

Closing Argument

Abbie Hoffman

1987

On April 15 a jury in Federal District Court in Hampshire County, Massachusetts, acquitted twelve people, including Abbie Hoffman, of trespassing charges in connection with the occupation of a campus building during a November 24 demonstration against C.I.A. recruitment at the University of Massachusetts. Three others, among them Amy Carter, were acquitted of disorderly conduct.

The group asserted that its actions were necessary to force the school to comply with its own policy, which limits campus recruitment to law-abiding organizations. In three days of testimony, more than a dozen defense witnesses, including Daniel Ellsberg, Ramsey Clark and former contra leader Edgar Chamorro, described the agency's role in more than two decades of dirty tricks and broken promises.

Hoffman acted as his own attorney. His closing remarks to the jury follow.

Good morning, women and men of the jury:

At 50, I am the oldest of the student defendants. In a short time you will retire to deliberate your decision. In examining the exhibits before you, we would draw your attention to Exhibit No. 3, page 1, paragraph I of the letter from the administration to the University of Massachusetts community, dated November 21, 1986:

The university has consistently been committed to providing, promoting and protecting an environment which encourages the free exchange of ideas through formal classes, meetings, public addresses, private conversations, and demonstrations.

Also, we would like you to consider page 2, the first paragraph:

The university respects the rights of its students to express their views in whatever manner they see fit, including demonstrations, rallies and educational forums.

The defendants have not claimed that the C.I.A. has no right to participate in that free exchange of ideas. To the contrary, the defendants encourage that right of free speech. But recruitment by a company, private or public, is not a right; it is a privilege which is regulated to insure that the laws of the University of Massachusetts, the commonwealth and the United States are being obeyed by the recruiter.

You heard Ralph McGehee's description of how he was recruited into the C.I.A. He was told that he would be gathering intelligence, and we don't object to that. The country needs intelligence. He wasn't told he would be part of an assassination team, that he would have to "arrange and doctor evidence" that would show the North Vietnamese were invading the South, that he would have to write a white paper to Congress that was a total lie so that Congress could authorize the first bombing of Hanoi. We would draw your attention to Mr. McGehee's remark that the big joke about Congress in the C.I.A. was, "Treat them like mushrooms—keep them in the dark and feed them a lot of manure." Does anyone believe this is what recruiters say? Do they tell the recruitee (as witness Mort Halperin testified) that they might have to break the C.I.A.'s own charter and engage in domestic spying? That they might have to silence a Daniel Ellsberg? That they might have to engage in acts of war against a country we are formally at peace with? Mr. Halperin testified that during the Senate intelligence hearings chaired by Senator Frank Church in 1976 it was recognized that some covert or secret acts are necessary in the conduct of foreign policy. However, it was decided that a covert action or program could not be in direct conflict with publicly stated government policy. In other words, you can't tell your allies for six years not to do business with Iran and at the same time secretly sell Iran weapons yourself.

Free speech is not a license to misinform and lie without accepting challenge. The C.I.A. has been invited to send representatives to debate with the defendants and our witnesses on campus and here in court. After all, in the "necessity defense," we have to prove that bigger laws are being broken. But where is the C.I.A. to refute the evidence we have brought before you? If you accept our necessity defense, the prosecutor must offer some proof that justification was absent beyond reasonable doubt, just as we must prove it was present.

When I was growing up in Worcester, Massachusetts, my father was very proud of democracy. He often took me to town hall meetings in Clinton, Athol and Hudson. He would say, See how the people participate, see how they participate in decisions that affect their lives—that's democracy. I grew up with the idea that democracy is not something you believe in, or a place you hang your hat, but it's something you do. You participate. If you stop doing it, democracy crumbles and falls apart. It was very sad to read last month that the New England town hall meetings are dying off, and, in a large sense, the spirit of this trial is that grass-roots participation in democracy must not die. If matters such as we have been discussing here are left only to be discussed behind closed-door hearings in Washington, then we would cease to have a government of the people.

You travel around this country, no matter where you go, people say, Don't waste your time, nothing changes, you can't fight the powers that be—no one can. You hear it a lot from young people. I hear it from my own kids: Daddy, you're so quaint to believe in hope. Kids today live with awful nightmares: AIDS will wipe us out; the polar ice cap will melt; the nuclear bomb will go off at any minute. Even the best tend to believe we are hopeless to affect matters. It's no wonder teen-age suicide is at a record level. Young people are detached from history, the planet and, most important, the future. I maintain to you that this detachment from the future, the lack of hope and the high suicide rate among youth are connected.

This trial is about many things, from trespassing to questioning acts by the most powerful agency in the government. And here we are in Hampshire District Court. You have seen the defendants act with dignity and decorum. You have seen our lawyers try hard to defend our position. Witnesses, many of whom occupied high positions of power, have come before you and have told you the C.I.A. often breaks the law, often lies. The prosecutor has worked hard but has not challenged their sincerity. The judge is here, the public, the press. I ask you, Is it we, the defendants, who are operating outside the system? Or does what you have heard about C.I.A. activities in Nicaragua and elsewhere mean it is they that have strayed outside the limits of democracy and law?

Thomas Paine, the most outspoken and farsighted of the leaders of the American Revolution, wrote long ago:

Every age and generation must be as free to act for itself, in all cases, as the ages and generations which preceded it. Man has no property in man, neither has any generation a property in the generations which are to follow.

Thomas Paine was talking about this spring day in this courtroom. A verdict of not guilty will say, When our country is right, keep it right; but when it is wrong, right those wrongs. A verdict of not guilty will say to the University of Massachusetts that these demonstrations are reaffirming their rights as citizens who acted with justification. A verdict of not guilty will say what Thomas Paine said: Young people, don't give up hope. If you participate, the future is yours. Thank you.



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