

Strategy of Confrontation

Official White Paper published by Mayor Richard J. Daley on the disturbances in Chicago during the Democratic National Convention

Introduction

From the beginning of 1968, the Democratic national convention was "D" day for many dissident groups in the United States. The most obvious efforts were those of the National Mobilization Committee and the Youth International Party. Plans were made to disrupt the national convention and paralyze the city of Chicago. The plans were announced publicly, training for the encounter was carried on publicly, and the attempt to disrupt was openly launched.

Responsible governmental agencies noted the plans and preparations and took the appropriate measures necessary to cope with the promised attack. Members of the 12,000-man police department were placed on 12-hour duty rather than the normal eight-hour tour of duty; the Illinois national guard was activated and readied in case of emergency at the armories within the city; and federal troops, who never entered the city, were conveniently located in readiness at O'Hare and Glenview air stations.

Psychological warfare was waged by the dissidents for weeks in Chicago and several outbreaks of actual violence did occur during the convention week of Aug. 25-30, 1968 — the most serious being the incident which occurred in front of the Hilton Hotel on Aug. 28 from 7:57 p.m. to 8:15 p.m.

Although publicity, largely unfavorable, was enormous, arrests and injuries were moderate. The convention was not disrupted; the city was not paralyzed. Not one shot was fired; not one life lost.

Now, as a natural aftermath of recent events, we enter into the period of assess-

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militants from other groups were also invited to a meeting on March 24, 1968, at the Y.M.C.A. camp near Lake Villa to coordinate plans. It was announced that some 85 organizations were scheduled to move into Chicago for the "battle of the century." (Saga Magazine — Aug. 6, 1968.)

Dellinger and Hayden held a press conference in New York on June 29 and were quoted by the magazine Guardian as saying, "We are planning tactics of prolonged direct action to put heat on the government and its political party. We realize that it will be no picnic but responsibility for any violence that develops lies with the authorities, not the demonstrators."

Barron's, which reported the interview, explained that: "In New Left rhetoric 'direct action' can include street barricading, fire bombing, seizure of buildings and massive confrontations with the police . . . Hayden means, of course, that Chicago police must not stop his shock troops if they invade the convention hall, block traffic, or make exits and entrances impossible. Such tactics, refined at Columbia, were tested first at the Pentagon . . . 10 of the 'peace protesters' actually managed to penetrate the Pentagon. With their ranks greatly swelled in Chicago, they may now gain access to the

talked so much about violence that it has a vested interest in violence. It will look silly if it doesn't get it. This is a case where the 'medium is the message.'" (Christian Science Monitor — August. "News Media Prepare Chicago for Violence" by Richard L. Strout.)

Meanwhile the Chicago police, in cooperation with the secret service and the Federal Bureau of Investigation were collecting additional intelligence. At a July 13 meeting at National Mobilization Committee headquarters, 407 S. Dearborn, over which Rennie Davis presided, plans were revealed by the National Mobilization committee to bring in 100,000 protesters to the convention; also tie up two army divisions and make surface transportation to the convention site impossible. (Intelligence Division Report — Chicago police department — July 15, 1968.)

On Aug. 9, leaders Rennie Davis, Tom Hayden and others met with Abbie Hoffman, Yippie organizer, to discuss plans for demonstrating during the convention. Classes in street fighting and guerrilla tactics taught by Hoffman were scheduled to begin on Aug. 20, and strategy to force the police department to spread itself over a large area laid.

Early in August, Rennie Davis appeared

Division Report of the Chicago police department concludes:

"Due to the talk around the office of the National Mobilization Committee and the general attitude of Rennie Davis and Tom Hayden, the reporting investigator feels that the night of Aug. 28 there will be wide-spread trouble through efforts of Davis and Hayden. It is felt that there will be trouble in the Loop area and possibly on the south and west sides. This would be done in an effort to draw the police away from the amphitheatre."

Of a different, but equally menacing type, were the plans arriving to police intelligence of schemes to assassinate Sen. Eugene McCarthy, Vice President Humphrey, Mayor Daley and other political and civic leaders. Perhaps the most unnerving rumor was one of a plan to murder a young female supporter of Sen. McCarthy and blame it on the police. The police did not want to publicize any of these plots and rumors of plots for fear of planting the idea in still other minds. (9)

9. Intelligence Division Report — Chicago Police Department — Aug. 20, 1968. — These threats coming as they did upon the heels of the assassinations of President John F. Kennedy, Rev. Dr. Martin Luther King, Jr., and Robert F. Kennedy, such reports deservedly required more than perfunctory treatment. A Federal Grand Jury probe was initiated by the United States Attorney's Office in regard to this matter.

**Biographical notes
regarding radical leaders**

events, we enter into the period of assessment of the performance of governmental officials, police and military units, radio, television and newspapers. Toward this end and in an effort to begin to detail what happened in Chicago during the convention week, we have prepared this report.

Background of events leading to convention

On Oct. 8, 1967, the National Democratic committee announced that Chicago had been selected to be the site for the Democratic national convention scheduled for Aug. 26 through 29, 1968.

It soon became apparent that thousands of delegates and newsmen plus families and friends were not the only ones planning to visit Chicago that week. As far back as Nov. 16, 1967, The Village Voice reported the leader of the Youth International party, Jerry Rubin, as saying, "See you next August in Chicago at the Democratic national convention. Bring pot, fake delegates' cards, smoke bombs, costumes, blood to throw and all kinds of interesting props. Also football helmets." (The Village Voice — Nov. 16, 1967.)

Early in 1968 the National Mobilization Committee Against the War in Vietnam, headed by David Dellinger, organized a Chicago Project committee and placed Rennie Davis in charge with instructions to work closely with Tom Hayden, leader of Students for a Democratic Society, and Jerry Rubin, head of the Progressive Labor party and also of the Youth International party, more commonly known as Yippies. All had previously co-operated in the march on the Pentagon in October of 1967. Many other less prominent

with their tanks greatly swelled in Chicago, how many more might gain access to the convention floor, even physically taking it over? More than a hundred anti-war groups mustered for the march on the Pentagon produced a mob force estimated at 55,000. For Chicago that number easily could double or triple. On June 29, both Dellinger and Hayden stated that most of the organizations present at the Pentagon will return for the convention. The Yippies marshaled 5,000 at Grand Central. . . . All told, the motley crowd converging on Chicago could number a quarter-million." (Barron's National Business & Financial Weekly—Aug. 19, 1968. "Ballots or Bullets" by William Good and Jeffrey St. John.)

The Saturday Evening Post commented:

"The anti-war protest movement promises to bring tens of thousands of demonstrators — mostly young students — into the city. According to present plans, the crowds will build to a climax at the time of the nomination, when they will surround the meeting site with a 'sea of people.' . . . Their presence could trigger the discontent of Chicago's own slum residents. . . ." (Aug. 24, 1968.)

Local newspapers carried almost daily stories enlarging on protest plans and detailing ways that dissidents could make it unpleasant and even impossible for the convention to transact its business. Richard Strout, writing in the Christian Science Monitor, observed:

"The news media in this city may be indicted for inciting of violence. The mildest parade of young people brings a TV camera crew like a hook-and-ladder truck to a three alarm fire. Any youngster who will denounce the authorities finds himself surrounded by a ring of extended microphones. The press has

Early in August, Rennie Davis appeared before a meeting of the Chicago Peace council held at the Lawson Y.M.C.A. He displayed two large 3 by 3 foot maps of the area surrounding the International Amphitheatre, noting locations where police, national guard, FBI and other security forces would be situated during the proceedings. He stated that if trouble starts at the Democratic national convention, among other things, "the Loop will fall," implying the demolition of the downtown Chicago area. (Intelligence Division Report — Chicago police department — Aug. 2, 1968.)

Private citizens and newspaper reporters did, as a matter of fact, witness the training carried on by Hoffman and others. Snake dancing, defensive blocking, kicking of adversary in leg or groin were demonstrated and practiced during the "marshals" training. Use of red or green flares as weapons, also oven cleaning spray, hair spray, and manufacture of primitive but effective missiles such as nails stuck into golf balls, razors concealed in canes, and darts made from sharpened coat hangers was also part of the instruction. All potential participants in the demonstrations were advised to try to be photographed while being arrested and several demonstrators arrested carried lists of telephone numbers of local and national news media. Violence in this situation was inevitable, expected and even sought. The demonstrators organized their own "first aid units" and also conducted practice with these "medics." They were in contact with a "Committee of 100 Lawyers" to give them legal assistance in case of arrest and spoke of a bail bond fund.

Incredible as it may sound in the light of later occurrences, the Aug. 9 Intelligence

regarding radical leaders

Backgrounds on a few of the principals who were involved in confrontation with law enforcement authorities from Aug. 25 to 30, are given in the following notes. (FBI.)

These biographical sketches show that they are not strangers to the tactics of confrontation, having been involved in many of the recent mass disorders extending from Berkeley to Columbia to the Pentagon. The outline shows travel to communist countries, draft evasion, and disregard for orderly processes of dissent.

Rennie Davis

Pennard (Rennie) Cordon Davis served as a co-ordinator of the National Mobilization Committee. He is a chief planner of the Center for Radical Research, a radical left-wing organization; an organizer of Resistance Inside the Army (RITA), which has as its purpose the subversion of military personnel within the army; and actively engaged in the program of Students for a Democratic Society (SDS), a radical left-wing organization. Davis, during November, 1967, visited North Vietnam at the invitation of the Hanoi government.

Tom Hayden

Thomas (Tom) E. Hayden is an organizer and former secretary of the Students for a Democratic Society. He is also an organizer of a group known as the Newark Community Project, which was very active during the Newark, New Jersey, riots, which took place on July 12 through 17 of 1967. Hayden was referred to by newspapers in New Jersey as the "Maoist Messiah from Michigan." He served behind the scenes at the Columbia University riots and rebellion. Hayden has

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Backgrounds of Radical Leaders

Continued from preceding page

also visited Hanoi in North Vietnam, against United States policy. His encounters with police in Chicago included resisting arrest and battery on Aug. 27, 1968, obstructing police officers and resisting arrest and disorderly conduct on Aug. 26, 1968. He is considered among the "hip" movement as a violent revolutionary.

Abbie Hoffman

Abbie Hoffman is one of the organizers of the Youth International Party (Yippies). He served as a coordinator of the proposed festival of life to be sponsored by the Yippies during the Convention. On May 9, 1968, Hoffman advised a meeting of the Students for a Democratic Society of his involvement in the disorders at Columbia University. On May 18, 1967, Hoffman participated in the Washington Square Park (in New York City) march to protest alleged police brutality and to prove that "the streets belong to the people." On Nov. 25, 1967, Hoffman sponsored another demonstration marching from Washington Square Park to Times Square and then to the United Nations in New York, a march alleged to have been conducted by a group known as PTA (Protesters, Terrorists, and Anarchists).

Jerry Rubin

Another Yippie leader who devoted his time and talent to bring disruption in the city during the convention was Jerry Rubin. Rubin is a member of the National Coordinating Committee to end the war in Vietnam, which is Communist infiltrated. Rubin visited Cuba during 1964. He attended and was arrested for participating in a demonstration against General Maxwell Taylor on Aug. 24, 1965. He was also arrested for disorderly conduct in Washington, D.C., on Aug. 19, 1966, for being a public nuisance, and in Oakland, Cal., for criminal trespass on Nov. 30, 1966. He was convicted in the student sit-in at the University of California in Berkeley on Jan. 28, 1967. On Aug. 28, 1968, he was arrested at Madison and Dearborn streets for having led a large group of Yippies who had entered the downtown area and commenced throwing cans and garbage into the streets.

David Dellinger

David Dellinger is chairman of the National Mobilization Committee. He was con-

Appendix A

PRIMARY TARGETS PROPOSED FOR DISRUPTIVE DEMONSTRATIONS

Intelligence Division, Report
Chicago Police Department

August 21, 1968

1. Federal Courthouse and Office Buildings, 219 S. Dearborn;
2. Main Police Building, 1121 S. State, plus all other police facilities and installations;
3. United States armed forces induction center, 615 W. Van Buren;
4. Booz-Allen & Hamilton, 135 S. La Salle;
5. Booz-Allen Applied Research, Inc., 100 W. Monroe;
6. First National Bank of Chicago, 38 S. Dearborn;
7. Chicago Title & Trust, 111 W. Washington;
8. Illinois Institute of Technology, 3300 S. Federal and 10 W. 35th St.;
9. Cook county jail, 26th and California;
10. Hallcrafters Co., 4401 W. 5th Av. and 4400 W. 45th St.;
11. Motorola, Inc., 9401 W. Grand, Franklin Park, and 1450 N. Cicero Av., Chicago;
12. Radel Corp., 2076 Elston;
13. Dow Chemical Corp., 3636 S. California and 600 W. Touhy; and
14. Zenith Radio Corp., 1900 N. Austin and 1500 N. Kestner.

was pointed out that plans could not be approved for members to sleep in the parks since park ordinances of long standing prohibit the use of parks after 11 p.m. In regard to routes of march and places of assembly, the city's position indicated that the area immediately adjacent to the International Amphitheatre could not be used for a mass assembly of persons because of security preparations of federal and local authorities. An invitation to submit plans for marches and assemblies which would not conflict with these security precautions was made and continuously reiterated.

Meetings in Chambers

Hon. W. M. Lynch, U.S. District Court

Nonetheless, suit was filed in the United States District court by the National Mobilization committee. National Mobilization Committee to End the War in Vietnam, et al. v. Richard J. Daley, Mayor, et al., United States District Court for the Northern District of Illinois, 68 C 1528.

On Wednesday, Aug. 21, 1968, extensive discussions were held in the chamber of the United States District Court Judge William Lynch. During these discussions the City of Chicago pointed out its willingness to accommodate any reasonable march which was desired by the National Mobilization committee. The following specific proposals were made by the corporation counsel, Raymond F. Simon, and are part of the official proceedings.

ham Park, Lincoln Park, Washington Park and Garfield Park. None of the offers, except an assembly on Wednesday, Aug. 28, 1968, at Grant Park, were accepted. Throughout the negotiations, held in the United States District Court on Aug. 21 and 22, the spokesman and attorney of the National Mobilization Committee continuously reiterated their insistence upon a meeting site within "eyeshot" of the Amphitheatre. The parking lot located at 47th and Halsted Streets on the private property of the Community Discount Centers was sought. Upon inquiry, the corporation counsel was advised that it could not be made available because the center would be open that evening and the area was needed for customer parking. This information was reported to the National Mobilization Committee in an open court session before Judge Lynch and is part of the official proceedings before the court. In addition to the location at the northwest corner of 47th and Halsted Streets, the Mobilization Committee indicated a desire to meet just west of the Amphitheatre. This also was private property and was not available. No other specific request for an assembly area was made by the Mobilization Committee in spite of repeated requests from the city for locations of any place where it would be reasonable to bring a large number of demonstrators.

Numbers Expected

The applications for parade and assembly permits signed by Rennie Davis (made part of the complaint in the lawsuit filed by the "MOB") indicated that 200,000 persons would march to the Amphitheatre on Aug. 28, 1968. A second application indicated that 150,000 persons would march and assemble at the Amphitheatre on Aug. 28, 1968. The duration of the marches would be from 11 a.m. until midnight. Another application requested the use of the Grant Park band shell for an assembly of 150,000 persons on Aug. 28, 1968. In the light of these projected figures, traffic and security considerations precluded any street rally point in the vicinity of the Amphitheatre. The city stated that the purpose for wanting to march and assemble, which was ostensibly to point out criticisms of the country's policy in participating in the war in Viet Nam, could be achieved by a march in the downtown area and an assembly at Chicago's famous Grant Park band shell.

The National Mobilization Committee suit was dismissed by Judge Lynch (see appendix D for memorandum opinion).

discriminatory manner. The court held that . . . "it would be a novel interpretation to hold that the 1st and 14th amendments require municipal government to provide a public park as sleeping accommodations for persons desiring to visit the city."

Chronology of events of convention week

The facts which are set out in the following outline are based upon information furnished by officers of the Chicago police department, the United States district attorney's office and the Chicago law department. The events cover a five day period and include an 18 minute encounter at the Hilton Hotel which was widely publicized but not placed within the perspective of the week - long series of events. This exposition shows the tactics and demeanor of radical agitators in attempting to precipitate violent confrontation with law enforcement officials.

SUNDAY—AUGUST 25, 1968

March From Lincoln Park to Hilton Hotel

At noon Rennie Davis and Tom Hayden led a group of approximately 300 marchers south on the sidewalk on Clark St. from Lincoln Park to Monroe St., east on Monroe to Michigan, south on Michigan to Balbo, where they were diverted to the east sidewalk because of the crowd already assembled in front of the Conrad Hilton.

March From Hilton Hotel to Lincoln Park

Later that afternoon, the demonstrators conducted a march down State St. which was participated in by approximately 500 of their number and extended approximately two blocks; they moved down State St. to Ohio; west on Ohio to La Salle and La Salle to Lincoln Park. No arrests were made. However, during the march several times they sat in front and obstructed the driveways of gas stations on their route. When advised by the police to move or be subject to arrest, the Yippies moved on their march. At Lincoln Park about 2,000 protesters gathered. They had various assemblies in which they discussed certain of their leader's trips to North Vietnam (Rennie Davis) and how they intended to stay in the park and what they would do in case the police forced them to leave. They gave the members of the crowd two alternatives: either leave or form bands of 7 to 10 and

born streets for having led a large group of Yippies who had entered the downtown area and commenced throwing cans and garbage into the streets.

David Dellinger

David Dellinger is chairman of the National Mobilization Committee. He was convicted in 1939 and 1943 for violations of the selective service laws. Dellinger was jailed for 10 days by the Washington, D.C., police, in a demonstration against the Central Intelligence Agency in 1961. He visited Cuba during the May Day celebrations in 1964. Dellinger was arrested during a demonstration of the "Assembly of Unrepresented People to Declare Peace in Vietnam" in Washington, D.C., in 1965. He also visited North Vietnam in 1967, contrary to United States policy. He is alleged to have admitted being a Communist.

Attempts to accommodate dissident groups

In spite of the unpopular views espoused by the dissident groups and the notorious background of their leaders, the City of Chicago sought to protect their constitutional rights of freedom of assembly and freedom of speech. Meetings were held with officers and representatives of the Youth International Party and the National Mobilization Committee to End the War in Vietnam. In the office of the mayor, several meetings were held in which David Stahl, mayor's administrative officer; Raymond F. Simon, corporation counsel; and Richard J. Rod, assistant corporation counsel participated.

At these meetings, it was pointed out that all of the public facilities in the City of Chicago would be available to members of "Yippies" and "MOB" so long as they acted in a peaceful, orderly, and lawful manner. It

discussions were held in the chamber of the United States District Court Judge William Lynch. During these discussions the City of Chicago pointed out its willingness to accommodate any reasonable march which was desired by the National Mobilization Committee. The following specific proposals were made by the corporation counsel, Raymond F. Simon, and are part of the official proceedings.

NOTE: National Mobilization Committee to End the War in Vietnam, et al. v. Richard J. Daley, Mayor, et al., United States District Court for the Northern District of Illinois, 68 C 1528. The "confrontation" in court over parade permits which occurred on Aug. 21 was filmed and witnessed by numerous TV stations. These interviews which showed the National Mobilization Committee and Youth International Party refusing all alternate parade routes offered by the authorities would have done much to ameliorate the criticism that the protesters had been offered no legitimate outlet. These films were never shown.

1. A march from the Monroe Street parking lot at Monroe and Columbus Dr., south to the band shell at 11th St. and Columbus Dr.
2. A march from the parking lot at McCormick Pl., northbound along the Outer Drive to the band shell at Grant Park.
3. A march from Lake Shore Park located at Chicago Av. and Lake Shore Dr., southbound along the Outer Drive to Jackson Blvd., west on Jackson Blvd. to Columbus Dr., and south on Columbus Dr. to the band shell at Grant Park.
4. A march from Wacker Dr., at Jackson Blvd., eastward on Jackson Blvd., through the Loop to Columbus Dr., and then south on Columbus Dr. to the band shell at Grant Park.

Places proposed by the corporation counsel for holding assemblies included the band shell at Grant Park, an assembly at Burn-

phitheatre. The city stated that the purpose for wanting to march and assemble, which was ostensibly to point out criticisms of the country's policy in participating in the war in Viet Nam, could be achieved by a march in the downtown area and an assembly at Chicago's famous Grant Park band shell.

The National Mobilization Committee suit was dismissed by Judge Lynch (see appendix D for memorandum opinion). In a similar lawsuit, the Youth International Party sought permission for "thousands of persons" to sleep in the public parks of Chicago, especially at Lincoln Park. This suit was dismissed by plaintiff.

Insistence Upon Amphitheatre

The position of the city that the rights of free speech and free assembly would be upheld, and that any effort to march or assemble in a reasonable way would be accommodated by the city, was rejected by the continuous insistence by the Mobilization and Yippie organizations that they would march to the Amphitheatre with or without permission, no other place being satisfactory. The appeals to assist the police of the City of Chicago and the security agencies of the federal government, and appeals to avoid adding congestions to an already crowded area, were ignored. In dismissing the suit, Judge Lynch cited recent decisions of the United States Supreme Court holding "that local governments are entitled to regulate the use of their streets and other public places (citations omitted) The prevention of public disorder and violations are important objects of legitimate state concern when protest takes the form of mass demonstrations and parades (citation omitted)." The court also cited the fact that numerous alternative routes and alternative places of public assembly had been suggested by the City of Chicago and Chicago Park District and concluded that the city and park district acted in a reasonable and non-

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Incident at Tribune Tower Area Sunday Evening

About 11:30 p.m. there was a gathering at Michigan Av. near the Wrigley building. At about 11:50 p.m. shotguns and tear gas were requested by Cmdr. Riordan at Wacker and Michigan. At 11:58 the gate was lowered at the Michigan Av. bridge. This group disbanded and came north along Wabash, breaking some windows near Oak St. Neither the tear gas nor the shotguns were used.

Clearing Lincoln Park Sunday evening

At about the same time, 11:30 p.m., another group gathered in the vicinity of Lincoln Park. About 600 persons were concentrated around North and La Salle and about 600 around North and Wells, and about 400 people still remaining in the west portion of Lincoln Park near the corner of Clark and La Salle. Most of the crowd west of Clark St. at Wells and La Salle had left the park when the police began announcing its closing around 11 p.m. over bull horn. (During this period the police were going through the park in small orderly groups and suffering all sorts of taunts from the crowd.)

Shortly after 11:30 p.m. there was a

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The first confrontations: 'Kill the pigs,' they yelled

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general movement of much of the crowd back into the park. It was noted that several members of the news media were in the forefront of this move.

About 11:50 p.m. the police had formed a skirmish line in Lincoln Park about 1,000 feet long running in a north-south direction anchored on the north at the General Grant statue and extending parallel to the Outer Drive about 150 yards inside the eastern boundary of the park. An announcement by the traffic safety education division was made several times over the bull horn that "this is a final warning. The park is closed, all persons now in the park, including representatives of the news media, are in violation of the law and subject to arrest. The police have information that there are persons in the park who intend to injure police officers. The police will take what steps are necessary to avoid injuring anyone. This is a final warning you are in violation of the law—Move out—NOW!"

This warning was repeated several times and the skirmish line moved forward at 12:19 a.m. The police were in three lines. Commanding officers marched in front of the lines. Cmdr. Linskey walked backward much of the way between the crowd and the skirmish line calling out orders like "Go slow — keep moving slowly — dress up the line." At Stockton Dr. the skirmish line was halted. The mob, which was about 1,500 in number at this time, began to throw some rocks and pieces of building tile at the police. Firecrackers were going off after being thrown toward the police. The crowd was chanting "Hell no, we won't go" and "Kill the pigs." The police skirmish line reached the west edge of the park at 12:29 a.m. The crowd was now lining the west edge of Clark St. opposite the park screaming invective at the police. "Kill the pigs", ". . . the pigs," "Your wife" are typical examples of the chants being used. An occasional rock or bottle would be thrown across the

Hayden." (Tom Hayden had been arrested earlier in the day as the result of events which took place on Sunday, August 25, 1968, when he had escaped from police and was charged with obstructing police officers, resisting arrest and disorderly conduct.)

The marchers crossed to State St. at Madison St., south on State to 11th St., east on 11th St. to Michigan, north on Michigan to the Hilton, where they assembled east of the Hilton. The march was quiet and uneventful (excepting the constant chanting of slogans "Hell no, we won't go," "Kill the pigs," "Peace now," and "Free Hayden"). The single exception occurred when the demonstrators climbed a statue (Gen. Logan statue) at about opposite 10th street on the east side of Michigan. About 15 demonstrators climbed on the statue with the red flag and the Viet Cong flag and remained on it for about 10 minutes. When a squad of police went up to the knoll on which the statue stands to clear the people from it the marchers who had not climbed the knoll ran back toward it in a large group and began to rush the hill. The police surrounded the statue and all the demonstrators climbed down except one who refused and mounted the statue's head where he gave the "peace" sign to great cheers from the crowd. This demonstrator was finally pulled down and arrested.

Immediately following this arrest and the scuffle which ensued during which no one was struck by the police, a man was seen sitting on the grass with his back against a tree. The man had a bandage in his lap and was having a conversation with three men who had camera equipment. He then leaned back, put the bandage to the left side of his forehead and the cameraman began taking pictures. The United States attorney who was present and observing the action approached, asked for their names, and for whom they worked. They all scurried off without answering.

The marchers then assembled in Grant Park opposite the Hilton at about 5:30 p.m.

They stayed only about 45 minutes, during which time they taunted the police facing those who were lined up along the east curb of Michigan. The vilest conceivable language was used toward the police by men and women alike. There were many incidents of demonstrators spitting on police at this time and some firecrackers going off and inflammatory talk on the loud speaker.

Monday Evening on Streets of Near North Side

The crowd then disbanded until about 9 p.m. when about 1,000 began marching around the near north side in the middle of Wells, LaSalle, Burton, and Clark streets. Some rock throwing and many firecrackers accompanied the marching. Trash baskets had fires started in them and then they were thrown into the street. This group was confronted by a small number of police officers and was turned back to Lincoln Park. A melee erupted during this attempt to clear the streets and open them for vehicular traffic in which some newsmen were injured. (Twenty-two members of the press charged police with misconduct. These incidents aroused great indignation on the part of the communications media and resulted in a conference with the superintendent of police in which a full investigation is in progress. The officials of the communications media expressed satisfaction with the attitude of the superintendent and this was expressed in a television interview following the conference with the superintendent of police which took place on Tuesday, Aug. 27, 1968.)

About an hour later the demonstrators assembled again at the Hilton with their flags and obscene signs and did a lot of shouting and chanting of their "Kill the pigs" and "Hell no, we won't go" slogans.

Clearing Lincoln Park Monday night

At about 11 p.m. the crowd at the Hilton dispersed and within an hour the crowd in Lincoln park was estimated to be about 3,000



Mayor Richard J. Daley

demonstrators. They had constructed a large barricade of picnic tables, snow fence, park benches, and trash cans. The barricade was about six feet high and about 100 feet across in a half moon shape. It was located in the same area where the police had assembled the night before. Rocks were being thrown at private cars leaving the park. The barricade was mounted with a red flag, two Viet Cong flags and the black flag of anarchy. They had bull horns and a bugle. The bull horn was chanting with the crowd, "Kill the pigs," ". . . the pigs," "Hell, no, we won't go." A virtual barrage of rocks, building tiles, and beer cans filled with sand, cherry bombs, and half bricks was coming from behind the barricade. Two police cars had the windows broken out while driving near the crowd making the same announcement as was made the night before. It was made four times in about five minutes just before the sweep and had been given about 10 times in the previous hour. About 12:25 a.m. the police skirmish line moved out. Five or six officers ran toward the demonstrators and fired tear gas canisters. One policeman was struck in the head with a brick and as he stumbled the crowd cheered. As soon as the gas approached the demonstrators, they broke and ran to the west across the park. One small group of about 25 ran north toward the north

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At 12:31 the police skirmish lines moved across Clark St. to the west side and the mob began to run north and south on the street screaming invective and taunting the police.

Numerous demonstrators marched down Wells St. and threw bottles and rocks at police squad cars. Some arrests were made at this time.

A reporter from UPI and a reporter from Chicago's American were arrested for violating the park curfew during this incident. This incident resulted in a station adjustment, i.e. no formal charges were filed and the arrestees were released. After being removed from the action situation and placed in the calmness of an office at the police district headquarters, both participants were able to see more clearly each other's point of view. The police were able to recognize that the newsmen, to gather a news story, must be close to where the action is taking place. The newsmen recognized that when the police are deployed in a skirmish line it is virtually impossible to make distinctions among demonstrators and newsmen, none of whom have the legal right to be in the park after curfew.

MONDAY—AUGUST 26, 1968

March from Lincoln Park to Central Police Headquarters and Hilton Hotel

At about 2:45 p.m. a march of about 1,000 demonstrators left Lincoln Park and marched down the middle of Dearborn St. toward the Loop, picking up rocks along the way. The few police present finally managed to keep the marchers on the sidewalks. They had a loud speaker, red flag, two Viet Cong flags, a black flag and many obscene signs most of which said "... the draft" "... the pigs," and many which said "Free

Caustic items were big sellers

RECORD OF PURCHASES OF CAUSTIC MATERIALS AND ATTEMPTED PURCHASE OF NARCOTICS IN OLD TOWN DURING CONVENTION WEEK

During the week of the Democratic National Convention, various store owners in the Old Town area reported as to sale patterns of certain items bought by Yippies and other dissidents. These dissidents used the Old Town area as their headquarters during the Aug. 25-30 week. Although some of these materials are innocuous in and of themselves, their potential and demonstrated use by the Yippies was not innocent.

Lighter and Cleaner Fluid

Several Old Town-area stores reported unusual and large sales of lighter and cleaner fluid to Yippie-type persons. This material can be used as torches for offensive purposes. The Walgreen drug store at 101 W. North Av. reported unusually large sales of cleaner fluid. Woolworth's at 1206 N. Clark sold 60 bottles of cleaning fluid. The National Tea store at 2480 N. Clark sold out of lighter fluid. Bob King's Dry Cleaners at 55 W. Division noted the run on the purchase of cleaning fluid and decided to refuse to sell any during this period.

Narcotics

Store owners were approached in regard to the purchase of narcotics. Bergman's Phar-

macy at 2264 N. Clark reported that many persons asked to purchase narcotics and cough syrup. The store, of course, refused to sell these items without a prescription.

Asthmatic powder

Many stores reported large sales of asthma remedies. These are used by Yippies as an inhalant stimulant in order to get "high." The Walgreen drug store at 101 North Av. reported that it had to remove all asthma remedies from their display counter because they were being stolen by Yippies. Dressler's Drugs at 1201 N. Clark also reported unusually large sales of asthmatic powders.

Easy-Off oven spray

Many stores reported large and unusual sales of Easy-Off oven spray. Many Chicago police officers were temporarily blinded by the spraying this material into their eyes. The label on the Easy-Off cans warns against the spraying of this material into the eyes. The National Tea store at 2480 N. Clark sold out of Easy-Off oven spray in a short period [approximately two cases]. Eshoo's Grocery at 234 W. North Av. reported the sale of 23 cans of Easy-Off oven spray during this period. This is an unusually large amount of sales, in that most large chain stores [and Eshoo's Grocery is a small store] sell on the average of only about 12 cans for this length of time.

Hair spray

Large amounts of hair spray were sold in the Old Town-area stores during the time of the convention. The expulsion of hair spray from a can when set afire works as a homemade flame thrower. Royal Blue food store at 744 Fullerton reported large groups of Yippies purchasing large quantities of hair spray. It is common knowledge that Yippies have no use for hair spray or other cosmetics for personal use.

Bandages, masks and vaseline

It has been widely reported that one way of minimizing the effects of tear gas and MACE is to wear a mask or bandage over the nose and mouth and to coat the surface of the skin with Vaseline. The Walgreen drug store at 101 W. North Av. reported unusually large sales of bandages and Vaseline. H. Braun Pharmacy at 2075 N. Lincoln reported a run on the sale of surgical masks and Vaseline.

Voluntary removal of caustic items from stores

On the advice of wholesalers and in cooperation with the Chicago police department, many stores in the Old Town area removed caustic materials from their shelves during the stay of the Yippies. For example, the Lake View Food Mart at 2411 N. Clark, after conferring with its wholesaler, removed these items from its shelves.

March on the Amphitheatre: 'to be arrested or to die'

Continued from preceding page

end of the police line and the police officers at that end of the line charged them and several of them were struck with night sticks. (Ibid.)

When the action subsided, one demonstrator lay motionless. Standing over him swearing in filthy language, was a protester who shouted, "You dirty goddamn killed a priest." A police van moved in and picked up the man and left for the hospital. The man was not seriously injured, neither was he a priest. The skirmish line continued through the park and the demonstrators were gone when the police reached Clark street.

The demonstrators ran down La Salle street, throwing rocks and turning over trash baskets. They also threw some bottles with cherry bombs in them. Police pursued in an effort to clear Clark street, Wells street and North avenue, all of which were blocked. Orders were given to clear the area, which involved breaking up the mob. In this connection, several complaints were filed claiming use of excessive force against newsmen and unknown bystanders (Ibid.)

TUESDAY, AUG. 27, 1968

March to join with striking transit workers

At approximately 8 p.m. a large group of marching hippies and yippies were observed marching from the 2200 block on north Clark street to demonstrate at the Chicago Transit Authority barn located at the 2600 block of North Clark street. A group of police officers met the marching group and advised them that marching would be permitted only on the sidewalks. The officers permitted the marchers to proceed and the parade was conducted for approximately four and a half hours and the number of persons involved was estimated at approximately 1,200. None of the marchers were arrested. Some of the persons observed among the marchers were Robert Lucas of CORE and Leslie Friedman of the Young Socialists Alliance. Rumors began to spread that Stokley Carmichael was in town.

fast and the crowd was screaming obscenities at the police.

Two "light" trucks joined the police line and were badly stoned. Gas was released and the demonstrators ran and recongregated on top of a small hill. A small group of 20 policemen charged the group on the hill and broke them up. One demonstrator was pulled down from a tree. At Clark and La Salle the street was mobbed with people, two squad cars were trapped. The windows were broken by the mob with trash baskets and the mob surrounded the squads hurling stones, rocks and bottles through the broken windows of the squad. One squad got out of the crowd. The other squad had to be abandoned by the two officers, one of whom drew his gun and held the crowd at bay and the two police took temporary refuge in a passageway where the crowd continued to stone them.

Mobs of demonstrators ran down LaSalle St., toward Division St., setting fire to trash baskets and thrown them in the street. Two empty squad cars with all the windows broken out were on La Salle St., near Germania Pl. What appeared to be gun fire was heard back at Division St. An abandoned squad car which had three bullet holes in its windshield was standing just south of Division on Wells. Police were sweeping LaSalle street and making some arrests. One policeman used mace on a man.

Crowd spends night in front of Hilton Hotel

In the meantime the Hilton crowd was continuing to be rowdy, missiles were being flying, obscenities and filthy taunts were being hurled at police. A policeman had human excrement thrown at him by a girl. The crowd was being harangued by Rennie Davis at this time. Supt. Rochford's men had been on duty for 14 hours. The mob continued to build from Lincoln Park and the Coliseum crowd which had let out. It reached a size of about 5,000. John Mulchrone, police commander, Richard Elrod, assistant corporation counsel and Thomas Foran, United States Attorney, went into the crowd in an attempt to talk to Davis and other leaders. They were sur-

rest or death and that if there was violence it was the fault of the police. The usual chants of "Kill the pigs," "Kill the fascist pigs" and cheers for the Viet Cong and Ho Chi Minh were constantly being heard. An occasional rock would come out of the crowd into police ranks that were standing about 50 yards from the crowd. A number of crowd "marshals" assembled immediately in front of the police in their Japanese snake dance style. These marshals had on various kinds of helmets and were a particularly rough looking group.

Attempt to march to Amphitheatre

The crowd was then told by Dellinger to form into two groups. One was to head south from the southeast corner of the band shell area led by the marshals and the other was to head north and over the bridge into the Loop. The group going south were the ones who were ready "to be arrested or to die" and those going north were to be peaceful.

They lined up, about a third of the crowd joined the march line. The rest of the crowd began to drift all over the park and consisted of generally more normally dressed people than those in the march line.

In the meantime, about 2,000 people, mostly normally dressed people had assembled opposite the Hilton. A large crowd had assembled behind the police line along the east wall of the Hilton. This crowd was heavily infiltrated with "yippie" types and was spitting and screaming obscene insults at the police. Assistant United States Attorney McDonnell and a policeman named Walsh were sprayed in the face with oven cleaner at this time which was about 5 p.m.

Back at the band shell, the line of march, without any announcement that could be heard, turned around from facing the police who were across Columbus drive as it enters the Outer Drive and began moving north out of the band shell area into Columbus drive. The group that had been at the south end moved to the front of the march. They were carrying their usual flags and bull horns.

Appendix C

The weapons used against cops, guard

During the Aug. 25-30 attacks against the Chicago police and the Illinois National Guard, many weapons were used against these law enforcement officers by members of dissident organizations and their followers. Some were merely disgusting such as:

- Cellophane bags of human excrement.
- Cans of urine.
- Paint hurled at officers.

Others were lethal weapons such as:

- Rocks.
- Bricks.
- Two-by-fours.
- Dart guns.
- Glass ash trays.
- Golf balls with nails impaled therein.
- Potatoes with razors hidden inside.
- Live black widow spiders.
- Molotov cocktails.
- Knives and stilettos.
- Cherry bombs.
- Cans of noxious chemicals.
- A piece of metal with tenpenny nails attached to it.
- Aerosol can with contents which act as a stink-bomb.
- [Scissors to puncture same.]
- A piece of wood with a razor attached. [Has the word "Peace" written on the wood.]
- Golf ball with nail forced through it.
- One-half of a wooden rolling pin filled with lead.
- Bottle top with a wick for use with inflammable liquid.
- Empty beer cans.
- Baseball bat inscribed, "Cops are pigs."
- Staple nails taped together to be used as a weapon.
- [Sometimes called guerrilla mine.]

Often these missiles were hurled by persons in the back of the crowd, thus making

George Seals, Black Panther militant, harangued another crowd of 1,500 in Lincoln Park at about 8 p.m. Immediately after the crowd moved out to the Loop — about 800 headed for the Hilton Hotel, the other 700 went to the bus barn at Clark and Schubert. About 10:45 p.m. the crowd at the Hilton built up and became unruly and began to throw rocks at the police. Other projectiles included glass ash trays thrown from the Hilton. Pepsi-Cola cans filled with urine and beer cans filled with sand. A number of golf balls with nails driven through them were thrown into the street. Plastic baggies full of urine were thrown from the hotel windows. Some of the same kind of ceramic tile that had been thrown at Lincoln Park was thrown from the crowd at the Hilton, too.

March From Lincoln Park Down La Salle St.

At about 9 p.m. on the sound of bugle playing "When the Saints go Marching In" and no other orders, a group of about 500 started to march with locked arms down the middle of La Salle St. to about Burton St., where they broke up and returned to the park. Dick Gregory was seen leading this march.

Clearing Lincoln Park Tuesday night

At approximately 11:30 p.m. another barricade had been put up in the Lincoln Park area where the police started their sweep. About 14 of the photographers joined the police skirmish line. The police cars made the same announcements as before and two of them were stoned. Some assistant United States attorneys observed about 20 young men throwing rocks and bottles at the police. A person on a loudspeaker, thought to be Benjamin Ortiz, was urging the crowd to hold

obscenities at them. They were not permitted to talk to anyone and returned to the street. About 3:20 a.m. on the 28th, the National Guard began to replace tired police, 700 guardsmen were brought in. The crowd began to diminish and was virtually gone at 5:30 a.m.

WEDNESDAY, AUG. 28, 1968

Grant Park assembly

About 2:00 p.m. the crowd began to gather at the Grant park band shell. The crowd continued to grow until it totaled about eight to 10 thousand. The police handed out thousands of pamphlets which said that while the band shell assembly was legal, no permit had been issued nor would any march or parade be allowed. At about 3:00 p.m. a young male about 22 years old began to lower the American flag from the main flag pole. His companions were arranging a black flag of anarchy for substitution when a squad of eight to 10 police rushed the base of the pole and arrested the individual. The police were showered with bottles, sticks, rocks and other objects. Assistant United States attorney John Simon who was at the flag pole was struck with a plastic "baggie" filled with a mixture of paint and urine. A squad of about 40 police rushed through the crowd swinging their night sticks and after another barrage of various kinds of debris, the crowd quieted down again. During this entire time from 1:00 p.m. to 5 p.m. many different speakers were addressing the crowd. George Seals of the Black Panthers, Rennie Davis, Tom Hayden, Norman Mailer, David Dellinger, Sydney Peck and many others. The main thrust of their statements was that they were going to march to the amphitheatre no matter what the police said; that they were ready for ar-

At the corner of Balbo and Michigan, there were National Guardsmen. The police had formed a line directly in front of the head of the march. On the west side of Columbus drive, there were police, spectators, and press. The line of march had been divided about its center by the police and a line of police stood in front of the second group also. Dellinger and Peck were doing most of the talking. They announced that Davis had been arrested at the flag pole and had been injured badly. [This was not true insofar as the seriousness of the injury was concerned].

The marchers sat down on the sidewalk and announcements were made from time to time that negotiations for a march were going on.

At a conference between Deputy Supt. Rochford, Asst. Corp. Counsel Elrod, Sidney Peck of the National Mobilization Committee, Tom Young, Students for a Discriminatory Society, and a medical doctor, it was tentatively agreed subject to Dellinger's approval, that if the march were to continue, it would go to the area across from the Conrad Hilton. Rochford, Elrod, and Peck went to Dellinger who indicated that the purpose of the march was to go to the amphitheatre. Elrod informed Dellinger that the march was unlawful and would not be permitted. About 5 p.m. the crowd started to drift away. They were going north and crossing the bridge at Monroe and at Jackson through the railroad yards. Finally at about 6 p.m. some of the crowd tried to penetrate the guardsmen's lines at the Congress bridge and a guardsman fired two cannisters of tear gas. The crowd generally ran north and crossed over the railroad at Jackson and began to assemble in a large mass in that area. The gas drifted west across the tracks to Michigan avenue and into the Blackstone and Hilton Hotels.

impossible.

Several downtown convention hotels suffered costly damage to carpeting and upholstered furniture because of the spilling of butyric acid, a nauseous chemical commonly called "stink bomb." The hotel guests endured needless discomfort from offensive odors emitted by these chemicals. Three female radical activists were arrested and charged with these offensives.

Other material recovered from persons arrested included the following "battle" supplies:

- Helmets.
- Gas masks.
- Vaseline to protect the body from MACE.
- Revolutionary literature and "battle" plans.
- Dangerous drugs.

Mule-Train

By this time about 7 p.m. the Southern Christian Leadership Conference mule train came south on Michigan. It had a police escort. There were two mule carts and about 80 people. They seemed to have no idea what they were getting into but they were immediately surrounded by this huge crowd, totally engulfing Michigan Av., the sidewalks on the east and west sides and much of the park on the east side of Michigan up to the tracks. All came south on Michigan, led by the flags, the loud speaker, with the mule train in the middle of the crowd to the south side of Balbo at Michigan. The crowd filled almost the entire block north of Balbo on Michigan and much of the park east of

Continued on next page

Court decision upholding city parade ban

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION.

National Mobilization Committee to End the War in Vietnam; Rennie Davis; Tom Hayden; Mark Simons; Mary Lou Nowka; Marc Zetek; and Linda Turner, Individually, and on behalf of all others similarly situated.

Plaintiffs,

Richard J. Daley, Mayor of the City of Chicago, and as Chairman of the Democratic Party Central Committee of Cook county, Illinois; Joseph I. Woods, Sheriff of Cook County; James B. Conlisk, Superintendent of Police of the City of Chicago; James J. McDonough, Acting Commissioner of the Department of Streets and Sanitation of the City of Chicago; Chicago Park District; William F. McFetridge, President of the Board of Commissioners of the Chicago Park District; and Thomas Barry, Acting Superintendent of the Chicago Park District,

Defendants.

NO. 68 C 1528

MEMORANDUM OF DECISION

The plaintiffs in this action seek an injunction restraining officials of the City of Chicago and the Chicago Park District from taking any action to interfere with public meetings, parades, and demonstrations planned by the plaintiffs for certain times and places specified in the complaint. The plaintiffs are also seeking a declaratory judgment holding unconstitutional certain sections of the municipal code of Chicago and the

Chicago Park District which pertain to the issuance of permits for parades and assemblies on public property.

The plaintiffs have accepted an offer, made by the City of Chicago and the Chicago Park District at a pre-trial conference, for the use of Grant Park for an assembly from 1 P.M. to 4 P.M. Aug. 28, 1968. The plaintiffs have rejected other parade routes and places of assembly offered by the City of Chicago and the Chicago Park District.

The Supreme Court has consistently recognized the strong interest of state and local governments in regulating the use of their streets and other public places. *Cox vs. New Hampshire*, 312 U. S. 569; *Kovacs vs. Cooper*, 336 U. S. 77; *Poulos vs. New Hampshire*, 345 U. S. 395; *Adderly vs. Florida*, 385 U. S. 39; and *Walker vs. City of Birmingham*, 388 U. S. 307.

The prevention of public disorder and violence are important objects of legitimate state concern when protest takes the form of mass demonstrations and parades. *Walker vs. City of Birmingham*, supra.

In *Cox vs. Louisiana*, 397 U. S. 536, the United States Supreme Court stated: "We emphatically reject the notion . . . that the 1st and 14th Amendments afford the same kind of freedom to those who would communicate ideas by conduct such as patrolling, marching and picketing on streets and highways, as these amendments afford to those who communicate ideas by pure speech."

And in *Cox vs. New Hampshire*, supra, a

unanimous Supreme Court stated: "Civil liberties, as guaranteed by the Constitution, imply the existence of an organized society maintaining public order without which liberty itself would be lost in the excesses of unrestrained abuse. The authority of a municipality to impose regulations in order to assure the safety and convenience of the people in the use of the public highways has never been regarded as inconsistent with civil liberties but rather as one of the means of safeguarding the good order upon which they ultimately depend."

WITH THESE STANDARDS in mind this court can find no constitutional infirmity in Chapter 36-31 of the municipal code of Chicago, governing the issuance of parade permits, or in Sections 8-4 and 17-8 of the code of the Chicago Park District, governing the issuance of permits for public meetings on park district property.

This court is unable to find that the park district and City of Chicago have acted arbitrarily in declining to issue permits for the particular places and at the particular times sought by the plaintiffs.

The plaintiffs complain in particular about their inability to obtain a site for a massive demonstration within what they term "eye-shot" of the convention hall on the evening of nominations for the Democratic National Convention. Attorneys for the City of Chicago stated that several sites proposed by the plaintiffs cannot be made available because

of the problems of traffic and security. Several other sites suggested by the plaintiffs are on private property and not within the City of Chicago's control. At the request of the plaintiffs, the corporation counsel of the City of Chicago contacted the owners of one of the private sites to ask if plaintiffs could use the site for a demonstration. The owners refused to grant permission.

IN VIEW OF THE numerous alternative routes and alternative places of public assembly which have been suggested by the City of Chicago and the Chicago Park District, this court concludes that the defendants have acted in a reasonable and nondiscriminatory manner so as to preserve the public safety and convenience without the deprivation of any 1st Amendment guarantees of free speech and public assembly.

The plaintiff organization also seeks a large public park or facility in which its members could sleep. Such a use of the parks is in violation of existing ordinances, and permits have never been granted for such a purpose in the past. This court believes that it indeed would be a novel interpretation to hold that the 1st and 14th Amendments require a municipal government to provide a public park as sleeping accommodations for persons desiring to visit the city. Yet this in effect is what the plaintiffs ask this court to do.

For the reason stated herein, Counts I and II are dismissed. Count III is dismissed for failure to state a cause of action.

.s. W. J. Lynch

Judge, United States District Court

Missiles from the 15th floor

Continued from preceding page

Michigan and most of the marchers returned to Grant Park.

Some delegates march

Mr. Gregory showed up again at Grant Park. He had a conference with Gen. Dunn, who agreed to let the crowd march to 18th and Michigan for further conference. At about 6 p.m. a group of 40 demonstrators, delegates, and newsmen reached 39th and State, from the Grant Park area. They were met with a cold reception from black youths who eventually had a small scuffle with them at about 41st and State. The demonstrators returned downtown.

At 6:50 p.m. General Dunn asked for a meeting of the Chicago Police Department, secret service, and the United States attorney at 18th and Michigan. At 7:21 p.m. the crowd opposite the Hilton began marching south on Michigan. The crowd built up to about 5,000 and met strong guard units at 18th St. on Michigan. Gen. Dunn, Deputy Supt. Rochford, Secret Service Agents Boggs and Burke, United States Attorney Foran and Assistant Corporation Counsel Elrod met and discussed dangers of this crowd going to the Amphitheatre and going through Robert Taylor Homes area.

Mr. Gregory came through from crowd with Mr. Elrod and Mr. Foran. A conference was held among Mr. Elrod, Deputy Rochford, and Mr. Foran regarding possible alternatives. Deputy Rochford offered to lead the delegates to Amphitheatre. He also offered to transport a reasonable number of guests to Gregory's home for dinner. Mr. Gregory claimed he wanted all 5,000 to come to his house. Suggestions were made about alternate marching routes, such as Martin Luther King Drive to 35th St.; or Michigan to 22d St. and back downtown; or 18th to Indiana and over to the Band Shell. Mr. Gregory would not consider any alternatives. He wanted to march to 40th and Michigan and then decide whether he would take the crowd to his house or to the Amphitheatre. About 9:15 p.m. some persons, including Mr.

that caused a burning sensation. The guard pushed them back with rifle butts, then released tear gas. The crowd returned downtown. One man was injured when he ran into a gas station sign on 16th St. A lot of "medics" treated people's eyes for tear gas on 16th St. near Indiana. Some missiles were thrown from the crowd. The crowd returned to Grant Park. The National Guard lined up on the east side of Michigan in force.

The singing and speech making started again. An occasional missile came out of the crowd and many objects came out of windows of the Hilton. This went on until about 2:45 a.m. when a bag containing a caustic powder was thrown from a window of the hotel. It hit on the hotel side of a parked jeep. Assistant United States Attorney McKenzie was called by a guardsman to examine the powder and it blew in his eyes causing temporary blindness and great pain. He was taken to Henrotin hospital for treatment. Missiles continued to come from the crowd and the hotel, including ash trays and cans both filled and unfilled.

There was an incident in the McCarthy hospitality suite about 5 a.m. and an interview with Sen. McCarthy in the lobby.

The crowd quieted down, inside and out. About 300 hippies tried "face down" with guardsmen at 8 a.m. and then began to leave.

At 8:40 a.m. the guardsmen went off duty. All was quiet.

McCarthy supporters—

Hilton hotel incident

This incident occurred at the Hilton hotel on the 15th floor between 3 a.m. and 5:20 a.m., on Friday, Aug. 30, 1968. Police action was confined to the period between 5 and 5:20 a.m.

The space in question on the 15th floor occupies the eastern tip of the hotel wing immediately north of the main entrance. It consists of two rooms. 1506A is a sitting room, 13' 10" x 21'8", with two windows facing east on Michigan avenue and one facing north on a courtway. It connects with 1505A,

suite were gravely endangered by many objects being thrown from the two Michigan avenue windows of this room. The objects thrown included many beer cans, some filled with various liquids (some according to Colonel Strupp with human waste), heavy glass ashtrays, cocktail glasses, a metal coffee pot, ice cubes, and ball bearings. George Matthews, night manager of the hotel, saw a pedestrian couple, wearing delegate badges, narrowly missed by a thrown beer can which struck the sidewalk heavily within inches of the woman.

Four military medical vehicles, parked in the street in front of the subject hotel room, plainly marked with Red Cross insignia, had to be abandoned because of the danger of missiles landing on them. The hotel lowered five window awnings on the first floor, below the rooms in question, to give protection to guard personnel.

The National Guard set up a number of observation posts on the east side of Michigan avenue equipped with riflescopes and binoculars in order to pinpoint with certainty the offending room. With the assistance of hotel employees, it was clear that the missiles were being thrown from 1506A.

At the request of the commanding officer of the National Guard, Chicago police officers, National Guardsmen and a security officer of the hotel went to the 15th floor. There they found 15 persons standing in the elevator lobby near a messenger table. In the east-west hallway there were about 20 persons, some sleeping on the floor, some sitting, some drinking highballs. One young woman told the police that she was the watch. As the police approached, she ran thru the north-south corridor which joined the main hallway to the suite in question, calling out "jiggers, here they come!" The door from the corridor to the sitting room of the suite was open. At first only a few of the police and National Guard entered this sitting room. There they found some 20 persons, more men than women. In the adjoining bedroom, 1505A, two young women were asleep. Capt. Cotter, in a quiet voice, told the group that because of the many objects being thrown from the windows the suite would

Appendix G

ALLEGATIONS OF POLICE ASSAULTS ON NEWSMEN

The following list contains the names of the newsmen whose complaints of assaults by police officers are being investigated by the police department's internal inspections division:

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Delos Hall—Columbia Broadcasting System, Robert Black—Chicago Sun-Times, James Peiper—Associated Press, Robert Jackson—Chicago's American, Donald Joniak—Chicago Sun-Times, Mark Saunders—Booth Publications, Jeff Lowenthal—Free lance photographer, Paul Sequeira—Chicago Daily News, Howard Berliant—Free lance photographer, Claude Lewis—Philadelphia Evening Bulletin, Marshall Goldberg—Manhattan Tribune, Michael O'Sullivan—Business Week, Allan Katzman—New York Post, Carl Carlson—DeKalb Daily News, Steve Northrup—Washington Post, Robert Kleckhefer—United Press International, Marvin Kuper—Newsweek, John Linstead—Chicago Daily News, Duane Hall—Chicago Sun-Times, James Jones—Newsweek, James Stricklin—NBC News, David Satter—Washington Post.

message table above his head and struck a uniformed patrolman on his chest. Then as he raised the table above his head again, the patrolman struck him with his baton and the table welder fell to the floor. His injury is described by the National Guard surgeon, Captain Glatter, as a "small laceration (2-cm. in length) over the left temporal region . . . bleeding slightly." The injured refused medical attention other than a field dressing. Two of the other men who attacked officers attempting to get off down elevators were repulsed, one with mace, and the other with a baton. Neither had serious injuries.

Afterwards, some of the persons removed from room 1506A threatened a sit-in in the main lobby off the hotel but after a few minutes dispersed. Many of them were carrying on in a loud and emotional manner.

The hotel personnel described the condition of the room as being the worst appearing hotel room that they had ever seen. There were 14 fifths or quart size liquor bottles — two filled with whiskey and two partly filled with gin or vodka. There were numerous beer cans, some full, some empty. There was a large carton filled with empty cans. There were many empty beer cases. Used glasses, food, and cigarette butts were strewn on the furniture and carpeting. There was evidence of recent burns on the carpeting and baseboard. Only one of the suite's 15 glass ashtrays could be found. On the following day Mr. Quigley of the McCarthy staff refused to permit a press photographer to take a picture of the room.

Gregory and nine delegates, there were 60 delegates in all, intentionally disobeyed police and National Guard orders and peacefully submitted to arrest. One delegate tried to give a speech from the steps of the van. A Yippie tried to fight when he got to the van. Mr. Ortiz on the loud speaker started leading the same old chants. He finally started "Let's go, let's go, we die here. To the Amphitheatre." The crowd surged forward and the front ranks of the National Guard were sprayed with a liquid

a bedroom 13' 10" x 13' 10", to the south. The hotel rented this suite to J. K. Galbraith, J. H. Linford, and Peter Sturgis. The 15th floor, other than a few rooms at the southwest corner of the hotel, was occupied by McCarthy supporters. Shortly before 5 a.m., Col. Robert E. Strupp, the senior commanding officer of the National Guard present, requested the police to clear room 1506A because civilian pedestrians, military personnel, and police on the west side of Michigan avenue below this

thrown from the windows the suite would have to be closed and that all persons who were not registered in the hotel would have to go down to the main floor. At first the group refused, but when all the military and police entered the room they moved to the elevators. The National Guard personnel and the hotel security man stated that the police spoke softly and dealt gently with the crowd. Nobody was shoved or prodded. The only real instance of force was when one of the men from the group lifted the 15th floor

take a picture of the room. **Injuries sustained during convention week** From the following information which relates to injuries which were sustained during the confrontations encountered during Convention week in Chicago, it is interesting to note the large number of police officers **Continued on next page**

Appendix E

List of 198 police officers hurt in rioting

POLICE OFFICERS INJURED

During the period Aug. 24-29 a total of 198 police officers were injured in connection with the riot events.

AUG. 24
Officer and injury:
 Cahill, Thomas—Burns on face. Anselo, Thomas—Inflammation of eye. Lyons, John J.—Bruised left hand. Sub Total: 3. Kob, Anthony—Laceration Achilles right foot. South, Kenneth—Laceration left foot & forehead. Sub Total: 2. Laue, Neal—Laceration both knees. Fleming, Thomas—Fractured right index finger. Karl, Frank—Contusion to ribs; both knees. Gorgius, Paul—Sprayed in eyes by unknown chemical. Kelleher, Fred—Bruised left shoulder. Swagler, George—Fractured finger left hand. Janacek, John—Laceration left hand. Holder, David—Head injury. Stokes, James—Eye injury. South, Kenneth—Lacerations to foot and head. Maranza, John—Sprained ankle. Esposito, James—Sprained left thumb. Rogers, John A.—Contusion to right elbow. Gianani, James—Sprained back of neck. Marretto, Lewis—Bruised left knee and wrist. Anderson, Richard—Smashed nail, left middle finger; bruised left hand. Keating, Robert—Bruised right shoulder. Sub Total: 17. Buffitta, Frank—Hit in chest with brick. Lunk, Joseph—Human bite, elbow. Lewis, Elmer—Contusion right forearm and upper arm. Blackburn, Clifton—Laceration on chest and 6th rib cage. DeYoung, Darryl—Gassed. Fitzgerald, R.—Abrasion, left forearm. Rittenberg, I.—Laceration to left arm. Wendt, B.—Laceration to both arms. Chorvath, Kenneth—Bruised muscle, right arm. Montgomery, John—Abrasion to finger right hand. Conroy, Martin—Injured left leg and head helmet broken. O'Halloran, Thomas—Bruised arm and right side. Sub Total: 12. Daleo, Dominic—Laceration, right elbow. Merk, Robert—Bruised back. Sullivan, Patrick—Twisted left knee. Kane, William—Bruised left shin bone. Casey, Leonard—Laceration to right hand. Maika, Leonard—Abrasion to right knee. Walgaard, Robert—Abra-

sion to right leg. McDermott, Thomas—Bruised left leg. Carrasco, John—Laceration to left eye. Avena, James—Human bite, index finger. Gilhooly, Raymond—Laceration to right leg. Rodonis, Joseph—Contusion right knee. Smith, Bill—Laceration to right elbow. Thomas, J. T.—Gassed. Kwasiak, Eugene—Injured left jaw. West, Gerald—Laceration to left wrist. Bowen, Lester—Cut left hand. Lackowitz, John—Gassed. Vallejo, Carlos—Bruised left thigh; gassed. Lajczak, John—Bruised chest; gassed. Marlorano, Andrew—Bruised left knee and leg. Manno, Joseph—Cut left hand. Finnelly, Vincent—Kicked in groin. Martinez, Jose—Gassed. Alexa, Joseph—Cut left hand; gassed. Wilson, Kenneth—Injury left rib cage. Anderson, James—Human bite, left hand. Mullarkey, Martin—Bruise right chest. Britton, Alvin—Contusion, lower arm; Whiplash back. Fitzpatrick, Elbert—Bruised right elbow. Lappe, Donald—Kicked in right knee. Healy, Joseph—Contusion left thigh, right knee. Chisham, John—Bruised foot and right knee. Guarnieri, Joseph—Severe swelling, left ankle. Hayes, Clarence W. Jr.—Bruised left knee, laceration left side face. Kuelbs, William—Laceration to fingers. Little, Ronald—Lacerated and bruised right leg. Wilkerson, Laman—Kicked in solar plexis. Miley, Donald Ray—Bruised groin. Morris, Selles—Bruised left hand. Saunders, Willie—Hit right arm brick and bottle. Quinn, Bernard—Lacerated right arm, abrasion to left leg. Ross, Resinal—Hit on hand and back by brick. Rowan, Thomas—Inured left calf, ribs and elbow. Starr, Leroy—Swollen right wrist. Stewart, Jack—Contusion to left elbow by a rock. Washlow, William—Bruised right knee. Jones, Robert—Lacerated left middle finger. Barnett, Ronald—Bruised right thumb. Bigby, William Charles—Right hand swelled. Basak, William—Injured left wrist. Burns, Michael—Bruised left arm, lacerated left leg. Butler, Desmond—Laceration, left wrist. Ariemma, John—Bruised right hip and back. Topel, Richard—Laceration to tip of left finger. Gavin, Vincent—Bruised left ankle; lacerated right foot. Kearns, Thomas—Lacerated right shin; bruised left leg. Whiteside, George—Bruise on left foot. Groth, Daniel—Back injury. Johannson, Donald—Bruised right knee. Riordan, John—Bruised left hand, Voltick, Monroe—Laceration and abrasion, right arm, left shin. Chiappetta, Michael—Contusion to fore-

head and back. Temple, Ronald—Laceration to the shoulder and arm. Daniels, Cordell—Laceration right elbow and forearm. Jenkins, Charles—Sprained ankle. Smith, William—Contusion, left shoulder. Sadauskis, Thomas—Cuts and lacerations to both hands. Wendt, William—Laceration to finger. Gonzalez, Guadalupe—Abrasion to thumb. Garippo, Robert—Abrasion left leg and back. Duffy, Edward—Injured left arm. Galluzzi, Edward—Abrasion to leg, forearm and thumb. Pfister, William—Gassed; pain lower back. Bribiesca, John—Abrasion to left shoulder; gassed. Dragon, Dennis—Kicked in groin. Pienta, Clifford—Bruised knuckles. Nakuffis, Edward—Scratches; forearm. Martinez, Jose—Sore back. Scornavache, Harry—Gassed. Salvason, Harry—Bruised left elbow. Klinsky, Burton—Abrasion to right finger. Daleo, Dominic—Gassed. King, John—Laceration right knee. Ogonowski, Edwin—Injured right hand. O'Donnell, William—Gassed; back injury. Hale, William—Bruised left arm and leg. Mannes, Richard—Bruised left arm and right leg. Welinski, Anthony—Bruised right thigh. Scafidi, Gregory—Bruised left leg. Jaconetti, William—Bruised right arm. Neville, Donald—Bruised ribs, right side. Naughton, Stephen—Abrasion to upper lip. Mastro, Joseph—Bruised right hand; hit with brick. Hage, Ronald—Bruised right thigh; hit with brick. Hoban, William—Laceration to right arm. Ryan, John—Abrasion to left elbow. Jones, Robert—Split fingernail. Hennegan, James—Human bite. Gruber, John—Gassed. Donegan, Henry—Bruised leg; hit with brick. McCarthy, John—Hit in groin and leg with bottle. Smith, William—Contusion to left shoulder. Frost, Thomas—Bruised left ankle. Zwiler, Henry—Contusion right shoulder blade. Kody, Leonard—Contusion to lower back. Davis, Harold—Laceration to ear and mastoid. O'Malley, Raymond—Contusion to left knee ankle and elbow. Murray, Robert—Contusion to right arm. Nealis, Paul—Contusion to thigh. Storchia, Ralph—Laceration to left elbow. Caskey, August—Tear gassed. Schlobohm, Ronald—Struck in groin and hernia. McNicholas, Thomas—Tear gassed in eyes. Rothmund, Ronald—Abrasion to knees. Tambarello, Pete—Eyes gassed. Garber, Robert—Fractured right foot. Goodman, Patrick—Contusion to left shoulder. Krutz, Gregory—Infra-orbital fracture, left eye. Bells, James—Eye sprayed—unknown substance. Farago, Thomas—Contusion and sprain to left

wrist. Edgar, Robert—Eyes and wrist sprayed with MACE. McCann, Neal—Contusion to left index knuckle. Kraeclcke, Albert—Human bite arm—wrist sprain. Merrick, Toby—Bruised to right rib, shoulder, right leg and back of head. Crawford, Franklin—Bruised leg and shoulder. Iosello, Daniel—Hit in stomach, left shoulder, right leg, right side of neck. Krasinski, Dennis—Hit in arm, leg and back with rocks. Rossi, Robert—Bruised left and right ankle; laceration left shoulder. Salvato, Salvatore—Bruised left shoulder, elbow; laceration left forearm. Bischoff, Arthur—Laceration left shoulder. Mattson, Karl—Bruised right ankle, left thigh and back. Vercillo, John—Bruised right thigh and right loc. Baumgartner, Robert—Bruised left foot and right leg. Hanlon, Edward—Laceration to right arm, back of neck and both legs. Stubbs, Calvin—Laceration left side, back and right arm. Gilroy, Thomas—Contusion, left elbow. Scornavache, Harry—Gas sprayed in face, unknown. Pignoli, Dave, Sgt.—Bruised left little and ring finger, hand. Lyons, Edwin—Contusion, left elbow. Bork, Lawrence—Bruised and sore right thigh. Daly, William—Bruised left hand. Wagner, Robert—Contusion, right hip; bruised knee and shoulder. Dobrich, Carl—Contusion to eye. Corcoran, William—Contusion to left knee. Hyatt, Kenneth—Bruised left hand. Irang, Bernard—Bruised left knee. Belda, Clement—Large contusion right hand. McErlan, Daniel—Bruised thigh and right leg. Bouval, Robert—Laceration to top of left hand. McGovern, Thomas—Laceration to chin. Ware, Willie—Puncture wound right leg, thumb. Sub Total: 152. Buffitta, Frank—Bruised groin, right thigh. Shinner, Richard—Gassed. Miller, Brian—Gassed. Albert, Richard—Gassed. Storto, Dominic—Gassed. Collins, William—Gassed. Conklin, Walter—Contusion to shoulder, left leg; laceration to hands. Mattson, Karl—Sprained right ankle, laceration to forearm. Kenney, Donald—Gassed. Sullivan, Eugene—Gassed. Moreth, Ralph—Gassed. Terrie, Fred—Swollen and bruised left eye. Sub Total: 12. Grand Total: 198. Nolan, Timothy—Acute abrasion wrist swollen—eye sprayed. Hays, James—Abrasion right wrist. Eraci, Sai—Severe abrasion to chest area. Anselo, Thomas—Abrasion to eye—unknown chemical. *Injured the night of the 30th at the Conrad Hilton and not included in the grand total above.

'A great deal of violent action...'

Continued from preceding page

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Many speeches were now being given by the leaders of the march. The Rev. Ralph Abernathy of Southern Christian Leadership Conference was in the midst of the crowd but not participating in its activity. The police escort got out of the crowd. The mule train was engulfed by the crowd. It kept inching toward the police line. The tension was enormous. The demonstrators were chanting in unison, "Let's go, let's go, to the Amphitheatre. Move on, move on, don't stop! You can't stop us!"

At this same time, Vice President Humphrey reportedly came back into the hotel and a call was received that the Amphitheatre was to be blown up at 7:30 p.m. There were speeches calling Humphrey a pig, a war monger, and a racist. The person leading the "let's go, let's go, move on, move on" chant was a man wearing a dark blue cap who was later identified as Benjamin Ortiz from Camden, New Jersey. The crowd would regularly start its favorite chant of "Kill the pigs." The TV lights were on and the cameramen were running around.

Mule Train rescued by police

At about 7:30 p.m. a tall well-built black man was let through the police line. He spoke to United States Atty. Foran and Richard Elrod and then Deputy Supt. Rochford. He said that he was in charge of the mule train, that they wanted no part of this mob, that he had 80 people with him,

that they included old people and children and Dr. Abernathy and he wanted to get them out of the mob.

At this time the mob was screaming foul language of every type at the police, about their families and themselves. They were spitting on them and daring them to come and hit them.

The mule train was let through the line and moved up in front of the Hilton. The young man came back and said there were more of his men "trapped in there." He stood behind the police line and identified about six more men as they came through. At 7:57 p.m. Dr. Abernathy and about six of his people came walking back toward the line.

The Hilton encounter

Just as Dr. Abernathy reached the line, several objects came flying out of the crowd, a roar went up and the chant "Let's go, let's go" became a roar. The flags which were in the forefront of the crowd on the west half of Michigan surged forward and the violent disorder began.

The policemen at the surge point began to shove back and hit with their night sticks, missiles came flying out of the crowd and the rest of the police line charged into the crowd swinging their sticks. Many arrests were being made. Sidney Peck came up to Deputy Supt. Rochford and assaulted him saying that "you are responsible for this" while pushing at him. An arrest was attempted by Sgt. Ray O'Maley, but he was surrounded by demonstrators and beaten. The arrestees were struggling and screaming. One man was carried by four policemen and he grabbed one of the lead policemen by the ankle and all four of the police fell to the ground. The police got up and one of them kept hitting the man with his night stick. The policeman whose leg had been grabbed was yelling "The bast - - d is biting me." It took two other policemen and an assistant corporation counsel to disengage the policeman's leg from the mouth of the prisoner.

There was a great deal of violent action at this time. The arrestees were being literally thrown into the vans. One policeman carried a young teen - ager in his arms toward the rear and another escorted an elderly woman away from the mob. Missiles were coming from all over, from the north and from the east and south of the police line where the crowd in Grant Park was being held back by other police.

Simultaneously, the crowd next to east wall of the Hilton on the sidewalk north of the entrance, began to surge to the south and to the east onto the sidewalk. The people were trying to hold them back at the south end and holding them in with the police lines on the east of the crowd. Some of the mob that had been around the loud speaker were pushing the crowd to the south. The police were pushing them north. Two windows were smashed in the east wall and about six of the crowd jumped in through the windows. Some police began swinging their night sticks. Some innocent bystanders may have been injured in this particular sweep.

The crowd was obviously stunned and began to move north on Michigan about 50 feet in front of the police line which was walking north toward them. On Michigan at the site of the initial clash, the street was littered with shoes, hats, rocks, pepsi-cola cans filled with sand, a black duffle bag filled with rocks and other debris. This time noted by both Deputy Rochford and Mr. Foran was 8:15 p.m.

Activity at Jackson and Michigan

As the crowd moved north, they pelted the police with missiles of all sorts, rocks, bottles, and firecrackers. When a policeman was struck, the crowd would cheer. The policemen in the line were dodging and jumping to avoid being hit. The crowd moved north up Michigan past Harrison, Van Buren, and Congress where the police line stopped. A group of cameramen started a trash fire in the street behind the police lines and put a "Welcome to Chicago" sign on the fire and

then took pictures of it. The crowd continued north to Jackson. At each intersection, members of the crowd would drop off down the side streets, both east and west of Michigan and into the Park on the east. At Jackson there was a police van in the center of the street. It was being pelted by missiles by that portion of the crowd still going north on Michigan.

With a roar of motors, squads, vans and three wheelers came from east, west and north into the block north of Jackson. The crowd scattered. A big group ran west on Jackson with a group of blue shirted policemen in pursuit, beating at them with night sticks. Some of the crowd would jump into doorways and the police would put them out.

Some of the crowd ran up the alleys; some north on Wabash and some west on Jackson to State with the police in pursuit.

About 10:30 p.m. the crowd opposite the Hilton had built up again and the National Guard had moved in. The crowd continued to shout and scream and occasionally throw missiles. At 11:07 p.m. a policeman was injured by a "nail ball" thrown from the crowd. Occasional missiles, beer cans, filled and unfilled were coming down from rooms in the hotel. Many guardsmen were present. About 2 a.m. the crowd began to quiet down and about 4:30 a.m. began to disperse. Two hundred sixty seven arrests were reportedly made during this evening.

THURSDAY — AUG. 29, 1968

Another attempt to march on the Amphitheatre

A crowd of 5,000 had assembled opposite the Hilton in Grant Park by about 3:30 p.m. They were addressed by a number of persons, including Sen. McCarthy about 4:15 p.m. Shortly after his speech, they started to march to the Amphitheatre. About 2,000 marchers arrived at 16th St. and State St. They were met by police at 16th St. and

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Court decision upholding city parade ban

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION.

National Mobilization Committee to End the War in Vietnam; Rennie Davis; Tom Hayden; Mark Simons; Mary Lou Nowka; Marc Zetek; and Linda Turner, Individually, and on behalf of all others similarly situated.

Plaintiffs,

Richard J. Daley, Mayor of the City of Chicago, and as Chairman of the Democratic Party Central Committee of Cook county, Illinois; Joseph I. Woods, Sheriff of Cook County; James B. Conlisk, Superintendent of Police of the City of Chicago; James J. McDonough, Acting Commissioner of the Department of Streets and Sanitation of the City of Chicago; Chicago Park District; William F. McFetridge, President of the Board of Commissioners of the Chicago Park District; and Thomas Barry, Acting Superintendent of the Chicago Park District,

Defendants.

NO. 68 C 1528

MEMORANDUM OF DECISION

The plaintiffs in this action seek an injunction restraining officials of the City of Chicago and the Chicago Park District from taking any action to interfere with public meetings, parades, and demonstrations planned by the plaintiffs for certain times and places specified in the complaint. The plaintiffs are also seeking a declaratory judgment holding unconstitutional certain sections of the municipal code of Chicago and the

Chicago Park District which pertain to the issuance of permits for parades and assemblies on public property.

The plaintiffs have accepted an offer, made by the City of Chicago and the Chicago Park District at a pre-trial conference, for the use of Grant Park for an assembly from 1 P.M. to 4 P.M. Aug. 28, 1968. The plaintiffs have rejected other parade routes and places of assembly offered by the City of Chicago and the Chicago Park District.

The Supreme Court has consistently recognized the strong interest of state and local governments in regulating the use of their streets and other public places. *Cox vs. New Hampshire*, 312 U. S. 569; *Kovacs vs. Cooper*, 336 U. S. 77; *Poulos vs. New Hampshire*, 345 U. S. 395; *Adderly vs. Florida*, 385 U. S. 39; and *Walker vs. City of Birmingham*, 388 U. S. 307.

The prevention of public disorder and violence are important objects of legitimate state concern when protest takes the form of mass demonstrations and parades. *Walker vs. City of Birmingham*, *supra*.

In *Cox vs. Louisiana*, 397 U. S. 536, the United States Supreme Court stated: "We emphatically reject the notion . . . that the 1st and 14th Amendments afford the same kind of freedom to those who would communicate ideas by conduct such as patrolling, marching and picketing on streets and highways, as these amendments afford to those who communicate ideas by pure speech."

And in *Cox vs. New Hampshire*, *supra*, a

unanimous Supreme Court stated: "Civil liberties, as guaranteed by the Constitution, imply the existence of an organized society maintaining public order without which liberty itself would be lost in the excesses of unrestrained abuse. The authority of a municipality to impose regulations in order to assure the safety and convenience of the people in the use of the public highways has never been regarded as inconsistent with civil liberties but rather as one of the means of safeguarding the good order upon which they ultimately depend."

WITH THESE STANDARDS in mind this court can find no constitutional infirmity in Chapter 36-31 of the municipal code of Chicago, governing the issuance of parade permits, or in Sections 8-4 and 17-8 of the code of the Chicago Park District, governing the issuance of permits for public meetings on park district property.

This court is unable to find that the park district and City of Chicago have acted arbitrarily in declining to issue permits for the particular places and at the particular times sought by the plaintiffs.

The plaintiffs complain in particular about their inability to obtain a site for a massive demonstration within what they term "eye-shot" of the convention hall on the evening of nominations for the Democratic National Convention. Attorneys for the City of Chicago stated that several sites proposed by the plaintiffs cannot be made available because

of the problems of traffic and security. Several other sites suggested by the plaintiffs are on private property and not within the City of Chicago's control. At the request of the plaintiffs, the corporation counsel of the City of Chicago contacted the owners of one of the private sites to ask if plaintiffs could use the site for a demonstration. The owners refused to grant permission.

IN VIEW OF THE numerous alternative routes and alternative places of public assembly which have been suggested by the City of Chicago and the Chicago Park District, this court concludes that the defendants have acted in a reasonable and nondiscriminatory manner so as to preserve the public safety and convenience without the deprivation of any 1st Amendment guarantees of free speech and public assembly.

The plaintiff organization also seeks a large public park or facility in which its members could sleep. Such a use of the parks is in violation of existing ordinances, and permits have never been granted for such a purpose in the past. This court believes that it indeed would be a novel interpretation to hold that the 1st and 14th Amendments require a municipal government to provide a public park as sleeping accommodations for persons desiring to visit the city. Yet this in effect is what the plaintiffs ask this court to do.

For the reason stated herein, Counts I and II are dismissed. Count III is dismissed for failure to state a cause of action.

.s. W. J. Lynch

Judge, United States District Court

Majority arrested 'not youngsters'

Continued from preceding page

who sustained injuries. The police department is presently investigating all complaints of excessive force which were lodged with the department by newsmen and civilians who were injured during this week. (See Appendix F for list of patients receiving emergency care.)

Police officers

During the disturbances involving confrontations with dissidents, 161 Chicago police officers were injured — some seriously (see Appendix E). National guard personnel also suffered injuries during their tour of duty between Aug. 25-30. Many law enforcement officers received medical treatment for human bites, kicks in the groin, as well as from the weapons used and objects thrown by the dissidents. Others were injured, but saved from serious injury from bricks and sharp objects thrown at them only by their wearing of protective riot helmets.

Civilians

The partial survey of the Chicago hospitals indicates that approximately 60 persons were treated for injuries sustained during the course of the disorders. Some of these persons may be innocent victims injured by the dissidents themselves or injured by the police after being maneuvered into the front lines by the experienced agitators to force the confrontation.

Newsmen

An estimated 4,000 out-of-town newsmen came to Chicago to report the Democratic national convention and surrounding events. Also in the city were 2,300 local newsmen who hold press cards issued by the Chicago police department.

During the period of the convention, complaints were made to the department that 13 newsmen were assaulted by police officers. These complaints are being probed by the

Appendix F

TOTAL NUMBER OF PATIENTS RECEIVING EMERGENCY CARE DURING THE RIOT

54 identified as police officers;

60 were identified as civilians

Name of Hospital	Number Treated	Injuries
Louise Burr	1	no fractures
Henrotin	8	3 tear gas in eyes (chemical conjunctivitis) 2 scalp lacerations 1 injury to left knee 1 injury to right knee 1 fractured foot — hematoma scalp
Wesley	6	4 head lacerations 1 tear gas in eyes — injury to right arm and left thumb 1 laceration — left elbow 1 tear gas 1 syncope
Passavant	4	1 scalp laceration — fractured finger 1 fracture of finger 6 laceration of scalp
Mercy	16	3 hand lacerations 2 human bites 1 struck with club in abdomen — bruises 1 abrasion of leg 1 abrasion of chin 1 tremor of left elbow 1 abrasion of shoulder 9 scalp lacerations
Michael Reese	15	1 alleged exposure to tear gas 1 fractured nose 1 scale and eyelid laceration 3 contusions 12 lacerations
Presbyterian-St. Luke's	16	4 contusions 1 fracture of hand 2 abrasions of skull 9 lacerations of head
Cook County	14	1 wrist injury 1 leg laceration

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PATIENTS RECEIVING EMERGENCY CARE DURING THE RIOT

8-29-68

Louise Burr	6	1 Refused Rx and was not examined
Henrotin	8	3 lacerations of scalp 1 fractured knee 1 fractured shoulder 1 sprained knee 1 injury to groin 1 injury to finger
Wesley	2	1 injury to left shoulder 1 injury to left wrist
Passavant	1	1 abrasion of head
Mercy	3	1 abrasion of scalp 1 laceration of scalp 1 abrasion of elbow 1 scalp laceration
Michael Reese	3	1 confusion

convention, as a result of widely publicized threats, to seek another site. Since the dissident groups intended to descend upon Chicago precisely because it was the convention site, it would have actually solved nothing to refuse the convention, except to shift the problem elsewhere. During the previous four months two of the nation's most outstanding men, the Rev. Martin Luther King Jr. and Sen. Robert F. Kennedy had been assassinated in entirely different sections of the country. In this atmosphere any public gathering of prominent men constituted great risk. However, if the normal operation of our governmental processes were not to be halted by fear or submission to blackmail by threat, it seemed clear that Chicago should take proper precautions but proceed with the convention.

To permit Yuppies to sleep in the park

The next specific decision which had to be made by city officials was the response to the request for permission to sleep in the parks. The city has had, and enforced, since 1940 an ordinance which prohibits citizens from sleeping or otherwise occupying the parks after 11 p.m.

In view of the fact that our local citizens, the taxpayers who maintain the parks, are not permitted to sleep in them and since the persons requesting this permission had openly announced their intention to disrupt our City and disturb our invited guests, it seemed doubly inadvisable to permit this unusual use. In addition, city departments of health, sanitation, and law enforcement foresaw grave difficulties in maintaining even minimum standards of cleanliness and order.

What limitations to place on assemblies and marches

As has been previously detailed, the city of Chicago was disposed to grant all reasonable

earliest practicable time and the police should not hesitate to recommend such calls. . . ." (Austin Report, page 115.)

And from the same report:

"Police department civil disorder procedures and policies, including those related to the use of the Illinois army national guard and federal troops, should be reviewed to be certain that they satisfy the fundamental proposition that responses to civil disorders must be met with overwhelming manpower and not with firepower. . . ." (Ibid. page 45.)

These guidelines are reiterated in a survey of law enforcement officials conducted by U.S. News and World Report:

Raymond Momboisse, deputy attorney general of California and author of police manuals and training texts for handling riots . . . "Police must learn to move very rapidly into a riot area. It takes tremendous manpower." Col. Jacob W. Schott, the chief of police of Cincinnati, O.: "No police department in the country has enough policemen when a riot really gets started. . . . Many departments are afraid to move in and use necessary force until things are out of hand."

. . . Prof Philip B. Kurland, University of Chicago Law School, asks: "How do you arrest a mob? There is a problem of taking away those arrested and still maintaining police lines. Part of the problem is logistics — having enough men to confront large numbers of rioters in unexpected situations. I know of no way of meeting anarchy other than by force. This requires substantial numbers of troops instantly available. No city can afford the number of police needed to handle massive outbreaks such as in Detroit and Newark. There's the problem of economics, and of our unwillingness to live in a police state with troops on every corner 24

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internal investigation division. Also under investigation are nine other allegations of attacks on newsmen which were reported in the press but not officially reported to the police department.

As of this date, none of these 22 investigations has been completed. Only 14 of the 22 newsmen have been available for statements. Many of the injured newsmen already have left Chicago and must be contacted by the I. I. D. in their home cities (see Appendix G for the list of injured newsmen).

Arrested persons

There were 641 arrested (see Appendix H) during the disorders of the week of the Democratic national convention. Of these, only 280 were under the age of 21. Only 208 were students. At the most, 175 were residents of the City of Chicago. The conclusion is inescapable: An overwhelming majority of the persons arrested were not youngsters, were not students, and were not Chicagoans. They were adult trouble makers who came into the City of Chicago for the avowed purpose of a hostile confrontation with law enforcement.

Another noteworthy aspect relates to post arrest procedures. There is no dispute that the processing of those persons arrested, including the setting of bail, availability of defense counsel, and judges has been fair and speedy and within the guidelines of the "Kerner" and "Austin" reports.

Incidents at convention hall

Dan Rather

Mr. Rather was not struck by a Chicago police officer. He was struck by a private security guard at the Democratic national convention (who claimed the incident was accidental). CBS has dropped the matter.

Mike Wallace

Mike Wallace admittedly grabbed the face of a Chicago police captain. The captain hit Wallace, allegedly in self-defense. After the

FreshVierion-St. Luke's	*	3 lacerations
		2 knee injuries
		1 ankle injury
		1 wrist injury
		1 tear gas
Cook County	9	
	34	

incident, the participants shook hands and agreed to drop the matter.

David Hoeh, delegate from New Hampshire

On Aug. 29, 1968, at about 7:30 p.m., Mr. David Hoeh was taken into custody and detained for causing a disturbance at the extreme west delegate pass gate. Hoeh discovered that a credit card would activate the automatic delegate pass scanner. While attempting to give a public demonstration of this, a remonstrance was made by an Andy Frain usher which caused Hoeh to become loud and boisterous. Sgt. McCann of the Chicago police department was attracted to the disturbance, but nothing could quiet Hoeh.

Hoeh began hollering and punching and kicking the investigating officers. He tore Sgt. McCann's star from his shirt and bit the finger of another officer. This injury was treated at Mercy hospital. Hoeh suffered a slight scratch on his forehead some time during the melee.

Hoeh was handcuffed, removed from the Amphitheatre, and taken to the 9th District Police station in order that his status as a delegate could be evaluated. He was discovered to have five delegate passes.

Hoeh was released and driven back to the Amphitheatre.

Hoeh has since been publicly criticized by a fellow New Hampshire delegate for his conduct at the convention.

Problems occasioned by the strategy of confrontation

The first problem proposed by the politics of confrontation was whether to advise the

to demonstrate opposition to the conduct of the war. The petitioning groups did not want to assemble or march anywhere except to and around the Amphitheatre, which request was unreasonable because of the size and duration of the marches proposed and the security measures necessary on the convention premises. Alternatives were offered. The only specific request for an assembly area which was accepted was for the Grant Park band shell on Wednesday, Aug. 28. It was after this assembly, as a matter of fact, that the protesters massed at the Hilton, directly across the street from Grant Park, and the major disorder occurred.

Whether to call the Illinois National Guard

The mayor and other city officials were constantly aware of the great responsibility which they had to protect the safety of the candidates, the delegates, and the millions of citizens and visitors who would be present in Chicago during the week of the convention. Large demonstrations were expected. Wednesday, Aug. 28, had even been pinpointed by police intelligence. Since the authorities were fully aware of the past performance of many of the leaders of the dissident groups planning to come to Chicago in turning demonstrations into riots, it was clearly necessary to be prepared for this eventuality. According to the report of the National Advisory Commission on Civil Disorders (Kerner Report):

"Outside forces will need a relatively long lead time before response. A survey of national guard capabilities, for example, shows that an average of four to six hours is required from time of notification to the time of arrival of an effective complement of men. . . . Local authorities must not wait until the critical moment to alert the national guard." (Kerner Report, Bantam Books)

The recently released Report to the Chicago Riot Study Committee (Austin Report) also stated:

"In emergency situations in the future the national guard should be called at the

Appendix H

LETTER AND REPORT

James B. Conlisk, Jr., superintendent of police

5 September, 1968

Mr. Raymond F. Simon

Corporation Counsel

511 City Hall

Chicago, Illinois 60602

Dear Mr. Simon:

The following is a breakdown of places of residence of the 641 persons arrested by the police department during the disorders. 175 persons residing in Chicago.

The remaining 466 were not Chicago residents.

The following is a breakdown of employment and student status of persons arrested.

282 were employed [44%]

208 were students [32%]

151 unemployed [24%]

The following is a breakdown of persons arrested by age.

Persons under 21 years of age 279

Persons 21 years or over 362

The following is a breakdown of persons arrested by sex.

Males 565

Females 76

Sincerely,

JAMES B. CONLISK, JR.

Superintendent of Police

BREAKDOWN OF ARRESTED PERSONS BY AGE & SEX									
Age	M	F	Total	Age	M	F	Total		
Unk	10	0	10	36	3	1	4		
17	59	0	59	37	4	1	5		
18	68	11	79	38	4	0	4		
19	65	10	75	39	2	0	2		
20	52	4	56	40	5	1	6		
21	69	11	80	42	6	0	6		
22	36	9	45	43	2	1	3		
23	21	6	27	44	1	0	1		
24	25	4	29	45	2	0	2		
25	27	3	30	46	3	0	3		
26	13	3	16	49	0	1	1		
27	13	2	15	50	2	0	2		
28	15	3	18	51	0	1	1		
29	13	0	13	52	3	0	3		
30	10	0	10	55	1	0	1		
31	1	1	2	59	1	0	1		
32	9	0	9	61	1	0	1		
33	5	0	5	67	0	1	1		
34	5	0	5	68	0	1	1		
25	9	1	10						
								565	76
									641

Continued from preceding page

hours a day. But we may be forced to. Quick, aggressive action by the police will lessen bloodshed."

Philip M. Hauser, professor of sociology at the University of Chicago:

"There is no alternative to using whatever superior force is necessary to restore order. Either that or we have anarchy — not a society." From Julian Levi, professor of urban affairs at the University of Chicago: "It has been repeatedly demonstrated that the only way you can control an escalating riot is to provide the most visible public power you can. And you must be willing to use force if it is required — though it should be made very clear that it will be used impartially. More mistakes are made by delaying the calling up of the guard than in calling it too soon." (United States News and World Report, Aug. 7, 1968. "Anarchy Growing Threat to Big Cities," page 30.)

The Chicago police department numbers 12,000 men. Even with leaves cancelled and working 12-hour shifts, only part of this complement of men can be available at any given period and this number must continue all the normal law enforcement activities necessary in the city in addition to the special assignment. For this reason the decision was made to call the guard. It must be recalled that at the time these arrangements had to be made, the authorities could have no way of knowing the actual number of persons who would participate in the various demonstrations nor how many of these latter would occur or in which widely scattered areas.

Public reactions

Unfortunately, it appears that the news media generally attributed malice to the authorities while presuming good will and sincerity on the part of the protesters. This is all the more inexplicable when it is recalled that it has largely been through the news media that the intentions and exploits of the dissidents have been documented over the preceding nine months. The local news media are beginning to show some aspects of what has come to be called "the other side," but ugly and distasteful scenes have been reported all over the world without sufficient explanation to allow the reports to be placed in perspective.

Citizens of the city have manifested overwhelming support of the civil authorities in letters and calls to city hall. As of Sept. 4,

the letters and wires opened and read indicate that 41,185 persons support the mayor and the Chicago police department while 4,290 did not approve their action. The mail is arriving at the rate of approximately 6,000 to 8,000 letters per day.

Conclusion

This report is offered not as a defense of the City of Chicago but primarily in an effort to point out the nature and strategy of confrontation as it was employed in Chicago.

We have examined what actually transpired in the city as well as what had been forecast and threatened for the week.

The leaders of the dissident movement are nationally known agitators who had arrived fresh from triumphs at Berkeley and Columbia. Their publicly stated purpose in coming to Chicago was twofold. The immediate object was to disrupt the convention and the city. Their ultimate goal, also publicly proclaimed, was to topple what they consider to be the corrupt institutions of our society, educational, governmental, etc., by impeding and if possible, halting their normal functions while exposing the authorities to ridicule and embarrassment. They are

anxious to destroy these institutions, but it is unclear as to what replacements they envision, as Sen. Daniel Inouye of Hawaii observed in the convention's keynote address when he asked "what trees do they plant?"

The dual goals of immediate disruption and ultimate destruction were pursued in Chicago against the government under the guise of a protest against the war in Vietnam. This promised to be a very successful ploy since, as debates at the convention demonstrated, everyone wants peace and disagreement occurs only over methods.

In spite of such attractive bait, the guerrilla or psychological warfare tactics which were employed by these revolutionaries erupted in few serious incidents, the main one being an 18-minute encounter in front of the Hilton Hotel. As is so often the case, the trusting, the innocent, and the idealist were taken in and taken over. The news media too responded with surprising naivete and were incredibly misused. Indeed, any success the revolutionaries achieved in their ultimate objective of fomenting hatred and ridicule among the citizenry against the authorities was in large part attributable to the almost totally sympathetic coverage extended to reporters to the revolutionary leaders and more un-

derstandably, to the attractive idealistic but unwary young people who unwittingly lent them assistance and camouflage.

For us in Chicago, the aftermath will involve investigations and assessment of the performance of governmental officials, police, and military units, radio, television and newspapers. We are concerned about injured newsmen, injured policemen, injured civilians, injured protesters, injured reputations, but most of all we are concerned about the lack of public awareness of the significance of the departing words of the Yippie and "Mob" leaders, "We won" and "The revolution has begun."

It seems clear that a nucleus of adult trouble makers avowedly seeking a hostile confrontation with the police will be engaging in the same activities detailed in this report in other cities and towns across the nation. They have announced their intention "to create 200 to 300 Chicagos." All who believe in the essential desirability of our present form of government are challenged to find the best response to what is frequently a violent and revolutionary attack upon our institutions—a response at once effective yet consistent with the dignity and freedom of each and all our citizens.

Appendix I: Daley statement to delegates

A statement by Mayor Richard J. Daley to the delegates of the Democratic National Convention. August 29, 1968

On behalf of the City of Chicago and its people and the Chicago Police Department I would like to issue this statement and I expect that in the sense of fair play it will be given the same kind of distribution on press, radio and television as the mob of rioters was given yesterday.

For weeks and months the press, radio, and television across the nation have revealed the tactics and strategy that was to be carried on in Chicago during the convention week by groups of terrorists.

The intention of these terrorists was openly displayed. They repeatedly stated that they came to Chicago to disrupt the national political convention and to paralyze the city.

They came here equipped with caustics, with helmets, and with their own brigade of medics. They had maps locating the hotels and the routes of buses for the guidance of the terrorists from out of town.

TO PROTECT THE delegates and the people of Chicago from this planned violence, the city worked with the Secret Service, the Federal Bureau of Investigation, the Department of Justice and other agencies directly involved in the maintenance of law and order. In every instance the recommendations of both the Kerner and Austin reports were followed—to use manpower instead of firepower.

The newspapers stated specifically that the terrorists were planning to use those who were opposed to the present Vietnam policy as a front for their violence. It was also pointed out that they would attempt to assault, harass, and taunt the police into reacting before television cameras. Fifty-one policemen were injured. Sixty per cent of those arrested did not live in Illinois.

In the last two days we have seen the strategy of these announced plans carried on in full and the whole purpose of the city and the law enforcement agencies distorted and twisted.

ONE CAN UNDERSTAND how those who deeply believe in their cause concerning Vietnam would be deeply disappointed, but to vent their disappointment on the city and law enforcement agencies—that these dissenting groups and television could be used as a tool for their purposes of calculated disruption and riot, is inexcusable.

In the heat of emotion and riot some policemen may have over-reacted but to judge the entire police force by the alleged action of a few would be just as unfair as to judge our entire younger generation by the actions of this mob.

I would like to say here and now that this administration and the people of Chicago have never condoned brutality at any time, but they will never permit a lawless, violent group of terrorists to menace the lives of millions of people, destroy the purpose of this national political convention, and take over the streets of Chicago.