter what the pressure.

I think Bill [Kunstler], um, shared the view that we should go for that single juror, uh, and he certainly shared the view that we should try to create a record in the trial that would allow us a rational appeal to the Seventh Circuit Court of Appeals. I think all the defendants gradually came to that view.

I can't remember the sequence of it, but it became apparent. Um, Jerry and Abbie, um, I-I'm sorry that they've passed, I don't really know if I can tell you accurately what they thought. Um, they did think for sure that there was a chance for theater, and they wanted to have celebrity witnesses and get on television at all costs, uh, with their tactics and with their witnesses. When it came to how to put a witness on, what was testimony and what was gonna be disallowed, what was gonna be the cross-examination, they were less clear. They kind of left that to the attorneys.

So I wanted to turn the jury into an example of, not civil disobedience, but ... 'cause we have a right to disobey authority, jurors have a right to nullify a law. It's little used and never mentioned by attorneys or the judge. I wanted one juror to stand up and say 'No,' which they were totally entitled to. As it turned out, there were four who wanted to but they were so browbeaten, exhausted and misled and manipulated that they didn't know that they could or that that's what we wanted. So they went along with an absurd verdict, which was not factually based, which it's supposed to be. (Laughs) It was, 'Well, we'll find them guilty on one charge, which we don't believe they're guilty of, if you'll find them not guilty on the other charge, which you don't believe they're guilty of. So we'll come out with a compromised verdict: Guilty on one, not guilty on the other.' It was ridiculous, but that's what they did.

What are the myths of the Chicago Conspiracy trial?

One of the myths is that it was just a wild time.

In general the moments of confrontation were few and far between. And believe it or not they actually had causes. They were not like random acts of mindless, uh, disruption. The first and primary cause, of course was the chaining and gagging of Bobby Seale, the Chairman of the Black Panther Party. We don't know to this day, and we may never know, who actually ordered the remedy. Uh, obviously the judge had to be part of it. But who's in the back chamber telling the judge what to do and how to do it? In any event, uh, we knew it was coming, some showdown was coming, and this would be like the first phase of the trial was climaxing before we got to the rest of it. Uh, and then it just happened.

I mean, they gave us a noon break and then they ordered the guards, the marshals, apparently, to, um, chain him to a chair, a metal chair, ankles and wrists, and then gag him with a ... how would they put it? Put a tape around his mouth so that he could no longer talk. And of course, before you get to the morality of this, there was the folly, the folly of power thinking that this could work. (Laughs) That you could literally somehow silence somebody by wrapping tape around their mouth. You try it. It just changes the sound from words to moaning and, uh, gurgling and yelling. And, it doesn't eliminate the sound at all. And then you have the ghastly, uh, sound of chains because you've got metal chains attached to a metal chair. So now you've got a black man moaning in anger with a tape around his mouth and rattling the chains, which

re— takes you all the way back to slavery. There, it hit everybody in the room very, very hard. It certainly was not what Bobby had expected or Garry had expected or anybody had expected. But these things are kinetic; they're fluid. They don't ... history is not predetermined, this just happened. And then the state had to scramble its way out of it. But it left this, um, indelible impression around the country and around the world that in America treatment of black people like slaves was not over. Far from it.

Why is it important to remember the Chicago Conspiracy trial?

Well, it's important to remember the 60s. Um, there's no new reasons for advocating memory. I mean there's ... some people try to remember in order to propel a legacy of the past forward in a new generation. Some people want to wipe memory out so that those rebellions are never heard about, taught, or repeated. Some people in the middle-- most people are in the middle-- want to manage the memory so Chicago becomes, uh, an aberration, a kind of a breakdown of the system that was quickly restored and put back together, as opposed to a window into the true nature of the system and what it does.

Why Chicago? We can't do anything about it. Chicago has become iconic. It eclipses other things that are equally important or more important, like Kent State, many other things. We have little control over that, how iconic moments get chosen by the public, the historians, the media and so on. So Chicago has to be seen as a case where, um, we're privileged to serve as a stand-in for many others who stood up and sacrificed their time and their resources and in some cases their blood for what we all stood for. So I think of it as an opportunity to make the most of the story of Chicago to tell the larger story. Um, and nothing more, nothing less.