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sive war looks like (It looks like the Pentagon Papers)'[4] While the Pentagon Papers "stripped away all legitimate rationales" for the war it was "contact with other young Americans . . . met face to face and on their way to prison for refusing to collaborate in an unjust war" which gave Ellsberg the courage to release the papers. "These personal acts of 'witness' gave me what reading alone could not.'[5]

Thus Ellsberg stepped out of the 'barricade' of government expert into the role of Movement activist. With his co-conspirator Tony Russo he faced 138 years of prison. He was physically assaulted by the hired thugs of Richard Nixon, at a Washington, D.C. peace demonstration in May 1972. On the university speaking circuit in 1972 he urged scientists to give up their top secret clearances, to sever their ties with NASA, RAND, the DOD. These organizations are the enemy, their hierarchies, aims must be resisted so as to build a new America, without secrecy. Ellsberg is saying in 1972:

We must go beyond Vietnam and the Pentagon papers. We need to know more about the roots of resistance and rebellion in this country.

We must learn alternate ways of behavior.[6]

And now? What "Acts of Witness" are required for 1978?

[4] Daniel Ellsberg, *Papers on the War,* (New York: Simon and Shuster, 1972), pp. 39; 277; 285.

[5] Ibid.

[6] Joe McGuinniss, "The Ordeal of Daniel Ellsberg, *Playboy,* (October, 1972), pp. 97-98; 192; 200.

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Pentagon Papers made me want to talk."[2] Peck became a main creator of *Counter-SPY,* a collective of former intelligence agents which facilitates the leaking of information, the exposure of secrets. When Air Force Intelligence sergeant Lonnie Franks learned that U.S planes carried out scores of bombing missions in violation of the rules of the air war in Vietnam in 1972, he leaked the information to Senator Hughes, which led to an investigation and then the demotion and removal of General Lavelle, another item weakening air force morale in the last days of the war. Though he was not a radical,[3] Franks had read extensively about the MyLai Massacre and the Pentagon Papers . . . believed that, as an individual, he had responsibility to expose what was wrong.

The power of the State is proportionate to the impotence of the people

Convince people they are powerless and they will acquiesce in every decision of the State. Such was the formula of the 1950s. The State fears individual responsibility, Sid Willhelm and Colonel Prouty insinuate that Ellsberg's release of the Pentagon Papers was part of a CIA plot. Perhaps because of his military training Colonel Prouty could not imagine an individual act of conscience, thus he saw the release of the papers as flowing from orders of some mythical superior in the CIA. But I find Ellsberg's own account more convincing. After participating in a conference sponsored by Congressmen on "War Crimes and the American Conscience", Ellsberg came to regard himself as a potential defendant. in a war crimes trial. Then he read the ten volumes of the Nuremberg trial and "saw what the documentary record of the decision-making in an aggres-

[2] Winslow Peck, "U.S. Electronic Espionage: A Memoir", *Ramparts,* (August, 1972), p. 50. See also Ellsberg's co-conspirator Anthony Russo, "Inside the RAND Corporation and Out: My Story", *Ramparts,* (April, 1972) pp. 46-55.

[3] Pollack, op. *cit., p.* 24-25.

Though his academic career was disrupted by the persecution of the secret police, Rich Salter continued patiently to build the Movement. After six years of solitary for refusing a rectal examination, after a vicious court battle, *Sostre v. Rockefeller* (1970) which renders unlawful certain brutal prison practices, Martin Sostre continues the same struggle out of prison which he waged for 9 years behind bars, continues to "Speak Truth to Power". The Buffalo-9 is scattered now but the individuals continue to work, to live, politically. Most of the BUFFALO have returned to the land, where they live communally. All of these people - and of course hundreds of thousands of others in the years between 1965-72 - made their lives into a Public Witness to the truth. Which is the only way to destroy a lie.

The Act of Witness changed the consciousness of the nation, became the *catalyst* for change.

Because Rosa Parks refused to move to the back of the bus the Civil Rights movement was born. Laws changed. Mores changed. Language changed. Not enough. But black-white relations in 1972 are not what they were in 1952.

Because Linus Pauling stepped out of the role of ethically neutral scientist, circulated petitions, picketed the White House, the test ban treaty was born. Reports in 1972 show atmospheric radiation has steadily decreased since 1963 *(New York Times,* August 3, 1972). A reprieve, at least.

Because a now forgotten 18-year-old publicly burned a draft card . . . because revolutionary Catholic priests destroyed a million draft files . . . conscription was abolished. It can return. But is not here now in 1976 as in '66, '56, '46.

Because Dan Ellsberg released the *Pentagon Papers* the wall of secrecy which hides the State from the people began to crumble. His 'act of witness' was emulated by others. On revealing top secrets of the National Security Agency, Winslow Peck said, "I could not have done it nine months ago, not even three months ago. Daniel Ellsberg releasing the

Sidney Willhelm is right about the "Rise of State Rule". Capital is receding to a secondary role as the State assumes command of contemporary society. Social control, not production, is the main aim of this statist system. In the 1920s President Coolidge could say, "the business of America is business." Today, the business of America is war.

As an institution, the State has the task of preserving peace by waging war. Confronted by the dual threat of invasion and insurrection, the State deploys military force to ward off external attack, uses police power to suppress rebellion.[1] But coercion alone is never enough to maintain order. To be effective the State's violence must be legitimated by value-consensus, naked power turned into authority. Like other institutions the State is an embodiment of an Idea shared by a collectivity of people. "What makes governments (States) exist?" asks Alexander Berkman:

> The armies and navies? Yes, but only apparently so. What supports the armies and navies? It is the belief of the people, of the masses that government is necessary; it is the generally accepted idea of the need of government. That is the real and solid foundation of the State. Take that idea or belief away and no government could last another day.[2]

Why then do people feel a need for government, what function does the State perform? People turn to the State because it provides protection. Historically speaking, the social unit which affords security becomes the political State. For instance, as the Roman empire crumbled (circa 3rd to 6th

[1] Elwin H. Powell, *The Design of Discord: Studies of Anomie* (New York: Oxford University Press, 1970), ch. 9 "Anomie and Arms: Toward a Sociology of War", pp. 135-42. *el passim.*

[2] Alexander Berkman, *The ABCs of Anarchism* (London: Freedom Press, 1971), p. 35. First published in 1929.

century A.D.) uprooted people began to cluster around the country houses (villas) of wealthy Romans; there they found a shield from marauding bands of Roman soldiers.[3] Eventually the villa became the castle, the nucleus of feudal society. Around the 11th century the walled town reappeared as an urban commune, a virtual city-state. A liberated zone, the walled city offered protection from both barons and bandits. From the 14th to 18th century castle and town give way to the *territorial* State. On the circumference of the territory is a ring of fortresses: beyond the border rages the Hobbesian war of each against all but within this defended space, peace prevails.' Never secure, always anticipating war, each State strives for greater sufficiency by enlarging the area under its control: thus the inevitable clash of arms. The nation-states of the 19th century in pursuit of total security produced the disastrous wars of the 20th century and finally a suicidal military technology which, renders obsolete traditional defense structures, by-passes the protective shell of the state. Paradoxically utmost strength now coincides in the same unit with utmost vulnerability, absolute power with utter impotence . . . nothing short of global rule can satisfy the security interest of any one power . . . each superpower's *logical* objective is the destruction of the other. But this is not practical since thermonuclear warfare would involve one's own destruction, the means defeat the end. If this is so, then the short term objective of states must surely be mutual accommodation . . . Now that destruction threatens everybody, the common interest of all mankind is in sheer survival.[4]

[3] Elwin H. Powell, "Anomic and Force: The Case of Rome", *Catalyst* (Summer, 1969), pp. 79-101. of. Ramsay MacMullen, *Enemies of the Roman Order: Treason, Unrest and Alienation in the Empire* (Cambridge: Harvard University Press, 1966), pp. 192-96.

[4] Frederic C. Lane, "The Economic Consequences of Organized Violence," *Journal of Economic History,* 18 (December, 1958), pp. 401-17.

E. Reprieve: Summary, Conclusions, Implication

"They were caged within the barricades of their own institutional commitments," said Alvin Gouldner of the leaders of the Athenian State in its decline. "Like men under a sentence of death, they refused to risk all in a desperate gamble with fate, and waiting for a last minute reprieve which history never granted, they were dragged to their fate."[1]

Lyndon Johnson. Dick Nixon. Compliant functionaries of the State go blindly to their fate, unable to break with the mindless routine of death. Overpowering the men who run it, the war machine grinds on, devours billions, depletes resources, spreads fear, fills the vacuum of our collective life with hate. Federal library funds are cut to feed the Pentagon; the government economizes on food stamps and expands the war budget (in a year of peace) by 15 per cent, to 112 thousand million dollars. The possibility of annihilating all life remains; it is said that we can now explode the earth itself into smithereens. If such is our destiny then at least we will know the answer to a pressing sociological question: men cannot transcend their institutional commitments.

And yet - for the moment the official killing has stopped. The fascist State - the Full Police State -seems more distant now than in 1972. Those who took the risk of action in the 1960s, took the 'desperate gamble', won us a temporary stay of execution.

[1] Alvin Gouldner, *Enter Plato: Classical Greece and the Origins of Social Theory,* (New York: Basic Books. 1965).

I spotted an agent from the Buffalo office nearby jotting down notes and approached him. I asked him simply, "What do you think about this?"

"You know," he said, "We're not paid to think."[4]

Yet, some people thought. Vince Doyle, a formerly a-political lawyer was radicalized. Even Judge Curtin must have been influenced by the trial of the BUFFALO. He almost commended the defendants for their action, saying if other citizens had acted with the same sense of moral outrage the war would have been over long ago. The jury found the BUFFALO guilty; Curtin sentenced them to one year on probation. On May 30, 1972, judge Curtin told a Trocaire College graduating class in Buffalo:

"We must end the war in Vietnam before it ends us. This war has turned all our best ideals to dust . . . Let us think less of losing a war and more about Human life. Let us think less about national honor and more about death and devastation we have caused" . . . At this point one spectator loudly muttered "Communistic lie". (John T. Curtin, "We Must End the War", Buffalo *Evening News,* May 30,1972).

[4] Robert Wall, "Why I Got Out of It," in *Investigating the FBI, pp.* 336-350.

By the mid 1950s others sensed what John Herz so well articulates: arms are *not protective but self-threatening.* With nuclear testing the State poisoned its own people as well as the 'enemy'. The empirical evidence was indisputable and in 1959 Linus Pauling collected signatures of 1500 scientists calling for a ban on the atmospheric testing of thermonuclear bombs. Thus the Peace Movement was born.[5]

The State's effort to suppress the Peace Movement facilitated its growth. Pauling was attacked as a subversive: the FBI announced ominously that it was investigating to determine whether members of the Communist Party had signed or helped circulate Pauling's petition. Petition-signing in the 1950s was dangerous business, enough to cost the security clearance of a research worker - but by 1963 a million people had petitioned for a test-ban. Though harassed by Senator Thomas Dodd's Internal Security Committee, threatened wit1f legal action, smeared as a "Stalinist", purged from the board of the Committee for a SANE Nuclear Policy, Pauling persisted in his one-man crusade to awaken the public to the dangers of the arms race. Along with other Nobel Prize winners Pauling was invited to dine with President and Mrs. Kennedy in 1961. Before dining with the dignitaries, Pauling picketed the White House, carrying a huge sign calling for a test ban - a shocking breach of social custom in 1961 when proper people did not picket, parade or demonstrate. Passed by the Senate and signed by the President in July 1963, the test-ban treaty was the first official act of cooperation between the American and Russian government since 1945. The treaty symbolized an attenuation of the Cold War, and there are those who believe John Kennedy wrote his death warrant with it.

Gradually people were moving out of their private pigeonholes into public space, into the streets. A trickle of people

[5] John H. Herz, "The Rise and Demise of the Territorial State," *World Politics, 9* (July 1957),p. 473.

opposing war in the 1950s would become a flood in the '60s. As people stood up and said No! to the State an alternative community called the Movement emerged. A support system and a counter-culture, the Movement legitimated defection from the dominant society, the Establishment. Through antiwar protest people discovered each other, developed a new solidarity whence came a new consciousness. Peace demonstrations changed the demonstrators, if not always the decision makers who were watching them. And the demonstrations of the decade are a barometer of a changing socio-political climate. Washington as the prime symbol and locus of State authority drew the monster demonstrations. But even a provincial city like Buffalo, typical of the vast urban hinterland of this country, saw anti-war activity of a magnitude not known for half a century. Consider the simple statistics of Table 1:

TABLE I

Date	Theme	Number
Buffalo, N.Y.		
May, 1959	Test Ban	25
May, 1965	Stop War, Vietnam	85
Oct. 15, 1969	Stop War, Vietnam	5,000
Washington, D.C.		
April, 1965	SDS, March on the Capitol	2,000 to 4,000
Nov. 15, 1969	Moratorium Day	1,000,000

Anti-War Demonstrations: 1959-1969

Other figures are press estimates of the Buffalo *Evening News* and the *New York Times* for date specified.

mestic struggles for power, its palace revolutions which only replace one tyrant by another, and inevitably at the end of this development there . . . death! Or the destructions of the States, and new life starting again in thousands of centres on the principles of the lively initiative of the individual and groups and that of free agreement.

The choice lies with you.[3]

State versus Community, this is what the antiwar movement in Buffalo and throughout the nation in the years 1965-75 was all about - and the outcome is still in the balance.

The custodians of the State acted as if they had blinders on: the Prosecuting attorney refused even to look at a film on Vietnam, claiming the film did not have the sanction of the U.S. Government. The prosecution - and the police apparatus, which is its real constituency - was only doing a job, acting out of neither malice nor hope, merely a job; no questioning of the war, and certainly no questioning of the right of the FBI to spy on citizens, burn peace centers, provoke violence.

Bob Wall, the former FBI agent who testified in defense of the BUFFALO - the man who in fact headed the defense committee of the BUFFALO in the three months prior to the trial, writes of his defection from the FBI:

When I attend anti-war demonstrations now, I look for my former coworkers and watch them making notes and taking photographs, and I wonder what they are thinking.

I got an answer on May 5, 1971, when I was in downtown Buffalo, New York, observing an anti-war rally. About thirty or forty demonstrators sat down blocking a street. Without warning, a phalanx of six or seven motor cycle police drove their cycles into the group from behind.

[3] Peter Kropotkin, *The State. Its Historic Role* (London: Freedom Press, 1969), p. 56.

protected the sanctity of our institutions." On August 21, the *Buffalo Courier Express,* while deploring the war, condemned the draft-board action for its "disregard of orderly processes."

But to the defendants, the whole antiwar movement by May, 1972 when the bombing of North Vietnam had resumed once more, it was the orderly process of Government which had produced the Vietnam catastrophe in the first place. Moreover, to ask young males to abide by draft laws, which they themselves did not make and which singles out people in the age range 18-26 is like asking blacks to respect laws made by Southern white segregationists. Thus Jeremiah Horrigan argued that his action was illegal but morally legitimate. To the resistance community, not law but people are the guarantors of democracy. "Law is not order but prison," said Mike Cullen, a former Trappist monk who now calls himself a monk in the world.

A resistance community? A risen people? The community clustered around the BUFFALO numbered several hundred people - over 100 were in the court room every day of the trial. The inner circle literally, physically lived together in the months between August and April. A hundred people gathered each night for a common meal during the trial, and for raps, singing, dancing. They speak of redeemed life, and some of them are involved in a psychedelic form of mysticism; but their ideas of god are rather far removed from institutional religion. Though it was probably their religious origins which gave the BUFFALO a kind of coherence and solidarity that most of the other radicals of the 1960-70 period lacked.

In the end the contest acted out in the courtroom was one between a culture of encroaching death and a culture of reviving life. A universal historical pattern, says the anarchist Peter Kopotkin: "Primitive tribe followed by village commune; then by the free city, finally to die with the advent of the State."

Yes: death - or renewal! Either the State for ever, (says Kropotkin), crushing individual and local life, taking over in all fields of human activity, bringing with it its wars and its do-

An Intelligence Agency would see in the statistics a rising tide of war-resistance. Not absolute but relative numbers are important: no antiwar activity in the 1950s, 1940s, 1930s, 1920s, except for small flares of pacifist agitation.[6] Only the 1910-20 decade would show mass protest comparable to the 1960s. This hypothetical Agency would also notice qualitative changes: in the 1950s the potential protester could be silenced by the insinuation that the FBI was watching. But by 1970 surveillance by the FBI was regarded as a sign of success - and a source of amusement. (Radical newspapers delighted in publishing photographs of agents perched in trees photographing demonstrators).

During the 1960s the Movement was undermining the legitimacy of the State. Vast numbers experienced the State not as a Protector but as an Enemy: the state sent young men to kill and die in Asia, jailed them for possessing a harmless vegetable, billy-clubbed them for wearing long hair. The young discovered the lie of the State in the innocent pastime of smoking marijuana: if authorities lied about the danger of pot perhaps patriotism too was a fraud? (Buffalo police busted people for possessing cigarette papers made in the form of an American flag, but that came too late to restore the honor of the State). And the seminal lie of the decade - that we were protecting democracy in South East Asia - was documented with Dan Ellsberg's release of the Pentagon Papers in June, 1971. In his Introduction to the Pentagon Papers, Senator Mike Gravel quotes H. G. Wells:

[6] However, antiwar people within the establishment became chief targets for harrassment by Richard Nixon, Joe McCarthy and J. Edgar Hoover in the late 1940s: namely, Alger Hiss, a Quaker and Director of Carnegie Peace Foundation, and Senator Millard Tydings, a strong advocate of disarmament. Both had been connected with the Nye Committee of the 1930s which investigated war profiteering *(Merchants of Death)* in World War 1. Hiss was felled by Nixom Tydings by Joe McCarthy.

> The true strength of rulers and empires lies not in armies or emotions, but in the belief of men that they are inflexibly open and truthful and legal. As soon as a government departs from that standard, it ceases to be anything more than 'the gang in possession,' and its days are numbered .[7]

In bearing witness to the truth, the Movement compelled the State to reveal its lie. Complex, variegated, international in scope, the Movement has changed the spirit and even the structure of this country: eventually it brought an end to the draft and the war in Vietnam, it exposed the emerging police state, perhaps in time to avert '1984. Mitchell Goodman writes of the Movement as the "Beginning of a Long Revolution". Essentially the contest is between State and Community, an ongoing struggle, an evolution which can be seen in the four portraits of resistance from the city of Buffalo between 1965 and 1972. The first case involved the surveillance and harassment of a student leader, Rich Salter, one of the creators of Catalyst, who has continued to build the revolution in Canada after being driven from this country by the secret police. Next we deal with the epic struggle of Martin Sostre, a black bookseller who was framed, jailed, tortured for nearly nine years - and prevailed. Then we deal with the collective portrait of the Buffalo-9, a concerted effort of war-resistance, the symbol and nucleus of two years of defiance of State authority. And then the case of the BUFFALO, a pioneer effort in anarcho-pacifism, which undermines the State by the non-violent liberation of documents. Finally we consider "the reprieve from history" -

[7] The Senator Gravel Edition, *The Pentagon Papers: The Defense Department Hislorjv of United States Decisionmaking on Vietnam, Vol. I* (Boston: Beacon Press, 197 1), p. IX.

Ed, a Jesuit in dungarees from Camden, stands up in the audience, asks the Judge to have the clerk re-read the oath. The oath was re-read to the spectators by the clerk. Then Ed said that the oath says nothing about conscience.

Curtin explains, if motive was considered in the bank robber who gave to the poor . . . Audience murmurs what's wrong with that? Ed still standing says Jean VaIjean is a hero; stole a loaf of bread and went to jail.

judge says it was our good intentions which got us involved in Vietnam . . . Someone from the audience, "It was our intention to make money which got us involved." Barb Doherty stands, asks the judge, "How are we to stop a badly intended government?"

The question remained unanswered but a spontaneous dialogue had taken place in court between the spectators and the judge.

The defendants had implored the jury to join them. "Because of the war," said Meaux Considine, "we acted last August, out of hope, not despair . . . we came here out of hope with respect for life . . . respect for the sacredness of life . . . you can join us. "

But the time and opportunity for change had already passed for the jury, the prosecutors, the functionaries of the State. They were locked into a rule-bound system, determined to maintain law and order, even at the cost of collective self-destruction. The defendants who thought of themselves as a counterculture, a new people, a risen people' were seeking to induce a change of rules, a reordering of priorities, a turn from death. Having exhausted the strategy of rational, verbal plea, the defendants turned to the dramatic act of disruption.

In 11 hours the BUFFALO were found guilty. A trial, says Packer in *Limits of Criminal Sanction, is* a kind of psychodrama where evil is punished and good reaffirmed. So the *Buffalo Evening News* was pleased with the outcome of the trial. "Law is the only instrument of a democratic society . . . the trial has

ing is private property, the property of someone else . . . The action of the 5 was an attempt to impose their beliefs on others, therefore a violation of free speech guaranteed by the First Amendment. On August 2 1, the defendants stopped playing by the rules of the game, violated law and order . . . Grable speaks of the extraordinary arrogance of the defendants, saying that some property has absolutely no right to exist. Vince Doyle had pointed out to the jury that Grable had refused to watch the film in court, and Grable is now saying, *"I have a right not to watch that* film, - That is an example of the way the defendants are trying to impose their views on others . . . Grable mentions that Jeremiah called the action illegal but legitimate; that Ann Masters refuses to say she is proud to be an American. What is the country coming to . . . The end does not justify the means. 200 million Americans live in peace and harmony because of law. This vast, silent majority . . . etc. . . law and order. Unless we have respect for law there will be no order, and this will happen to American democracy - Grable melodramatically crumples a piece of paper, judge Curtin begins his charge to the jury . . . an indictment is a charge, not a crime . . . deliberation means carefully think about . . . each defendant considered separately.

The counts: (1) On a date prior to August 21, 1971, defendants combined and conspired to commit a crime against the United States by removing and destroying records . . . Conspiracy is an agreement by 2 or more to accomplish an unlawful act . . . whether conspiracy accomplishes its purpose is immaterial. (Does that mean that Phil Berrigan and Sister Elizabeth are guilty of conspiracy even if their plans - fantasies - to kidnap Henry Kissinger never materialized, I wonder); (2) Willingly, knowingly removed documents from Military Intelligence office; (3) Burglary 3rd degree. Then the judge explains aiding and abetting a crime, reasonable doubt . . . verdict must be unanimous. Clerk is instructed to give the oath to the jury. jury leaves.

from fascism - which these and other opponents of the State have won for us, temporarily.[8]

[8] Mitchell Goodman, *The Movement Toward a Aleu, America: The Beginnings of a Long Revolution,* (New York, 1970), p. xi.

A. Rich Salter . . . A Sociology Student Encounters the Secret Police (1965)

Why would the State spy on Rich Salter? In 1965 everyone - liberals, professors, the press - laughed about peace demonstrations, insisting the government did not take them seriously. Yet here was the FBI snooping around campus, looking for the organizers of the April March on Washington. In May came an urgent call from the Secret Service: "Mr. Salter, we have reason to believe you are a danger to the President of the United States! - In June Salter's visa was denied. On August 30th, 1965 the Immigration Division of the U.S. justice Department in Buffalo held a hearing on the Salter case. Rich testified under oath with his attorney present. Let me quote from the typescript of the hearing:

Question (Mr. Edgecombe), "What organizations have you belonged to while you have been a student at the University?

Answer (Mr. Salter), "Sociology Club; Campus Hockey Club; Students for a Democratic Society . . . and I pledged a fraternity but I did not join it.

Q. Are you now or have you ever been a member of the Americans for Democratic Action?

A. No.

Q. . . . of the Communist Party of Canada . . . CPUSA . . . Peoples Socialist Party of Canada . . . United Jewish People's Order Mutual Benefit Society? The Progressive Labor Party? . . . The Socialist Workers Party? . . . The Workers World

unpleasant facts, we all do. But now we can no longer plead guilty of not knowing enough. We now know the facts. Is peace ever coming? We go on and on and on . . . on this roller coaster of war. All other forms of protest had been exhausted, Vince is saying.

The action was non-violent, directed only toward paper. What good did it do? Brings people like the defendants and their supporters together to stop the roller coaster . . . There is something wrong with our generation - us, older people - so in awe of things made of paper and wood, and not of flesh. Vince refers to his own soul-searching. We have to re-examine the whole purpose of law. Law is supposed to regulate conduct. Justice is the end; law only a means. The law is not inviolate . . . It is not speeding to try to catch a runaway car. He explains the idea of intent, which is simply purpose; why did you do that. The intent of the action on August 21, 1971 was to make the Government respond to the new 80 per cent of the public opposing the war . . . Our responsibility to make the Government do right (words to that effect). He does not envy the task of the jury; they have to take the risk and act on conscience

Grable then addresses the jury, saying he is not as articulate as Doyle or the five defendants, which is certainly true. The motives of the defendants may be sincere, but war is not an issue in the case. The jury must 'totally disregard what is heard about the war'. The analogy about breaking into a burning house to rescue a victim is an insult to the intelligence of the jury. The actions were planned, not a spur of the moment thing. Good motives never justify commission of a crime. The Government is not on trial for war crimes; only the five defendants are on trial, and not for being Hippies. But for conspiracy, theft and burglary. To the jury:

Sympathy should play no part in your decision; emotion used by the defendants to gloss over the real truth. Did they act with criminal intent, i.e. knowingly do the act. The build-

turned her over his knee and spanked her. The whole attitude was 'don't bother me' . . . Then Nixon came on TV saying the invasion was his responsibility, and that was what people wanted to hear, *"Don't worry, it's my responsibility, not yours"* She goes for a long solitary walk that night 'and felt the death of every single person crying for help'. She read to the court a letter she wrote to her parents at that time, expressing her great love for them and her country. She says the Government is not a they, but a we, like a family; we have a responsibility to make the government do right; can not leave it to someone else . . . In the court room the emotion is almost overwhelming. The jury will not understand Mayday, or friendship, or abstract ethics, or international law but they have all been parents; surely they cannot deny Meaux. She continues her talk, gently easing down to a denoucement. She worked in the congressional campaign of 1970 for a democratic peace candidate, who was defeated by big money and a professional football player, Jack Kemp. She tried teaching. But there she found "all moral substance talked away". So finally on August 21, she acted.

Unmoved by her testimony Prosecutor Grable read a statement she had made after the action, which was printed in a Notre Dame paper. Meaux had said the antidraft board movement had passed from the 'show and tell' stage to the 'get and split'. A new strategy had developed in the mid-west conspiracy, where draft board records liberated in raids would be mailed back to the 'owner' and he himself could decide whether to destroy it, or return it to the draft board.

On the final day, April 27, each defendant spoke briefly. Then Vince Doyle summed up for the defense. The experience of working with the defendants had been 'a form of baptism' for him, opened his eyes. He tells the jury it is impossible to separate the person from the act; the criminal from the crime. You have to be the judge of criminality. Said he hadn't known much about the Vietnam war until now, tends to avoid

Party? . Youth Against War and Fascists (sic) (YAWF)? . . . W.E.B. Dubois Club of America? . . . Socialist Youth League of Canada? . . . Student Nonviolence Coordinated Committee (sic)? ,

No to all questions; he had scarcely heard of most of these organizations; of course Rich and I knew of YAWF but categorized their people as paranoid because they said the FBI had us under surveillance for antiwar activity. The interrogation continues:

Q. did you at any time make a statement during the course of demonstrations in Buffalo or Washington that you would like to punch President Johnson in the nose if you had the opportunity?

A. No, I didn't. The same answer I gave the Secret Service to the same question.

Q. Did you say that we would be better off if Johnson, if something happened to Johnson so that Vice President Humphrey would take his place because he was more sympathetic to our cause?

A. No, I didn't.

Q. Are you now President of the Students for a Democratic Society branch at the University?

A. Yes.

Q. This office has received *anonymous telephone calls* complaining about your organization, assistance and participation in a number of demonstrations in this area and Washington, D.C. That again is our reason for our inquiry today. Do you understand that?

A. I didn't know until this moment that there were anonymous telephone calls, so I can't answer that question.

Q. I am sure that you fully understand that when (Immigration) Service does receive complaints they must look into them?

Mr. Richard Lipsitz, attorney for Mr. Salter, ". . . you have to perform your duty and we understand, but we don't under-

stand that anonymous telephone calls should be the basis of any investigation on the part of a law enforcement agency."

Anonymous phone calls? Who even knew Rich was an immigrant? Or cared? Couple of -years later I checked it out with my right wing contact, a defector from the John Birch Society. Did they call immigration or the FBI about Rich Salter? No; they were only interested in promoting private enterprise. Now eleven years later we do know the FBI is into composing anonymous letters to newspapers and mailing anonymous literature to college officials - this we know from Bill Kovach's "Stolen Files Show FBI Seeks Black Informers; Agents Ordered to Organize High Level Infiltration of Radical Groups," *New York Times,* (April 7, 1971, p. 22.) So in 1965 the FBI called Immigration about Rich Salter? Or maybe Immigration called itself? Doesn't really matter, since immigrants have no rights: the Supreme Court ruled in the 1890s that the constitution protected "only citizens, not persons."

The Salter transcript continues:

Q. . . . on Page 13 of the *Spectrum,* April 2 ... contains a photo of you with a bull horn ... Isn't it true that on one occasion you spent all night at a teach-in in Norton Union and that you were one of the speakers until about 4:00 in the morning?

A. Yes, it is true.

Q. Did you organize this group that left from the University to travel to Washington by bus?

A. Yes, I was one of the organizers . . .

Q. Who were the principal organizers?

Mr. Lipsitz, the lawyer, objects, but Rich says,

A. "It isn't a secret, you can go to the campus and find out for yourself; you can come to any open meeting. The people you are interested in would be David Gardiner; John Coe; Bill Mayrl; Bill Harrell; Sid Willhelm and Elwin Powell.

Q. On May 8, you participated with about 70-75 other persons in the march from the University of Buffalo to Niagara Square in downtown Buffalo. Is that correct?

Judge graciously accepted the gift. The prosecution is afraid of contamination by the counterculture.

On April 26 Meaux Considine takes the stand. She begins by explaining that most of what she is is because of family, and the family should extend beyond the single household. The parent makes the child do right; the child also has the same responsibility to make the family do right. The government is a family, a "we", not a "they"; we have the responsibility to see that it behaves justly. She tells of her experience tutoring in urban schools and finding "kids who couldn't do homework because they were hungry". She worked in Appalachia for a couple of summers, told of schools still using geography books printed in the 1930s that talked of countries which don't exist any more . . . 13,000 people in the area and not a single doctor . . . kids dying of preventable diseases. Gradually she came to realize the real problem was "not in the mountains but behind them." During the fall of the year she works on a project for relief to Biafra; visits Congressmen, Senators in Washington, realizes the leaders do not know how to deal with the problems of the country. Quoting directly from my notes of April 26, 1972:

Meaux is explaining to the jury that in spring, 1970 she was in South Bend for a Peace Procession at Notre Dame. She is handed a cross with the name of a Notre Dame student killed in Vietnam. Afterwards, she realized that the name represented a person. She looked up his picture in an old year book; wondered if he had a girl friend at St. Mary's, sister institution to Notre Dame, where she was in school . . . She participated in an institute for non-violence; began to ask herself what was college worth in comparison to antiwar work. Then Cambodia, and 4 killed at Kent State. How many more would come before the country woke up . . . President Hesburg of Notre Dame himself drafts a petition denouncing the invasion of Cambodia, students are soliciting signatures for this petition on street corners. Meaux is twice spat upon, once a middle aged man

Chuck presses him for his opinion on the war, but agent Jim refuses, hides behind the privacy of professionalism, of ethical neutrality. He was doing a job as a cop; his ideas about the war were not at issue. Earlier, last August, Jim had professed opposition to the war, but now he is afraid to utter an opinion . . . No, that's too simple. Last August he pretended opposition to the war in order to draw out Chuck. Supercop. Or like the Communist interrogators, brain washers we see in the movies, who feign commitment in order to elicit a response . . . My thoughts drift off even in prison the BUFFALO will be free but these agents of the Government, the state, Grable, the cops, the FBI people will never know the freedom of expressed conviction; never have freedom really to express that conviction, therefore will never have a conviction, an honest belief, valued as a truth in itself. These agents could just as well be working for the KGB. In fact, he told the FBI men who came to his house - "if you want to spy why don't you go to Russia. "

Chuck is turning into a good trial lawyer. No, maybe not. He is saying "We can't live in total security". True. But that is just what the jury and the prosecution and the Agents want: total security; the elimination of all risk, all ambiguity in life.

The BUFFALO are creating a document, reading into the record of the federal court the confrontation between the dominant culture - the State - and the Counter-culture - the resistance community. Agents of the state are frozen into fixed roles but the people of our community flow easily outward toward all people. The agents all have that Nixonian rigidity of body and walk, bereft of laughter, grace, kindness. In his summation to the jury Jim Martin apologizes to the Prosecutor Grable, "I'm sorry if we have done anything to hurt you . . . We've got to give each other room to grow." And you know Jim means it . . . just as you know Grable can't handle it. During the trial the BUFFALO presented gifts to prosecution and the judge. The prosecution refused but the

A. Yes. (My thought eleven years later: does the police establishment keep a more accurate count than the press? The press did not credit us with 75 people that day.)

Mr. Edgecombe the interrogator is saying that "on May 25, 1965 1 myself observed you participating in demonstrations in front of this building on the Court Street side (in Buffalo) protesting the hearings of the House Committee on Un-American Activities at Chicago. Do you admit that you were so engaged? -

A. Oh, sure. And then,

Q. I have before me a book or publication published by the Sociology Group of the University of Buffalo, which I obtained, or which our Record Searcher obtained at the University of Buffalo and it is the summer edition 1965, No. 1. Do you have anything to do with that publication?

A. I have an article in that publication.

Q. I have noted that on page 25 through page 33 your article apparently appears entitled, "A New Imperialism". Is this your article?

A. Yes, it is.

Q. Most people reading this article would consider it to be highly critical of the United States Government and the present administration of the United States Government; isn't that true?

A. (After consultation) Again, I would have to say that the article speaks for itself; I don't know what most people think. It would be hard for me to answer that.

Q. Your article in CATALYST, and some of the statements you have made indicate that your feelings go much deeper than merely criticism of the United States Government's activities in Viet Nam. Isn't that true?

A. Again, whatever I have said and whatever I have written have to speak for themselves, Mr. Edgecombe.

Q. Did you ever say at one time in connection with the students march on Washington that you might be put in a concentration camp?

A. I don't recall ever having said that.

Q. How do you suppose a student would be treated in your native country of Canada?

A. I don't know.

Q. Is there anything further that you wish to add to this statement?

A. No, nothing at all.

The power of the State. . . or its impotence, which is revealed in the case of Rich Salter? 2,000 or 4,000 people demonstrate against the Vietnam War (bombing of North Vietnam commenced February 7th) . . . college "kids" hold an all night teach-in . . . 80 people demonstrate against HUAC . . . a mildly socialist, i.e. social-democratic, organization, SDS, is established on campus . . . these developments are sufficient to evoke an inquisition. These tiny gestures a danger to the State?

So Rich Salter's name went into the Computers of the Secret Service. In 1964, 9,000 names from the FBI files were sent to the Secret Service for further investigation." By the 1970s, according to Terry Pollack, the Secret Service list of dangerous people numbered at least 100,000 and included among them Tony Randall, Marlon Brando, Carl Reiner, Groucho Marx, Joe Namath, Joe Louis, Coretta King, Ralph Abernathy, Muhammad Ali, Jane Fonda, Donald Sutherland, Julius Hobson, Walter Fauntroy, Marion Barry, Jesse Jackson, Floyd McKissick, Roy Innis, James Farmer, Stokely Carmichael, Huey Newton, Eldridge Cleaver, Angela Davis and Congressman Adam Clayton Powell."[1]

[1] Terry Pollack, "Slow Leak in the Pentagon (and the CIA and the State Dept. and the White House and . . .)" Ramparts (January 1973), pp. 21-26~ pp. 49 50.

olation of international law. What then to do? How to make the government act, or react to this fact.

So with his friend he goes back to Washington to arrest Curtis Tarr, National Director of Selective Service. With other Jim went to Tarr's office, charged him with being a war criminal, attempted to handcuff him. Tarr refused to comply, claiming, "I have a job to do." So, says Jim, "we placed him under citizens' arrest". Jim and his friends were forcefully removed from Tarr's office but not, it seems, brought to trial since the government was unsure of itself.

Then to Buffalo.

"If I'm into speaking the truth," he keeps saying to himself over and over, "then I must do it, even if it means going to jail."

Incredible people the BUFFALO. They have put the Court and the country on trial. Reading from my notes I am describing Chuck Darst as flamboyant, assertive without being aggressive; a man who steps forward. Chuck was the one to speak out first in my class last summer, my "Sociology of War and Peace". Chuck and Meaux Considine took the course and presented the 'draft board M-1 job' as their term project. Only 22, he had been a Peace activist for years; he had burned his draft card at a Pontifical High Mass at Notre Dame on October 15, 1969. Came to Buffalo in December, 1970. Medium build, sandy hair, often with head band, usually dressed in jeans with shirt tail out. In court today (April 25) he is cross examining the FBI agent who arrested him: "You don't mind if I call you Jim, do you?" The agent had struck Darst in the first interrogation last August, but Chuck retained his composure, later engaged the agent in dialogue on "just war", doctrines of Catholicism, etc. Chuck even thought that he had made a chip in the guy's character armour, that he might someday come over to our side. But this Jim was not at all friendly on the stand. Looked straight ahead; tried to act like an efficient FBI man out of a movie. From my notes:

Then Mayday, 1971. Half a million people in Washington a few days before; maybe 700,000. Then on Mayday he was busted. But "in jail there was jubilation like back at Woodstock". The people were insecure, he felt, because of the spirit of the people, not because they were threatened by any kind of violence.

For three years the war has been part of my life; people are dying at our hands . . . But there is liberation through facing fear. He has seen his friends jailed for trying to do the right things; trying to stop a crime. We are members of a community of non-violent resistance . . .

Prosecutor Grable: Were you ever in Vietnam; did you ever serve in the army?

Jeremiah: No. Were you? (No answer)

Grable: Do you believe the end justifies the means. You have stated in writing that your action was 'illegal but legitimate'.

Jeremiah: The end is the means in process.

Morning of April 26, 1972 Jim Martin is telling the jury, *"the individual is not poworless".* Hesitatingly, he explains how he grew up in a small town in Michigan, went to seminary at 13, in 1969 enters the Peace Corps, goes to Africa, discovers Africans really cared about each other; they were not going to destroy the world. Returning to this couniry he goes to Michigan State to learn about agriculture so he can help the Africans. That Africa had made him aware of Vietnam; he could picture the same thing happening here, "planes bombing my village". To Washington, May 1, 197 1:

"I was arrested twice on Mayday . . . the purpose of Mayday was to disrupt the government (he is explaining to the jury, ever so gently), to keep it from doing business as usual . . . to try to induce it to take seriously the crisis of war. While in jail in Washington, he meets this friend from the seminary he had not seen in 3 years. Goes with him to New York; they begin to look into international law. Clearly the U.S. is in vi-

Do the Intelligence Agencies really care about what people write? Did they read Rich's article on the New Imperialism, showing that the State, not the Capital is the source of imperialist expansion today? And what did they do with Rich's article and that whole good issue of Catalyst? Is it filed away in the stacks of the new J. Edgar Hoover building in Washington? Great social history will be written when the FBI archives are opened: they still have unpublished papers of Emma Goldman and Alexander Berkman, confiscated in 1918.

B. Martin Sostre Bookseller Turned Black Revolutionary (1967)

Does the State care about the writing and reading habits of the people? The First Amendment to the United States Constitution is unambiguous:

"Congress shall make no law respecting an establishment or religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. "

But consider what agents of the State tried to do to Martin Sostre.

Several months after opening his Afro-Asian Bookstore in 1966 Martin Sostne had "two visitors who after some careful browsing, came to the counter, identified themselves as FBI agents." Was Sostre the proprietor? Yes. Was he affiliated with any Socialist or Communist group? No. Why then was he selling that type of literature? "As the *owner* of the bookshop," Martin said, "I alone determine what books are sold in the shop . . . a right guaranteed me in the Constitution." The Agents left. Then two months later two detectives from the Buffalo Subversive Squad came to the store. They were not as polite as the federal agents. "Nice place you got here, Marty," one of them said. "You're doing alright for yourself since you got out of prison. What are you doing now behind this bookstore front?" Sostre tells him this was not a front, that he was working at Bethle-

court room. Later a leaflet appeared with the theme: "If the shoe fits, wear it."

The next day, Jeremiah Horrigan testifies. He is tall, thin, longish slightly flaring black hair, dressed in faded blue jeans, black shirt, with tail out, quiet, gentle, strong. Twenty-two, he grew up in South Buffalo, the oldest of nine children, neither rich nor poor, had essentials, never lacked love. He talks directly and softly to the jury: "You people don't know me but I want to share my hopes and fears with you.

Why is he here? His first war memories go back to the 4th grade: "Mrs. Reilly had us hide under the desk and not look out the window . . . an Air raid drill at the time of the Cuban Missile crisis . grew up with the bomb. At 10 or I I I was convinced I would never see 12. "

But his political views were conservative. At Fordham there was an AntiROTC demonstration but he argued for ROTC's right to be on campus. Slowly he began turning into the people he argued against.

"By the second year at Fordham people called me Hippie. That felt good, It still does." Participated in an anti-ROTC demonstration that second year and that felt good too. Sophomore year of college drops out. Got into experimental living which included things like smoking dope . . . Stopped in to the New York Defense Committee . . . typed envelopes. On March 20, 1970 an action at the draft board . . . sat down . . . arrested, taken to the Tombs for a day. It was a freeing experience, he said. He had finally confronted the fear he had about jail.

Then to Woodstock.

Afterwards to Rochester where he lived with people, draft resisters, who made a raid on FBI files but unfortunately got caught. He was helping at bookstore, selling stuff for the Rochester Defense Fund in Ithaca, New York. The owner operator had been busted so Jeremiah ran the store for the next I I months.

was no money to run it. No money because of war. The Defense shows a 10 minute film on Vietnam. Grable, the Prosecutor, refuses to watch the film, saying it was not sanctioned by the U.S. Government. But the audience, the jury and the judge watch the film intently.

Ann resumes her testimony. Can we say 'we did not know?', she asks. The sheer number of villages destroyed shows it is no accident. Every aspect of life in Vietnam is governed by the constant threat of annihilation; Vietnamization, she says quoting Ambassador Bunker, is only "changing the color of the corpses',. Now I am quoting directly from my trial notes:

Ann talks about summer of 1971 and Dan Ellsberg's release of the *Pentagon Papers;* a decisive event for her. He had put himself in jeopardy. She said she had never been a member of a peace organization, was not the marching type. But always felt she was not doing enough. Three fourths of the American people say war is wrong. Why then does it continue? Action is necessary. War is so wrong drastic action is necessitated. Non-violence the limit of action. Some property has no right to exist, she says, quoting the initial statement of the Buffalo. Napalm has no right to exist. The same applies to the draft, where men are put into situations not of their own choosing to become killers. Or else they are jailed and driven into exile. Draft is enforced labor, slavery. Draft files serve no human purpose, not like birth certificates or employment records.

Then questions from Prosecutor Grable: When was the action planned? How many people were involved in the planning. Ann says she is here to talk only about herself; the particulars do not matter; *the purpose was to make the records* public. Grable presses the point: it seems that 7 pairs of shoes were found at the scene of the action but only five people. Who were the two who got away? At this moment people in different parts of the court room stand up, saying "I was one of them" and "I got away", "I was another". In all some 10 people stood up, claiming to have gotten away, and were removed from the

hem Steel and operating the bookshop on the side, that he had paid his debt to society for past mistakes and was "now living the life of a law-abiding citizen." The other detective said, "A law-abiding citizen doesn't get involved in hate literature and communist propaganda. " Sostre then repeats what he told the federal agents about his 'constitutional right to sell literature of my choice.' One of them replied, "O.K., Marty, have it your way."

While walking down Jefferson Avenue one day in the Spring of 1967 Martin noticed a group of youths standing in front of a local record shop listening to the loudspeaker. This gives him the idea of how to draw people to his store. He buys records and a loudspeaker; the youths start hanging out at his place. Drawing them into conversation Sostre explains the tenets of black nationalism, socialism, Afro-American history.

"I taught continually - giving out pamphlets free to those who had no money. I let them sit and read for hours in the store. Some would come back every day and read the same book until they finished it. This was the opportunity I had dreamed about - to be able to help my people by increasing the political awareness of the youth."[1]

By June 1967 he was able to quit his job at Bethlehem Steel, devote full time to his bookstore. The ghetto was now in ferment, and in active revolt for several days in late June. Other shops in the area closed but the Afro-American bookstore stayed open till 3:00 a.m. "providing a refuge (from the tear gas being indiscriminately sprayed in the streets by the police) for many passers by and freedom fighters." People crowded into his shop and "needless to say, I made political hay in denouncing the police brutality going on outside . . . Then, after a rousing speech, I would go to the shelf and pick up an appropriate book . . . Robert Williams' *Negroes with Guns* or *Pre-Civil War Black Nationalism or a*

[1] *Ibid., p.* 25.

pamphlet by Malcolm X or Liberator Magazine, and show them a photo or drawing or read an appropriate passage". The two weeks following the revolt, until his arrest on July 14 Sostre remembers as the best I ever had - politically, that is - even despite the fact that the firemen, in collusion with the police, broke out my windows and played two high pressure fire hoses inside the Bookshop under the pretext of putting out a fire which occurred in the tavern next door - and never got near my shop. Although I suffered extensive water damage, my good friend Jerry Gross helped restock my shelves by donating several hundred new and used books, magazines and pamphlets. The plywood emergency enclosures covering the front of my store as well as the other three stores in the same building . . . gave me an idea which proved effective. In the fashion of the wall posters put up by the Red Guards in China, I started pasting thought-provoking articles and photos of the revolt, anti-Vietnam War articles and photos of the atrocities committed by the U.S., etc. Immediately passersby began to stop and read and discuss the articles, cartoons and photos; many would come into the store to buy books and magazines and discuss the articles. What I had done was to convert the entire front of the building on the southwest corner of Woodlawn and Jefferson into a huge community bulletin board.

A few days before the cops raided the bookshop several people brought me newspaper and magazine clippings which they themselves had selected ... tangible proof of the approval of the bulletin board by the community.

The cops, however, did not like it one bit . . . A taxi driver . . . informed me that he had observed the local cops ripping the posters down after I closed the shop at 2 or 3 a.m. . . . I used more glue to paste them to make it harder to rip off. A sort of battle developed between the cops and me during the five days

The Prosecution called only a handful of witnesses - FBI and local police who had done the arresting, the Captain in charge of Military Intelligence - all agents of the State. The Defense tried to induce Prosecution witnesses to state their view on the Vietnam war, which the agents refused to do. Prosecution's examination of the defendants was lackluster, merely a reading into the record of the fact that the defendants had done what in fact they said they did do.

The Judge permitted maximum leeway in discussion of the war. The Defense called as witnesses a Vietnam expert, a history professor, a Vietnamese woman victim of the war, American soldiers who had fought in Vietnam, a theologian, and an ex-FBI agent. The former FBI man told of the FBI's harassment of peace groups, of the illegal activity of the FBI, asserted that the FBI had been responsible for the burning of the headquarters of a peace group in Washington, D.C. The Prosecutor did not cross examine nor attempt to repudiate any of the Defense witnesses. The ex-agent had worked with other intelligence agencies - Army, Navy, Air Force - exchanging information with them-, he maintained that the military was heavily involved with domestic investigations of racial groupings like the NAACP, SCLC. But the Prosecution did not challenge his testimony.

Attempting to explain their action to the jury, the court, the public, the Defense argued that it was not *what* happened but *why* it happened which was at issue. None of them wanted to go to jail. But they felt it was necessary to take drastic action to compel an otherwise deaf establishment to hear their voices. If jail was the risk, then they would take it. Each defendant tells his or her own story.

On April 25 Ann Master takes the stand. She is now 26, had been at UB between 1963-66, first in psychology, then social work. She left to work in Vista, in the South Bronx, became aware of extreme health problems of poor people. A new hospital had been built 7 years ago, but not opened because there

Through a Buffalo underground newspaper, *Undercurrents* (November 12, 197 1), THE BUFFALO said:

The people who paralyzed the Draft Mechanism of Batavia, Geneseo and Niagara Falls are our friends *- though we do not know that we will have a chance to meet them. They're our friends because their acts answer the same dilemma we have felt, namely that we have been lied to and that the lies continue, saying The country is caught in a war, rather than a crime.*

The crime is being wound down, or stopped, rather than being hastily mechanized.

The judiciary can be trusted to hold the government to the Constitution. The elected Congress can be trusted to represent the people.

The methods of these people (i.e., The New and Improved East Coast Conspiracy . . .) bind us even more closely to them. They neither injured nor terrorized any person. They didn't bomb or burn anything. They apparently broke through the skin to get to the heart of the matter the records That are the instruments for forcing our young into a criminal war. The papers call them 'vandals'. We call them people of conscience who, in order to save lives, were forced to step outside the law.

Trial of the BUFFALO opened on April 17, closed April 27, 1972 in federal court, John T. Curtin presiding.

The Prosecution's case was simple and undramatic: laws had been broken; the guilty must be punished; the war was not an issue.

The Defense presented a more complex argument: admitting they were legally guilty, they maintained it was not a crime to break a law to stop the greater crime of war; it is not burglary to break into a burning house to save the occupants. The defendants acted collectively as their own lawyers, cross examining witnesses, etc., though they also had a legal advisor, Vince Doyle.

preceding the raid and the framing of Geraldine Robinson and me on the dope charge.[2]

So on July 14, 1967 the State acted - and we know now, nine years later, that the State meant the combined efforts of city police, division of "Narcotics and Intelligence", the Sheriffs department, the New York State Police, the FBI and possibly CIA and/or Military Intelligence which had designated Sostre as a dangerous revolutionary months before the Buffalo ghetto uprising occurred. (Involvement of the national intelligence apparatus is not an established fact in the Sostre case but a plausible inference: in Dayton, Ohio the trouble makers in the ghetto had been designated earlier and were arrested the moment rioting' occurred - an item revealed in the Media, Pennsylvania FBI documents.) In any case Sostre was arrested on July 14 -two weeks *after* the "riot" in the Buffalo ghetto - and charged with arson, riot, possession and sale of narcotics and assault. While under arrest at police headquarters he claims "the detectives went back to the bookshop, gained entry with the keys taken from me and stole everything that wasn't nailed down. What remained, they deliberately wrecked."

Two weeks later, on August 1, *1967,* Sostre is writing from the Erie County Jail urging his followers "not to go to the slaughter like sheep. Dissent carries risk, but the risks of silence or assent are even greater." At the time he still believes he will soon be out on bail; he has not been "cowed by the vicious beating inflicted on him by the police" and he assures his followers that when he gets out he will make his bookshop the main library of dissent and protest literature in Buffalo." Martin Sostre was not to leave jail for *9* more years. Bail denied, he was sent to the psychiatric ward of Meyer Hospital, "an effort to discredit my stand on Black Power and against the illegal war in Vietnam" *(Letters . . . Jan.* 5, *1968).* In the hospital he refused the drugs they tried to give him. The

[2] *Ibid, p.* 32.

psychiatrists and the hospital staff did not care for his lectures to the other patients on "black power, Vietnam, American racism" and were "glad to get rid of me. However, I planted a few good seeds before I left." He was returned to the county jail and finally tried in March, *1968,* not for inciting to riot, arson but for allegedly selling $15.00 worth of heroin - a charge since shown to be false. Calling himself a revolutionary black militant and a black Viet Cong, Sostre acted as his own lawyer, received a 41-year sentence and described his action as a victory over the oppressive State.

March 15, *1968,* "is the *weakness* of this fascist beast; I have demonstrated that with all his front of power and law and authority he cannot control one militant Black brother when that brother is in rebellion. Threats of contempt of court cannot control n-w for what the hell does 30 days contempt of court mean to one in rebellion facing 30 years? His having me gagged was ineffective and made him look foolish because he had to take the gag off in order to hold the trial and as soon as he took it off I talked the same thing. His having to employ goons to enforce his wishes by force is proof that I had broken down his authority. I am dramatizing this for all the brothers in Buffalo and elsewhere to see. I am setting the example of total rebellion even in the courtroom, against the oppression, frame up and kangarooism against me and my militant brothers all over the country. I am telling all the militants: 'Look brothers, what I am doing to the oppressor. If I can do it by myself, practically alone and already in this man's jail, imagine what 30 or 40 organized militant brothers can do on the outside if they should defy white authority! I am upsetting him and setting an example, which could have very serious consequences if adopted by other brothers all over the country.

An oppressor can rule the oppressed only so long as the oppressed submit to his law *voluntarily.* In other words, an oppressor must somehow, either through fear (as in our case, when he imposed his law upon our foreparents forcibly

returning today in even greater numbers - perhaps symbolic of nature's

resilient resistance.

We are children of nature.

We are the Buffalo.

The BUFFALO were not only attempting to liberate the documents of the State, but to create a document - a charter - for a new Community. This STATEMENT OF THE BUFFALO was a virtual Declaration of Independence . . . It explained what the Revolution was about, articulating the First Principles of a new communal way of life. It was distributed as a leaflet at every rap session, there to be dissected and debated; it was printed and mailed to 5,000 people throughout the world. The prosecution read it into the Court record as the chief evidence against the BUFFALO - and the reading brought a standing ovation from the 100 people in the court room. This document contains the core ideas of the resistance community; it was drafted by more than 5 people and serves as a manifesto for the legitimation of further acts of resistance.

In early October, 1971 the BUFFALO released a statement saying:

"J. Edgar Hoover and the federal government may believe that they have 'broken the conspiracy' which to them includes the Catonsville raid, the Flower City Conspiracy, actions taken by the East Coast Conspiracy to Save Lives, the Harrisburg Case, and now the recent Buffalo and Camdet) raids. They have not yet realized that what they are up against is *a movement, an idea* that cannot be walled in and crushed by tactics of electronic surveillance, prison terms, and fear of spies and informers. The Movement stands for life and justice while the State is choking on its diet of death, racism and fear."

On October 28, 1971 raids occurred at three more Buffalo area draft boards - at Batavia, Geneseo, and Niagara Falls. Raiders left a written note for J. Edgar Hoover, signed, "The New and Improved East Coast Conspiracy to Save Lives".

This is amazingly contradictory to the Gospel, to very American ideals of free conscience and choice, in fact, to everything we have held sacred since infancy. The instant we start drafting armies to protect our freedoms, our freedoms are meaningless and we undermine the most basic freedom - the freedom not to kill on another's command.

In you, good neighbor, we wish to inspire neither alarm nor disgust by this, our night's work. We move here against vandals and terrorists especially those of official badge or office in our country. We could have used dynamite or fire upon these rooms . . . We could have thereby purchased our own safety . . . Indeed, such are the conventions of the land and times. But they are not our conventions, To us they are as dead as the polluted air and rivers of our country, as violent as the life imposed upon the people of our cities. So we have chosen to create a way to hinder the abduction of our sons and brothers and to open to citizens what our military protectors think of us,

We are reminded of the words of Camus: "I wish I could love my country and still love justice."

Simply stated, we stand for life, love, laughter, music, good food, friends, air, sunshine - all things green and living and beautiful.

We stand against fear, hate, systems and structures not in the service of man, the military industrial complex which has run rampant and at the verge of destroying our life system - our mother the earth.

We affirm these things by this action, we are one more set of lives standing on the side of life.

(signed)

THE BUFFALO

We take this name because the Buffalo, a once powerful beast of freedom

nearly exterminated under the advance of western civilization, is

brought to this country in slavery) or trickery and deceit by employing Un6e Toms and sell-out political and/or religious leaders to fool our people - to induce the oppressed into accepting and obeying his law - which is his authority. Law means authority. Once he accomplishes this he has it made. He can control and rule the oppressed with their cooperation! This is a slick psychological

trick, brothers and sisters, so I want you to dig this very close. I will make it clear by this known example. How did England, France, Spain, Portugal and Belgium rule the vast continents of Africa, America, Asia and India for such a long time? Did they do it by brute force like the U.S. is using in Vietnam? Of course not! If they had to go through those changes with the millions of people of Asia, Africa and India, they never would have made it; it would not have been worth it. The cost in lives and money expended in pacifying every town, hamlet, village and city in the entire continent would exceed the fruit of their exploitation. What they did was to induce, via force or payoffs, the native rulers to accept and obey the oppressor's law . . . The French ruled Vietnam that way until 1954 when the Vietnamese woke up and defeated them. Now the Vietnamese and their sell-out leaders can only rule by martial law, which means force, because, the people are in rebellion against their oppressors. It's only a matter of time before the U.S. negotiates a ceasefire with the Viet Cong brothers and gets out of Vietnam, because when a people are collectively determined to throw off the yoke of oppression, no amount of force or troops that the oppressor musters can prevail against the will to resist.[3]

What more can be said about the nature of imperialism - here is exemplification of Rich Salter's thesis which so disturbed the secret police two years earlier. And now the war is coming home . . . from the Mekong Delta to the Buffalo ghetto. "White militants" says Sostre, "are our allies in the overall struggle just

[3] *Ibid, p.* 55-56.

as the heroic Viet Cong who are fighting the enemy on their front 8,000 miles away".

There were at least 120 cops at Sostre's March, 1968 trial: the court room had been packed to exclude his own supporters: the Sheriff's Department alone supplied 40 men, some 50 detectives, an undetermined number of FBI agents and 25 court attendants called in for special duty. "If the white power structure," says Sostre, "felt the need for mustering that many goons and the need to adopt the police state tactics which they used, they were scared. "I"

Afraid of what? The State was afraid of everything . . . of the books people were reading . . . and their changing hair-styles and smoking habits . . . and the burning of draft-cards . . . and above all the emerging coalition between the civil rights and the antiwar movement, symbolized nationally by Martin Luther King, an item not unrelated to his violent death.

Racism goes on. Pollution goes on. Big business' brutal pursuit of profit goes on. Global oppression at the hands of the greatest military and economic power in the world's history goes continually on. Repression of dissent and resistance here at home goes on. Indeed, fear and hatred go ever madly on.

So . . . in an effort to live lives of non-fear, we too continue to oppose these wrongs. And today we put our lives together in an effort to help stop this madness.

You see, today we destroy the records of the Selective Service System in Buffalo, local boards 82 and 89. In addition, we confiscate records of the office of Military Intelligence, records that likewise exist in the service of the machine of death. We do this in an attempt to expose the myth that the military machine really protects us from anything.

We feel it is our right as men and women of responsibility, our duty before God and men - to take this action against these records that help make the Vietnam War possible - a violence of extraordinary arrogance and cruelty. We feel that in times like these - when couniries have the capability to wage total war and annihilate all life on this planet a man's duty to his country is far surpassed by his duty to the whole race. Our moral outrage and our sober rationality both say to us, as others have said before, "Some property has no right to exist." Absolutely, we say that.

This action springs from a belief that a person's life is sacred, if to no one else, at least to him. And we believe that no government should have such total claims on a man's life as to be able to say: "Man, from the time you are IS until you are 26, you are our weapon. We as the government will tell you who the enemy is, who to kill. We will tell you when and where to kill him and perhaps be killed yourself. And only we as the government will judge the rightness or the wrongness of these We believe no government should be saying this - either by Wars, drafting a man to fight its war or demanding money from him in the form of taxes to pay for them.

"Records from high sensitive U.S. Army Intelligence and security units were among three sacks of documents assembled by participants in Saturday night's antiwar did on the Old Post Office Building in downtown Buffalo . . . Five suspects . . . arrested at gunpoint inside the building. While neither military spokesmen nor the Buffalo Federal Bureau of Investigation office would discuss the content of the three green laundry bags stuffed with documents taken from the government files during the abortive raid, an FBI spokesman in Washington confirmed that the papers concerned military intelligence matters.[2]

The five defendants came to be known as the Buffalo-5 though they preferred to be simply the BUFFALO, with the understanding that anyone could join their open conspiracy against the State -- to be the Buffalo 5 would set them apart from others as heroes and heroines. They established a Defense Committee at 124 Jewett Parkway. From August until April 1972, the Defense Committee, which became in fact a Resistance Community, carried on an active dialogue with the citizenry of the metropolitan area, holding rap sessions in suburban homes, in Catholic and Protestant churches, speaking in school assemblies, in the high schools as well as colleges, and never missing an opportunity for a radio or TV appearance. Lenin said "the first duty of a revolutionary was to patiently explain". This the BUFFALO did with amazing persistence. Their first document, prepared *before* the raid, reads:

Statement of the Buffalo

Okay. The war goes on. Vietnamization is found to be another lie as American bombs bought with our tax dollars fall in ever greater numbers on the people of Southeast Asia . . . even as American casualties drop.

[2] John T. Elliff, "The Scope and Basis of FBI Data Collection," in Watters and Gillers, *Investigating the FBI, pp.* 247-53.

C. The Buffalo-9 ... Organizing Resistance to State Authority (1970)

Strange alliances were forming in the mid-60s. After issuing a leaflet calling for "Revolutionary Reform", an outlaw motorcycle gang, The Road Vultures, held a "Psychedelic Summit Conference" with U.B. intellectuals, proclaimed solidarity, announced their commitment to the Supreme Value of Love, and declared war on the State in September, 1966.[1] Students were picketing for wildcat steel strikers at the Bethlehem plant . . . Street blacks from the ghetto were coming to the campus, educating white radicals. 1966 saw sit-ins against the war and the draft on campus; SDS was building anti-draft unions throughout the country. In the summer of 1967 an estimated 30,000 students were working against the war in over 700 cities. On the UB campus in 1967-68 SDS meetings normally drew 100 to 300 people. And in 1968 liberals were pouring into the streets to work for Gene McCarthy.

In Buffalo, summer 1968 was a joyously ominous one. People were in the streets and actually talking to each other. The democratic convention had radicalized the McCarthy liberals. New Parties, organizations were emerging. There was a Peace and Freedom Party, overlapping with a small IWW chapter; there was YAWF and a flourishing SDS chapter, plus a strong

[1] *Letters from Prison A compilation of Marlin Sostre's Correspondence from Frie County jail, Buffalo, New York and Green Haven Prison, Stormville, New York,* (Buffalo: Philosophical Society of SUNY/B, 1968), pp. 29- 3 1.

Draft Resistance Union, Bruce Kline and Bruce Beyer took sanctuary in the Unitarian Church at Elmwood and Ferry. During the following 12 days several hundred people gathered around the church, talking, educating themselves, holding workshops, singing (Judy Collins appeared twice). But mainly people were talking. Elmwood is one of the few streets in Buffalo with a heavy walking traffic, and even a-political people were drawn into the church grounds and involved in the Vietnam dialogue. A virtual Wallacite, Ray Malek, came to jeer and left a member of SDS. Old and young, black and white, mingled. Right wing pickets advertised the sanctuary with signs: "Napalm Hanoi" . . . and "Keep Marx out of Church". Concealed on the third floor across the street cameramen from the FBI filmed the whole proceeding.

Had the State ignored it, the sanctuary would have withered away in boredom, September cold would soon drive the people from the church yard. Why not let the two draft-resistors rot? Or arrest them on some pretext after the crowds had melted away? But no; that solution was too simple. Instead of patiently waiting, federal marshalls with chains stormed the sanctuary on August 19. They violently arrested Beyer and Kline and seven others who just happened to be local radical leaders: Jerry Gross of YAWF; Karl Kronenberg of Peace and Freedom Party-, Bill Berry who had recently burned his draft card in Boston; Ray Malek, the new recruit to SDS.

Thus the Buffalo-9 was born out of a common police attack: that alone unified these disparate elements. These people had apparently been targeted for arrest before the marshalls invaded the sanctuary. For two years the case of the Buffalo-9 would be a *cause celebre* and an integrating symbol of the local resistance movement.

Making a political trial out of their case, the Buffalo 9 took the offensive in court. They tried to put the government on trial, hoped to make the community of Buffalo and ultimately the court speak out on an already absurd, immoral, illegal war.

April was a cruel month for the Police Establishment. People swarmed on Washington, not to sing, "Give Peace a Chance" but to close it down. On Moratorium Day, November 15, 1969, a million people were in Washington and there were 85 arrests; on Mayday 1971, 60,000 entered the city and 12,000 were arrested. Traffic moved but at the expense of mass arrests later declared illegal. Soon after Mayday Dan Ellsberg was releasing the Pentagon papers. Nixon showed himself quite indifferent to the one million marchers of November 1969 (his press secretary announced that he spent the day watching the football game on TV). But he did not ignore Ellsberg. Nixon set out to plug the leaks in a rotting dike, and brought on the disaster he sought to avoid: revelation of pervasive criminality (not mere corruption) at the top level of government.

Throughout the country little Maydays were happening. On May 7 in Buffalo protestors just returned from Washington D.C. sat down on Main Street attempting to stop traffic. Though easily routed by cops driving motorcycles through the formation, the idea of stopping the machinery of the State was taking hold. Occasionally the new symbol Q meaning resist appeared on buildings.[1]

And then on the night of August 21, 1971, the Draft Board and Military office in Buffalo were raided; simultaneously a similar raid occurred in Camden, New Jersey. A naive observer might suppose the two events were related. In Buffalo 5 people were arrested; in Camden, 28. With these arrests J. Edgar Hoover himself announced that the FBI had broken the back of the East Coast Conspiracy to Save Lives. Front page headlines of the Buffalo Courier Express of August 24, 1971 read ARMY SECURITY PAPERS FOUND IN RAID SACKS: FILES LABELLED SENSITIVE. The story by Dale C. English begins:

[1] Don Shamblin, "Brotherhood of Rebels: An Analysis of a Motorcycle Outlaw Contraculture" (Buffalo: Unpublished Ph.D. Dissertation, 1970) for a fascinating study.

D. *The* Buffalo-9: ... *The* Liberation and Creation of Documents (1971-71)

By Spring 1971 antiwar activists were no longer *demonstrating* against the war; instead, they were actively attempting to *immobilize* the war machine. Records give authority for conscription; destroy draft board files and selective service will falter. The political police system is based on secrecy; expose the secrets and the apparatus will topple. In February 1971 the East Coast Conspiracy to Save Lives (ECCSL) removed 800 pages of documents from the FBI offices in Media, Pennsylvania. Key portions were first printed in the underground press; then reprinted in the *Boston Globe* and the *New York Times. Now* for the first time ever there was documentation - written proof - that the FBI compiled dossiers on innocent citizens, spied on people engaged in lawful protest. On April 7, 1971 Congressman Hale Boggs, the Majority Leader, compared the FBI to the Nazi and Soviet Secret Police, citing the Media documents as evidence (Taped CBS Interview, April 6, 1971). Boggs called for the resignation of Hoover, which ignited a furor in top circles of government. Attorney General John Mitchell demanded Boggs apologize to Hoover; Nixon issued proclamations of lavish praise for Hoover. But the sacred consensus had cracked: other congressmen were stepping forth with tales of FBI phone tapping, even calling for an investigation of the FBI itself.

The Nine were first tried in February, 1969 and then re-tried the following October. On March 21, 1969 the principal figure in the Buffalo-9, Bruce Beyer, was sentenced to 3 years for "assaulting a federal officer" not of course for refusing to answer or honor a-draft-board summons. At his sentencing Beyer said prophetically to Federal Judge John Curtin:

> "There are going to be more people like me standing before you - and I can only draw the analogy between this situation and the German courts of World War II, who were sentencing pickpockets while genocide was being committed against 8 million Jews" (UB: Spectrum, March 21, 1969).

After Beyer's sentencing, 400 supporters carrying signs and banners marched to Lafayette Square, burned an effigy of the judge. New arrests were made, two of whom were to become leaders in the 1970 UB strike. On campus, the Defense Departments Project Thernis was attacked in reprisal for Beyer's sentence. (Some $2,000 damage was done to a Thernis tool shed.). Several hundred students occupied Hayes Hall, renamed it Beyer Hall, flew the Black Flag of Anarchy from the belfry. A brilliant, unsigned Spectrum editorial of March 21, 1969 tells the tale:

Ring Dem Bells

"The Butler bells, dangling in the pinnacle atop "Beyer Hall", rang all night Wednesday. 150 helmeted Buffalo blueshirts silenced them Thursday morning. Thursday afternoon the bells - donated ironically enough by the owner of the Buffalo Evening News and WBEN - began ringing again. The clock remained stuck at twelve, its bells ringing uncontrollably, unable to move its hands, not knowing whether it was noon or midnight, darkness or day.

That's how we feel, like that big weatherbeaten clockface, looking with that same blank inscrutability in all four directions.

The cops finally came. Didn't prove too much. We knew that if we pushed hard enough, the blueshirts would eventually appear. The response to the 'demands' never came. We knew it most likely never could.

Actions speak louder than words: the destruction of Themis; the smashing of a window; a building renamed; panic in a crowded room; the block long line of police; the police escort of a president; the issuance of a court order.

The revolution has still not come; we realize now that it is something which has been happening and will continue to happen; it was felt before it was thought.

Two days' activity has not polarized people; it has rather brought closer to the surface the polarities within us and among us.

We must accept' the fact that order is a thing of the past, that stability is an obscenity.

Braking actions can only be viewed by a movement as repressive, and it is therefore not surprising that liberals end up using repressive mechanisms to "slow things down a little". Wednesday's lesson, however, is that repression actually functions as an accelerating, rather than a decelerating force.

So the pig~ have come and gone - perhaps to return another day.

It's not a stable place they have left. Neither is it particularly promising, except that it is certainly active. We must embrace this energy and realize its exciting potential for within it les our only hope.

Before, as a friend once said, it makes pigs of all 67 us.[2]

1969 . . . what an incredible year, a continuous teach-in! Huge faculty meeting in Kleinhans Music Hall to vote on Gabriel Kolko's resolution banning D.O.D. research. Failed. Agitation against Thernis and ROTC persists, escalates. Summer brings Woodstock and the beginnings of what John

[2] *Ibid., p.* 57.

ulty and Students as equal participants in the pursuit of learning.

(4) People learned to confront the violence of the State, without panic, tested their courage; had watched 400 cops patrol the campus for weeks on end. Despite macho talk of Armed Love it was plain that the State had all the big battalions -and after Kent State no one doubted that the functionaries of the State would shoot even their own children. The violence of the State proved the efficacy of the Non-Violence of the Movement.

By autumn 1970 the amateurs were becoming pros. Rhetoric subsided. Many new left revolutionaries moved into old left (marxist) formations. SDS died though the corpse was preserved by Progressive Labor Party. And the anarchopacifists were developing the subtlest strategy to come out of the anti-war movement.

"You don't destroy government by setting fire to the White House," said Alexander Berkman in 1929. "To think of revolution in terms of violence and destruction is to misinterpret and falsify the whole idea of it. When Bakunin speaks of revolution as destruction, he has in mind the idea of authority and obedience which are to be destroyed. it is for this reason that he said that destruction means construction, for to destroy a false belief is indeed most constructive work."[4]

Government is an idea, not a thing. Not the building but the document contains the idea, which runs the machinery of State. When the State is losing legitimacy, when it is no longer supported by the consent of the governed, then it resorts to secrecy and deceit. Document the duplicity of the State and paralysis will ultimately follow.

Thus a group, calling itself the BUFFALO entered the offices of the draft board and military Intelligence to liberate the documents of the State, and thereby moved the Revolution to a higher plane.

[4] Berkman, op. *cit., P.* 44 *1.*

May 1970 saw the Cambodian incursion, murders at Jackson State and Kent State, which sent thousands of UB students surging down Main Street, breaking bank windows. Provocateurs stirred up trouble at Kent State; were they also at work in Buffalo? In June 1970 Buffalo police would disrupt and disperse the crowds of the Allentown Art Festival in the downtown Hippie-Bohemian area, which was sprayed with tear gas like the campus earlier. The 'culture war' was underway: the police as the internal army of the Dominant Society easily defeated the hippie vanguard of the counter-culture on the field of battle. But the freaks wrote the history - a small book called Frustration Politics - which pinned the blame on the cops, and thus drove one more nail into the coffin of State authority.

Summer 1970. Two years and a 'revolution' since a couple of young 'draft resisters' took sanctuary in the Unitarian Church and with the help of the cops created the Buffalo-9. What had been accomplished?

(1) People were beginning to live in communes and collectives, build 'food conspiracies', co-ops, free schools, even free stores. The Free Store in Allentown where people could deposit and pick up clothes, furniture, miscellaneous goods, was built by young IWWs and later burned to the ground by the cops. Why would they care, we wondered at the time . . . and still wonder, though perhaps it was the work of the Commune and New Left Division of the FBI.

(2) People were learning to talk to each other, to write leaflets, publish underground papers, organize.

(3) They had learned how to stop an institution - the University - from carrying on small business as usual. Radicals compelled the university to take a stand on the war - the University officially endorsed Moratorium Day November 15, 1969 and finally voted ROTC off campus in Spring 1970 - and to communalize bureaucratic procedures. Students gained representation on university committees, and there was a brief revival of the vision of the university as a Community of Scholars, of Fac-

Sinclair later called I culture war". Conference on Political Repression in late September on campus in preparation for the second trial of the Buffalo-9; there I heard that a colleague Jim Crotty had been savagely beaten by the police. The story I doubted until I talked personally to Jim: he showed me bruises on his back and legs and arms, still visible a week after the event; told me how he and two students had been jailed, held 18 hours incommunicado, threatened with murder - a cop held a straightedge razor to his throat for hours, taunting him. After the private talk with Jim I listened more intently to the speakers at the conference. Flo Kennedy, a brilliant, black lawyer, was telling people to get rid of their "horizontal hostility", that is, quit 'vamping on each other'; said she supported every group to the left of the KKK because it was all one struggle, said we had "to learn to piss up and not down" that she didn't fight anyone smaller than CBS, against whom she then had a legal suit of several million dollars in an effort to raise money for the Black Panther Party. Then there was Preacherman of the Young Patriots, a "Redneck" who had just come back from a speaking trip in the South with Bobby Lee, a member of the Panthers; Preacherman was saying "you can jail a revolutionary but you can't jail the revolution." Talking privately with these young radicals late into the night I learned that they really were laying their lives on the line. Most of them had received anonymous murder threats - from the FBI, I wonder?

No longer the 'play life' of the class room. For choosing to defy, the authority of the State these people, the principal actors in the case of the Buffalo-9, would face jail, exile, even the threat of death. Two months later Bobby Lee would be wounded when the police killed Fred Hampton in Chicago. Ray Malek and Bill Yates would do three years in federal prison, another Brother would do a month in Attica, Bruce Beyer would do years in exile in Sweden and Canada. All would be harassed and hounded by the police. One Buffalo-9 defendant, Karl Kro-

nenberg, was arrested and the police carved a peace symbol on his stomach, or chest (or so my notes read; I have not verified the story).

Extraordinary time, October, 1969. My notes read:

Oct. 15. Incredible day. 9:15 cycled to school, to Project Themis adjacent to Capen Hall, Medical school building. SDS people had asked me to talk. Fred Shell had already spoken. I climbed up on a woodpile and took the bullhorn, nervous, not like a lecture hall before captive students. Tried to say that University and Thernis directors had committed violence to truth last year . . . told us the project had nothing to do with war then Gabriel Kolko revealed that they justified themselves to the House Appropriations Committee on grounds that the project was militarily useful . . . this was a greater violence than people tearing down a shed last year at the project. But be grateful to Thernis as a concretization of the military-industrial complex, let this pile of stone stand as a monument to official stupidity, a reminder of the violence of the State which would someday be changed by the People. But the next speaker thought Thernis should be blown up like the statue of the cop in Haymarket Square. This young guy from Chicago tells of being kicked in the balls by the pigs in Chicago and concludes with the slogan, "The only direction is insurrection; The only solution is revolution.[3]

Then to town at noon. Niagara Square is full of people . . . 5,000 or so, a sea of Red flags. The Red flag had even flown briefly from the top of city hall. We march, circling the Courthouse and then the old Federal building, the Post office. I run into my lawyer, a liberal Republican, establishment type. What did he think? Extraordinary. What would he estimate the crowd? 5,000. Would it do any good, I asked. It was bound to, he said.

[3] *Ibid., p.* 23

of some kind, who wanted to create an incident, further alarm the public so as to build a consensus for the suppression of the left. Norton Union was subject to several bomb threats during the day. Roger Cook and I were talking about it in the Rathskellar. The bomb threats are now so common at Norton that most people do not even bother to leave the building when warned to do so.

Radicals were the targets but not the perpetrators of violence. The radical leadership consistently opposed violence as tactically incorrect and pragmatically unwise. No radical on campus was indicted for the commission of a violent crime. In countless hours of informal conversation we never heard anyone seriously propose the use of violence as a strategy in the current conflict. None of the UB radicals identified with the Weatherpeople. Nor were the radicals into *anonymous* phone calls. Since we now have evidence that the FBI used the anonymous letter as a weapon against dissidents, it is easy to believe that employees of that organization could be responsible for the Norton bomb threats. And to make the threat credible why not lob a fire bomb into the Faculty club, or the buildings of the English Department? We have fairly persuasive oral evidence of one case where a Treasury department agent attempted to induce a local, half-demented right-winger to store sticks of dynamite in his house.

How much did the Intelligence apparatus of the State know about the "revolution" on campus in spring 1970? It knew nothing - but it was inundated with information. For instance, Military Intelligence (MI) had one agent travelling in each of the some 30 police cars patrolling the area, and local law enforcement agencies passed to MI some 1,000 names of 'alleged' campus militants. In June and July, 1970 Grand jury investigated the campus uprising, took testimony from 57 witnesses. Curiously, no indictments came down; not a single radical was charged with unlawful activity. Perhaps because a court trial would expose the Intelligence network?

of epitaphs and insults, more concerned with dirty words than police on campus.

The rhetoric of violence is pervasive. Slogans are scribbled all over Norton: "if you want peace, prepare for class war." The slogans - Off the Pigs - are fading, new ones appearing. "Burn a bank and save a village."

But I can't seem to locate the source of the violent talk. The radical leadership from last fall - those who are still around -are trying to cool it. X was arrested on a Molotov cocktail charge - totally false, I'm sure. The leader of YAWF was arrested at 3 a.m. yesterday morning. A warrant is out for Bruce Beyers' arrest; he has gone underground I hear, never stays in a single place, is constantly on the move. Supposedly there are over 100 warrants for arrest out now - the exact date of these notes is not known, it's sometime in late March:

In talking with leftists I implore them not to lie, even about capitalism, even about militarism. We cannot afford to misrepresent either ourselves or the other side. If we do not retain an Absolute commitment to truth we will all go mad. Here again I think of Sid Willhelm's emphatic refusal to indulge in the pleasures of self deception.

Leftist melodrama, the silly talk of violence from the Weatherpeople has predisposed the whole country to believe the left is behind every bombing which occurs. Thus the left is set up for a monumental frame up. The English Department buildings were fire bombed two weeks ago. No one on the left could understand this; English is the one department which has overwhelmingly supported the strike. Innocents! Probably done by police provocateurs . . . The Faculty Club was fire bombed. Why assume this comes from the left rather than the undercover police . . . Downtown the Lafayette Hotel is bombed, and everyone on campus is asking, why would the left do that? Makes no sense. The building has no symbolic meaning, like a bank or a corporate headquarters. It could have been done by the lunatic right, or the police, of CIA, or counter-insurgents

Student-friend tells me at lunch that the "cadres" are ready to move this afternoon, to be on campus around 5. Had no idea what he meant.

I go to Norton Hall around 3. Notice a throng at TV set, then shouts, we won, we won. I said to Sid Willhelm, "My God the Viet Cong won the war." But it turns out that it was the Mets winning the World Series.

To movies in the Fillmore room. The radicals are showing films made by the ROTC . . . 82 per cent of officers in services are ROTC grads; U.S. Armed Forces can't survive without ROTC. Audience cheers. Another film on Vietnam. but I am afraid I slept through it.

Then an SDS leader is talking of love and honesty and how now he is forced to act, that they were going to smash ROTC, so about 100 of them start for the ROTC office in Clark Gym, a block away, across campus. Sid and I stroll out the north door of Norton; no hurry as we only expected more speeches. When we reach the quadrangle in front of Norton we see a puff of black smoke. Young guy in the quad reading a book looks up and says, "Oh, wow, they're burning ROTC. Incredible . . . and then returns to his book. Sid and I walk over to the ROTC, watch campus cops put out the remains of the fire. ROTC files had been taken out of the building and set afire. Looked like secondary file - only printed matter, brochures, etc. I notice a half burned copy of Ramparts magazine. Makes you wonder . . .

Around 8 this evening we go to Delaware Park . . . truly beautiful, inspiring experience. Candies, soft singing, warm feeling, solidarity. Ray Malek made a good speech about how he had gotten involved, had no politics before the Buffalo-9. Then the leader of the Grape Boycott. And a guy from Revolutionary Youth Movement, praising ROTC burnings. Then a campus SDS leader with the same rap. Apparently they hadn't wanted him to speak but he quietly took the mike anyway.

Then a march down Lincoln Parkway to Delaware to Ferry to the Unitarian Church. In-the windows of almost all the houses on the way were candles as a sign of approval of our march. Bruce Beyer spoke at the Church. Chatted with L., who is bitching because people could not understand that imperialism is the enemy. He was depressed. But if he could have seen Buffalo ten years ago. As Professor K said in the line downtown, "This sure as hell beats those Easter Sundays with SANE, doesn't it?"

The Movement is creating a new community. Everyone is talking to everyone. Sometimes I feel like I'm in my home town, Plainsview, Texas. News commentators are saying the country has not been so divided in 110 years. I doubt that Buffalo has ever had this much mass action, street action on a political issue. And this is happening all over the country, literally millions of people in the streets protesting the war, as even the banner headlines of the Buffalo Evening News concede. So the war is uniting, not dividing, the people; uniting them against the ruling class. And the ruling class itself may be dividing. Media and official spokesmen are digging their own graves by distorting the news, underplaying the significance.

The Movement is drawing out the creativity of people . . . The Buffalo Mime Troupe, the new conceptual theatre so called . . . was performing improvisations on war in front of the Albright-Knox Museum when I stopped by there at 11.30 tonight. A black and white acting out the themes of violence and love surrounded by a circle of 15 young men and women acting as a chorus.

When I left the park at midnight I passed the Lincoln statue and fifty candles were left burning in front of it. The park empty and dark now and the night the loveliest of the autumn and tears of great joy came momentarily to my eyes.

I had been looking for my son Jim (aged 12) and when I got home I found him bursting with pride. He had marched in the first line and hollered himself hoarse with Peace-Now chants.

majority of the people, i.e., students, were on their side; that the trouble was caused only the 'vicious few' as UB President Reagan put it. Hence the police were called on campus last Sunday morning - March 7 - 400 of them. This brought mass meetings of students and faculty

liberal faculty people I had not seen all year around Norton showed up that Sunday afternoon. After speeches and grave nervous talk the entire assemblage of some 5 to 6,000 people marched around campus and around Hayes Hall, a solemn protest against the police invasion.

Who called the cops; rather, why were they called? Peter Reagan the acting President was made the fall guy for the decision, but he was only obeying higher authorities . . . somewhere in the Castle in Albany . . . or Washington even? By March 7 the strike was melting away, students were leaving for Spring vacation; the local crisis did not warrant 400 policemen to control it. The police presence did not pacify but aggravated the turmoil. Blue uniformed patrols in groups of 12 or so marching around campus all day and night for several weeks. Cops were decent guys, individually, not pigs - the pigs were the decision makers who put them in this lousy role. Their presence was a provocation. All that week from March 7 to 15 there were battles between police and students. Jerry Rubin spoke on campus on Tuesday; the situation was cooled for fear of getting him in trouble for inciting to riot. But on Wednesday night violence broke out again. Thursday, Friday and Saturday were quiet, but on Sunday 45 faculty were arrested at a peaceful sit-in at Reagan's office.

March 16 . . . The radicals see it as class war, the conservatives as classroom war. Liberals and conservatives (as distinct from radicals) delude themselves with the hope the trouble is located exclusively with a handful of unruly school boys (and girls). Harmony can be restored, they think, by the elimination of the radicals . . . The Sociology Department is afraid

cus; tension mounts in January and erupts in late February, 1970. From my notes:

March 5, 1970. For nine days the conflict has been escalating toward chaos. On Feb. 24 Blacks and white radicals stopped a basketball game, literally ran on to the court and grabbed the ball. Police then cleaned out Norton Union arresting 12 to 20 people injuring Janet Cohen badly enough to require a weeks' hospitalization for a slipped disc. The next day, Wednesday, 100 police returned, but retreated before a semi organized group of several hundred students. Billed as tactical victory for the student radicals. Strike meetings followed. I went to two in Tower Hall, with some 2 to 3,000 in attendance, where there was some wild talk of, in effect, burning the place down. Windows were smashed during the week. Monday afternoon Mar. 2 there was an assembly of some 5,000 in Clark Gym. The Strike leadership almost blew it by refusing to let the opposition speak. After opposition was heard the group voted almost unanimously (5,000 to 100) for the strike. Peaceful pickets went on the next 2 days and today, Thursday, 5 Mar., pickets blocked Hayes Hall - it was called a peaceful blockade - refusing access to administrators and students. The strike had about petered out at this juncture. But now the administration is out for blood. Announced suspension of 20 students in violation of an injunction. Some 20 to 30 of us in Radical Faculty Caucus cancelled classes in support of strike.

March 13. . . the attack on capitalism is growing but capitalists themselves do not know it, like the Czars who thought people loved them. But I am not sure capitalism is the enemy. I rather live under Nixon than some of the 'revolutionaries' I know around here . . . The capitalist class - the ruling class of the US - may itself be losing touch with reality. If you've got power you don't need brains; hence you misread the real situation and lose your power - is that the dynamic of Pareto's circulation of elites? The University of Buffalo may be a microcosm of the larger society. Here the 'rulers' thought the

Did this outpouring of the people into the streets influence decision-makers in Washington? Probably not. But it influenced the participants. 5,000, maybe 10,000 people were in the streets that day, some of them for the first time, ever; some of them were older, straight people who had never demonstrated before.

On campus the attack on ROTC brought perfunctory condemnation from officials but no sense of outrage. "Blackest day in university history" said one Vice President. But SDS easily turned that definition around: "Black is Beautiful". The ROTC burning was the work of Mad Vandals, said another university official; the radicals tried to turn the idea into a self fulfilling prophecy, as revealed in this leaflet:

GETTING OUT OF LIMBO

We've been in limbo at UB for a long time.. In learning to accept our classrooms, in learning to accept the legitimacy of the institutions that we live under and the labels that accompany them (Professor, Administrator, Leader . . .), in learning to accept the purposelessness that pervades any stay in the prison-like space of Norton Union, it becomes almost effortless to accept the presence of ROTC on this campus as normal, its destruction as insane.

We can no longer let these definitions stand. We must define for ourselves what is liberating, what is destructive. Women Against ROTC's (W.A.R.) showed that realities can be reversed, that we can invade an inhuman reality. The raid of the Mad Vandals showed concretely that we can stop the functioning of ROTC on this campus. We must all become Mad Vandals until inhuman and brutal realities are abolished. joining the struggle of the Vietnamese as true brothers and sisters, we must aid that struggle in a real way, By Any Means Necessary!

Out of the libraries stride the slaughterers. The mothers stand Clutching their children, and Stare searching the skies numbly for the inventions of scholars.

Bertolt Brecht

The State, however, is not quite ready to capitulate. On October 21 the verdict came in on the Buffalo-9. Rose, Berry and Kronenberg, acquitted; Gross, hung jury; Malek and Yates, convicted. A former English instructor and now a full time radical, Bill Yates, 40ish, was arrested eight months after the sanctuary at the church. He was arrested in the courthouse immediately after testifying favorably for Bruce Beyer in the first trial of the Buffalo-9. Jerry Gross was the young radical who had published the letters of Martin Sostre, worked so valiantly to mobilize support for Sostre. Because I am ashamed of my fear I quote directly from my notebook of Oct. 21, 1969:

Because I am ashamed of my fear I quote directly from my notebook of Oct. 21, 1969:

"Large crowd - 100 ish - picketing federal building immediately after the verdict. I marched with them awhile, then went in for coffee in a cafe on court street, sat at a window where I could observe. Saw plainclothesmen come up and quietly take Jerry Gross away - all very official. Jerry (freed by hung jury) was doing nothing at all but chanting with the rest of the crowd. After his removal, the crowd started chanting, "Free Gross, Off the Pigs".

Watching the removal of Gross I had that helpless feeling of good men in fascist states. My impulse was to walk up to the officers - how dare you! Or at least, "Please, officers, you can't take away a fellow citizen" . . . Then remembering Jim Crotty's bruised back I realized I could be arrested too, made the target for future harassment. Then the rationalizations: really I am more useful to the Movement on the campus . . . and after all Jerry does have a good lawyer, Bill Myers, as well as a wife and party (YAWF) to look after his interests.

What was Gross booked for? Possession of a dangerous drug. Pot? No, Dristram, a nasal decongestant sold without prescription. As a 'good liberal' in 1969 1 could not see the connection between the drug police and the political police, but

posed there was an autonomous Right wing - the John Birch Society, Minutemen, YAF - making war on the Left. In actuality there was almost *no* right wing in Buffalo - not more than 20 to 40 people in the area were participants in rightist groups. The FBI itself mobilized the attack on the Movement; in other cities it may have used the indigenous rightist elements, pushing them into an attack on the left. But more often it hired criminals to do its dirty work. SDS leaders claimed to have received threatening phone calls and letters; I tried at the time to run down the stories. Oddly enough the right wing was always blamed but rarely was the FBI. For instance Professor X, one of the most respected and militant members of the Radical Caucus, on November 2, 1969:

told me he had received a threatening telephone call over the Themis thing. With students he had discussed holding a seminar inside the Themis grounds on Oct. 15. Several planning sessions were held; they finally rejected the seminar idea because it abetted others to violate the law. While X was in one of the sessions his wife called to him about the phone call she received. The caller said to her, "Tell your husband not to follow up on the Themis plan or we will kill him." X told the other people in the session about the call. He told me he had thought about taking it to the FBI, asking where is my protection. My guess is that the call came from the FBI. X seemed . . . to think it was a crank call. But would cranks know about X? How can this be checked out? Are other people getting crank calls? Must be someone in Fred's group passing info to FBI. How would FBI know of earlier Thernis plans?

But in November, 1969 it was still an Open Revolution. On the 15th a million protestors flooded the streets of Washington, waved Red Flags at the Justice Department. Martha Mitchell said it was just like the Russian Revolution, which delighted everyone but her husband. In Buffalo everything was being overthrown, even the Sociology Department - an educational experience for all concerned. December 1969 was one long cau-

pot. You are free to smoke pot, but you must pay the consequences. A different logic than "if you don't want to go into the army, don't be 20 years old." If you don't want to get arrested, don't go to demonstrations. Resist the draft and you go to coum resist the police and you go immediately to jail.

Still, the only antidote to police repression is exposure. It will take more courage to face the police than the military. It will produce anxiety because we will not know what we face. The uniformed police are not hard to face; they're like an army. But the secret police, the informer - that is the real deterrent, the real terror. Get one person to publicly inform on the movement and distrust will spread. Make people feel it is their duty to inform and they will inform on themselves. Trick them into informing and then they will never trust anyone - not even themselves.

The trick will be the prime symbol of the Nixon years.

Nixon will try to goad the left into violence. How can the silent majority prove its patriotism? By attacking the left. Lunatic YAFers are already talking about occupying SDS offices; probably sending out *threatening letters, like the ones received here.* The Minute Men will be unleashed. No problem there; just fail to restrain them. Orders do not have to come down saying to attack the left. It will be enough merely for high officialdom of the FBI, etc. to send out directives on the grave dangers of revolution and the need to step up surveillance. Already there are recommendations for increasing police appropriations to 10 billion a year.

Above written yesterday (Nov. 5, 1969) is confirmed by news hints today. Officials say parade permit may be withheld on November 14-15 in Washington because of the danger demonstrators might surround the White House. The Pentagon is said to be alarmed and will have 28,000 troops standing by.

In 1969 there was no solid documentation that the FBI was acting as a political police force and already deeply immersed in a strategy of provocation. The Left tricked itself: we sup-

recent FJ31 documents tell the story. A memo from J. Edgar Hoover himself tells the story:

Since the use of marijuana . . . is widespread among members of the New Left, you should be alert to opportunities to have them arrested by local authorities on drug charges. Any information concerning fact that individuals have marijuana . . . should be immediately furnished to local authorities and they should be encouraged to take action" *(The Militant,* Feb. 6, 1976).

And if they don't use marijuana like Jerry Gross? Then bust them for Dristran or plant heroin on the premises, as in the case of Martin Sostre. Will absurdity undermine the State? Let me reconstruct the *Zeitgeist* by unedited quotation from my journal in 1969:

October 29. Yesterday 100 demonstrators attacked ROTC and broke up the drill session with non-violent ridicule. The demonstrators marching beside the ROTCs, inviting them to join the demo, had even the cadets laughing so that finally the unit could not function. The 'attack' was led by a long haired, bearded Yippie named Amos who came with a bow and a sheaf of arrows. Ridicule is more effective than violence because it causes the actor to question what he is doing and thereby immobilizes him.

Two Panthers talked at a rally for Sostre last night . . . Everyone is colonized in this country (they say) but the pigs Rockefeller and Hunt, the big bourgeoisie . . . Robert Williams' return to Babylon had won him respect. Panthers were sacrificing themselves to teach the people; going to be ripped off, either dead or put in the joint by J. Edgar Hog . . . Local black woman, tells of the indictment of a 17-year-old black guy who had come forward to testify for Martin Sostre.

November 1. White radicals mimic Panther styles; post guards at their meetings in Norton. Guerrilla theatre but needlessly provocative. Guards wear armbands with slogan ARMED LOVE. Communist slogans sprayed in red paint on

all the buildings. Super-proletarians want to "Smash the motherfucking ruling class'. But my favorite is a neatly lettered anarchist sign in College A: FUCK HATE.

Nov. 10, 1969. Saturday night heard Abbie Hoffman in the Fillmore Room. Marvellous. Overflow audience - 2,000 . . . says the Chicago 8 was convicted because there is *no* evidence against them, thus their conviction would be even more intimidating to others. Deterrent theory; makes sense . . . same patterns as the Buffalo 9 locally. Hoffman warned that there was little hope in appeal; political cases are never reversed - the Rosenbergs, Sacco and Vanzetti. His only hope is to get people into the streets. Trials have nothing to do with justice; only power . . .

Monday morning went to sentencing of Bill Yates and Ray Malek. Both got 3 years; will appeal. Both made speeches to the court. Bill said that he had given up his white skin privileges to identify with the oppressed of the world, said that he was not a criminal but a revolutionary . . . POWER TO THE PEOPLE, and a strong clenched fist to the court, answered by the spectators in the court room rising and repeating the gesture.

Ray's speech was angry, less controlled. Said the charges were ridiculous - which they were, of course - denounced as a 'slimy pig', Marshall Alvin Grossman, who had arrested the people at the sanctuary. Ray explains that the pigs are corporation executives, cops, etc., and ended by saying that the most eloquent denunciation of the system had come from Bruce Beyer on August 18, 1968: "The system stinks."

So Ray and Bill would spend 3 years in Allenwood Federal Penitentiary for the awful crime of impeding arrest. Their real crime was refusing to stand for the judge, and thus a contempt-of-court citation. Strong State indeed! "Stick and stone will break my bones, but words will never hurt". Wow. That is what really terrifies the State, especially, it seems, the word Pig. Ray Malek had called Judge Henderson a pig, and for that he got

three years. *None of the* Buffalo-9 *were ever charged with damaging property or injuring a person.* Not even the prosecution charged that the arresting officers had been physically hurt by the resisting Peaceniks at the church. But the State could not allow itself to lose face either in Buffalo or Vietnam.

As the State loses authority it turns increasingly to violence and fraud to sustain its rule. Caught up in the grand themes of geopolitics radicals were not paying enough attention to the linkage between the University and the Police Intelligence system. Observing rightist professors taking names of students at campus demonstrations, I wrote in my notebook of November 5, 1969:

Is it better to have university personnel . . . playing cop, or to have real cops on campus? Not an easy question. I fear the real cops - and the people behind them, FBI, the Federal Department of Justice - may be planning a push against college radicals. Today at MIT they moved in on demonstrators, apparently in opposition to the will of the school . . . If we knew just what the police-establishment was up to, in the way we knew what the military establishment was up to when the Vietnam war was escalating, we might forestall dire consequences. Knowledge is power. How then do we get knowledge of the police system . . . The military system is actually more accountable, less secretive than the police system. The press forces them to explain their views; the Senate Foreign Relations Committee has smoked out a lot of information. The military has to explain itself to Congress and Senate to get its money. But there is no comparable surveillance of the police apparatus. Public outcry against the military in part derived from the fact that 'innocent' Americans were being drafted and killed. But no one will rise to the defense of 'guilty' Americans - and the guilty are those who have police records. People who break the law deserve no sympathy. *Last year there were 4,000 arrests on campuses - mainly* drug busts. But public approves of drug laws. If you don't -want to get arrested, don't smoke