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Film Review: *The Trial of the Chicago 7*

By Moises Gonzales

The Trial of the Chicago 7, directed by Aaron Sorkin and released in 2020, was set during the late 1960s in the United States when abuse of the law by the United States criminal justice system and law enforcement personnel was rampant. The misuse of the law, including police brutality, racism, and corruption, reached a boiling point when it empowered eight brave young men to fight against the unjust socio-political and racial ideals.¹ The film centers around a riot at the Democratic National Convention in the summer of 1968, where thousands went to protest the United States' involvement in the Vietnam War (1954–1975), which had been unpopular among a younger generation of Americans since 1955. In 1969, a select few protesters found themselves in federal court for allegedly inciting a riot at the convention. The trial began with eight defendants known as the Chicago Eight, but when Bobby Seale was granted a mistrial, they became known as the Chicago Seven. Even though these men lost the initial trial, their combined effort to challenge corruption, racism, and the Vietnam War was significant because it set an example for future generations of Americans to fight for their own beliefs.

As the United States continued to draft more men to Vietnam, anti-war efforts heightened. A national protest was organized outside of the Democratic National Convention of 1968 in Chicago, Illinois, where a riot broke out between the police and protestors. Chaos ensued. Among the protestors were Students for a Democratic Society (SDS) leaders Tom Hayden and Rennie

¹ Terry Gross, "Author Says The Chicago 7 Trial Reflected 'All The Conflicts In America,'" NPR, November 18, 2020. <https://www.npr.org/2020/11/18/936164085/author-says-the-chicago-7-trial-reflected-all-the-conflicts-in-america>.

Davis. Also involved were Organizers for the Youth International Party (Yippies) Abbie Hoffman and Jerry Rubin, as well as David Dellinger, who led the Mobilization to end the war in Vietnam. Additionally, Chairman of the Black Panther Party, Bobby Seale, and activists Lee Wiener and John R. Froines joined them in Chicago. These eight men were arrested and tried for allegedly inciting the riot.

John Mitchell (1913–1988), United States Attorney General under the Nixon administration (1968–1972), wanted to indict these men for violating Section 2001 of Title 18 in the United States Constitution, better known as the Rap Brown Law, a federal law that enabled more than one individual to be charged with conspiracy to cross state lines to incite violence. Since more than one person could be tried for the same crime in a conspiracy trial, the prosecution ensured that all eight men were tried as a group.² In the case of the Chicago Eight, the prosecution had the upper hand because they did not need to prove that the defendants did anything wrong to get a conviction based on conspiracy; they only had to prove that these men had planned or “conspired” to do so.³

The defendants opposed these charges and argued that they went to Chicago to end the war, not to incite a riot. Yet, while the film mainly focuses on the group’s opposition to the war, the men also had other motives. In *Conspiracy In The Streets: The Extraordinary Trial of the Chicago Eight*, the book by American historian Jon Wiener which the film is based on, Tom Hayden (one of the Chicago Eight) went on record explaining the group’s full intentions in 1968 and the aftermath of the trial:

This Other America, never triumphal but never
defeated, once again rose in the sixties. Millions of
young people, and some (but not many) of our

² Jon Wiener, *Conspiracy In the Streets: The Extraordinary Trial of Chicago Eight* (New York: The New Press, 2006), 16–17.

³ *Ibid.*, 16–17.

parents, were on the march. They were riveted by the Chicago demonstrations and subsequent trial—a larger “jury,” if you will, whose verdict of rage was delivered in the streets on the day we were convicted, when there were dozens of riots, and one bank burning in sunny Santa Barbara. Chicago not only radicalized many Americans, it also awakened a liberal conscience in response to the perceived outrages of the Nixon years.⁴

Here, Hayden expresses his true feelings and frustrations at the situation that he and the other defendants found themselves in from 1968 to 1970. By identifying himself and the others under the “Other America” banner, he revealed their radical nature which went against, not just the Vietnam War, but also the socio-political and racial injustices that were happening in the United States. The “Other America” banner meant opposing racial discrimination in society and the law. Instead, it suggested enacting progressive reforms to better serve the American people.⁵

As the trial began, Judge Hoffman (1895–1983) and the prosecution took the men’s purpose for going to Chicago completely out of context. Judge Hoffman and the prosecution believed that they went to Chicago to incite violence. In contrast, The Chicago Eight stated, on multiple occasions, that their demonstrations were strictly to protest the Vietnam War. In these scenes, the film unraveled a key part of the prosecution’s agenda, which was to silence the defendants from expressing their opposition to the Vietnam War. This became clear to the general public and brought the legitimacy of the trial into question, illuminating the discrimination and corruption of the United States criminal justice system.⁶

⁴ Weiner, *Conspiracy In the Streets: The Extraordinary Trial of the Chicago Eight*, 256–257.

⁵ *Ibid.*, 255–257.

⁶ Gross.

Police brutality was another key issue addressed in the film. In multiple scenes, protestors and policemen engaged in violent clashes where policemen beat protestors with clubs and sprayed them with tear gas at the Democratic National Convention. In a particularly powerful scene, the film showed the police officers deliberately taking off their badges before confronting the protestors. By intentionally removing their badges, the policemen demonstrated premeditation to commit these acts of violence; they went above the law when they realized that without their badges they could not be easily recognized and punished for their misconduct. These police officers demonstrated a disregard towards their duty to uphold the law. Instead, as is evident throughout the film, the police had no regard for the people and they acted with brutal force.

Out of all eight defendants, Bobby Seale, the only African American defendant, received the most unfair treatment throughout the trial. He played an important role in outlining the blatant bias and corrupt nature of Judge Hoffman.⁷ Since the beginning of the trial, the judge purposely tried to derail Seale's case. To clarify, even though Seale appeared in court alongside the rest of the defendants, he was also put on trial for homicide in Connecticut in 1969, which were different charges than the other defendants faced.⁸ While he should have had a separate trial, he appeared in court alongside the other defendants because it was a conspiracy trial in which they were all tried for a conspiracy to commit a crime together.⁹

At the beginning of the trial, Seale repeatedly said that his trial had "begun without his lawyer."¹⁰ This was true since neither

⁷ Ibid.

⁸ Wiener, *Conspiracy In the Streets: The Extraordinary Trial of Chicago Eight*, 37. Seale was also being tried for homicide in Connecticut because it was believed that he ordered the torture-killing of a New Haven Black Panther Party member.

⁹ Ibid., 16–17.

¹⁰ *The Trial of the Chicago Seven*, directed by Aaron Sorkin (2020; Los Angeles, Paramount Pictures, September 2020), film, 20:22–20:23.

of the lawyers present during the case, Mr. Kunstler or Mr. Weinglass, were his actual lawyers, and he refused to be represented by them because they were representing the other defendants in the case. Judge Hoffman also declined to let Seale speak, knowing he did not have his lawyer present and ordered for the trial to proceed. The judge abused his power by having Seale appear in court without proper representation.¹¹ Since Seale did not have his own lawyer beside him, he should have been granted a postponement from the very beginning of the trial, which he had argued for. This early confrontation between Seale and Judge Hoffman displayed Judge Hoffman's unwillingness to hold a fair trial. Therefore, it demonstrated the corrupt nature of the United States criminal justice system because they willingly violated a basic constitutional right.¹² It also set the stage for a more violent confrontation between Seale and the judge.

In a final outburst of rage against Judge Hoffman in which Seale argued that the killing of American activist and socialist Fred Hampton (1948–1969) was an assassination carried out by the Chicago police, the judge ordered the marshals to deal with Seale “as he should be dealt with.”¹³ When Seale returned to the courtroom after the outburst, he was handcuffed, bound to his chair, and gagged. Seale was angered by the killing of Hampton because he was the leader of the Chicago chapter of the Black Panther Party, served as an important link between himself and the rest of the defendants, and, above all else, was a good friend.¹⁴ As the bright young leader of the Chicago chapter of the Black Panther Party, Hampton organized the day-to-day activities of the other members of the party.¹⁵

¹¹ Gross.

¹² Ibid.

¹³ *The Trial of the Chicago Seven*, 1:13:53–1:13:57.

¹⁴ Gross.

¹⁵ Wiener, *Conspiracy In the Streets: The Extraordinary Trial of Chicago Eight*, 127.

In the raid led by the Chicago Police Department where Hampton was killed, Edward Hanrahan (1921–2009), the Cook County State’s attorney, said that “the police had shown ‘good judgment, considerable restraint [and] professional discipline’ in killing Fred Hampton.”¹⁶ The police also said that in the shootout with the Black Panthers, he resisted arrest which led to him being shot.¹⁷ While this was the police’s story, Seale argued that his friend had been assassinated because “he wouldn’t have been able to hold a gun in his hand! When they publish the coroner’s report, ask about the bullet in his shoulder!”¹⁸ Hampton had been shot four times, presumably in his shoulder, as Seale said, and twice in the head.¹⁹ Furthermore, the autopsy found that he was shot while in his bed. This meant that he was asleep when it happened and that the police were lying in the initial retelling of events.²⁰

The shootout between the Black Panthers and the Chicago Police Department was deliberate. The police, who were conveniently searching for guns inside the building, wanted to provoke a confrontation with the Black Panthers. While searching the building for weapons, instead of following proper police conduct, which is to announce themselves and demand hands raised, they realized that they could respond with gunfire, killing anybody in their line of sight if engaged by the Black Panthers, and thus they opened fire on a sleeping Hampton.²¹ This action was a legal grey area because, by conducting a search, the police had a good reason for going to the Black Panther’s building. Nevertheless, the Chicago Police Department’s planned attack represented their willingness to silence their enemies at any cost,

¹⁶ Ibid., 127.

¹⁷ Gross.

¹⁸ *The Trial of the Chicago Seven*, 1:13:31-1:13:37.

¹⁹ Wiener, *Conspiracy In the Streets: The Extraordinary Trial of Chicago Eight*, 127.

²⁰ Gross.

²¹ Ibid.

and it showed the unspeakable violence regularly levied against African Americans by United States law enforcement.²²

Due to the disturbing and uncomfortable nature of Seale being restrained by excessive force, he was granted a mistrial and separated from the rest of the defendants. From this point on in the trial, the Chicago Eight became the Chicago Seven. Yet even after Seale's mistrial was granted, Judge Hoffman stated: "you are not home free, sir, and I doubt you ever will be."²³ While it is understandable that Seale also disrespected Judge Hoffman, he made many valid points against both the judge and the killing of Hampton at the hands of the Chicago Police Department. Yet, during this exchange, it was evident through the victimization of Seale that Judge Hoffman disregarded the law and made judgments based on his own racial biases. By singling out Seale, Judge Hoffman proved his inability to perform his constitutional duty, which was to provide Seale with a fair trial. This meant that not only had the judge discriminated against an African American, but it was a setback to the prosecution's case because he further damaged the trial's legitimacy by ordering the marshals to physically restrain and silence Seale. This scene detailed how corrupt the United States criminal justice system was, demonstrated the use of excessive force by the marshals, and showed the racist attitudes of the judge. In the process, it further captured the racialized violence towards African Americans that occurred in the 1960s.²⁴

As the trial drew closer to its conclusion, it became clear that the defendants had no chance of winning the case because Judge Hoffman undermined their lawyer's arguments and witnesses in the case. For example, Ramsey Clark (1927–2021), one of the defendant's key witnesses and the former United States Attorney General during the Lyndon B. Johnson Administration from 1967 to 1969, testified under oath during the trial and without

²² Gross.

²³ *The Trial of the Chicago Seven*, 1:18:10–1:18:15.

²⁴ Gross.

the jury present that “an investigation by our criminal division led to the conclusion that the riots were started by the Chicago Police Department.”²⁵ He also said that the counterintelligence division found that “there was no conspiracy by the defendants to incite violence during the convention.”²⁶ Given his testimony, it was clear that the Chicago Seven should have been acquitted of all charges and set free. However, this did not happen because the judge refused to let the jury hear Clark’s testimony. If the jury had been allowed to hear his testimony, it would have been an embarrassment for the United States criminal justice system as it would have unveiled their disregard for the law, which they interpreted as they saw fit to suit their needs. Clark’s testimony revealed the tainted reputation of the United States criminal justice system because it proved that the charges levied against the Chicago Seven were baseless.

This purposeful misinterpretation of the law aimed to counter the social movements of the 1960s, like the Black Panther Party and the anti-Vietnam War protests, that threatened Cold War anti-communist and anti-socialist American life. In the era following McCarthyism, which was a campaign against alleged Communists in the United States government and other institutions, those who challenged the status quo and the interests of the United States government were subject to suspicion and often accused of treason or subversion.²⁷ By labeling the Chicago Seven as criminals, the United States criminal justice system sought to protect their war effort in Vietnam by delegitimizing the Chicago Seven and their anti-war protests.²⁸

As the group of seven reevaluated their actions that led them to the trial, they realized that their fates were sealed. In a powerful scene involving Tom Hayden and Abbie Hoffman,

²⁵ *The Trial of the Chicago Seven*, 1:30:30–1:30:37.

²⁶ Gross.

²⁷ Wiener. *Conspiracy In The Streets: The Extraordinary Trial of the Chicago Eight*, 253.

²⁸ Gross.

Hayden asked Hoffman why he went to the convention to which Hoffman replied, “to end the war.”²⁹ Later, Hoffman took the stand to testify. His attorney asked him, “do you know why you are on trial here?” To which he replied, “We carried certain ideas across state lines. Not machine guns or drugs or little girls. Ideas. When we crossed from New York to New Jersey to Pennsylvania to Ohio to Illinois, we had certain ideas. And for that, we were gassed, beaten, arrested, and put on trial.”³⁰ With this scene, Hoffman made it clear that the Chicago Seven never intended to hurt anyone at the Democratic convention of 1968. They only wanted their voices to be heard, to express their criticisms against the many socio-political and racial injustices happening in America, and to end the war in Vietnam.

At the end of the film, before Judge Hoffman sentenced the Chicago Seven, he allowed one of the defendants to speak for the whole group. They chose Hayden to deliver their final statements to the court. He read the names of United States soldiers killed in the Vietnam War up to that point in 1970. This drew cheers and applause from the majority of people in the courtroom. According to Wiener, “Here, the film is (laughter) a little misleading. The film has a happy ending, with Tom Hayden defying the judge while everyone cheers. That’s the way Aaron Sorkin likes his films to end.”³¹ To clarify, this is where the film and the real-life events differ drastically because, in reality, the defendants had a miserable experience upon their conviction.

In reality, at the end of the trial, five out of the Chicago Seven—Hoffman, Hayden, Davis, Rubin, and Dellinger—were found guilty of inciting a riot.³² The judge sentenced these five men to five years in prison for inciting the riot in Chicago and fined them five thousand dollars each. Furthermore, he also gave

²⁹ Gross.

³⁰ Ibid.

³¹ Ibid.

³² Wiener, *Conspiracy In The Streets: The Extraordinary Trial of the Chicago Eight*, 239.

long additions to their sentences for multiple counts of contempt of court, adding up to another four years for Dellinger, Davis, Hayden, Hoffman, and Rubin.³³ Due to the long sentences for multiple counts of contempt of court, the defendants had a constitutional right to a separate trial. Yet, the judge refused to give them a separate trial, even after multiple pleas from their attorneys.³⁴ He also revoked their bail. In a final effort, Judge Hoffman abused the law because he refused to grant them a separate trial. According to Jon Weiner, the verdict, sentencing of the defendants, and the judge were “improper,” demonstrating the corrupt nature of the United States criminal justice system.³⁵

While the defendants would have spent years in prison for their convictions and multiple counts of contempt of court, the men only served one night in prison because almost all the charges were overturned on appeal.³⁶ When the appeal was finalized in November 1972, the defendants were finally free.³⁷

The Trial of the Chicago 7 details a United States criminal justice system worthy of distrust. For example, even though the defendants were in a criminal trial, Hoffman referred to their trial as a “political trial” because, as he saw it, their fates were already decided for them.³⁸ From Hoffman’s point of view, the trial that he and the other defendants were involved in was politically motivated because their open and vocal opposition to the Vietnam War reflected poorly on the United States government. The government chose to both discredit and punish them for speaking out against the actions of their government. The film is a testament to 1960’s America, a time where, prior to the trial, “McCarthyism seemed to have eradicated any trace of subversion from American

³³ Ibid., 26.

³⁴ Gross.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Wiener, *Conspiracy In The Streets: The Extraordinary Trial of the Chicago Eight*, 26.

³⁸ *The Trial of the Chicago Seven*, 29:46-29:51.

culture. In the Chicago Conspiracy trial, McCarthyism was resurrected once again, this time to fail. Times had changed.”³⁹ The United States government’s interests heavily outweighed their citizen’s concerns, who were dealing with an unpopular war that was no longer able to carry on unquestioned under the sentiment of anti-communist McCarthyism.

Yet, the film’s overall purpose and impact goes much deeper because, in the aftermath of the trial, it validated the Chicago Eight’s cries for a fair government for everyone. In 2006, Hayden wrote that while things did not turn out the way they had hoped, change had finally been achieved, and the country had benefited from it.⁴⁰ The United States “stabilized itself by a surge of reforms: ending the draft, enfranchising eighteen-year-olds, reforming the presidential primaries, passing the War Powers Act [1973] and environmental reform, and the rest.”⁴¹ Even though the film detailed events that happened almost fifty years ago, this film is significant because its message to fight against an oppressive institution, such as the United States criminal justice system, continues to resonate in America. It acts as a wake-up call to future generations that, if something is not right, you can do something about it. Real change is possible.

Epilogue

The film, *The Trial of the Chicago 7*, depicted multiple socio-political issues and instances of race-based discrimination such as corruption, police brutality, and racism. From Jon Wiener’s book to the screen, the trial brilliantly captures the violence against African Americans and the unfair United States criminal justice system of the 1960s that attempted to silence critics of the government and Vietnam War. As of now, the film has garnered

³⁹ Wiener, *Conspiracy in The Streets: The Extraordinary Trial of the Chicago Eight*, 253.

⁴⁰ *Ibid.*, 257.

⁴¹ *Ibid.*, 257.

multiple accolades, including a Golden Globe for best screenplay and a Screen Actor Guild (SAG) award for outstanding performance by a cast in a motion picture.⁴² With the success of the film, it's safe to say that it has been a source of inspiration and influence for many. With that being said, there were questions about the film and other socio-political issues that, thankfully, Jon Weiner, American historian, journalist, and author was willing to answer.

When asked what he thinks the film's legacy for future generations will be, Weiner stated that "the film presents a sympathetic portrayal of antiwar and Black activists and an indictment of the 'justice system' as unjust and racist."⁴³ In regard to the film's message to younger generations about organizing massive demonstrations and protests, Wiener was quoted saying,

Younger generations won't learn much about organized demonstrations in this film. It's mostly about the trial, and the film's main point about the demonstrations is that the police were brutal and unfair. I guess that's something you could learn here. As for the demonstrations in Chicago at the Democratic Convention of 1968, in fact, they were somewhere between a disappointment and a failure; they had hoped for hundreds of thousands but maybe 15,000 people participated. Anti-war demonstrations both before and after Chicago 1968 were a ten or a hundred times bigger. One key was that the Chicago Mayor threatened that the police would attack demonstrators, so unless you wanted to fight the police, you did not go to Chicago in August 1968.⁴⁴

⁴² "The Trial of the Chicago 7 Awards," IMDB, accessed April 25, 2021, <https://www.imdb.com/title/tt1070874/awards>.

⁴³ Jon Wiener, email message to author, April 13, 2021.

⁴⁴ Jon Wiener, email message to author, April 13, 2021.

In his concluding comments on the difference between the conditions and protests in the 1960s as compared to those in the present day, Weiner stated that,

The BLM [Black Lives Matter] protests of summer 2020 were a hundred times better—not just a few days but lasted months; not just in one city but in hundreds; not just young white people but diverse and multicultural; led not by white men but by Black women. And the BLM protests did a magnificent job combining street protest and electoral politics, among other things sparking the election of a progressive D.A. [District Attorney] in L.A., the largest district attorney’s office in the country.⁴⁵

We greatly appreciate that Jon Wiener took the time to answer these questions to give us a better understanding of the film, its themes, and comparisons to current socio-political issues in America.

⁴⁵ Ibid.

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Moises Gonzalez graduated from California State University, San Bernardino in 2020 with a Bachelor of Arts in History. His main academic focus is on Europe because he enjoys learning about the ancient Romans. He plans to return to CSUSB in the near future because he wants to obtain a master's degree and teach at a higher level. He would like to thank the many professors there that had a positive impact on his learning experience including Dr. Murray, Dr. Keating, and Dr. Barber. He would also like to thank his editors, Devin Gillen and Kristina Cardinale, for giving him helpful guidance throughout the publishing process.