Aaron Sorkin's *The Trial of the Chicago 7*: An important historical episode

Joanne Laurier, David Walsh
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Written and directed by Aaron Sorkin

Aaron Sorkin's *The Trial of the Chicago 7* is a historical drama streaming on Netflix. It deals with the court proceedings in 1969–70 in which organizers of protests at the 1968 Democratic National Convention, held in Chicago, faced charges of conspiracy and crossing state lines with the intent to incite a riot. The charges brought by the Nixon administration's Justice Department were aimed at intimidating and criminalizing political opposition.

At the center of the Chicago protests was the Vietnam War, then at its height. Democrat Lyndon B. Johnson had been elected in 1964 on the pledge he would not escalate the war ("We are not about to send American boys nine or ten thousand miles away from home…")—and then did precisely that. The brutal character of the imperialist intervention outraged great numbers of young people in particular, as the death toll of Vietnamese and Americans mounted daily, and led to numerous huge anti-war demonstrations from April 1967 onward.

At its convention, Aug. 26–29, 1968, the Democratic Party would select Johnson's vice president and pro-war advocate Hubert Humphrey as its candidate in the upcoming presidential election (won by Republican Richard Nixon). Humphrey had been challenged during the Democratic primaries by anti-war candidates Minnesota Senator Eugene McCarthy and New York Senator Robert F. Kennedy (assassinated June 5, 1968).

Various middle-class protest organizations, including the so-called Youth International Party (Yippies), led by Abbie Hoffman and Jerry Rubin, and the National Mobilization Committee to End the War in Vietnam, a coalition of anti-war groups, announced plans to protest outside the convention. Many members of Students for a Democratic Society (SDS) also participated. The perspective of the protest organizers, from the most conventional to the most radical, was focused on the futile effort to pressure the Democratic Party to the left.

Provocatively, the city of Chicago, ruled by thuggish Democratic Mayor Richard Daley, had given permission for only a single afternoon rally in Grant Park on Aug. 28. Every other request by the protest organizers was turned down, effectively transforming many events into "illegal" gatherings.

During the protests, Aug. 23–28, mostly youthful crowds numbering in the thousands were savagely set upon by thousands of Chicago police, assisted by the Illinois National Guard. Over the course of five days and nights, police freely and enthusiastically used tear gas, mace and batons on the protesters, arresting many and injuring hundreds.

Dozens of journalists, along with passersby, were among those clubbed and wounded by the cops. The bloody Aug. 28 rampage, broadcast to a national television audience, was later characterized by official investigators as a "police riot."

"The whole world is watching!" was the recurring chant from the protesters. It features multiple times in *The Trial of the Chicago 7*.

The violence in Chicago and the subsequent travesty of a trial—in fact, a show trial—were significant events. As Sorkin's work shows in part, and in part only hints at, the American ruling class, still near its peak of supremacy in the 1960s, demonstrated its thoroughgoing potential for criminality and cruelty. It responded with terror and ruthlessness to the urban riots of the 1960s and the growth of mass opposition to the Vietnam war.

The defendants in the trial did not terrify the bourgeoisie, but the possibility of the American working class becoming "infected" with radicalism, like the French workers in May–June 1968, certainly did. Under the thin veneer of democratic forms lay the authoritarian, fascistic inclinations and methods that would emerge far more decisively as the crisis of American capitalism deepened and it lost its global hegemony in succeeding decades.

The prologue to Sorkin's legal-historical work opens with footage of President Johnson announcing the dispatch of more troops to Vietnam. A reporter explains that "382,386 men between the ages of 18 and 24 have been called to duty."

We see Martin Luther King Jr. delivering an anti-war speech shortly before his assassination on April 4, 1968, in which he explains that "it should be incandescently clear that no one who has any concern for the integrity and life of America today can ignore the present war." Soon afterward, Robert Kennedy is shot dead.

As the film's fictionalized portion begins, Nixon is now in the White House. His foul attorney general, John Mitchell (John Dorman), demands that his two lead prosecutors, Richard Schultz (Joseph Gordon-Levitt) and Tom Foran (J.C. MacKenzie), destroy the defendants charged with instigating the Chicago mayhem.

The accused include SDS leaders Tom Hayden (Eddie Redmayne) and Rennie Davis (Alex Sharp); the semi-anarchist Yippies' Hoffman (Sacha Baron-Cohen) and Rubin (Jeremy Strong); David Dellinger (John Carroll Lynch), the pacifist head of the National Mobilization Committee; and two lesser known figures, John Froines (Danny Flaherty) and Lee Weiner (Noah Robbins).

The original eighth defendant is Bobby Seale (Yahya Abdul-Mateen II), national chairman of the Black Panther Party, a radical black nationalist group, which at the time was coming under the partial influence of Maoism. The Panthers had a different class character than the anti-war protest movements. Their members at the time were not simply being arrested, but murdered. Seale, under indictment for a murder charge in Connecticut for which he was later acquitted, acts in a principled manner during the Chicago trial. His case is eventually severed from the others.

In his meeting with Mitchell and Foran, Schultz observes that the so-called Rap Brown Law (named after the African American radical charged with carrying a gun across state lines in 1967), under which the defendants are being prosecuted, "was created by Southern whites in Congress to limit the free speech of black activists."

"And you'll dismantle them [the accused], and you'll win," Mitchell snaps back.

The trial begins on Sept. 26, 1969 with the conservative, obviously pro-

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prosecution, semi-senile Judge Julius Hoffman (Frank Langella) presiding. Defense attorneys include long-time civil rights and radical lawyers William Kunstler (Mark Rylance) and Leonard Weinglass (Ben Shenkman).

"This is the Academy Awards of protests," says Weiner. "As far as I'm concerned, it's an honor just to be nominated." The trial of the Chicago Seven lasted more than 150 days, into the first months of 1970.

Sorkin treats the court proceedings through a series of vignettes, selecting episodes to highlight the judge's endless violations of the defendants' rights. Along with overruling virtually every one of the defense lawyers' objections, Judge Hoffman imposes a staggering 175 counts of contempt of court on the accused and their attorneys, the vast majority of which were overturned on appeal.

Other segments highlight the clownish antics of Hoffman and Rubin, who both appear in court one day, for example, wearing a judge's black robes. During the weekends, out on bail, Hoffman performs a variety of political stand-up comedy before an admiring audience.

Judge Hoffman (no relation!) refuses to let Seale either have his preferred lawyer (who is recovering from surgery) or represent himself, and then silences him when the defendant protests that his constitutional rights are being violated. After Seale denounces him in open court, the judge—in one of his most egregious acts and one that came to epitomize the ferociously anti-democratic character of the trial—has the Black Panther leader shackled and gagged so that he cannot speak out in court. In the course of binding Seale to a chair, the bailiffs administer a beating. Seale was shackled to his chair for three days of the trial!

In a sidebar, prosecutor Schultz exclaims to the judge, "Your Honor, our defendant is gagged and bound in an American courtroom." During the actual trial, defense attorney Kunstler declared, "This is no longer a court of order, Your Honor, this is a medieval torture chamber."

(Seale's case was eventually declared a mistrial. He was convicted on 16 counts of contempt of court, leading to a four-year prison sentence, but the charges were later dismissed.)

The defense brings in Ramsey Clark (Michael Keaton), the attorney general in the Johnson administration, to testify. Clark describes himself as their "star witness." With the jury members sent out of the courtroom, the former attorney general points an accusing finger at the cops: "An investigation by our criminal division led to the conclusion that the riots were started by the Chicago Police Department." In keeping with his conduct throughout the proceedings, Judge Hoffman refuses to allow the jury to hear Clark's damning testimony.

When Abbie Hoffman takes the stand, he cites a passage from Abraham Lincoln's first inaugural address in 1861, "Whenever they [the people] shall grow weary of the existing Government, they can exercise their constitutional right of amending it or their revolutionary right to dismember or overthrow it." So, he is asked, "how do you overthrow or dismember, as you say, your government peacefully?" Revealing his reformist outlook, Hoffman replies, "In this country, we do it every four years."

In the movie's climactic scene, during sentencing, Hayden, chosen to speak for all the defendants, recites the names of the thousands of soldiers who have died during the course of the trial. (In actual fact, this reading took place near the trial's beginning on Oct. 15, 1969, on Vietnam Moratorium Day.)

Of the seven defendants, five are convicted of inciting a riot (Froines and Weiner are acquitted on all charges), and sentenced to five years in prison. However, a different judge later overturns all the convictions, in part based on Judge Hoffman's biases, and the Justice Department decides not to retry the case.

There are various positive features of Sorkin's film. It is a vivid and effective—and, in certain respects, accurate—representation of an important historical episode, probably all too little known today. To its credit, *The Trial of the Chicago 7* clearly sides with the accused and the anti-war protesters. It is not some fraudulently "impartial" presentation, which would amount in practice to whitewashing the crimes of the government and the police. Attorney General Mitchell (later to play a notorious role in the Watergate scandal and serve jail time as a result) is appropriately portrayed as a gangster.

The Bobby Seale sequence is chilling. Also chilling are the moments in which the Chicago cops conspicuously remove their name badges, protecting themselves against future retribution for their sadistic violence.

One of the most monstrous crimes of the period, the police assassinations of Chicago Black Panther leading members Fred Hampton (Kelvin Harrison Jr.) and Mark Clark in December 1969, receives rather perfunctory treatment by Sorkin. This act of cold-blooded murder, carried out execution-style in the early morning hours, shocked the country. Five thousand people turned out for Hampton's funeral.

Sorkin's work is obviously influenced and shaped by present-day events, including anger at the actions of the Trump administration and relentless police killings. In an interview with *Esquire*, Sorkin noted that the "timing of the film seems almost too perfect."

He explained that the filmmakers ended up recreating a photograph taken in 1968 in the film's opening scene outside the courthouse: "Some of the signs that were being held up [in the photo]: 'America: Love It or Leave It.' 'Lock Them Up.' … And then the police out in the street gassing and beating protesters right in front of the White House… I couldn't believe it. Trump even tweeted that crossing state lines to incite violence was a federal crime. He didn't add that there was only one time in American history that someone was charged with that crime."

The actors, by and large, perform admirably here. Rylance is his usual captivating self. Sacha Baron Cohen, when he can be separated from his execrable Borat character, proves again his acting and comic gifts. Langella convincingly conveys Judge Hoffman's vicious, stupid bullying.

Sorkin (born 1961) by now has a considerable history. As a writer for film and television, he is best known for *A Few Good Men, Malice, The West Wing, Charlie Wilson's War, The Social Network, Moneyball* and *Steve Jobs*. *The Trial of the Chicago 7* is his second directing effort, following *Molly's Game*. In 2018, he also adapted Harper Lee's novel *To Kill a Mockingbird* as a play, which has enjoyed considerable success.

Sorkin has the wherewithal to take on large subjects, which is unusual at a time when a premium is generally placed on the singular, the "micro-drama," on the avoidance of "general statements." Moreover, he writes amusing and lively dialogue, which often brings to the fore the complicatedness of human behavior.

The weaker sides of Sorkin's efforts are also known by now. He has a tendency to "round things off," to simplify, to make things a little too easy for himself, artistically and politically, even to vulgarize. One can excuse various things on the grounds of artistic license, including the oddly sympathetic treatment of prosecutor Schultz (described by contemporary journalists as the government's pit bull, whose lips "would twist into a snarl" as he denounced the defendants), the presentation of David Dellinger (who had an extensive and complicated political history dating back to the 1930s) as nothing more than "a Boy Scout troop leader" and naïf, etc.

In the end, however, many of these "simplifications" are associated with Sorkin's left-liberal outlook and a tendency to gloss over the most profound social contradictions in American life.

The politics of *The Trial of the Chicago 7* are very limited, closely related to the politics of the figures and protests being portrayed. The conflict between the "radical" Hoffman and the more establishment Hayden nearly takes over the work at a certain point, suggesting a struggle for its "soul."

The two have angry verbal confrontations. Hayden refers in one of the later scenes to Hoffman and his "idiot followers passing out daisies to

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soldiers and trying to levitate the Pentagon," "a bunch of stoned, lost, disrespectful, foul-mouthed, lawless losers."

Hoffman expresses equal contempt for Hayden's belief in the electoral process. He forces Hayden to admit that if Robert Kennedy had won the Democratic nomination, there might well not have been any anti-war protests in Chicago.

In reality, however, the differences between Hayden and Hoffman were purely tactical. They were two sides of one reformist-protest coin. Hayden represented the course of direct integration into the Democratic Party (he later served 18 years in the California state legislature), while Hoffman's anarchistic and adventurist path, nonetheless always centered firmly on the Democrats, led to its own blind alley (epitomized by his apparent suicide in 1989).

Certain voices on the "left" have been raised complaining that Sorkin has "betrayed" or "sanitized" the Chicago defendants, cutting them down to his own liberal size. We tend to think that Sorkin has rightly taken the measure of the seven accused. As we have just indicated in regard to Hoffman and Hayden, not a single one of those on trial was a revolutionary, despite the occasional rhetoric. And that includes Seale, who went on to become a conventional bourgeois politician and academic.

Jerry Rubin remade himself as a successful businessman, an early investor in Apple Computer and a multimillionaire, before dying in a street accident in 1994. Rennie Davis disappeared into a fog of mysticism, a disciple of Guru Maharaj Ji and his Divine Light Mission—before he too became a "venture capitalist."

Today's pseudo-left critics are actually offended by the fact that Sorkin, inadvertently perhaps, lifts the lid on the reality that the defendants in Chicago were left-liberals *very much* like himself.

In any case, the issues raised in 1968 were immense. The convention fiasco in Chicago was a milestone in the mounting crisis of American democracy, expressing the break-up of the Roosevelt/New Deal coalition—the alliance of the trade unions, the Stalinist Communist Party and liberal academics, based on policies of social reform.

Liberalism could not be sustained under the pressure of the unraveling of the postwar economic boom, the growing militancy of the working class (expressed in nationwide strikes of hundreds of thousands of postal, General Electric and General Motors workers during this period) and the mass movement against the Democratic Party-sponsored war in Southeast Asia.

America in the 1960s was politically and morally beginning to come apart at the seams. Official politics was shifted to the right, in part by the policy of assassinations, including those of John F. Kennedy and Malcolm X, in addition to those of King and Robert Kennedy. As mentioned above, Black Panther members were regularly victims of police killings or murder attempts. Urban riots, which took the form of virtual civil war on the streets of Detroit, Newark, Los Angeles and elsewhere, raised the specter of even wider social conflicts.

1968 was a year of global upheavals, including the May–June general strike in France, the "Prague Spring" and Soviet invasion of Czechoslovakia, and the Tet offensive by the National Liberation Front in Vietnam. A period of intense radicalization opened up, leading to revolutionary crises on various continents. The bourgeoisie held on to power thanks to the continuing domination of the working class movement by the Stalinist Communist parties and the social democrats, assisted by the anti-Trotskyists of the Pabloite variety (Ernest Mandel, Alain Krivine and others).

In the US, political opposition largely took the form of protest movements dominated by the middle class. American capitalism still retained residual strength in the 1960s. Although the Johnson administration acted very timidly, it had introduced the War on Poverty as recently as January 1964, the same year as the passage of the Civil Rights Act. The working class carried out combative and often violent union struggles, but remained under the domination of the AFL-CIO bureaucracy.

The so-called New Left in America (represented in differing ways by Hayden and Hoffman), influenced by the ideas of Herbert Marcuse and the Frankfurt School, various forms of "Western Marxism," existentialism and other trends, played a reactionary role in this process too. New Left politics reinforced the anti-communist labor bureaucracy and misled layers of youth gravitating to the left and groping their way toward genuine Marxism. The leaders of SDS and the various Maoist and Castroist groups consciously rejected the revolutionary role of the working class, identified socialism with Stalinism (in the Soviet Union or China) and adopted a light-minded attitude toward history.

The great issues of the 20th century, above all the fate of the October Revolution in Russia, were ignored or scoffed at by the disparate New Left forces. Questions of principle and theory, including Trotsky's titanic struggle against Stalinism, were generally avoided like the plague, both because they required serious thought and because they threatened to disrupt relationships with the Stalinist and other bureaucracies.

Obviously, not all of these matters can make their way into a television drama—although we would be much farther ahead than we are if some of them did.

Even in August 1968, Hoffman and Rubin's unseriousness—widely recognized at the time—and Hayden's servile "respect" for official institutions (revealed when—unlike all the other defendants—he stands up out of respect for Judge Hoffman after the latter's abuse of Bobby Seale) did not speak to the best sentiments of the radicalizing youth, those who were genuinely horrified by massive crimes being committed in their name in Vietnam and around the world.

The events in Chicago alone, the ruthlessness of the authorities (Sen. Abraham Ribicoff, Democrat from Connecticut, referred to the "Gestapo tactics" of the Chicago police) and the endorsement of the neo-colonial war by the Democratic Party establishment, shattered the illusions of many.

More than 50 years later, the much-degenerated political descendants of Hoffman, Hayden, Dellinger and the others, in the DSA and other pseudo-left outfits, continue to peddle the pernicious lie that the Democratic Party—which during the intervening years has not introduced one serious social reform—can be transformed into something progressive. *The Trial of the Chicago 7* is well worth watching, as long as one doesn't leave one's critical faculties at the door.

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