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#### Recommended Citation

Resist, "Resist Newsletter, Apr. 1969" (1969). *Resist Newsletters*. 137.  
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# RESIST

## *a call to resist illegitimate authority*

21 April 1969 - 763 Massachusetts Avenue, #4, Cambridge, Mass. - Newsletter #26

### OAKLAND SEVEN - MOVEMENT ON TRIAL

"Oakland Seven - Movement on Trial" said the buttons worn by the supporters who filled the courtroom during the long, highly political trial of the Seven, members of the steering committee for Stop the Draft Week in Oakland in October 1967. The Seven - Frank Bardacke, Terry Cannon, Reese Erlich, Steve Hamilton, Bob Mandel, Jeff Segal, and Mike Smith - were accused of conspiracy to commit the misdemeanors of trespassing and obstructing the police in pursuit of their lawful duty. Conspiracy to commit a misdemeanor is a felony.

#### THE PROSECUTION

Prosecutor Lowell Jensen began with police undercover agent James Bruce Coleman, who took part in planning sessions for Stop the Draft Week until his secret agent status was discovered. Coleman took extensive notes at the meetings and rallies he attended but chose to testify from re-copied excerpts of the originals. Defense attorney Garry examined the original notes and found several errors in the copied excerpts.

Other prosecution witnesses: Another secret agent, Robert Wheeler of the Oakland Police Department, took no notes at meetings because he had almost total recall and went home after lengthy meetings to write down everything that had been said; when asked by the court reporter to repeat one of his statements he couldn't remember it! Oakland Police Lieutenant Ernest B. Smith photographed the October 17 demonstration for the police department; in two slides he identified two of the Seven as leaders of the demonstration. He testified that he saw raised police clubs but didn't see any fall. Sergeant James Sichneider of the Berkeley campus patrol testified that five of the Seven had served as monitors at a pre-dawn rally on October 17 but conceded that he had heard no statements advocating violence.

To wind up his case Prosecutor Jensen decided to play excerpts from the teach-in at Sproul Plaza the night before the October 17 march on the Oakland Induction Center. However, defense attorneys insisted that the entire tape be played, lest the defendants be quoted out of context. During the replay of the 5-hour teach-in the jury heard arguments against the war that the defense was not allowed to present. They also heard speeches by two of the defendants, who repeatedly stated that they were not interested in having a confrontation with the police.

#### THE DEFENSE

The defense opened its case with a series of witnesses representing the wide variety of participants in the demonstrations: a San Francisco Methodist minister who had seen people maced and clubbed; a black grandmother who gave the black power salute as she was sworn in; an Air Force veteran, an ophthalmologist who was

### HARVARD/STANFORD - WHERE IT'S AT . . .

The great bulwark of reasoned indifference, Harvard, finally has come up against a militant student protest against ROTC. One comment, necessarily ambiguous: A militant, provocative act such as taking over a building may be necessary to get people's attention, especially where the school administration has circumvented the issue when it has been brought "through channels." But the great political danger of such militance is that the initial issues - ROTC, secret research, etc. - too often get drowned in the uproar resulting from the action. New issues emerge: amnesty, faculty-administration relationships, radical vs. moderate students, etc. We don't have any solution to this dilemma except to point out that SDS at Harvard is trying desperately to keep people focused on its original demands.

#### COURSE OF EVENTS

At noon on Wednesday, April 9, approximately one hundred students entered University Hall. All administration officials and staff members were ejected from the building, some by force. Shortly after 4 PM Dean Ford ordered the Yard sealed and warned that any students remaining in the building after 4:30 would be subject to charges of criminal trespass. The seizure was in support of six demands presented by SDS, which centered around ROTC and the expansion of the university into low income areas without regard for the community. They also demanded an end to the practice of suspending scholarships as punitive action.

At 5 AM on Thursday 400 local and state police arrived. Armed with clubs, they pushed 600 demonstrators away from two entrances to the administration building and then cleared the building. 49 people were injured, 4 are still hospitalized. 132 men and 52 women were arrested.

The Student Faculty Committee sponsored a mass meeting in Memorial Church at 10 AM on Thursday. Approximately 3,000 moderate students endorsed a three-day strike which centered around ROTC and the expansion of the university into low income areas without regard for the community. They also demanded an end of the practice of suspending scholarships as punitive action. SDS joined in the strike, but organized independent picket lines in support of their original demands.

#### THE ISSUES

The faculty condemned SDS for its action, suggested that Pres. Pusey should have consulted student and faculty representatives before calling in the police, and called for the establishment of representative committee(s) to handle punishment and a restructuring of the decision making bodies of the University. The faculty resolution was radical from the perspective of the faculty: punishment has always been in the hands of an Administration committee; the faculty has never before been interested in taking part in the administration of the University. Students, however, felt that the faculty had failed to deal with, or even discuss the issues.

On Monday, April 14, 11,000 people gathered in the Harvard Stadium and voted to continue the strike for three days and then to reconvene. The meeting accepted resolutions which called for the abolition of ROTC, amnesty, restructuring of the corporation and the halt to expansion. For example, Harvard must not take any dwelling units out of use until it provides relocation



## OAKLAND SEVEN (cont'd)

of the twenty members of the Medical Committee for Human Rights who served as medics at the demonstration. Forty-five witnesses testified that they had personal reasons for taking part in the demonstrations, that the police used clubs and mace with little or no justification, and that they knew of no conspiracy amongst the defendants. Garry decided not to have the defendants testify. By so doing he deprived Prosecutor Jensen of the right to cross-examine them.

### THE JUDGE AND THE JURY

Throughout the trial Judge George W. Phillips, Jr. seemed to side with the prosecutor: he refused to hear arguments on the war from the defense, cited Garry for misconduct, threatened the spectators with contempt citations if they didn't stop their "derisive laughter", upheld prosecution objections, refused to disallow Coleman's testimony after Garry exposed the errors in his re-copied notes, and refused a motion for a mistrial.

The jury was described by Marjorie Heins, writing for the Liberation News Service, as having been "chosen for their lack of opinion, and it was not easy in 1969 to find 12 people who had no ideas about the Vietnam War." They were undistinguished but good-humored; often they seemed bored by the testimony.

### VICTORY

Before the case went to the jury two days were spent arguing about how the judge would instruct them. Judge Phillips finally agreed to tell the jury that the defendants' speeches, writings and statements could not be used to convict them unless they were calculated to incite other persons to commit illegal acts, that the Constitution protects the advocacy of crime in the absence of direct incitement, and that persons have the right to protect themselves, even if it is from the police.

In summary the defense argued that each of the Seven had acted on his own and that the prosecution had not shown that they had agreed to trespass or to obstruct the police (in either lawful or unlawful pursuit of duty). The prosecution reminded the jurors that the war and the draft were not the issues and that laudable motives were no excuse for illegal acts.

The jury found the Seven not guilty. They all agreed that the Seven had conspired to shut down the Induction Center but not that they had conspired to commit the misdemeanors of trespassing and obstructing the police. The jury felt the prosecutor had never come close to proving his case against the Seven. Off the record, the judge thanked the jury for saving the Constitution.

The Movement was on trial with the Oakland Seven and both were victorious. The defendants stood together and did not sacrifice some for the freedom of the others. They were proud of their part in Stop the Draft Week but refused to be convicted on phony charges. The government cannot yet get away with quite everything; there is hope for the jury system. On to Chicago!

## HARVARD/STANFORD. . . (cont'd)

housing in a nearby area at a comparable cost for the household to be displaced, including University holdings on University Rd. in Cambridge and the site of the Harvard Affiliated Hospital.

### WHAT NEXT?

Leaflets abound, meetings and discussion continue. The SDS position has been substantially adopted by the majority of the student body. SDS as an organization, however, has not gained mass support. Although it has been accused of being manipulative, or too hard in its line, it has succeeded in carrying out an amazing educational campaign. At the moment neither the moderate student leaders nor SDA leaders are in control of the strike. 11,000 people demand action. WHAT NEXT?

[Friday, April 18 - students and faculty reconvened and voted to suspend the strike for seven days.]

### STANFORD

The Stanford Research Institute Coalition - made up of both students and faculty and representing a range of political views - occupied the Applied Electronics Lab on the Stanford campus. The lab is not part of the Stanford Research Institute which is located off-campus, but does on campus secret research. The demonstrators ask that the SRI not be sold, but be placed under student-faculty control so that the following demands can be implemented: (1) end all classified research at Stanford and at the SRI; (2) end CBW research; (3) end counter-insurgency research, which is used at home and abroad, against the peoples of Viet Nam, Laos, Thailand, Cambodia, and the U.S.

Eight hundred to one thousand people have participated in the sit-in with one to two hundred in the lab at any given time. No research is going on.

An extensive education campaign led by SDS took place before the sit-in. As a result about 80% of the students in dormitories support the demands, 70% the tactics, and 90% amnesty for the demonstrators. Fraternities are less supportive.

The coalition demanded an open decision-making meeting of the trustees and was denied that request. They feel that the Administration will not call in the police, but will prosecute the demonstrators.

--Sue Parker

### FUNDING REQUESTS GRANTED

At its April meeting the RESIST Steering Committee made the following grants:

Oakland Draft Help (California): *for continuing support of counseling center.*

Resist (Tuscaloosa, Alabama): *for additional seed money to maintain a counseling center.*

Young Patriots (Chicago): *for meeting hall rental, food and clothing welfare, political organizing.*

"El Grito del Norte" (Española, New Mexico): *for printing and community organizing.*

Resist, Southern Missouri State (Springfield, Mo.): *for mimeo machine.*

South Bay Peace Center (Redondo, Calif.): *for continuing expenses.*

DC 9 Defense Committee (Washington, D.C.): *for office expenses.*



## ACROSS THE NATION

*Des Moines, Iowa:* In Newsletter #24 it was reported that David Carlson, a Peace Corpsman, was drafted and would therefore be taken away from his duties of architect in the typhoon area of Saipan Islands. At this time, we are not sure if David has been able to return to Saipan, but we do know that he flunked his physical.

*Corvallis, Oklahoma:* At Oklahoma State University, an American Renaissance Symposium was being planned for April 13 to "confront the academic community with new modes of thought and expression." Tom Hayden was to speak on Revolution and the New Left; Bobby Seale on Black Liberation; Michael Rossman on University--Factory or Forum, and more. It was going to be such a liberating confrontation, that the administration had to crush it.

*Whittier, Calif.:* (The Peacemaker, 4/5) Craig Murphey, former Marine, was dragged from his sanctuary at the Whittier Unitarian Society on 3/20. But there was a hospital corpsman named Bob Hamburger who, after treating Craig for injuries suffered from beatings before and after his arrest, felt that "now was the time to stand up". And stand up he did, walked out of Camp Pendleton to take Craig's place at the sanctuary. Bob was later joined by Jack Lunsford, AWOL since Aug. '68.

*Detroit:* March 13 was the last day of Thomas Sincavitch's sanctuary at St. Josephs Episcopal Church. In 1963, Tom had joined the reserves as an alternative to the draft. At that time he had some vague moral and conscientious objections to the war machine, but he had no contact with anyone working against the draft and he resolved that being in the reserves was less of a crime since it involved less participation. But his exposure to the military developed his conscience with questions of how he was being used, why, by whom and for what purpose. When he was called for Riot Control Training, he rebelled against all of the military's "insidious indoctrination" and resigned from the army in June '68.

*St. Louis, Missouri:* Next fall Washington State University is offering a two credit seminar in "Why the Draft? Military Service, Conscientious Objection, and Other Alternatives." The catalogue description partially reads: "This seminar will deal with the practical, moral, and legal aspects of Conscientious Objection; the types, nature, and effectiveness of resistance to conscription; and with the Army environment in times of an unpopular war."

*Washington:* (The Ally, April) The case of marines, Lance Corporal William L. Harvey Jr. and Private 1st Class George Daniels, who are serving six and ten years at hard labor for preaching anti-war doctrines to troops being trained for Vietnam combat in '67 is before the naval review boards at Washington Navy Yard. The men had urged other black marines to see the commanding officer--to protest being sent to Vietnam. This they did without success. None of the marines disobeyed an order or refused to ship out to Vietnam as a result of the dissenting statements, and yet Harvey and Daniels were given maximum sentences under the law.

*Pittsburgh:* A Mobilization Conference concentrating on Breaking the Silence on Vietnam and Militarism in America was sponsored by the NUC on Good Friday. Workshop themes included the Selective Service System, ABM, and Women's Liberation. But it doesn't stop here for Pittsburg. Plans are in progress for a mass mobilization against the war, draft, imperialist militarism, and U.S. racism. The May Action could attract as many as 5,000 people, hopefully including many new faces who are now expressing a willingness to dissent in a legal way.

## ENDING THE WAR

On April 5 and 6 anti-war demonstrations and marches were held in several large cities in the U. S. (Anti-war marches were also held in two Canadian cities, Toronto and Vancouver.) Called by the Student Mobilization Committee in cooperation with the National GI Planning Board and co-sponsored by peace groups in each city, the demonstrations brought out 100,000 marchers in New York City, 50,000 in San Francisco, 30,000 in Chicago, 6,500 in Los Angeles, and 4,000 in Atlanta. Participants included active-duty GIs, many high school students, and a larger percentage of black people than in previous demonstrations.

Speakers at the demonstrations demanded an end to the war and called attention to various local issues. In San Francisco the marchers converged on the Presidio. New York speakers called for support for the 21 Black Panthers arrested there recently on trumped-up charges. In place of a march, Seattle anti-war groups held two days of anti-war basic training - workshops, speakers, and sessions planning for increased activity in the Seattle area. The march in Atlanta, the largest anti-war demonstration ever held there, was dedicated to the memory of Martin Luther King, Jr.

The number of people participating in these marches exceeded most expectations. Many people have been saying that large demonstrations are not an effective way to protest the Vietnam war; the large turnouts for the April 5 and 6 actions might seem to contradict this allegation. Demonstrations are valuable: They remind the administration that many people still refuse to accept the war. Within the Movement they bring people together and provide a reference point from which to evaluate programs and set future goals. They often draw in new people and provide a forum for discussion of the issues.

While the large turnout on April 5 and 6 does show that many people are still concerned with ending the war, it says nothing about whether or not demonstrations are an effective way of forcing the government to do so. We have had many, and larger, demonstrations in the past and the war continues. What we need now are programs that involve all those who have just shown their continuing concern with ending the war in activities that will force the administration to do so. A series of demonstrations will never do this.

--Arlene Siegel

## A LITTLE HELP FROM OUR FRIENDS

It is of course clear to everyone in the Movement that the Chicago demonstrations have had significant political implications. However, to reinforce movement gains, we must see that the Chicago indictments continue in the same vein of accomplishment as the demonstrations. Mobe, National Mobilization Committee to End the War in Vietnam, has assumed the task of generating activity "that builds rather than weakens our movement and exposes rather than diverts attention from those interlocking forces and institutions responsible for the war, racism, and growing repression." (Rennie Davis, Dave Dellinger) Mobe is under heavy debts from the Inaugural as well as the Chicago actions. Can you help? Mobe, 339 Lafayette St., New York, N. Y.



## WHITHER HIGH SCHOOLS?

"But perhaps the most important factor is the idea, increasingly persuasive to young people, that the high schools and the military are not very different in goals or in methods." (This quote is from Paul Lauter's article, Resistance in High Schools, published in Newsletter #21. We thought you would be interested in a response to it. What follows is a dialogue between a concerned reader and Paul Lauter.)

Dear Mr. Lauter: "As a chronic protestor, I would like to protest your statement which equates high schools with the military--you speak of them as being not very different in goals or methods. Well, the goal of the high school is education; this may be, and very often is, perverted into baby-sitting, imprisonment, clearing the streets, or peddling fake diplomas, but the potential goal is still something we want a lot of. The goal of the military is war, and we want none of it. As for methods, it's certainly important to change those used in high schools; some slight beginnings are even being made. However, no changes can help the military; the only thing to do is get rid of it. Young people today ought to be trying to transform high schools and resist war, and a statement like yours can impair the first effort and debase the second." Sincerely, (name withheld)

In response to this letter, Paul Lauter writes: "I appreciate your letter about the high schools and the military, because it states clearly a position that many people share and that I respect. But I want to raise two questions about it and ask your and others' responses to them.

First, are the high schools really devoted to what we would call "education"; have they been historically? We know that schools foster competition, but not individuality. We know that they have been used to promote class privilege and separation. We know that they have been used to inculcate "good behavior," and restraint, to "discipline the work force," as the phrase is. We know that our children absorb much miscellaneous information, but do schools teach real skills and do they cultivate challenging, independent minds?

Let me give a couple of examples. The tracking system came into being almost as soon as the high schools did some 100 years ago. It has helped insure that the children of black, poor and working class parents do not, on the whole, get into college. In New York City, for example, only about 3% of black students who enter high school go to college. Only half of the black and Puerto Rican students who begin academic high schools even graduate; most of them are in lower tracks. And recent studies have strongly suggested that tracking and "ability grouping," based on false standards, are as much responsible for such disgraceful statistics as any other factors. Moreover, the general diploma or its equivalent, which many of these students get, is little more than a ticket into the army. In Cardozo High School in Washington, for example, some 80% of the male graduates are in the military within two years, and that doesn't count dropouts. For these students, high schools are agents of "channeling" just as much as Selective Service is.

But even students from privileged backgrounds have discovered serious discrepancies between the presumed educational goals of the schools and the ways in which they try to control the students' lives. I've just reviewed a book (it will be in the Saturday Review if you want to see it) which shows schools in Massachusetts 100 years ago set "restraint" as a primary goal of a high school education. Things haven't changed much. The point is that it's too simple to say high school's educate. On the whole, I'd say, they socialize the students and hand down received values. And when the values and goals of a society--as expressed by Vietnam or our consumption orientation or by racism--more and more come into question, so the institutions that help to perpetuate them also come into question. They should, and we should help our children challenge them.

The second problem I have is this: it is true that we all want an end to wars and to armies. And I agree that "no changes can help the military." But that poses a sharp dilemma for people who have resisted the draft. There are various proposals now up before Congress to replace the draft with a volunteer army. Is that good? I assume you would argue that either is bad. But others might want to say that the question is not how you raise an army but what it is used for. The goal of no wars, no army must stay before us. But now we are faced with immediate choices about how to proceed toward that goal. And I think it is important in the present to recognize that the United States has and will continue to have military force, and that we must work to prevent that force from suppressing movements for national liberation abroad and for real political change at home.

In other words, I agree that the schools should educate and that there should be no armies. But if that's not where it's at just now, I think we must set objectives in terms of where it is at."

### PRESIDIO INVESTIGATIONS

The Committee for the Presidio 27 is pushing for a Congressional investigation of conditions in military stockades around the country. They are also collecting all relevant information. People who have had first hand experience with stockades, or know of specific incidents, or who know about injustices in military courts (especially transfer of duty to Vietnam when a court martial is pending) should communicate the information to the Washington office of the Committee.

### COMMUNICATIONS SNAFU

Correction! (See CANADIAN WELCOME RESCINDED, Newsletter # 25.) April 13 is NOT the Day of Judgment for American deserters in Canada after all. It seems that there is a review of immigration policy currently in progress but it has not yet reached the House of Commons for debate. For better or worse, the present policy is expected to continue for some months.

