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Description of document:	<b>Federal Bureau of Investigation (FBI) Monograph: Extremists Attack The Courts – 17-April-1970</b>
Released date:	30-June-2008
Posted date:	11-July-2008
Title of Document	Extremists Attack the Courts
Date/date range of document:	1969 - 1970
Source of document:	Federal Bureau of Investigation Record Information/Dissemination Section 170 Marcel Drive Winchester, VA 22602-4843

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U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

June 30, 2008

Subject: EXTREMISTS ATTACK THE COURTS
MONOGRAPH (DATED APRIL 17,1970)

FOIPA No. 1110142- 000

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

Section 552a

- Exemption selection grid including (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7)(A-F), (b)(8), (b)(9), (d)(5), (j)(2), (k)(1-7)

10 page(s) were reviewed and 10 page(s) are being released.

- Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:
- referred to the OGA for review and direct response to you.
- referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information and Privacy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001 within sixty days from the date of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s).

If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

See additional information which follows.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", with a stylized flourish at the end.

David M. Hardy  
Section Chief  
Record/Information  
Dissemination Section  
Records Management Division

Enclosure(s)

In response to your Freedom of Information Act (FOIA) request, enclosed is a processed copy of FBI Headquarters file 100-7447-539 concerning Extremists Attack Courts dated 4/17/1970.

## EXPLANATION OF EXEMPTIONS

### SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ( A ) could be reasonably be expected to interfere with enforcement proceedings, ( B ) would deprive a person of a right to a fair trial or an impartial adjudication, ( C ) could be reasonably expected to constitute an unwarranted invasion of personal privacy, ( D ) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, ( E ) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or ( F ) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

### SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

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**FEDERAL BUREAU OF INVESTIGATION**



**SUBJECT: EXTREMISTS ATTACK THE COURTS**

**DATE: April 17, 1970**

<b>PERMANENT COPY</b>
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<i>See Inside Cover</i>
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APR 21 1970	
FBI - NEW YORK	

<b>GROUP 1</b>
Excluded from automatic downgrading and declassification

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EXTREMISTS ATTACK THE COURTS 4/17/70

*Copy 1*

Please read and initial within 45 days.  
Return to [redacted] transmitting  
via registered mail.

[redacted]	<i>Bo</i>	DATE	<i>5/20/70</i>
[redacted]	<i>JLW</i>	DATE	<i>6/12/70</i>
[redacted]		DATE	
[redacted]	<i>So</i>	DATE	
[redacted]	<i>H</i>	DATE	<i>6/18/70</i>
[redacted]	<i>1-11-70</i>	DATE	<i>RTE</i>

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EXTREMISTS ATTACK THE COURTS 4/17/70

*Copy 2*

Please read and initial within 45 days.  
Return to [redacted] transmitting  
via registered mail.

[redacted]	<i>Ph</i>	DATE	<i>5-22-70</i>
[redacted]	<i>Q2</i>	DATE	<i>5-27-70</i>
[redacted]	<i>Y</i>	DATE	<i>6-8-70</i>
[redacted]	<i>H</i>	DATE	<i>8/5/70 (initial 8/5/70)</i>
[redacted]	<i>S</i>	DATE	<i>8/10/70</i>

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EXTREMISTS ATTACK THE COURTS

A Call to Action:

"We need to attack the legal system of the United States--courts, grand juries, legislative committees, the ideology itself--just as we attacked its fraternal institutions, the University, and the Selective Service system."

So wrote [redacted] in an article for the August-September, 1969, edition of "Liberation" magazine.

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[redacted]

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[redacted] call for attacks on the courts cannot be considered as idle talk.

[redacted]

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writes, "We need to expand our struggle to include a total attack on the courts. . . .The court system is just another part of this rigged apparatus that is passed off as 'open and impartial'. . . .There is no reason for us to become submissive at the courtroom door. . . .We were going beyond that form of civil disobedience in which the individual breaks the law to test its legality and then accepts the legitimacy of being punished and sent to jail. . . .We no longer believed and we do not believe that we should be punished by immoral, illegal, unconstitutionally constituted authorities for doing what is right."

These statements carry serious import. They take on added significance when seen in the light of events which transpired during the trial of the "Conspiracy 8."

Chicago Antiriot Trial

The trial of the eight defendants for their activities during the 1968 National Democratic Convention in violation of a 1968 antiriot law commenced in Chicago, Illinois, in September, 1969, and lasted five months. The defendants became known as the "Chicago 8." The proceedings were billed by the New Left as a "political trial." It criticized the "establishment" for attempting to protect itself by suppressing the thoughts of its opposition. From the beginning it was apparent that the defendants and their defense attorneys were conspiring to bring the protest of the streets and campuses into the court. Cries of anguish from the defendants, scuffles, melees, infantile demeanor, and crude retorts, all condoned by defense counsel, melded into a concerted assault on judicial process.

The behavior of defendant Bobby Seale became so objectionable and disruptive that he was ordered bound and gagged by the presiding judge. His continued disruptions ultimately resulted in his being severed from the trial.

While it was the contention of the defense that their antics represented a symbolic expression of free speech and an assertion of the rights of the accused, the truth of the matter was admitted by Abbie Hoffman, another defendant in the trial, after he was sentenced. Hoffman stated, "We cannot respect an authority that we consider illegitimate."

As the trial went forward, numerous demonstrations in protest of the proceedings were held in Chicago. Sponsored by such groups as SDS; the Conspiracy, an ad hoc group led by the defendants; and the Black Panther Party (BPP), they were all designed to frustrate justice. In connection with one of these demonstrations, [redacted]

[redacted], commented that the SDS protest would be one of the biggest and most militant of the period. He said that the demonstration would concentrate on the Federal Courthouse and it was SDS's purpose to "stop the trial." He emphasized that SDS would

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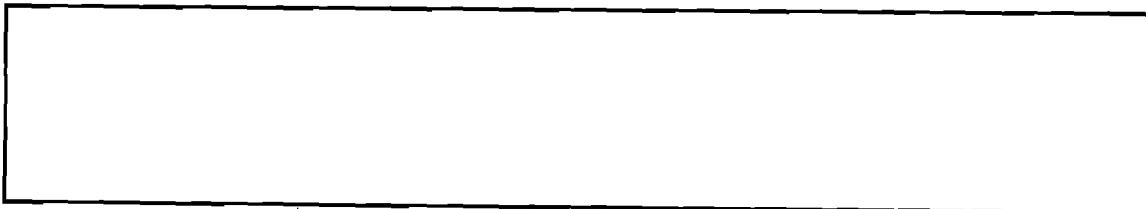
fight with any means necessary to show "the imperialists that if they want to hold framed trials like that they will have to hold them on the other side of the tanks and barricades."

The defense attorneys for the trial were William Kunstler

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Kunstler, a Phi Beta Kappa from Yale University and a long-standing member of the National Lawyers Guild (NLG), was well suited for the role he was to play. Flamboyant, articulate, and aggressive, Kunstler, since the late '50s, has been attracted to the defense of those who oppose the capitalist system or who have chosen to resort to violence to change it. His attitude toward the judicial process was candidly expressed during a speech in Isla Vista, California, on February 24, 1970, following the completion of the Chicago trial. He stated, "Everytime I speak I mention the fact that I think people ought to be in the streets and someone says that's a fine thing for a lawyer to say. Or it's not very legal to raise your fist in the air. But I say this to those critics, that the natural course in every civilization has been from routine protest to resistance and ultimately, if resistance does not succeed, to revolution." For his behavior during the trial, Kunstler was cited on 24 counts of contempt of court.

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At the conclusion of the trial, Judge Julius J. Hoffman is quoted as having stated, "This was a long trial. The behavior of the defendants and defense counsel was prepared with direct and defiant contempt for the court and the Federal judicial system, as a whole. This was a case marred by continual disruptive outbursts in direct defiance of judicial authority by the defendants and the defense counsel."

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New York Black Panther Trial

A similar assault erupted during the trial in New York City of 21 members of the BPP charged with conspiracy to commit arson and murder. This group, which has become known as the "Panther 21," went on trial in February, 1970. From the opening day, it was evident that the same tactics used in Chicago would be employed in New York. The general demeanor of the defendants and their supporters in the courtroom forced the trial judge to clear the court and declare a recess on several occasions. Though the judge directed the defendants to be quiet, he was greeted with their shouted replies of, "We are already in jail," and "There will be blood all over this courtroom." In the days that followed, the court was witness to such scenes as five separate fights between Panther defendants and court officers and hurled invectives, such as "Fascist pig," "Power to the people," "This is nothing but an electric circus," "You should have a white robe and hood," and "Yeah, and a cap with KKK on it." One spectator, seized by court officers on orders from the bench after making a clenched fist salute, was asked why he had made the salute in court. He stated, "I don't recognize this court as representing the people; therefore, I have no respect for this court and I will say what I feel like saying."

After 12 days of such uproarious behavior, the trial judge suspended the hearing indefinitely and refused to entertain a motion to resume it unless each defendant signed a written assurance that he would show respect for the court. No such assurances were given by the defendants. Instead, they bitterly criticized the judge, the court, and American justice. A memorandum sent to the judge by the defendants denounced him as "a hanging judge" and stated that his court "is in contempt of our constitutional rights."

During the period this hearing was in progress, a Molotov cocktail was exploded on the sidewalk in front of the judge's home. Written on the sidewalk at the site where it exploded were the words "Free the Panther 21" and "Viet Cong Have Won." A score of threats, both telephonic and by mail, were received in connection with the trial.

Similar Disruptions

Other episodes of a similar nature have occurred during recent trials of New Left and black militant defendants. A preliminary hearing involving 18 members of the BPP was in progress in Municipal Court in Los Angeles, California, recently when the defense attorney charged that the jail facilities where the BPP members were being kept were rat infested. The following day, the municipal judge made an inspection of the jail facilities and found them to be adequate. Several days later during a resumption of the hearing, it was disrupted when the defendants stood up in the court each holding a dead mouse which had been smuggled into the courtroom in their attorney's briefcase.

In Buffalo, New York, six individuals were recently on trial charged with assaulting a Federal officer. One of the defendants, [redacted]

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[redacted] refused repeated requests by the court clerk to rise as the trial judge left the bench for the afternoon. The judge inquired if he had heard the clerk to which [redacted] replied, "I spit on the system and on you" and "You don't stand for me as a revolutionary. I am not going to stand for you, you drunken fool."

Demonstrators Support the Assaults

The above incidents cannot be considered as isolated phenomena nor can they be considered the mere antics of a select few. That these assaults on the courts are an organized effort of the New Left and black militants is further borne out by demonstrations called by the New Mobilization Committee (NMC) during the period February 14-21, 1970. These demonstrations were called to support "repressed people" and the defendants in the Chicago trial. Following the call, demonstrations denouncing the trial were held in February, 1970, in Los Angeles and San Francisco, California; New Haven, Connecticut; Washington, D. C.; Atlanta, Georgia; Chicago, Illinois; Detroit, Michigan; and numerous other cities. In Washington, D. C., defendant Abbie Hoffman told a crowd of demonstrators, "We will win the next round in the streets." Kunstler told the same crowd, "We must make the Government afraid."

On February 16, 1970, the NLG, a communist front, sponsored a protest rally at the Federal Building in San Francisco. On that same date, 2,500 individuals held another rally at the Criminal Court Building in New York City sponsored by Youth Against War and Fascism, a communist splinter group.

In Seattle, Washington, 1,000 individuals, led by SDS members and sponsored by a militant group called the Seattle Liberation Front, attempted to storm the courthouse. They broke virtually all the windows in the first three floors of the building.

On February 19, 1970, students in the Washington, D. C., area attempted to storm the Watergate Apartments, the residence of Attorney General John N. Mitchell, in an effort to embarrass him. One hundred ten demonstrators were arrested.

#### Organizational Support

All opposition has not been expressed in the streets or in the courts, however. At their national convention held in February, 1970, the Student Mobilization Committee to End the War in Vietnam (SMC), a group which is heavily infiltrated by the Socialist Workers Party, set forth a statement of aims and purposes. A paragraph headed "Political and Legal Defense of the Movement," contains the following: "As the antiwar movement has grown considerably it has come under repressive attack from the warmakers. When any of us is attacked, we are all attacked, and we are determined to wage the most effective political and legal defense. We speak for the majority, and we will mobilize that majority behind any defense campaigns. In particular, we see the trial of the 'Conspiracy' defendants as a most serious attack on antiwar leaders, and the SMC defends them to the utmost and calls on the entire movement to do likewise."

A paper presented to this same conference on the subject of political and legal defense stated in part as follows:

"In the last five years a massive antiwar movement has developed in this country, developing revolutionary consciousness in many of the young participants at the same time. There is every sign that this radicalization--which

began with the civil rights struggle in the late fifties-- will continue to deepen. Attempts to intimidate and stifle the movement, and, if possible, to halt it, can be expected from the ruling class whose power and 'right' to rule is being challenged. The nationwide campaign against the Panthers and the trial of the 'Chicago 7' are only two examples of this kind of repression. Because that repression mainly takes the form of legal action at this state, the movement needs to wage political trials to beat back attacks against it. . . .

"In the United States, courts are designed to appear as impartial bodies assigned to mediate between different interest groups. In fact, the whole judicial apparatus represents 'justice' only to that small group which has an interest in maintaining racial oppression, the war in Vietnam and other social evils characterizing American society. . . .

". . . It is the job of movement activists to use a political trial as an opportunity to demonstrate to the masses of Americans that civil liberties are being threatened, as a means of defeating any attempts by the ruling powers to deny us those rights. . . .

". . . use the courtroom as a forum to explain the ideas the ruling class is attempting to suppress. Since the attack is an attempt to prevent the defendant from expressing his ideas, his doing so in the trial itself both undermines the attack and helps focus on the trial's real purpose."

In February, 1970, the New Mobilization Committee to End the War in Vietnam (NMC) announced new details of its Winter-Spring Offensive during a press conference in Washington, D. C. [redacted]

[redacted], announced the immediate response of his organization to the imprisonment of David Dellinger, another of its Cochairmen, at the end of the Chicago trial. [redacted] stated, "The New Mobilization publicly joins the Conspiracy. We are conspiring--literally breathing together." He said NMC would move to protest the jailings of the Panther 21, Bobby Seale, Dellinger, and thousands of political prisoners around the country, not with fear but with defiance.

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Assessment and Remedy

An editorialist of the "St. Louis Globe-Democrat" recently placed the threat by these assaults in the proper perspective when he wrote: "Such trials are becoming an organized mutilation of the United States court system, where radicals are turning the procedures of justice into an ugly hippodrome of travesty."

While these forms of disruption are not entirely new phenomena, the concerted efforts of New Leftists and black militants to impugn, demean, and frustrate the court are a definite threat to the continued peace and order of the Nation.

In its recent ruling in Allen vs. State of Illinois, the Supreme Court gave warning that it too had seen the ominous clouds on the horizon. In upholding the actions of the trial judge in disciplining and removing a disruptive defendant from the court, the Court stated, "It is essential to the proper administration of criminal justice that dignity, order, and decorum be the hallmarks of all court proceedings in our country. The flagrant disregard in the courtroom of elementary standards of proper conduct should not and cannot be tolerated. . . .our courts, palladiums of liberty as they are, cannot be treated disrespectfully with impunity. . . .As guardians of the public welfare, our state and federal judicial systems strive to administer equal justice to the rich and the poor, the good and the bad, the native and foreign born of every race, nationality and religion. . . .Constitutional power to bring an accused to trial is fundamental to a scheme of 'ordered liberty' and prerequisite to social justice and peace."