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May 26, 2006**

## ***PATRIOTISM MEANS RESISTANCE***

**The American Experience of Anti-Vietnam War  
Draft Raiders in the Government's Courtroom**

**The Trials of the *Minnesota 8***

Francis X. Kroncke

Pre-prison Manuscript – 1971

*Note:* This copy is intended as a reference for individuals and organizations who are planning an event for the “Peace and War in the Heartland: What has history taught us?” project. Nothing should be re-produced or distributed without Frank Kroncke’s permission. The text has not been edited. The emotional tone of the times – idealistic, angry, committed, desperate, hopeful – has been retained for accuracy.

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## Dedications

*Dedication - 2002*

In 1972 Barthold Fles, then an elderly New York literary agent, believed that this text and story should be told. I had written and assembled the text and information to speak to the times. However, during those times there was scant outlet for truly radical analysis or presentation of the full human dimension to current events. This is true despite what some might think was a profusion of stories about and presentation of views of the counter-culture, radical politics and all that. In fact, very little serious analysis and reporting occurred. Despite its self-congratulatory self-description as the Liberal Press, there was very little classically Liberal about the times. Walter Cronkite is the icon of how the Establishment finessed the Movement – possibly the most significant figure in the Orwellian drama of the times called *The Sixties*. Barthold Fles was one person who championed our cause, only to validate these present remarks.

Today, “The Sixties” remains a cartoon for both mainline Liberals and Conservatives. The phrase invokes prankish memories of youth, with just about every major commentator from each camp assuring his children and grandchildren that, indeed, *Daddy/Mommy were Hippies!* Free wheelin’ – dope smokin’ – bad attitude ... hmm, well, kids – it was only long hair, an occasional joint, peeks at centerfolds ... *My campus had anti-war rallies!* (That’s where I met your mother.) I *thought* about going to Canada. ... As idealistic as some of us were – and the word *innocent* has its rightful play as an adjective – the story which follows is of the few – *very, very few* – who stepped forward to risk their lives as only youth, it seems, has the courage to do. ... Our story still speaks – challenges! – the *youth* of The Sixties!

Another story is, “What has happened to the *Minnesota 8?*” I dedicate this internet edition of 2002 to them, their kids, families and broader community. I know that among the group one went back to prison. Others excelled: a lawyer, a professor ... others to make a living: several sales reps, a tennis pro ... one faithful Radical: anarchist forever! ... and so it goes.

What strikes me upon reading this, at least in reference to myself, is that I have not fundamentally changed. My language and spiritual experiences have transformed – as the stories on [www.earthfolk.net](http://www.earthfolk.net) show. How I could act in private and public spaces, these have been altered. “The Sixties” denotes more of a Crack-in-Time ... one of those unusual *mythic* moments which enable people to peer at their culture and themselves and see in curious and precious ways. However, the only real difference between “The Sixties” and “today” is that the peering was, then, public. One could be private in public – commit an act of conscience, here, of civil disobedience. And in doing so express yourself symbolically – which is one aspect of mythic expression. Just for this time called *The Sixties* was the culture as a whole open – if only a crack – to listen and discuss and act upon (our punishment being this public act) our symbolic discourse. Such has faded during the psychic and mythic numbing of the last several decades. In this light, I am publishing because this story is about now. About how you might be challenged to act when another Crack-in-Time occurs. “The Sixties” are a mythic moment which is Ever-Present (*in illo tempore*). **Resist!**

*Dedication - 1971*

While writing this book I strove to serve the families of the Eight whose spirits tore the curtain of these times apart. A small book I thought for the many page-thumbing hands which seek to know who Resisters are, and some moments of this great American lifestyle. Yet more I was compelled by my unending spirited dialogue with my Dad, Charles Otto Kroncke Jr., who questions, prods and guides me from beyond his earthy death. Oh, my family Kroncke-Sofio-Coniglio-Larson, so many passions and people! ... brothers and sisters now into the second generations ...to speak with them, to embrace with them life's truth ...so many hours by the typer they hovered intimate with me. And Karen whose story my personal Resistance really is ... she with whom these words are song and dance. Joleen and the Clarks, deeply through the eyes of Eddie, which asked for more pathways to be marked out. Ah, it's impossible for a Resister to dedicate any work to just one person. Resistance is a collective Body and communal Voice. But, Meridel LeSueur, all must know that your moonlight fire has chased me down the rounding sky to the earth horizon of my own sunrise. Meridel, our rainbow stone mother, you have set a-tremble the fires of our Family's Heart. Among these whirlwind human fires rise my sleep crying tremblings -- the cold memories of a life's dark water child's

Oh, my noble brother Joseph William, when your eyes turned aside while the choke of living death quaked your two-year-old body -- you spoke a passion and a wisdom, a quest: "Fear no pain nor evil, live life in its fullest truth." Mother Marie who must pack this book with her, take it forever alongside her steps --explaining, celebrating, growing, crying and hurting with the times ...yet even becoming a newer and stronger Resistance spirit ... my friend, Marie Veronica, ***I love you.***

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## People Who Helped

The Body of which this book is a gesture is tall in stature, healthy in bone and muscle, and smiling in its spirits. The sustaining spirit comes from the unity of the organic parts. Yet each small part has its own distinct person and power.

The rounding belly receives its fullness and stamina from Charles, my brother who fed the hunger of the everyday with the generosity of his material gifts, which were but the symbols of his affection. To the limbering and relaxing of our collective body, Karen Clark placed in labor her healing hands. Meridel Le Sueur, our rainbow stone Mother, drew out the earth holy passions of our communal, Resistance heart.

Our memories were bespoken in the poems of Millie Beneke, and brought back in facts through tapestries of Joan Tilton and Mary Simmons' family files. From afar comes the eyes of Boyd Hagen, Cheryl Walsh, and Rich Hale to place on paper photographs the heats and tempers of the trials' times.

The painstaking labor of revision after revision was accomplished through the skills, fingertip typing and warm affections of my sisters, Rita Kroncke, Sue Jedlinka, Sue LeFebvre, Luan McCarty, Mary Jo Penne, Viky Jaskierski, brother Dave Gutknecht. Recreation by forested spirits came through the favors of Mary and Lee Lynch who set aside a most memorable time at Reykjavik Point for Karen and me.

The worry of our mind as to the supplies and the xeroxing of our work was shouldered away by the kindnesses of Mary Morris, Sue Weil, and Scott McCoy. Direction was given us to find the personal histories of our trials' judges by Debbie Howell and Robert Lopez of the *Minneapolis Star and Tribune*. Ears to our thoughts and words, Mary Frost Kroncke, Marge Roden and Charles Bisanz, Jr. listened, criticized, and formed many helpful habits as we grew; to speak the new tongues of literature, journalese and legalese!

Peopled around us were the friends of *Camelot*, a Christian collective in communications which offered spaces for us to live and work in, and much patience to see our labors through. Of these fine people such helpful support has come from Laura and Thomas Di Nanni, Kathy Nelson, Rick and Sue Reuter, Don Wegscheider, Sandy Jacobs, Kamisha Samson and you, Troll.

The passions of this Body is our Twin Cities Resistance community, specifically the *Committee to Defend the Eight*. As true Resistance brothers and sisters, I know that your names are our Name. For all those small hours and moments together, I am most grateful. The power of our action is your power. The smile on our struggle formed face is your smile and pleasure.

"The character of the (Draft) records are no more 'irrelevant' to this matter than the character of the records would be if these were records perhaps of Jews being selected out for burning in the ovens of Dachau."

Attorney Kenneth L. Tilsen during Opening Argument

"Those who act out of an allegiance to a Higher Law than the Law of the Land are making Jungle Law."

Judge Edward Devitt at the Sentencing

"This is a difficult for me to say because, in a sense, I realize that I am naming you, in my understanding, as an immoral and evil person to people. But somewhere the problems of society go on, and somewhere people have responsibility, and you are the type of man who has had many people come before you with problems, especially with reference to the War, and you have, seemingly consistently -- as have all the judges in this District Court -- handled them in the same way, saying: "Well, the responsibility lies somewhere *up there*." -- with some unknown God called the State."

Defendant Frank Kroncke to Judge Philip Neville at the Sentencing

"Since the right to command is required by the moral order and has its source in God, it follows that, if civil authorities legislate for or allow anything that is contrary to the will of God, neither the laws made nor the authorizations granted can be binding on the consciences of the citizens, since *we must obey God rather than men*. Otherwise, authority breaks down completely and results in shameful abuse."

Read several times during the trial, a quote from Pope John XXIII, *Pacem in Terris*, Part II, par. 51.

"Mr. Kuesner." "No. The only thing I have seen -- there has been some signs painted on the sidewalks saying, 'Hang the Minnesota Eight!' I don't think that would influence me."

Prospective juror's answer during the *Voir Dire* examination.

## Hello.

*My name is Frank Kroncke.*

I'm an outlaw. Getting to be an outlaw was easy, *legally* that is. All I did was join in with seven other young men in a series of raids on Minnesota's rural draft Boards. That I became a draft-raiding outlaw with a background steeped in the exacting Obediences and Authorities of Irish-German Roman Catholicism is not so easy to explain. The midnight of our arrest had followed upon a day spent lecturing at St. Catherine's College on the "reviviscence" of grace in respect to Sacraments received while in the state of Mortal Sin. As you can gather, my pathways to becoming a draft-raiding outlaw pass through some strange countryside!

Yet it was my strict monastic Roman Catholicism with its secular companion Super-Patriotism that delivered me into the outlaw tribes of the Resistance. See, once upon a time, I lived the American Dream. For me the world was the Cross *and* the Flag - both neatly balanced, each to its own side, around the Tabernacle. To serve God meant to be obedient to the earthly Authorities. Catholicism meant Patriotism. A Pledge of Allegiance To the Flag began each school day, followed by a "J.M.J." (Jesus, Mary and Joseph) atop every page of my work. Democracy was the vehicle for Christianity. Lenten offerings of pennies, gathered from denied candied pleasures, went to the salvation of some "Pagan Baby" in China. Little did we question whether the money went into CIA guns instead of AID butter, for indeed to destroy a Communist meant to banish a Devil.

When it came my time to Serve in the Armed Forces, the years found me in the Franciscans, as Fr. Otto, preparing myself to be a *milites Christi* - a "Soldier of Christ." That I eventually became a Conscientious Objector and a Resister is more the story of my rigorous sense of Catholic morality than of some "political" conversion. I resist a Government of Illegitimate Authority. This Government of total and undeclared war is immoral and demonically possessed. My Resistance efforts strive to restore a democratic Rule with Laws and Orders responsive to our people.

To be more descriptive, I am a Catholic Radical outlaw. At least that is where this story begins and ends. Where I will be in the future days, after my caged years in prison, I'm not sure. Of all things, this is clear to me, that by becoming a Resistance outlaw I have started upon the road of a Patriotism I found outside of the Laws and Orders of our present Government, and outside the Dogmas and Canons of the present Catholic Hierarchy. If all this sounds a little confusing to you, and you find yourself asking, "How does all this go together?" then you have the question which compelled me to start writing this book. Yes, there are *gaps* in my life. Somehow for me draft raids and sacramental theology explain one another. Somehow for me being an outlaw is the only way to be moral. Somehow Patriotism means Resistance. How these gaps are leaped, and why I *am* happy to be an outlaw, is what this story is all about.

As you read remember that I am no prophet nor hero nor even "one of the good guys in the white hats." The Resistance pathway was fairly worn-down when I set forth with my first shaky step. *ME?* I'm just that scrawny Kroncke kid who grew up three houses down from you at 71 West 50th Street in Bayonne, New Jersey. *Remember how we tried to mark our friendship by carving our names into the heat-softened summer asphalt with bent rusty nails?* Yeah, I'm that same kid ... and now I'm an outlaw.

There were so many ways I could have begun to tell you how I got from being an altar boy to raiding draft boards. To lessen the confusion surrounding the ghetto-like experiences and language

of my Catholic and theological backgrounds, I chose to develop the story around the "Minnesota Eight." Of course, our trials are the most crucial experience of my life, but as you'll soon gather, all my political and social experiences are just expressions of my spiritual outlook. I guess that I'll always be a theologian: a person who seeks to work with that Power of which we are all a part, and only together the whole. One who sees the rainbow Human Face, everywhere.

However, though I try to drop a lot of theology's mysterious words, I do persist in talking about evil and the demonic. I guess that I can't help using those words, even though I know that they are "loaded." I once stopped using them, but then I couldn't find words which spoke to the true reality of the Vietnam War. After all, that is not just another war... it is not just a brushfire war, or a police action, nor is it World War III ...what it is, is a *total* war ...A Global war... the First Cosmic War ...a war in which our Government seeks to destroy every living person and thing in the whole of Vietnam. In short for me, I realized that Vietnam is the first spiritual War. What is at battle there is the question of whether human life ...and indeed any form of life... is worth anything. Yes, wars are always brutal and by-standers sometimes get killed ...but in this war it is no accident that civilians are killed and that everything: every idea, person, place, custom and institution is the Enemy ...it is defined that way in the Army Field Manual.

Yes, evil is something human. But by the same token it is something which possesses. Humans are the vehicles, the viruses of evil ... and to stop evil we must stop certain death styles and take from Power the people who live evilly. Like the word outlaw, there is something shocking ... something awesome, to the words evil and demonic. While in jail I came to understand, as I clenched the bars and looked out at my armed captors, that our times are criminal, that evil marches around infesting the spirits of people, and that for me to "Dare to Struggle! Dare to Win!" meant indeed to *see* the Powers clearly. This story then is also an attempt at a discernment of spirits.

You must know that these words which you will read have been torn from my bowels and brain, trembled forth in images from a spirit which has been humbled. As I talk about evil and the demonic, my whole person raises itself, not to destroy, but to cast out ...and hopefully, then, to reconcile.

It might be simple to say that the judges, and the Government forces, were all bad people, incapable of doing any good. But that obviously is not the case with human beings. Even the people who governed in Nazi Germany were noted for their tenderness. For example, Hitler is recorded as having had a fond love for children. Further he was described as being frantically upset with people who hurt animals. I think that most Americans would casually accept my calling Nazi Germany a death culture, but few will feel comfortable with the phrase when applied to our own Power Elite culture. They feel uncomfortable because they are living with, and some within, that ruling class.

Usually the terms "evil" and "demonic" are applied posthumously, after everyone is safely within the grave. But that, I feel, is the greatest illusion created by the death culture, i.e., that there are no death-dealing people, no evil, no demons. Usually the passing of a judgment is left to the historian, safely protected in his tenured office-library. The historian, because he is not a participant in the times, is presumed to be able to get to that "objective" point where human emotion is put aside and reason clearly leads the path to a proper judgment. I object to this approach for several reasons.

First, the designation of evil and the demonic is an emotional matter, a felt concern, not primarily a rational description. For example, from Reason the Nazi Empire had all the right in the world to kill the Jews. After all, Hitler was the legally elected ruler of Germany. His Laws & Order were those of

a sovereign State. Those who opposed him, from within Germany, e.g., the "solitary witness" Franz Jaggerstatter, were denied a justification of reason because he broke the Law of the Reich. His and others' appeal was to morality, the felt rightness of human action. Jaggerstatter chose between good and evil - and he didn't shy away from stating the issue in those terms.

Second, history is most often written by a ruling class. Consequently, histories usually gloss over the deeply felt human realities. We talk of wars as matters of foreign policy, not in terms of murders, tortures, pillaging and suffering. Even the term "war" seems to me to be a ruling class term. For the participants, i.e., the foot-soldiers, and the victims, i.e., the mass of citizens, there is no such thing as "war". Rather, they *live* amidst evil. Instead of the term "the Vietnam War" why don't we talk of the butchery, raping, torturing, and the insanity that goes on daily in Indochina? Our choice of words give us our comforts. So, too, the judge calls it Law and Order when it is his method of torture and slow murder of human beings.

As an aside reflection, I'd like to mention that the bulk of the mass electronic media is controlled by the Powerful and therefore, not surprisingly, presents the Vietnam War to us as if it were "current history." The important term is "history." When we watch the news, it is handled as an historian would talk about, say, Caesar's Gallic Wars. News commentators report "facts" without emotion. They describe strategies, tactics and maneuvers. No News cast comes on with recorded faces and voices of pain, suffering, and anguish. Rather, the viewer sees jets strafing the Indochinese jungles, hears the whirl and whistle of "automated" napalm missiles ... and all this as if all that was going on was some routine exercise in super-technology which could be, and is, calculated in terms of bomb tonnage, troop levels, villages taken, and Enemy casualties.

When I use the terms evil and demonic, I use them in an effort to strike the human nerve. Somewhere the nerve center exists which coordinates the muscle of war. When one strikes a nerve, usually a piercing yelp follows. I judge the accuracy of the probe by my personal observations. And, I have found that the people with the most objections, violent reactions, and indignations at the usage of the term demonic are the powerful. However, the reaction to hitting the nerve isn't always rage and uncontrolled emotion. Most often, as with the judges, it is almost a bemused, casual "pooh-poohing" of our accusations. This is even somewhat more appropriate, for often, when a needle hits a nerve the reaction is that of an intensity passing into numbness. Numbness seems the best image with which to describe the ruling American class' reaction to our usage of the words evil and demonic. Hitler probably laughed at those who called him demonic - and there were too few Germans who did this, especially too few Catholic Bishops - because the word was so apt that he probably didn't know what it meant.

A powerful person or class often fails to understand what terms like cruelty and evil really mean.

Most people don't use the terms evil and demonic, because they know that the terms can as well be applied to them. And I obviously grant that my illegal actions may be evil. However, when you look at the Vietnam War and all its human misery, you certainly cannot lay the cause of, and blame for, that evil at the feet of myself or any other Resister. That the powerful try to do that, is part of their attempted illusion inducing set. They are Powerful, and they can turn and twist reality to any form they want, e.g., that *War is Peace*.

My justification, if I need any, in using these terms to describe the judges and the Government of Death is not based on the word games of the Powerful. I have long since decided not to play their games, or worry about the scholastic refinements of their dying culture. I was bound into inaction

for many years by worrying about, "How can I act, since I might be as evil as they are?" My justification is based on the faces and mangled bodies of my fellow Americans and Vietnamese, on the tortured minds and spirits of misery plagued world which scraps for bread while the Powerful drink Champagne blood. My own suffering, in body and spirit, is my knowledge of the "really real" presence of evil and the demonic within the Government and its Courts of the Powerful.

#### NOTE

To those interested in researching the trials of the "Minnesota Eight," I have placed a 500 page work, also entitled *Patriotism Means Resistance*, in the Minnesota Historical Library. This work is a thematic story of our trials told through extensive verbatim excerpts from the trial transcriptions and the newspaper accounts both underground and Establishment. This study includes longer essays about my views on Patriotism, sacramental theology, and the character of the Vietnam War as a spiritual War. With these volumes is included over two-hundred pages of newspaper clippings and "Minnesota Eight" memorabilia, including photographs. I have personally retained a xeroxed copy of all the above, plus a massive heap of trial transcripts from all three trials.

#### Trial Dates & Places:

- DEVITT: 2 November -- 5 November 1970: TILTON & TURCHICK, St. Paul
- DEVITT: 17 November -- mistrial BENEKE, OLSON & SIMMONS, St. Paul
- DEVITT: 30 November -- 3 December 1970 BENEKE, OLSON & SIMMONS, St. Paul
- NEVILLE: 11 January -- 18 January 1971 KRONCKE & THERRIAULT, Minneapolis

I. The Raid, the Ambush, the “Minnesota 8”

## THE RAID

My hands shook as I tried to cut diamond shape holes in the plastic bags. I was already a little late in getting the tools and the materials together. Sweat began to itch my legs. "Got to get a hold on yourself." "Relax -- don't forget anything." "Don't worry, Mike won't notice the time." Mike -- he'd be calmly waiting for me on the West Bank. Someone kept asking me -- trying to raise his voice from somewhere back in my head, not speaking to me directly but a vaporous asking -- "Should you do it?" I was hot and hair sweaty. A slight trembling buckled me -- my knees get painfully weak when I get nervous. Just an hour before, Clare called saying that one of the southern Boards had cancelled themselves out. With cautious concern they reported that an alarm system had been installed by "Silent Knight." When I had heard that I felt really funny, like when winter numbs your skin and it tingles near frostbite. A numbing paranoia in a way. Some sense kept telling me not to go on the raid. Something kept urging me to cancel out - "The others would understand, wouldn't they? And just go back to San Francisco as you had planned." But I didn't cancel. Rather I went out and raided a draft board in Little Falls, Minnesota. That was July 10, 1970.

In Minnesota, the few July weeks of summer can be very hot. Beginning with the Spring warmth we had begun planning a coordinated series of raids on rural draft boards. Many tar-roof heated nights had been spent on top of small business buildings, counting the numbers of people who passed by, the routines of the police cars (marked unmarked), the habits of bar-hoppers and dog walkers. We spent a lot of silent morning hours casing out our particular Board for the quickest way in and out. For this general preparation, I must have visited over 35 Boards around our State. The old green Rambler whined along freeways and county roads, driving me for several days at a time, south and north: east and west; sleeping me on chilly nights in its back seat in corners of railroad parking lots; eating my credit card clean while I gobbled mounds of small-town buttermilk pancakes and drank pints of mid-western-weak morning coffee. With our Minneapolis license plates and City-looks we tried to walk and ramble around the semi-rural towns without looking out of place. At times I'd muddy up its license plates -- as for myself, I had shaved my beard and cut my long hair some six months back when the draft raiding plans had taken seed. The American-made car probably didn't catch too many eyes, but I have an birth-scar New Jersey accent, and look like a college professor type, even when I'm naked. Every time I sat down in, or walked around, one of the smaller shopping areas, I felt for sure that everyone knew what I was there for. My early morning headline fantasy was that the local Sheriff was making a breakfast call to the Minneapolis FBI saying, "Yep, Sir, ther'un here yung man you was talking 'bout. Yep, sir, he's 'er having br'kfast at ole Millies. Yep, sir".

Well, I shouted down my Nervous Nelly morning mind and stayed on schedule anyway." After all I told myself, your queasy gut feelings were just the plain ole burglar fears. While on these trips my mind floated over worlds of sufferings and frights like when I climb heights. So I just grit my jaw tight and swallowed forced gulps of morning fresh air. "Look, Kroncke, forget this worrying analytical shit. Just go ahead and do it! *Do it!*" As the twilight green lawns slide by, my body eased itself and my fingers flipped on some music. Off into another sun and moon of small town boards and a million revisiting "Whys?" Within ten minutes I reached the West Bank and found Mike. He was standing with some friends in a campus dormitory lot. They seemed to know what he was going to do because they kissed him goodbye and hugged him as if he was going overseas or far away. His long, loose blond hair flung around a shooting "Hi, Frank!" greeting smile. He opened the backdoor and threw his bag and the tools for which he was responsible onto the back seat. I kept my sunglasses on, and avoided greeting his friends. He rolled down the window and waved as we started out. Mike and I had taken this drive up north before. For weeks he and I had run through the

breaking-and-entering motions. Someone from each group had gone to every other board for familiarity and double-checking. For security, we didn't assign specific boards until the last moments, so everyone had shared some hours together up on the roofs watching the clouds play with the clear summer moon. The moon's light had told us which windows were best for our entrances. Now we were on the move for real: Highway 10 to Little Falls. Mike seemed meditative, though we both knew that last night was a nervous evening of tossing sleep. Nights-before always seemed to be like that. A still, monastic quiet washed between us as we spoke more by eyes and smiles, a nervous posture, then broken by a relaxing gush of words. This strange, recurring peacefulness was parted by wandering discussions about the clouds and small town life

Long pauses played themselves between the acid rock beat of popular songs. Funny, how words recede when one is about to act boldly. Mike and I knew what we had to do and while our bodies stealthily readied themselves for the athletic efforts, our minds skipped protectively away from the actual details. We spent an inordinate amount of time amusing ourselves over the car. I had borrowed -- or snatched (since my Mom was visiting out of state) -- the family car which was equipped with air conditioning. These July evenings were still hot enough to warrant flipping it on now and then. *Imagine!* we laughed, going to raid a Draft board in an air-conditioned Chevy Caprice. "Far out!" what a way to wage guerrilla warfare!

Whatever had started gnawing me back in my apartment began to shoot quivering darts of pain through my neck and the small of my back. "All these years, Kroncke, and you still fear omens, and evil spirits, and bogey men!" The astrology which I had begun to study was obviously hanging some sub-conscious fears onto my already theologically warped brain. My other mind kept scanning the skies searching for the foretelling pattern of this night. I still can't remember whether I decided that it was a gibbous moon or not. The pale orb was sliced off by the sun in a shape something like the forms in the ying-yang symbol. At the bottom right the moon was a bloated figure six. The forecasting significance of that moon shape eluded my memory, but what bothered me more was the fast moving black clouds. They gave me the chills: turmoil in the skies, devil veils over the moon! *Shudder.* "Jesus, what are we doing?" I glanced at Mike. He seemed to glow as mellow as ever. His beard had been cut and his hair trimmed. We looked so young that for a glimpse I was startled. Murky shooting forms began to get their tight grip on me. I shuddered - rippling full body lengths -- and took some heaving, nerve-relaxing breaths. "God damn it Mike -- I'm really nervous." His almost soundless "Yeah" comforted and soothed my jitters. "Nothing like a brotherhood of shared fear," I reflected to myself. Images of a million human faces -- rainbow's hued faces -- flew towards me from around the curving, hilly bends of farmed fields. Faces of untold multitudes of the dead -- "these my body's bones and bloods" -- "these my spirit's breaths and nourishments" -- the peaceful grip of the Struggle wound itself tight around my chest and stomach. I knew that we'd do it no matter what -- *They* were calling us forth!

The ride which had begun to seem longer than usual, quickened. "There's the road we'll take on the way back to dump the stuff." It was a county road which one night we found did lead to the Mississippi River. "Good Ole Muddy, we're going to drop all those death-dealing files into your churning middle, for your patriotic consumption!" Then the highway opened out flat. Little Falls was in sight. As we pulled up to the stoplight I realized that I had gotten somewhat weary just from the waiting. We initiated our first checkout. The simple pattern was to ride around the town a little, running out our standard checks. We passed the Draft Board a few times. Everything looked fairly normal. It was a Friday night and the town was weekend active and bright. Lots of cars were just aimlessly driving up and down the streets -- young kids whipping in and out of A&W's, faking drag motions, gunning their engines. More noise and activity was coming from the bars, but that was to

be expected. Though there were more streetlights on than during a weekday it didn't bother us because the Draft Board was out of the boozing and carousing area. In fact in some ways the weekend clamor would make our faces less obvious. After a time we pulled into a parking lot by "The Hub" cafe down the block from the Board: emergency -- I had to go urinate! Every time I get keyed-up, my bladder rains. The cafe john was busy, so I had to idle time standing by the door reading the State's Food Service License & Permit for the kitchen. The waitress walking in and out carrying food automatically eyed me up and down a few times. This night had its strangeness for me but the thing that really got to me was the picture card stillness of the cafe scene. It might have been just me, I'll grant that, but everything seemed to go by in slow motion and unreel itself in 1950's images. Several teenagers were just sitting around, dropping quarters in for jarring music; some were moving in, hustling one another, with a few playing kissy-face lust Elvis Presley style. The waitress looked like she'd been there forever in her *Bus Stop* role: dirty black fringed apron and blond hair strands brushing her cheeks. The air was near gasping still, perfumed by a familiar stench ala john doorways. Stretching minutes of this time hung until I heard the flush-roar, and I awoke from this distraction to take my turn. As I latched the door behind me, an image registered: their collective eye told me that they had never seen me before. Yet, they also verbally passed over me -- I was just one more out-of-town stranger passing by on a Friday night. While in the closet-like john I caught my second wind. "Pull it together, Francis X," I encouraged myself as my eyes exchanged strengths in mirror-talk! "This is IT." As I was reaching for the *Hub's* door handle something freaky caught my eye. A political pamphlet with the name, in bold lettered type, RICHARD NOLAN. Too much! I went to college with that guy. What a trip, this must be his State congressional district! How's that for the small-circles-of-the-world theory? I sat down and folded the pamphlet out -- what crossed my mind as the waitress asked, "Do you want some coffee?" was, "Who is the real people's politician? Him or me?" Rick I remembered as an average sort of guy who liked more to guzzle and clown around with women than spend nights burning the studying lights. "If he knew that I was going to do this -- in his County Seat -- I wonder what he'd say?" Between the sugar and the salt, I replaced the pamphlet and moved outside to confirm our timing. The question of politics would have to wait my leisure -- now I had a ritual to enact.

Everything was set -- Little Falls looked like it did on so many nights before. Waiting times move like snow sludge, so Mike and I decided to go in before midnight. It was 11:10 -- we settled on 11:30. I drove around town a few more times. To Mike things seemed altogether "normal." Our plan was to park in back of the Draft Offices. There was a cluster of small stores on the same block and they shared an alley-like parking lot arrangement. When we had been there before, we felt that no one had seen us. There had been one spooky night though. When we were already up on the Board's roof, an apartment light had gone on directly across from our hiding place -- about two buildings down. Right back then we thought we'd been had. As a matter of insurance we had been through several mock raids, so if someone was watching us, we felt that they would probably have picked us up before tonight.

The Chevy got parked by a wall. I stepped out and placed the ignition keys behind the front tires on the driver's side. We left our wallets and other personal matters in the car. Together, we quickly moved across the lot -- with each stride mechanically pulling on our handball gloves -- and came to a stop by a corner wall. No one seemed to be moving in any part of the lot. The little old lady's bathroom blinds were down. Up went Mike. He pivoted, leaned over to catch the bags. I stepped on the stacked wooden crates: *CRACK!* -- they split: "Christ!" my heart began to pound yelling: "What to do?" My mind reeled a thousand images of curious people rushing to find the source of the noise -- of cops dropping out from their secret covers -- and on and on. I wanted to stop. Run back to the safety of the car. Call it off. What a bad omen! But no, quicker than any judgment, I grabbed onto

part of the roof's edge and yanked myself up. Mike and I stilled -- looked around -- bent to a stoop and strode over into the shadows. Each end of the roof had a narrow open view, so we spent more time looking-out. After our last casing, we had decided to break-in through the *Faulk Insurance* office window off the back roof. The window was not only in the shadows but was also protected from view by a column of bricks like those rising from a fireplace. However, for some reason - I think because of his judgment about the noise and the moonlight that night - Mike decided to go in our alternate way. That meant he'd have to belly slide along a small fire-escape ramp and jimmy open a window. The upped risk was that he could be half-seen from the side-street walk. However, I guess he felt that the roof gave even more exposure. We didn't have much time to discuss his decision. I trusted Mike's senses. We were a team. If he said go this way, then we went that way. Downstairs from us was a Laundromat and a Bakery. They made a lot of round-the-clock noise. That was fine by me. Their noise should cover up our burgling sounds. So we got the tools out. Mike sat prone and I handed him the tools like a surgeon's nurse: screen cutter ... pry bar ... tape. Mike snake-twisted around the small platform. I held out other tools from the shadows. He worked fast and, well, soon he was handing me flower pots! A secretary's row of flower pots were in front of the window on the inside. He removed those delicately. We almost giggled. With some brief, swift motions Mike was inside. Now, I had to make my move. I'm six-foot-three and it seemed like two hours for me to crawl in. I was sure that someone must have seen my huge feet sticking out like portage canoes! But Mike grabbed my armpits and helped draw me in. It was all done without much noise. Now, we stood in faded light side by side inside one of Uncle Sam's Military Selective Service Boards!

Mike had cased this place from the inside. I hadn't. So he knew that all the files were in the next room. Luckily this waiting room's door to the hall was open. One less window to crack. But the door into the Board Room was locked, as we expected. Much time had gone into our learning how to break a piece of glass without echoes. So we began the scratchings and the taping, followed by the steady heat of a mini-torch -- courtesy of *Montgomery Wards*. Soon the glass began to crack and chip along smooth lines. Using a screw-driver I jolted loose the triangular piece of glass which hung noiselessly by a piece of yellow tape. Then I guided my left hand through the hole. We had cut the piece close to the door handle side so as to reach the turn-lock. My forearm was too fat! My fingertips couldn't grasp the knob. So Mike slipped his slenderness through and opened the door. "Ah, how simple! Here we are, you evil spirits. Right now, here, in your sanctuary. Going to steal your sacred files!"

Stepping softly, we moved around through the still heat of the safe-like room. The brown metal cabinet files with the 1-A files were locked as anticipated. Within moments I took a screwdriver and placed it in the key slots. "Whap!" This drew out an echoing noise but it should have broken the tumblers. Our ears tried to filter out the clangings of the bakery below -- and searched for any new sounds. "I think I hear someone in the building," Mike whispered. "No, it's just the bakery," I threw back. "Why don't you start on the Locator Cards, over there in those files," I pointed behind him. Mike moved like a slinking tiger, so silently, with yellow haired aura, and began to fill up his bags. I whacked the cabinet lock again. "Shit!" No luck. A little chilling panic nestled in my neck. I hate for things not to work out the first time around. So I picked up the pry bar, bent the draw's lip, wedged in by the lock, and heaved away. Strident noises cried up of metal squeakings. But still nothing came loose. From the knapsack I snatched a piece of cloth and put it over the lock's contact point and hammered again. This time the cabinet emitted a low groan. Worse, the damn files were not flush to the wall so it sounded a second "thunk!" as the back rims banged into the side wall. This time Mike palmed my shoulder, he was sure that he heard someone in the building. But I had had those feelings on previous nights, in more dangerous situations, and nothing came of them.

Whenever you're under time's pressure, every creak sounds like a wail. Flashes of mangled bodies and atomic mushroom clouds spun from the file drawers. "Jesus, I want those files. Help us get them!" I repeatedly pried the cabinet, my mind lost in a prayerful hunger. Within seconds the whole scene whirled around. My ears caught sounds that were really new human sounds. Heavy footsteps scampering and rushing up creaking wooden stairs. With two jerky, quiet strides I moved towards the door. But before I could do anything, the dark started chanting, "Back away from the door!" "Back away from the door!" A flurry of possible reactions flooded my mind - I was almost close enough to shove the door close. I had added some lighter fluid in case something like this would happen. I wanted those files!! Possible thoughts of just burning the files in their cabinets ....and with that distraction making an attempt to escape by the windows ...hit me, yet the knapsack was across the half-open door. I jumped to the protected side, glanced at Mike, saw some face flesh squat outside in the hallway, heard a kicking-pounding to the left of us shaking the waiting room door... and behold! one figure crouched dimly in the doorway yelling, "Don't move... or we'll kill you!"

All of a sudden the room avalanched - a scurrying of short thoughts trekked across my brain. Something pushed me into the unexpected motions of walking towards the armed men saying, "You have nothing to fear from us and we have nothing to fear from you." A whole new staging was set. Lights went on. Seven men with bulging gun eyes stared at us. "FBI, you're under arrest!" And then some smiling guy walks by me and says, "Hello, Mr. Kroncke." *Huh? How does he know my name?* I hadn't told anyone my name! Ah, the mind dizzily reeled and ran instant replays flashing: *Ambushed! Ambushed!* "Well," I spoke to myself, "This changes everything!"

My telling first thought was, "When will I ever get back to my beloved oceaned San Francisco?" As for Mike he seemed stilled into his characteristic quiet. Shifting gears into this new reality, I began to ramble and chat with our captors. Relief was partially my response when I heard they were FBI. Our group had always feared being caught by some small town super-patriotic, vigilante types who would shoot first and ask questions later. This was a real dread. After the "Beaver 55" raid {Note: largest draft raid in American history, January 1970, took out 45 centralized rural boards housed in the US Postal Service towers in downtown St. Paul - Hoover sent 100 agents to Minnesota!} the Willmar VFW and *American Legion* put a \$1000 reward on the uncaught raiders' heads. What would they have done if they had caught us? Around the room bulbs popped ... tools and bags were being tagged ... a pistol motioned us into spread eagles and began a frisking. "Up against the wall ... and no talking!" Brusque commands and directions bounced between them, and then demanded, "Where's your car? Do you have any identification? You don't have to say anything until you have a lawyer?"... and a whole grape-cluster of questions and statements. The electric lights shrunk the room smaller than ever - like being inside a cramped wall-safe. Flashes popped over pried bent cabinets ... over the inside of Mike's bag ... over the peaceful lines of our grave/merry faces.

At gunpoint, two Feds finished up with us by handcuffing our arms behind our backs. While these two went to assist the others at their tasks we were shoved outside into a small hallway ...under the trigger eye of a young, gangly cop who answered that he was on the Little Fall's squad. Sweat ran rivulets off our foreheads. I had to lean over and wipe my forehead and cheeks on Mike's shoulders, and he chinned and rolled on the back of my shirt. Our damp discomfort was ignored by the Agents, and in time even by our own anxiety/amusement with the situation. We were really caught! *Too much!* This event which all of us had feared for so long ... which we knew for so long would one day happen ... is happening!

Mike was very, very quiet. He seemed annoyed and closed-eyed disturbed. Myself, I just swung into my protective hyper-active babble. I rapped with any FBI agent around. Tried to joke. Act loose and carefree. In fact I grasped the clarity of this bizarre staging. "This is war!" Here I was, on the frontline ... facing the enemy ... the Government held their guns right at my mustache-less nose! The Gods of War had successfully effected another ambush. "Another body count!" Yet a sobering cloak let its weight fall on my body. "Frank, you're a theologian. This is where you're supposed to be. This room ... these walls ... this town: your Call. Isn't this so? Isn't this what you've been moving towards. Your Task: a Ritual of peace! Bizarre as death ... and birth!"

"What do you think about the war?" Was the probe of all my questions. Here I was - how unreal! Actually face to face with those forces that keep the war going. After all the theology lectures ... all the marches ... all the times alone brooding and thinking in my book heaped study. Here, finally, among the enemy. No: not the Agents as such. "No matter what you feel - don't hate or fear them. Heal them - and so heal yourself." Hate the forces they so physically represent: death and the devil. How can I ever share with you how I felt that night? Handcuffed and captured by those other humans who protect the devils dance? Quiet, stoned face humans, who went about their government's work with such well-trained Dick Tracy precision. People not taking time to listen to my questions. My spirit paused to trace their patterns practiced so many times before. *Flash!* - more bulbs startled our eyelids. *Crink!* --the handcuffs cut into our wrists. Flowing in and out - their every policing detail is drawn: the size, angular description of the rooms, file cabinets, our bag of tools. "They came in through this window, over here in this room." Mark. Write. Paragraph. Sketch. Swarming like busy bees. Professionals of order.

After about twenty buzzing minutes of all this, Mike and I had hit "Phase Two - we relaxed somewhat into the absurdity of it all. Funny, how types of people respond so oppositely to the same thing. The Feds obviously expected that we should be pleading with them ... cowering and being suppliant ... rather, as soon as the initial impact of "FBI, you're under arrest!" was absorbed, Mike and I were joking. Talking about the changes clearly in store for us. What we wouldn't be doing. How shocked our friends would be. Wondering about the others at the sister Boards - was the whole group being snared? Was there a rat informer in one of the groups? Yes, our tensions kidded one another. Were afraid for each other. And felt the bonds of brotherhood binding us strong in this frightful situation of capture. Finally, the seven Feds moved us out. From the street the night air hit us cool.

No people nor animals were heard or seen. It was a lake-calm quiet, Saturday very-early-morning - mid-western, Main Street style, Minnesota. Four marked cars rested by the curbs. Electric streetlights back-dropped a low hum in the refreshing air. One Tweedly-Dee round Little Falls' Police Chief glided over, peered at us in his best "hard cop" stare, and grunted to the Feds something about, "See you guys next time. Come over for some of that bottle I have." His casual party words seemed to say something else, and for the first time Mike and my eyes shared the assured, tight feeling that the whole group of raiders would be netted up that midnight morning.

The Agents split us between two Government owned cars. Both were the usual non-descript tan, and had three agents for passage. Agent Ray Williams knocked on my window to tell me that my mother's Chevy had been impounded by the Little Falls' police. For good or bad, several letters which Mike and I had prepared for the local presses lay in that car. These letters spoke of why we were raiding the rural Boards. Now, everything was in the Government's possession. I didn't want to think about what my Mom would say when she came back from her vacation and found her only car under Government lock and key! So I thought of more pleasant things --like the war! As I leaned

back into the seat cushion I unrolled my series of questions --I earnestly struggled to get them to talk: "What are your ideas about the War? The draft? The Government and organized Crime? Your jobs?" and so forth. They were a strange trio. What they did do on the compassionate human side was to shift the cuffs from behind my back to in front of me. (From the rest, I was told later, that they had to sit with their hands cuffed behind their backs for the long, several hours ride back to the Twin Cities.) These were ordinary men who obviously justified whatever they do by repeating, "It's my job." They were not too friendly with one another. Possibly they hadn't worked together before. Two had southern accents. Possibly they were just tired - or were trained not to talk with prisoners. However, a few times they took off on some topic. Like when I asked the youngest Fed, who was wearing an army-issue camouflage jacket, about what he thought about Vietnam. Somewhere during his Government-issued answer he got into a short, mocking, put-on story about, "Yeah, I guess you'd call this a hunting jacket. Hunting gooks *that is*." They all laughed loudly and instantly at that. That riff of laughter was all I heard from the other two, but the youngest Fed got turned on about the War and launched into a clipped, serious explanation of how the Vietnamese really love us Americans ... about how good the Pacification Program was. But when I talked about the American-South Vietnamese assassination program, the "Phoenix Plan," he just clammed up and would not answer me. After about a half hour of this I realized that one of the Feds was taking notes on everything I was saying. That *really* ticked me off. Annoyed, I quieted down and started counting telephone pole outlines in the moonlight. All in all, it was a dull two hour trip back.

Once back in the Twin Cities, they drove us to the local FBI offices on Fourth and Marquette. Agent Lais slipped in a key and slotted a credit card-like piece into a slit - and with both in place, the full-glassed, steel rimmed door yawned - and we were in the elevators. Mike and I were the only non-civil servants there. So we didn't know whether we were the Government's single prize or not. Needless to say, we certainly hoped we were. The procedure they then put us through was brief and *very male*. What I mean is that all the Feds had to do was hand and fingerprint us, take a mug-shot, and fill-out some forms. But each one seemed to pride himself on making every little individual procedure into a big, challenging, macho tangle. While someone was in a backroom tagging our draft raiding tools, tidying up the Locator Cards, and writing out a Federal arrest affidavit, Mike and I were separated into two rooms with three roving agents apiece. Each agent liked to have you jump up when he came in; sit down "there" when he said so; take off your clothes to be searched when he wanted to frisk you for the fourth time; bend over and spread your bottom-cheeks when he said so. And so on. Very, very super-male. No one offered me coffee. They really didn't want to talk with us. At times my mind snickered "Maybe they don't know how to talk - just grunt one liners." However, I squelched any hostile risings.

The long evening was wearing me down. So, I puppeted around as they ordered. Friendly Agent Ray Williams comes in and takes down a lot of personal data which I was sure the Government already had in some computer bank. Friendly Ray, the quiet, small boned, almost pacifist looking suburban father FBI agent seemed so out of place among the rest. He was trying to be nice, talking softly, affecting concern. He got me some coffee. But after he leaves I'm taken to this old, J. Edgar type tough, who rams our hands into the sticky ink and rolls our palms and fingertips onto paper. *Pushing* us. Shoving. Almost ready to hit us because we don't want to sit down where he says to sit down.

Macho recycles and instant replays. In the middle of all this stage-acting my senses were overcome by the repetitious banal office settings. Harsh sterile fluorescent lights. Bland pastel colors on the walls. And too, too many pictures of J. Edgar Hoover --pictures positioned like shrines to Our Lady of Fatima. All these small repetitious offices which spoke only of efficiency and getting the job

done. But then I noticed none of Edgar's bulldog grinning faces have a name on them - so I ask, "Who's *that* guy on the wall?" They don't smile. "How come his picture doesn't have a name? Aren't you proud of his name?" No Federal answers to the wisecracking. Getting ever more bone tired. And then oh, sweet sounds of the nightingale! comes the less than oceanic pitch of, "Come on you guys, let me alone. *Whoopie!* here we are," turning Mike and I to face one another, and quicker than the sunsets on a December night, we smile "Brad!" - and the rest are, for sure, to follow. Almost with relief, and with a strange sense of brotherly togetherness, we are happy to hear them so close and near!

My fingers, with traces of ink relieving the whorls and ridges, reach out to touch Brad, to speak silent words both in fear and hope. Together with him were Pete and Don, both mutedly sitting inside on a Waiting Room couch. Brad kept striding around, gesturing with cuffed hands, talking, and half-comically taunting his Feds. *His* were an even more macho breed of "Special Agents." Younger men who found it manfully satisfying to push and shove and shout trivial orders at manacled people. One came over and ordered me to sit down. I refused because I felt better leaning against a wall, and he was about to push me into the chair when one of "my" agents came in and asked what was going on. Finally, I sat down until Brad's Agent left. None of us had heard about Bill and Chuck and Cliff and the others. As the place was becoming party crowded the agents decided to move Mike and I out. It was an short drive over to the Hennepin County Jail. Just weeks before I had tried to get into this same Jail, faking my way with a priest's disguise, to see a friend of mine also up on a draft raid arrest.

*Now*, I was walking in to reside for a spell! It was already late-early morning and weary exhaustion began to creep into my shoulders and legs for a stay. But before all this was over, we rotated through another processing. This time for the State and County. Aside from all the finger-printing and mugging and meaningless questions cops ask you, one is forcibly struck by the drab, lifeless, smudgy appearance of all these government buildings. Sure, bars in a jail won't ever be attractive. But somehow there's an air which shoots through these buildings, an air of timeless boredom and drudgery - and pained indifference. The agents and cops don't seem to enjoy their work in any way. I mean they never seem to relax while together. Sure they drink coffee and have foamed, leather swivel chairs. Yet, the only release for them is to yell or to push or to grunt or to stolidly shoot a cold, sideways glance. FBI Agents, Federal Marshals and the Minneapolis Police - they all seem so terrified, so deeply afraid of something. With guns and cuffs and clubs they can lash out - but they never seem to relax. *Interesting.*

What a night: within six small morning hours we were headed into our third scene shift. Here we were at 2:30 in the AM walking into a paint-chipped forest of bars. To be honest my immediate image was how jails always remind me of seminaries. There's a ghostly quiet common to both, as well as a mechanical orderliness and brusqueness that maybe only Catholics can appreciate. "Ah, the final frisk!" Once more a diligent Officer of the Law takes away our dangerous weapons - this time it is my leather belt! With this last dressing down completed, off they march us, the loose-trouser criminals, into a cell tier. Not many other residents occupying this section. It's early so the few there snore on, not stopping to greet us. I wander into one of the half yawning steel doored cells. Mike has already hit the sack, "See ya in the morning." I lie down, still too hyped to sleep. With tell-tale noise of key clankings and Brad shouting, in come the rest. Some sleepers curse at them to be quiet. The seven are settling, and somehow in the flickers of summer dawn my body yields to heavy lidded sleep.

The morning's waking is white, middle-class unreal. My eyes snap open in reflex to some guard's harsh yelling about something or someone ... and then a gate clangs, each cell unclangs, people start clambering down iron stairs to the cellblock's common tier below to gather what our Keeper left. It's breakfast - or something like that. Soggy buns and weak coffee. Almost smiling, somewhat fatiguedly bedazzled, the group mopes and shuffles towards the food. We take a head count. *Eight* of us. "No new ones." That means that some got away. Great! We gather together to eat. Some small talk. Some just quiet awakenings from hot sips of coffee. Everybody is coming-to in his own way. Not much talking, but soon the sweet rolls are only crumb tracks, and we're lounging around in an open cell area, clustered together. "What will we do? Who'll be our lawyers? Do you think there was an informer? Did the rest get away? What will our families and friends think? What type of trial should we have?" The unending, circling and time munching questions begin. Clock time seems to have ceased with a stillness that smells of death. Bill goes off to scrounge for a newspaper. My body is nervously taut and my mind races on and on. The others fade prone. I go to a different cell to be by myself, lie down and coldly tremble. Before much more time doesn't go by, the eight of us are called down. The guards have decided to move us into another Section. Four go up top on Tier B and four of us are on Tier A. Brad, Mike, Chuck and I are together.

These days we knew would ever be ones of our coming closer together or strain our weaknesses. Mike and Chuck were to play a zillion games of cribbage and some weird word-game that neither Brad nor I could get into. They spent hours and minutes laughing and playing, having a great time. True to our common natures, Brad and I more or less lolled around analyzing the world and each other, and the rest of the guys. I think that it was during these jail days that I fell in brotherly love with Brad. "Fell in brotherly love" - what a clumsy phrase, but possibly the best one. Because the whole draft raid experience was the first tumble in our mutual falling out of the violent, white, male-supremacist ideas and ideals of the Establishment into - well, falling out into gentle, non-violent, manly love: comrades. And how else was it to be for the eight of us except to fall in love with one another? I don't know what was happening on the upper tier with Bill and Don and Pete and Cliff. We heard that Cliff was frightened out of his mind. The groups couldn't communicate directly, so we used the stretched-arm note relay system between the barred tiers. As on Tier A, so I intuited, on Tier B four lives were rapidly changing. Objective ideas and personal strengths and weaknesses were sounding their depths and roots. Our talks often rambled around political discussions of Resistance, or about the proper tactics for the upcoming trial - but what was really happening was our silent, hedging dance around the discovery of one another. Here we were, four men who had acted together. Who had risked their lives together. Who had struggled to speak "Peace!" together. *Together*. Clearly, what we were seeking was to be together. To live *intensely* together. We were ourselves as equally symbol and reality of the human truth and intimate peace which stood as the goal of the draft raids. And here we were, together, in jail - and it was okay.

While in the Hennepin County Jail none of us had ripened to that moment of frankness in which we could speak of this passion. That was to come later. What we felt then was that no bars could contain any nor all of us. That whatever the Government had up its sleeve, whatever the Department of Justice could do to us --they couldn't take away or destroy this daybreak newness that we had experienced by acting in a human, moral and truth-rendering way. Our Resistance had alloyed us brothers - bonded in the fire dark reaches of our spirits. In between my chills and sweaty July tremblings, my queasy gut and my creeping goose-bump fright, I relished this joy of having lived, with these others, for Peace. Up to the steel lid ceiling I reached to mark my passing with vision eyes.

The eight of us were to count six days in that jail. Looking back within the whole struggle of the trials these first days flit by like a zipping flash. Yet I know that they crept along with a still breath. But a moment's reflection and I instantly recall the stank of a piss-soaked, hot and humid, bug infested July county jail day slithering all over me. What body can forget those tiny cells, with four sets of iron bars between them and the corridor --the corridor where four TV stations were positioned, turned on, usually to the same stations ...blaring forever throughout the tiers which caught little natural light. My outside electric bulb was burnt out for four days and the guards continually refused to notice it. I had a twilight, gloom room all day long. The other inmates (some who had been there almost a full year: *waiting* for trial) said that the two tiers held 63 men.

Each tier had one shower: plugged up and flooding back ...one razor blade in the morning and a small, *Holiday Motel* size bar of soap with which to wash and shave some 30 odd men. Three times a day we lined up, leaning against the bars, to get some plastic tray food: always soggy, overcooked stuff... full of fatty grits. If anyone wanted snacks or some small luxury like a comb, we'd have to jostle with the black inmate who ran the commissary. In between readings of fourth class pulp novels --the sparse reading matter "Permitted" on the tiers --each of the eight tried to strike up conversations with the other prisoners.

There was a lot of fine rapping but, as expected, we had trouble being accepted by the others. There were class differences, e.g., with a white guy who faced 40 years for smuggling guns. Racial differences with blacks who looked upon us as the weirdest white birds they'd seen yet. And sad times talking with a kid in there for trying to burn down a Draft Board. His leg was heavily burned. His fidgety eyes conveyed themselves as very paranoid. Unfortunately he was a little turned around in his head: he did the draft raid action after some heavy drinking. One time he even tried to trade off his food because he felt that the guards had poisoned it. *Of course*, he received no special treatment or arrangement. The several who had obvious medical or mental problems were just lumped in with the rest of us. Rainbow people with throbbing colors of pain and pulsing wave rhythms of yearning heartbeats.

Yes, those days crept by -- but with intensity. Each second was full of some life grappling encounter, some mystery -- of myself or someone else. As I looked at the faces I knew: here was a criminal ...caught and caged... never would he be the same. I gleaned a lot. Yes, the sociologists are right. They'd be glad to have my *experienced* confirmation of their academic observations: the others were mostly black, and all poor. Very few, however, grasped the political nature of their being in prison. Most just wanted to get "outside" and try *once again* to beat out the next guy for the Buck. As for me, early on my first day I had walked into my cell, raised my arms toward heaven, and said, "Is this what You really want?" Needless, to say I didn't receive any special treatment, either!

As I look back now, I know that I had answered my Call. All my life the mid-afternoon Voice was murmuring "Outlaw!" This now my ears heard plainly. Born in these murderous times my role is not to learn nor preach from the lectern and the pulpit... it is to wrap tight fingers around cold iron, cage bars and say, "This is my Body!" That is what I was then just beginning to understand. Anxiety comes to doubt my comfort. Chills and tremblings play demonic laughter upon my spirit's body. Nights break me and I shudder. Insight is its own preparation!

The FBI pulled off their ambushes on a Friday evening-Saturday morning. By Saturday evening the TV news had an interview on with some people called, "The Committee to Defend the Eight." *Amazing!* I had used my one telephone call to contact Karen, but our group had not intended to get caught, nor to give ourselves up on the spot --so we had not spent any time organizing a Defense Committee. Much to our surprise, then, here in the middle of summer, the Resistance community had immediately come to our support. Charlie and Pauline Sullivan, a former priest and nun, spearheaded the formation of the Committee. This moved us deeply because we were sure that most of the local Resisters did not know who we all were. Bill and Don were well known on campus, but in the main we were just one among many campus activists. More, for the next three days and nights there were large rallies held outside the courthouse building. Over 500 people protested in the streets, the *Minneapolis Tribune* said.

On one night the Tactical Squad rioted--went crashing through the crowds, banging heads, and arresting people at random. A woman had broken a courthouse window with a flag staff. All this police frenzy brought the righteous *liberals* out of the woodwork. *Remember* this was the hot summer following Cambodia ...Kent State ...Jackson State... and nation-wide draft office raids. Minneapolis, like so many cities, was simmer to boil. When the cops came down, the people rose up! Even more people came into the streets when they heard that the eight of us had been formally arrested on the charge "Sabotage of National defense materials" - and were handed a \$50,000 bail bond apiece. *Wow!* I was the first to hear District Attorney Renner state that bond price. *Ransom!* First to hear him level the charge that we were part of a sinister, national plot (he almost said "international Roman Catholic plot") of draft raiders, ala the Fathers Dan and Phil Berrigan, who were "intending to overthrow the Government."

It was Nazi weird. I had called in a young, poverty lawyer friend, Roger Haydock, to represent us at this Bail Hearing. His eyes almost popped out like toast, and he listed slightly, when he felt the price of Bail. The legal overkill almost made me giddy with laughter: "Sabotage!" and "\$50,000 apiece!" What was *really* going on? I couldn't believe the DA's conspiracy story about who we were. Yet another strange setting, another illusion --was carefully being prepared for us by the Government. Now the eight were to play the roles of saboteurs. This was so heavy, that it was merry. Think of my inflated self-image -- earnest young Roman Catholic theologian becoming a Government saboteur. *After all!* all I was doing was effecting a socio-political sacramental act. Wouldn't any other common-sense theologian do the same? Yet in a spiritual fashion, the Government was right. Our symbolic raids were intended to sabotage the demonic powers of War. Clearly, those threatened often understand the true powers of their attackers. The immoral understand morality. The evil see good. Warriors know their true enemies, the peaceful. So, now, we were to stand before our fellow country-folk as saboteurs. Spiritual, moral, non-violent saboteurs -- it was almost a too generous patriotic compliment.

To give you some hilltop perspective on what type of change all this demanded of each of us, let me talk with you about who the eight of us are.

Let's see: the people on the outside knew that the press was calling us, "The Minnesota Eight." Some knew Bill Tilton, Don Olson, and Chuck Turchick. The younger ones probably knew about Pete Simmons. Mike, Brad, Cliff and myself were not too well known. I had hardly spent anytime directly involving myself in local Resistance activities. The bulk of my two years in Minneapolis was spent working and preaching at the University's Roman Catholic Newman Center. However, the DA and the FBI seemingly had their own special ideas about who we were. Some Agents

gleefully passed the remark to Brad when he was handcuffed: "Guess we got some Beavers now!" This referred to the February 1970 raids in Minneapolis-St. Paul of the "Beaver 55." This draft raid group pulled off the largest, single guerrilla mission against the Draft System in the country.

The Beavers gnawed and demolished 45 rural boards in one night – these were administratively centralized - including the State Selective Service Office! This anti-war orgy was held in both metropolitan downtown areas, under the sniffing noses of security guards who watched the buildings 24 hours a day! A real coup for the Resistance. No one was caught, even to this day. Brad and Chuck along with two women “surfaced” to the public on the University of Minnesota campus and claimed political and moral responsibility" for the act. Within a month I had joined their Defense Committee, and went on speaking tours with them So, it seems that the Feds felt they had ground upon which to count us as part of a nasty ring of marauding draft raiders. But then the Government also felt that we were linked with the East Coast Berrigans. I wish we had been! Sometimes I wish the Governments fantasies were reality! There was a striking similarity in the names of draft raiding teams. For example, our letters to the editors explaining the purpose and meaning of our symbolic draft raids were signed, "The Minnesota Conspiracy to Save Lives." This bore a poetic likeness to another group called, "The East Coast Conspiracy to Save Lives." Surprisingly, the Feds didn't say much about that coincidence.

When the daily papers hit the sidewalks on Monday morning the front page headlined: "Families, Friends Call 8 in Draft Raid Idealist." For almost all of the following two years, up to the time for Federal imprisonment, this was to be the only, favorable and personality oriented article to be printed. Molly Ivins, a young reporter who had leanings to the Left, had scooped our story because she knew better than us that the newspaper's prejudices and fears would eventually do our image in. So she rushed some hastily drawn but fairly accurate biographies to the front page. On that morning Twin Citians heard of us as we are: young men, sons of the Establishment, with impeccable, middle-class, white, Judaeo-Christian backgrounds. Young men whose minds and hearts are torn apart by the Vietnam War. Young people who had been active on the University campus, in church gatherings, in draft counseling centers, as conscientious objectors, as writers --in protest against the War which we judge immoral and insane.

The portraits Molly drew were boldly sympathetic. Needless to say the eight of us were shocked and happy to see this favorable image drawn. Beginning that evening, however, on every nightly news broadcast we were to hear ourselves continually labeled as "mindless vandals" and “misguided young men.” While the *Letters to the Editors*, received by one local paper, were the largest volume ever received (and running in our favor), still there were printed Letters of citizens outraged at our "violent" acts. They voiced a call for a public hanging of us as traitors. The \$50,000 bail didn't help our public image either. The Government knew that -- the high bail was the first of many Government moves to create our image and control the public's understanding of us. Consider that bank robbers and murderer would feel that a \$30,000 bail would be very high. Here we were, as everyone knew, first-offenders and already being slapped with one of the highest bails ever (at that time) given to white radicals.

How would the public learn? "Well if they weren't traitors why would the Government have given them such a bail?" In general, the press editorials and TV commentators pushed Molly Ivins' portraits out of view. They pulled in their willfully uninformed generalizations of us as common thieves. To this day, most Minnesotans do not know who “The Minnesota Eight” are, because all they received through the media were abstract, lifeless descriptions of us as eight young vandals,

(Note that by 1972 there was a turn around in public opinion wherein one *Minneapolis Tribune* editorial asked, "Where in History for the Minnesota 8?")

No media ever spent its time getting our story as we tell it. After all, we claimed that the breaking and entering act involved in raiding the Draft Board was practically irrelevant -- our task was to raise a symbolic protest of the War. But then that might have lead the readers and viewers to question ... to ask probing questions about "Why did they do it this way?"... to possibly take the time to come to our trials to find out what was going on between the young and the Government. However, the media shirked their moral responsibility and acted towards us in a fashion which all powerless people know to be their common fate. The media folk moved along with a uniformity of unconcern and misinformation that *almost* smacks of a conspiracy to deceive the public. They faithful treated us more as common thieves than as political dissenters. Possibly we threatened the power base of their corporate media economies?

Never did an Establishment interviewer ever sit down to discuss the meaning, purpose and historical traditions behind our symbolic moral and political acts. To even spend 15 minutes listening to the crucial, human significance of our life struggles from Establishment kids to non-violent activist patriots. With all that had been going on in those boiling years of '69 and '70 -- all the protesting and Government murders of students and black militants ...all the human heat and passion ...all the publicity and national controversy over the draft raids of the Berrigans and others like the nearby "Milwaukee 14"... *all this*, which the Minneapolis presses and stations knew about... all this and what do we get but a TV blackout and practical press censorship. I guess the constitutional right to free speech never said anything as to the right to free press, did it? So to answer, "Who are the Minnesota 8?," you'd have to understand that most Minnesotans and Twin Citians cannot answer that with any degree of accuracy. It is as difficult for you to find out who we are as it is for you to receive the truth about the Government reasons for the Indochinese War!

The best and most honest answer to the question is to say -- we are eight young men who were *not* allowed to speak to our people about a most serious and criminal matter: the Vietnam War. That best characterizes what happened throughout our whole experience within the courts and on the outside. Our local, Establishment powers sided with the Washington Government in making us "The Mute 8." Like legions of other Sixties youths who went into the streets pleading with the Powerful to end the war, we of the *Minnesota 8* were not listened to --even in our home towns. We were brusquely shunted off to the side, and finally caged up ...dragged out of touch, eyesight and earhearing of our fellow Americans. Our story is just one more serial in the ongoing Government Saga of turning the morally dissenting, protesting Americans into Mutes: we are the patriot children of the Mute Sixties.

I don't want to mislead you. We did speak words -- lot of words, in person and through mimeoed leaflets, all over our State. Furthermore as Resisters understand communication, we spoke with an undying, unmuffable voice by our bodily actions: our truth dance. No press nor TV image can capture or convey more intensely the truth of what we spoke to the world through our actions. This you must understand well. I recount our story here on paper to give another dimension to our truth-rendering dance. On the human scale of communications, good actions --peaceable, loving actions --speak to and through the times in a lasting, non-erasable way that yesterday's newsprint cannot. Resisters go to our people for truth and peace -- not to black imaged words on yellowing pages. Yet there is a fairness to the diversity of life and to the peoples search for clarity that news reporters seem to violate.

In my partial complaint I am just raising, once again, the lament of the workaday, powerless person who experience the misuse of the media ... and at times it's just *too much*, especially when the sanity of the world rest on the times. One of the reasons we Americans are sunk in Indochina is because the media keeps us distracted from the human issues of the war and leads us to believe that only the Government has the moral right to make foreign policy decisions. Our draft raid actions were typical of so many people's drive to speak about the human dimension of the war ... to speak ... or raise a cry... for morality and sanity ... and the recapture of power by the people. Like the Universal Soldier who gets crushed by every rich man's war -- we Americans only read of the Generals and the Presidents, of the strategies and the tactics of the Powerful. It seems that the task of the people's patriots will never be publicly reported -- nor sung -- to their own generation, to their own neighbors -- if the Government and its media continues to have its power elite way. But many of us will sing of the nobility and courage of the common folk who build and struggle America's growth. And when the times come for us to accuse the Government of war crimes - against the Indochinese and all Americans - then we will fearlessly stand up and speak boldly. We acted, act, and will act because we believe in one another -- as a people we know and trust our spirit and our common sense morality. When the Powerful refuse to give us a public hearing, than we will --as we do walk person to person, door to door, to knock and speak the truth.

To understand us, you must know that we are eight young people who feel that each person speaks more loudly and humanly through their personal actions than their vocal words. To understand who we are, you have to understand that twist. We have heard hundreds of our friends and family members say, "I don't like war. I don't like to kill. Yet we have watched them go off to war and off to kill or spend their lives working for and supporting institutions and industries feeding the Death Machine. We felt deeply to our heartbeats that the body must be the vehicle for the truth of words. *To dislike war means not to go! To dislike killing, means not to kill!*

For the eight of us, Resistance is a way of a patriotic speaking. We are people who believe that structures and institutions can speak in a bodily fashion. When Mike and I went into that Board to steal those files, we saw ourselves as robbing the System of its ability to say, "Kill! War!" The 1-A files are the vocal chords of the Vietnam War. The 1-A files speak to a young man -- "Your time has come. Go forth and kill!" So in stopping the Draft System we believe that we are speaking back to the System. Resisters are saying, "Be quiet! Cease!"

Despite the friendliness and mild mannerisms of the Draft System's personnel, we know that the System itself is evil. The 8 are persons who see a difference between property and people. We believe that we can speak back to property through "property". When I took the files from the cabinet I was saying, "Stop all this senseless killing!" to the System. With equal voice Mike and I were speaking to those who tend and nurture the System, pleading with them, "You who build the altars now to sacrifice these children, you must not do it anymore!" In a further effort to communicate our moral values to the Draft servants we geared our actions so that no one would get hurt. After all we could have fire bombed the Boards, or shot the State Director, or ran in during the day time, gag the Clerk and ripped off the files. Rather, we wanted to speak non-violently. Therefore, we selected out just the 1-A files. Snuck in at night. Had letters prepared to explain the meaning of our actions. And planned everything so as to minimize fear and destruction.

In many ways then we Resisters are a strange people. Criminal, I guess that's right, but Peace criminals. People who break laws which sanction total war, massacres, and uncontrolled violences. People who try to speak through verbal words and symbolic acts. To understand us, you'd have to ask yourself whether you'd do what we did. Do you understand, and would you do, a symbolic act?

An act without personal gain either for money or prestige. An act, like a stage play -- guerrilla theater -- which tries to speak through human rituals as well as through words? In short, we are non-violent patriotic people who try to speak Truth to Power. And this is why the Government acted so repressively. Why it tries to smash us. After all, as even the unfavorable news articles showed, we eight were not politically nor financially powerful. We had nothing to gain from stealing the records -- there is no Syndicate "fence" for draft files! Yet ours is a dangerous, Government threatening act. We dared to vent our moral outrage!

To point up the deceptions and the contradictions of illegitimate Government. Resisters are an embarrassment -- children within the Family challenging the Father's iron-hand Rule. For such a crime the fearful Government came down with a ransom-like bail and a wild-eyed charge of Sabotage: 10 years in prison! Should we not think then that the Powerful thought us too powerful in some way? What is that way? That we speak - that we try to give moral witness both in actions and words? Is that it? *Wherein lies our power?* Is breaking and entering a rural draft board equal to national sabotage? Yes, I can only surmise it is: the sabotage of breaking-and-entering into the moral soul and patriotic spirit of the people! After all the Government *must* fear the morality and patriotic strength of the people or why have the Powerful had to lie to us people about the War through five Administrations? Isn't that the real story behind the "Pentagon Papers"? That the Government knows the moral sensibility and power of the people? Yes, peace criminals must be powerful ... we must be people who have something which the Government wants to either stifle or destroy. Gathering a lesson from them in this negative way, we can see that the Government is telling us what the actual situation in this country is. It is afraid of speaking truth to the people. It is afraid of us who come from the people, speaking their moral outrage. For, who can know, the people might see, hear, feel ... and then rise up angry!

While we sat in that jail, these seeds within our spirits were bursting forth roots, the tendrils of a gentle flowering sinking into the rich soil of a people's spirit ... once planted, to gently unfold its beauty. Yet, we eight really didn't know who we were, or who we were to become. We had hunches about ourselves, but too much within ourselves and our lives was the this life moving growth. In many ways this rapid rise of sap left us unable to clearly draw this picture which I now see. Back then we pulsated scared. Had doubts about the worth of our risk. We feared and hoped, as all people do who are caged.

As I sat back against my cold, steel wall pillow, I reflected, as I often did in open late afternoon spaces about how we got together -- what drove us or threw us together? As to time, we had gotten together over a mixture of months, drawn by the gentle, global lure of Peace. Our was a feminine *attraction*. From the hard shells of our super-masculine young adulthoods, spirits were being sprung by the eternal touches of Peace's spring tenderness. All that we knew as we looked at one another, each with their own eye's time, is that we wanted to be peaceful and non-violent people. Who wanted to be able to sing and dance, love and be free --without being embarrassed. As a group we weren't very physical then. Mostly we expressed our yearning in words. We had yet to learn how to comfort one another. All of us had come from conservative families; most had been rigorously disciplined on Christian morality and fears. So each step we took away from our past was actually a yank forward with piercing pains and tremblings. What we read about ourselves in the papers and heard on the TV was all our distant pasts. How little the world knew that we were cosmic seeds germinating. Our friends outside the jail, marching around, chanting and holding vigils-they sensed this. "They're on the inside for us. We're on the outside for them." That was the oft-shouted speaker's motto. How true, we were inside. Inside the Belly of the Monster. Inside the Womb of

Peace. Inside Our Barred Manhoods. Inside the act of creative loving. Inside: foetal people – future babies of the global village tribe - children of the Dark seeking rebirth into the Light.

You should expect me to say that we all took this time with different colors. If the others would read what I'm writing they'd say to you, "Yeah, that's Franks way of putting it." Those others (five who are already in prison as I write this) once again they are changing. Once again within a womb -- steel barred -- their 5 year gestation period --to be limbed and faced with a new Body and souled with a New Spirit. This time I may not be with them physically. Each of them is presently in five separate Federal prisons. Possibly when they get out, when we all get out, we will read my words and say, "That's not how it was." Possibly, we'll all forget. And, possibly, we'll even remember it better than I have now. At least now, my brothers, let me speak of you to those who read our story.

In previous rough drafts I've hesitated from drawing sketches of my brothers. I know that what I will image is too severely limited by my uneven friendships with all of them.

Many who have found the eight of us in a room holding a political or organizational discussion have been moved to remark, "How did you guys ever pull anything off *together*?" Yes, our temperaments vary like the seasons Yet we share a common-life desire to be truthful to peace, to listen to others, and to act. So in presenting ourselves to you, I do so briefly and with full awareness that our presences are filtered through my modes of experiencing and expressing each of us. But you should have a taste of our human flavors. With even my limited efforts, what happens in the following chapters will make more sense to you.

Bill Tilton is your type of friend who is forever standing by a microphone. His earthly task, I presume, is to speak to the world about itself. I first saw Bill during a rally in front of Coffman Hall on the University of Minnesota campus. Bill was then Vice President of the student body. In that capacity he was a student you read about almost everyday in the student paper, the *Minnesota Daily*. His picture was in almost every issue since it was the years of campus turmoil, and Bill was an anti-war activist. For me Bill images forth sights of huge crowds and him rising on a podium to speak. Possibly someday he'll be an orator, in the romantic sense that my high school history books gave me for that term when describing William Jennings Bryan. Often the press describes Bill as having charisma. He never struck me that way. To me he is a bright fellow, from a slightly richer middle class family, who likes to talk on and on. He's the only person I personally know who thrives on meetings. Always I think of Bill as the politician. The type of person who could stand all the handshaking and baby-kissing and endless debates over political trivia. Some will tell you that he's tall, over six foot, dark haired, handsome and popular. I'll tell you that he has eyes. Always his eyes are speaking to me, usually something like, "Aw, c'mon Frank you don't believe that bullshit!"

"That bullshit" refers to my super-theological analysis of life and politics. Bill himself spent some time in a Christian Brother's seminary, and years in the Catholic faith -- but he doesn't relate to that now. It took me many months to reach in and touch his tenderness. Yet I'm not quite sure that I do know him. He has a way with his eyes of keeping me in my "other" world. But if you're in a group with him you'll remember his crackling laugh and his smoker's cough. He smokes a lot ... and hacks a lot. Bill's eager to do things -- got real impatient *waiting* to go to the Federal prison. Like most of us he always has to have something to do, and he gets himself overextended.

For example, when we were planning the raids he'd casually drop into our meetings just long enough to pick up on the latest "facts" and then scoot out to another meeting. The draft raid was just one more thing on his monthly schedule of activities! When we sit down to talk about our bonds of

brotherhood, Bill doesn't like to spend much time on poetic or spiritual type discussions. He is quite practical, fearless, and always ready to defend what he believes is right, and to help out people who cannot articulate their own feelings. Bill was, and is, the best known of the Eight in the Minneapolis community. People respect him and listen when he talks. He takes criticism fairly well, though he is inclined to brush off negative remarks at first, preferring to let them sink in slowly in a less painful way. Yet self-critical he is. Bill is always ready with a mountain of words. His mind hops quickly. When in court, he kept hammering back with hard, cutting words at the judge and prosecutor's every word and action. Bill's the type of guy who rushes into something while the rest of us wait on the porch! You like to have him around, because he keeps you off guard and is always moving out into some lively, spirited action.

Don Olson and Bill have known each other for many campus years. Don started out – of note?! - as the President of the University fraternity Zeta Psi. He was active in conservative politics, as evidenced by his active support of Barry Goldwater's presidency and his work in the 1966 "Conservative-Liberals Against the War." When I first met Don his patriarchal beard was about nine inches long. He has sandy, somewhat curly hair. Her' fair skinned and stretches to what one might call gangly, though he isn't Ichabod Crane tall. When we were doing the raids he looked more like Rip Van Winkle. He was the only one not to shave for the actions. In fact Don let his hair grow longer -- almost halfway down his back. In some ways, maybe that gives him away. He's the type of person who likes to wear long, long hair. While for some, beards indicate wild-eyed Rasputin type revolutionaries, Don is the quiet, gently-stroking-his-beard, type anarchist. Without any bones about it, Don talks about the ideals of an anarchist society, meaning one of voluntary, free association.

Wherever you meet him, Don seems always to have a copy of the British magazine *Anarchos* under his arm. He comes from a poor working-class family. His mother couldn't afford to come from out of state to the trials, and will have difficulties affording the price of travel to visit him in prison. For years he's been draped by a baggy, blue, knee length overcoat; probably rescued from *Goodwill* or the West Bank's *Free Store*. But inside and under all that hair lies a brilliant mind. When in graduate school Don had plans to serve in the State Department. But, like so many of us Sixties-Kids, the dark evils of the Vietnam war broke life shattering thunder over our heads. So *strolling* from the far right of America comes Don Olson. From Goldwater he worked through the years in Draft counseling, Students Against Selective Service (SASS), Twin Cities Draft Information Center, going into draft Resistance by refusing induction, and ending up behind bars with seven other assorted odds and ends of the Nations youth.

When the group is together, often people like Brad, Bill and myself talk the others into overwrought silence. Don is so careful and patient, that he will not push his way into any conversation. He handles people as if they were fragile Dresden chinaware. All through the months of trials and after, he seemed to be quietly receiving and mulling over all the events. Don's an exacting observer whose mind cuts quickly to the core of an event or idea. But most of all he's just a really fine and funny guy. Almost soundlessly funny as the quiet people are. In entering a room he might lurch in from behind a door panel, slither around in his long coat, turning as if under a Dracula's cap to bare his long, fangs: plastic, fake teeth which he even brought into the courtroom!

In his own way a Yippie - putting a comic mood on the most serious of matters. When Don speaks it is with a historical knowledge that would have done our Government well. However, Don could never work for a Government with an unfree, undemocratic, involuntary Draft system. Because, for Don, all aspects of growing and living must be freely chosen. Furthermore, he lives to see people being good to one another. I wish that I knew him better. Too often his patient temperament has let

people like me ramble in words, and the sad result is that we ramble right by the heart of the person we are trying to reach. However, maybe Don is waiting for the right time to speak. Some future time when he will judge that I am comfortable and open to listening. He's like that. Quiet, gentle, with a power for feeling that I deeply respect. Our country needs people in the State Department who carry false fangs with them. Serious people who can laugh. Possibly, Don is the most patriotic of us all - because he listens to others, and he gives you space to be yourself.

Pete Simmons has a lot of Don's gentleness. Pete was the youngest of our group at 19; Don the oldest at 27. Yet Pete wears the same type of quiet, non-violent earnestness about life. His interest lays primarily with conservation. That's not too surprising for a Resister. Pete's liking to care for the land and for animals fits in logically with his pacifistic demonstration against war. I've looked at Pete often and wondered how someone as young as he had gotten so much stuff together in his head about war and politics. Editorials, when attacking us, always mentioned that we were all bright, above average, and such stuff. With Pete that was even more obvious. He's somewhat precocious, in a good sense. When he's with his mother Mary and brother David, you can sense the depth of compassion and feeling he has. It confused me at times. "Pete's just a kid," I'd often say to myself, yet he's a well of humanness.

I guess that I can't help describing the guys in comparisons to myself. It took me, and is taking me, many more years to get where I am than it is obviously taking Pete. Gandhi influenced him and so did the Bible. Yet neither Peter nor his family is very religious. Unlike myself, I guess, he just picked all this non-violence up intuitively. He didn't have to trek the tortuous, rationalistic paths that so many of us did. He just grew into a gentle family which asked him what he thought -- and so he thought and came out determined to live what he thought to be truth.

Going to prison bothers Pete. He abhors physical violence, and since he's fair-haired, strikingly gentle and slightly passive, he expressed a lot of fear about being beaten up or attacked sexually. During the last days of freedom I noticed fright in his lake blue eyes. They signaled an awareness that he had bitten off a pretty big piece of life. As I watched Pete I felt a greater pang of confusion and suffering seep from his arms than from any others of us. While he's so strong and fearless in many ways, there is a youthful burden of disillusion which bites someone like Pete with a cynicism and a despair lost on time's hardened spirits. Don't mistake me, he had no hesitations about the draft raid. The trials he took in stride and with much wisdom. Yet he still wanted to continue serving his people. "What good would it do putting me in jail? To sit idly for five years?"

Pete still wants to go to Law School. Still he desires to follow up on the ecology interests. Still he wants to celebrate his young manhood with his friends and family. However, the gentle who rise up must go to prison! At 20 he walked into the barred cages. He felt the heaviness of an uncertain future with a regretful sense. The younger one is, the easier it is to regret certain steps. As the years go on, one settles into accepting that he or she is the person who did such and such, and didn't do such and such. With Pete, with all the opportunities the future held for him, at times he seemed to wish the draft raid away. Wave it away like a bad dream. However, Pete is that caliber of person whose deepness grows solid walls of support as experiences nourish him. Of all of us, because of his age, Pete might be the one to benefit most from the draft actions.

In this little series of gentle, quiet people - excluding waterfall rumbling Bill Tilton - comes Chuck Turchick. Now as I write about my brothers, I seem to be in an emotional bind in my attempts to describe them to you. I find myself saying that they are all fine fellows, really bright, had great opportunities in front of them, and so forth.

Sounds a little circularly monotonous, and possibly a little too nice. However, in some ways we all seem to be quite alike. As Resisters we're all committed to non-violence and to acting out our beliefs. Like Chuck's Phi Beta Kappa, we've all been academically honored and proficient. If you met the group of us you'd put us into general categories like quiet and talky, or slappy and gentle, but you wouldn't find us as uncommon folk. When I imagine specific differences, I think of Chuck as radar. He's very short - and quite sensitive about what he calls "Height chauvinism." Yet his body moves like a radar net just taking in facts, feelings, data and analyzing them on the spot. With all that stored knowledge he remains a closemouthed person. Speaks sparingly, but always with precision. He has the driest, quickest humor on the face of the earth. Yet at times this son of a *Torah* teacher is almost a Yippie, slipping into an antic, saying, "Lets do that" and when someone says that "That is bad," he'll shout back, "Like I said lets *not* do that!" Quick ... so quick are his reflexes and humor that you have to catch up with your laughter.

Not surprising then, he's also a ping-pong (or, as he'd want it said, "table tennis") champion. When we'd go around to talk at colleges, if the students didn't react or were kind of low-keyed we'd try to get Chuck into a match with the local ping-pong champion. That would sure draw people! And of course we'd always win. Chuck carries his paddle with him wherever he goes in - a leather case! Just recently during the prison championships at El Reno, Chuck won ping-pong, dominoes and several other tournaments to get a trophy for the most 1<sup>st</sup> places. Quite characteristic of Chuck is the following prison incident.

While at El Reno a guard challenged him to a typing contest. This guard has a standing challenge with the inmates. The prize is the sweeping and mopping of a 100 foot square area. Of course, the guard has always won. I'm sure that he wouldn't have risked it otherwise. However, in comes Chuck. All 4' 11" of him - *easy* target, eh? So tap-tap-tap goes the keys and Chuck wins! The inmates went wild and Chuck was an instant hero. In his letter home, Chuck closed off this heroic incident by "But when the dust settled and the sun went down in El Reno -- *once again* ... he was still the guard ... and I still was the lowly prisoner!" With such a sighful approach, does Chuck take life. With like quick wit Chuck picks upon small irregularities or slips of the tongue which pass by most people. Through them he gently expresses his pacifistic compassion. At his Sentencing this by-the-by scenario revealed both Chuck's humor and his sentiments about prisons. *Devitt*: "Thank you, Mr. Turchick, for your comments and for *representing* these individuals." *Chuck*: "I am Turchick. *He* is *Tilsen*. That's so *he* doesn't get sentenced!"

"Will Mike Therriault ever make it through prison without Chuck Turchick?" That's a question I often ask myself. After those six days of infinitely numbered games of cribbage brotherhood, I don't see how either one can handle prison without the other. Together they would actually enjoy prison, of that I'm sure. In line with the others, excluding Bill again, Mike is the quiet type. He cut off his beard for the actions, but has grown it back since ... having long, blondish hair, a fair person like Pete and Don. Though I worked with Mike, I didn't get close to him during the pre-Raid period; nor in many ways have I at this time. We share a common Roman Catholic background, yet he seems to be motivated by something different than the rest of us. Sure Mike grew from the non-violent, pacifist tradition. But he seems to burn inside. A slow, ember-like smolder that at times glows forth -- or rages forth as it did at the time of his Sentencing speech. His studies at the University were in psychology, but what seemed to have affected him the most was something similar to Don's Common-Sense obsession -- that people should be free to choose. Ironic, isn't it, that these people driven by the desire to build a world around free choice have to spend their years in unfree prisons!

At times I sensed that Mike was very intensely motivated by the fact of belonging to a large family. He wanted to offer them, specifically his younger brothers, a chance to freely choose whether to go to war or not. Mike also comes from a working-class background. In his family Mike was one of the first to seek higher education. Typical of the life for a rising young Catholic working class man he even spent some time in a local seminary, Nazareth Hall. When I'm with Mike I don't always feel comfortable because in a way his quietness is a suction, a vacuum. His eyes sort of drag you near him. Somehow - how can I phrase it? - his quietness is like a deep natural well. When you meet Mike you feel a cool luring draft grappling your limbs and you move almost fearfully as one does when they approach the rim of an open well and lean over to peer in. During our trial he sat there, almost wordless throughout the whole affair, yet every one could sense the whirlwind churning through his eyes and body. What's brewing? He's even given to states that he is *no longer non-violent!*

During the last several months he has been studying organic farming - what he wants to do when he gets out of prison. Mike is often more set in his opinions than the rest of us. Hmmm, it's strange in a way that I'd say that, considering the lot of us! But he seems to take criticisms too brittlely, and he doesn't like to be hassled - things seem to hassle him easily. I half expected him to split the country before the end of the trial. But he remained. Mike's the type of person who can brood; can be described at times as sullen. Yet his closest friends are happy-go-lucky Yippies. The commune he lives in, "Wellington House," is best described as a circus. A wild, happy, weird place that is the fringe - electric, eclectic, fringe of the movement. People find Mike easy to get along with. I found him very friendly and calm to work with. Yet amidst all that compassion and guts, he remains a winter mystery to a person like myself.

Now I'm not going to discuss Cliff Ulen who roomed with Mike the summer before the action. Cliff pleaded "guilty" and dropped out of the group shortly after the arrests. Some think him the informer. The simplest and kindest thing I can say is that he was a young kid whose ideals went beyond his compassion. The raid I'm sure was more of an adventure to him than anything else - a college prank? When he was caught, he froze. All the time in the County Jail he looked like the nervous man on the *Sominex* commercial. At present he has been sentenced to five years, probation. To get that sentence, he had to "kiss ass" as they say in the court circuit. The only thing I feel for Cliff is pity. For whatever he is, informer or freaked-out kid, he in the end sold his life over to a group of torturing goons who will play with his mind forever.

What I could now begin to tell you about Brad Beneke would fill a book. Only since Brad has gone into prison, about three months now, have I seen the little things about him which I cherish and which I dislike. Brad is a whirlwind dance. He's tender. Excitable. Moody. He walks around Minneapolis' streets at night strumming his guitar, singing. He's a person many find hard to get to know, yet he'd sit down and pour out his guts to you over a cup of coffee -- that is, if he drank coffee. Brad doesn't drink booze, coffee or tea. However, we have smoked a fair amount of grass together, and had a few mind-spirit trips out in the Minnesotan north woods and Washington's Puget Sound.

I laugh to myself when I think about describing Brad to anyone. On his spirit earth's dust never settles. See, he has the All American boy background. His family is staunch Republican attorney, active politically, and nurtured on Norman Vincent Peale type manners. When playing a sport Brad is a maddening enthusiast. He's fairly short, say around 5-9" yet he's stocky and hard-muscled as hell. Whenever he has a problem, his guts churn and churn. Everyone knots their tension somewhere: several times we had to take Brad to General's emergency room because of his

volcanic stomach. Among the Beneke family there is a strong bond of love, particularly strong between Brad, his brother Bruce, and their dad, Arnold. It's a strange type of emotion for some, they argue with tornado intensity and clamor when together. For years Brad was the spoiled child of the family, "Our good son" who threw away the Great Dream and went galloping off into the woods of left-mossed trees: Marxism, anarchism, conscientious objector, and socialism.

To his mother Millie's dismay Brad likes to call himself a socialist ... or he'll say he's a communist to get a rise out of you and some heated conversation. Yet he also broods. Not like Mike, though. Rather, he just gets quiet when he doesn't feel like talking. It's infuriating. We all caught onto this trick: Brad would rap for hours when he'd have something to tell us, then he'd clam up for hours. When he's quiet you know he not only disagrees -- but he knows that he's in the minority among friends. Outside with others, Brad really likes to argue up hill. He's a terribly attractive person. Meaning by this that after the draft raids, every other person I met seemed to know Brad. Often I'd pick some kid up hitchhiking and get around to talking about the Eight and he'd say, "Say, I know Brad Beneke." And so forth. In high school Brad was the hero: a garland of athletic letters, especially in wrestling and football. When he went to Concordia College in Moorhead, Minnesota, he played Freshman football and began studies for the Lutheran ministry. After one year he dropped out and came to the Twin Cities to live with his brother Bruce while Bruce was finishing Law school. Before I met him, Brad had put a stint in as a psychiatric assistant in some group therapy at the local Glenwood Hills psychiatric hospital. He always talks of that experience. It radically changed his life. Brad never got over the way those young people were treated; the types of families they came from and were sent back to. During that period, Brad saw how much emphasis society put on *adjustment*. Adjustment to the System. Blind, impersonal, compassionless adjustment. People didn't question the value of the System, they were told to just adjust - *obediently*. Brad will never adjust!

Brad and I roomed together for about six months. He came over after the "Beaver 55" raids and needed a place to stay. I was working then at the Newman Center and could pay the rent. One other fellow lived with us, a truly unforgettable Iron Range character by the name of Steve Skorich, whom unfortunately I cannot fit into this story. During these six months together, I really grew fond of Brad. He was an odd mixture for me, the theologian-professor type. He was a younger fellow who had dropped out of college -- something I could never have done. He spent a lot of time by himself reading and playing the guitar. And I found him mysteriously hard to get to know. When I went home to Glencoe with him I was really confused. Here was this young, active, deeply thinking, and very gentle man blowing hurricane winds between himself and his mother. But that was just the murky flow of the deep which is the Benekes. In fact I have come to really love that about Brad. He will always try to be up front emotionally. He keeps saying -- and said throughout his trial -- that what he can't abide are people who live without passion.

Now, like the rest of us searching people, Brad has many faults. But they are the things which only close friends know about and at times care about. As a character I guess I can say that Brad is the type of person you meet and ten minutes later find yourself intimately sharing your life with, and trusting him with your sensitivities. When the rest of us were hesitant about any more draft raids in Minnesota after the Beaver 55 -- {Damn, did *we* do that one, too?!} - it was the combination of brash Brad and constant Chuck which kept us going. Personally, I always have a thousand reasons for not doing, and for doing, any set thing. Brad, like Chuck, is the character on top of life's wheel who continually keeps people doing things. "We've got to keep acting. We can't let down. We can't let the times pass." And so, the rest of us are drawn. To literary people the eight of us are all "strong" characters. Yet Chuck and Brad call forth from a passion almost subterranean and dark.

They are truly passionate mystics who keep the blood in the human body of peoplekind flowing and beating with a fire-blood heart.

As for myself. I'm the person among the group who had to try and write about everyone else. You should think about that -- it's a very telling fact! The rest did the action. Went to jail. Came to trial. Got sentenced. Turned themselves into prison for a five year stretch. Not so smoothly do things go for me. No, ever since the trial ended I've been trying to gather images and words about them. My first draft was a 500 page long semi-academic manuscript using a lot of newspaper clippings and verbatim courtroom transcription. Slowly over the last four months I came to write in this personal fashion. Of the first draft a close friend said, "I can't find you in it." Yes, Frank the academician. The one trained to be a detached observer, *even* of his own most intimate actions and thoughts. In a way, I am the one with the least feelings. Or, at least my feelings are blocked up more.

For example, when we were in the County Jail together, the days were dank and closet hot. Everyone in the tier was sleeping naked or in his BVD's. However, when I laid down, my shoulders, legs and chin shook with chills and sweat. I needed blankets to keep me warm! During the days I'd pace up and down the tier-walk. Try to read, but couldn't concentrate. Then, as a fitting symbolic event, when I went out to meet my family on the first visiting Tuesday, I walked into a small, glass and steel enclosure to speak to my mother and sister through some wedged vents. As I was speaking my body began to cry. Yes, *my* body cried. My family was upset at this, yet I said, "I feel all right. I don't know why I'm crying." *Compulsively*, my chest heaved and sobbed and the tears ran salt streamlets down my cheeks. Indeed, my mind refused to recognize my emotions. This stands as the classic metaphor of my past.

All my life I've been trying to get my mind and body together. I guess that this controlled separation between my emotions and my body, my flesh and my spirit have much to do with my strict Roman Catholic upbringing and the masculine rigidities tied in with that. More than the others in some ways I am the great American White Male. Rationalistic, intellectual, sarcastic and emotion clogged. Brad once told me that when the group first met me that most didn't like me because I always played the Professor and lectured to them. Often I am told that I sound condescending. So, the raid for me was a great leap; a cosmic opening. A leap into an absurdity, into an area of risk, into an act of trust and hope .... and of faith ... that was not characteristic of my doctrinal past.

I have always struggled to be a theologian - and that demanded more than I had expected. A theologian is a person who tries to *explain* the "whole picture" about life. A bold profession indeed and one that is synonymous with "risk." In the Sixties I was shaken from the complacency of my graduate doctoral studies by the illogic, the immorality and the insanity of a total war. However, if Vietnam wasn't such a total war, such an *abominable outrage* - say if it was "just" the "police action" as in Korea, I might be writing my doctoral thesis on, "Vietnam and the tradition of the Just War." There were things outside of myself which came to call me - came to claim me - and so I began to fall away from the theological status quo. But every step was guided by a scrupulous and fearful mind along a path of excruciating reason.

The evolutionary theories of a French Jesuit priest by the name of Teilhard de Chardin dislodged my dogmatic mind. To create the world he believed in, I knew that I would have to will my life for peace. My coming to peace actions was more the tour de force of an intellectual's commitment than that of a hot-blooded lover of humanity. Only after meeting people like Brad and the other Resisters did I begin to act upon my emotions. Trapped as my feelings were, they began to leak and then gush out. Today I explain my growth in Resistance as an embrace of the Feminine Spirit. I will talk at

greater length about that later. To sum up about myself, let me say that I was *probably* the most incessant talker on our college and church speaking tours. I was the one, am the one, who must strive to clearly articulate in words what has happened to us. My personal salvation is somehow still wrapped up with the drive for clarity - for the elusive simplicity of knowing what life is about and of stating it. When we went to trial I presented a detailed, rational, scholarly defense based upon sacramental theology and the moral principles of the Roman Catholic Second Vatican Council. At that time, and just up to the recent months, I acted because of my belief in the Christian God. I acted because I felt the electric message of Christianity: *to love unconditionally*. In so acting, I have grown beyond and somewhat outside of the Church's Christianity. I have been delivered into the land of the people's Christianity whose church is the globe, whose sacrament is the earth, whose kingdom is life. As I see myself, I gathered together with my friends because I sought Jesus Christ - and I found him, or at least his eternal love in my brothers and sisters who live the service of Resistance.

In this sketchy fashion, now you know something about who we are. Our families would tell it somewhat differently. They'd speak of us in even more glowing terms. They'd talk of our fine, conservative and orderly upbringings. They'd lament a little about our broken dreams. Our friends would talk about our extremes a little more. They'd speak as to our overbearing natures, or to the deep forested gentleness of Don and Pete, Chuck and Mike. They'd also probably tell you how much they admire us. We who have taken on the Monster. Then some farther to the left would say that we're fine people, but that our political analyses are wrong - that we're not radicals, but liberals or reformist. What all would agree upon was summarized by our attorney Ken Tilsen when he spoke about Pete to the jurors. Each of us are "one of those persons who doesn't believe in war, who would not fight a war under any circumstance, and who felt a very deep concern as to what he himself would do. For (us) it is easy to simply sit back and let someone else do it, but (we) were more concerned about the necessity of taking some kind of steps that would help bring the killing to an end, and (we) began to deal with the draft system."

### .3.

At about this point in any conversation about the raids and who we are, people wonder how we got together. Is there indeed a national conspiracy of draft raiding groups? Are the Fathers Berrigan the elusive masterminds of such a conspiracy? After all look at this group, it has a Catholic Radical theologian in Frank Kroncke ... and that name," Minnesota Conspiracy to Save Lives." Well, what is the truth?

The truth is that the Catholics and the Quakers had most to do with it. Theologically that's an odd mixture, but it is a glorious spiritual concoction! The Catholics are full of baroque, moody liturgies and cluttering, foreboding dogmas, while the Quakers just meet in plain rooms and wait for the Inner Light to stir the Quiet. The Quakers got into this Resistance affair because of their passion for speaking truth to power. I sense that all of us Catholics got into it because we're used to the symbolic actions of our Church sacraments. In our own liturgical way we sought to dramatize the suffering in the world in a manner common to the Mass' dramatization of the suffering and victory of Christ on the cross. Most of the early draft raids (and there have been over 300 of them) were filled with Catholic radicals, Quakers and a small assortment of Protestants and Jews (usually self-avowed "non-religious" Protestants and Jews - including some "red diaper babies").

I was first approached about draft raids by a seminarian friend who spoke to me of a "retreat." That already smacked of Catholicism. Only Catholics "retreat" once a year to spiritually examine their lives and store up on heaven's graceful goodies. So, I found myself on a pre-Amtrak train one day with Brad and Chuck and a couple other people going to another large mid-western town. {Chicago – at the time of this writing, a mention of a town could have lead to still other arrests.} On the train we had short, "new friends" conversations, with our minds really preoccupied with what we were getting into. Prison was always on the psychic TV and we were all pretty 1969 paranoid. During that year we had all at one time or another been on a march and seen our friends beaten and arrested by cops. The fear was common that all dissenters had data stored on them in a Government computer bank. Living in the *Land of J. Edgar Hoover* frightens one. I had never been in legal trouble before, but because I knew that I had *thought* about doing something illegal -- civil disobedience -- I was sure that I was being followed --or set up. our groups usually went by trains, sometimes by car, to these retreats. The strange atmosphere in these retreats was that you'd find others-strangers --pouring their minds and hearts out to you--a stranger. And you'd find yourself doing the same!

Somehow those retreats were buoyed up by a trust -- that possibly only a gathering of oppressed people can risk sharing so boldly. All that I remember about that first day is that it was stuffy on the train, and that I met a Dominican nun who knew a nun with whom I had taught college the year before. Once we pulled into the smoggy city we were met by some folk whom I didn't know. One of our group had a contact name ... he spoke that and then we were off crowded into some old Buick station wagon. With only occasional remarks breaking the hush, they took us to an inner city, cold water flat that was depressing as hell ... dirty, disheveled, with piles of dried food crusted dishes... and an assortment of human folk just walking around, not talking too much ... rock music in the background ... waiting for things to start.

It seems, in looking back at the retreats, that we either gathered in a poverty shelter or at the other end of the scale in some plush, waterfront, knee-deep carpeted penthouse or lake cabin belonging to some rich liberal sympathizer. I, as to my nature, preferred the latter type meeting place, since I like to eat well. Usually in the flats someone went out for the staple diet of beer -- 3.2!- -and some fruit. One time we went out to eat in a restaurant where no one spoke English! At that time these type surroundings were really bewildering to me in many ways.

"Bewildering"... what a strange but telling image I just typed. *Hell*, I grew up among the broken glass and nighttime fears of the inner city, before it was called "inner." Endless rows of stiff clothes hung through the backyards, and people spoke many tongues, the older ones mostly Italian. How far that term "bewildering" tells me that I had run from my past! *How much* I had "achieved" success by "overcoming" my heritage. More, *then*, it was hard for me to believe that we with the noble thoughts and reasoned words, the young moral ones, had to meet in the dirt. I have to be honest with you. I didn't, back then, relate well to "going back" to neighborhood surroundings which evoked my past. By that year, Frank Kroncke had been living *within* the refinements of the rising middle class ... seeking through his Bankamericard and professional status to be what he thought he was supposed to be. Now, I know the human truth: that most often the greatest thoughts or the highest aspirations or the clearest visions are cradled and rise strong amidst the homes, the heads, and the gatherings of the commonest of folks.

When the discussion began there'd be anywhere from 25 to 40 people. I didn't know who called these retreats, nor how things were finally going to be sifted out. However, there was usually some religious types there, whom I suspect were the Apostles, so to speak. At the first retreat I remember

the general conversations slipping from ideas and ideals about the war, life, prison ... down to prolonged personal questionings of individuals. I did a lot of talking as I do when I'm nervous and in unfamiliar settings. Often the day would draw-out like a dream. A day was like floating out of your chair and stepping into your TV set as part of an FBI or an *Untouchables* serial plot. The group's discussion was not well directed. People just rapped, and then the topic picked up on what someone else said. I remember myself once saying to a guy who is now in prison, "I just want to tear up as many draft files as I can get my hands on." I wonder if that is now an FBI quote? Then at times people would talk about some specifics: how to case a board, the right tools to have, and so forth.

But let me not give you the wrong impression. These retreats were really spiritual, in a way every other retreat in my religious life wasn't. When people ask, as they inevitably question, "Do you regret doing the raid?" I can only respond with a nostalgic laugh. "Oh no," I say. But what I mean is more than that. See, at these retreats I found myself. Here I was in these strange rooms, sitting there with a wild variety of people, rapping about all types of political, social and moral theories. An almost academic paradise of free thinking. Yet supporting these rainbow visions was the commonly shared concrete goal of raiding draft boards. Here I was: sitting, trying to explain why my sacramental theology lead me to oppose the Government. In those meetings I met some really fine compassionate people. What shocks me upon remembrance is how strange I was to them, even to some of my Catholic brothers and sisters. I had a pure and complex theological analysis. They were, in the main, motivated by a great amount of love for their fellow human beings. Now I'm not heartless, but these people spoke with passions that a theologian, and especially an academic theologian, is to despise. They spoke with spirit and body! What was happening was that I was being given a mental and emotional tour of white, middle class America. Mostly white male America. But this was not a John Wayneish type movie. Occasionally someone would use the image: "non-violent warrior" --but the people seemed more comfortable with self descriptions as seeking the role of social healers, reconcilers, and builders. It was a tribal gathering of spirited people, who were drawn together by a global web of warmth: the warmth of earth love and the sky passion of patriotism. Strange, but the right phrase is "passion of patriotism." Not the narrow patriotism which is Nationalism, but the patriotism which is an embracing love of all earth peoples. These other people - sitting now with me on torn, smelly couches - had decided, had learned from their activities in their separate walks of life, that the present Government was evil and must be destroyed before it destroys every American and all earth's people. Beyond all the differences in politics and other theories, lay around us the sweet smell of a rich, Earthfolk's patriotic breath. Before me was being laid bare the global human spirit.

I remember those vision days through the image and sense of smell. It's uncommon for Americans to express their experiences of people in terms of smelling. We always try to cover over -- deodorize, cosmeticize -- our bodies. But I cannot lie to you about this new cosmic body -- it's fragrance is too powerful. Yet I can also use the word as in "I smell a rat." And indeed from a single-minded theological view the group broadened my senses for evil to the smelling of the rat in the Government! More, with these people I smelled new human fragrances -- the good, sweet, smell of a freshly newborn world; the acrid, sweated wood smells of a dying decaying culture inside whose festering ghetto tombs we gathered. Yes, like a breath of spring air spiked with the tinglings of bursting blossoms so these people -- together as a collective body, a new earth flower -- filled my nostrils and flared open my imagination with the geranium-pungent smells of an American and of a human spirit's flowering. Among the many things I learned from them was this fearlessness of being a fully sensuous human --to see, hear, smell, lick, taste, touch-- the human and so to sense the presence of the God I was seeking and serving.

Indeed, when people are together and arguing fiercely and happily, they sound and smell a new Body. Among us were mingled the professional airs of doctors and psychiatrists, the acrid odors of greaser kids with black-head pimples, the bookshelf dusty stillness of intellectuals like myself, and the disinfected, institutional clean odors of seminarians. Wherever we gathered, someone looked out of place ... smelled out of place. Even-our foods aromas were different. Yet, wherever we were, we were One. One in Resistance. One in the people's spirit. Maybe that is what shook me. I sniffed into differently incensed spirit wind back then.

One time I walked with some people around a ghetto area. If you've not spent much time in an inner city, you have to honestly express your first reactions as one of smelling. There is a distinct smell to ghettos: the smell of ethnic kitchens and unkempt city streets: garlicks, chilies, broken glass, garbage in heaps, raggedy kids and industrial grimes. The telling fact about my suburbs is that they are odorless --disinfected and sterilized of human airs. My neighborhoods, back then, smelled mostly of cover-ups, both on bodies and souls. Nowhere could one smell the human suffering which is so strong on ghetto street corners. During this specific walk I was stopped by a little lot stamped between two ugly, grimy buildings. The view my side-wards glancing caught jolted me motionless -- there between the blackened walls were several rows of planted corn. *Imagine!* here in the midst of this city, this filthy, urban soil, so hung heavy in the air with a blanket of carbon monoxide odor, someone is trying to raise up sheaves of sweet smelling, life feeding corn. How courageous is the human spirit! On that day I knew that our struggle was set in the most proper of all settings. The contrast is that when back out in the "nice" suburban places, we'd have luxury foods and drinks, like bourbon and Norwegian sardines: the smells of comfort and the good life. We'd have rooms to sleep in instead of communal mattresses. We'd have color TV to watch instead of a solitary, static crackling stereo. Many great books would line the overflowing library shelves, and there was plenty of pleasant times to wander around adjacent small wooded lots. In this setting -- which I honestly call an unreal setting --one's senses were lulled and stifled, almost to the point where thoughts that the war really didn't exist, really didn't demand urgent action, could slip back into a tired head.

So how could I regret seeing the rainbow spirits and sensing the kaleidoscopic smells of beautiful young America? The retreats gave me a fragrant sense of a growing American flower. The people with me were concerned about the American people in a yearning way unfamiliar to me at that time. All my previous years had been spent with concerns about the transcendental Deity, the supernatural Jesus, and the mysterious Holy Ghost. Those past days were ones where, in an effort to sniff the odors of sanctity, I felt that I had to despise the smells of the earth and her people. The spirits of these others now talked and worried about further repressions against the peoples; about the military's growing ability to build, and actually use, weapons which would destroy all people and the whole earth. They were a servant people who spoke from greater sufferings than I had experienced, and who were willing to live free or die.

Of course, there were a few rhetoric-mouthing types who said some supposedly far out "revolutionary" things. These came to our retreats, one could quickly tell, just for the excitement of hearing themselves say daring things ... and to be among people who did not fear Resistance. Yet as the second and third retreats were called, those characters were filtered out. Soon I found myself with a core group. Then we'd hear from people who had done previous raids. Some were under Federal indictments at that time. They told us the "trades" -- how to case a board, what tools to get, how to get rid of files, contacts in other parts of the country, contacts for splitting the country if we had to go underground. Even after the second and third retreat it all still moved before my eyes like an *MGM* movie. Guess that that is the problem with being brought up in a media age: at times its

hard to distinguish between TV and reality! Well, this was reality. Soon we found ourselves back home, planning a raid.

The planning took months, especially since the "Beaver 55" raid brought forth a flood of FBI agents. Many of us argued against more raids, but daring Brad and untiring Chuck persisted. Soon we were all over the State casing Boards. We needed more people, so we called our own retreats in Minneapolis. With hindsight it was clear that either our security was poor or the FBI's pretty good, because they said during the trials that they knew about our intended raids a month before hand! But experience shows that the FBI are fairly inept - so humbly I must say it was our security. It was difficult to pick up a sufficient number of local people. Paranoia and fear was high in Minneapolis that year. Many people were interested, but only a handful committed themselves. You have to grant that it is really weird sitting in a basement talking about attacking the Government. Especially if you are a non-political type as I was. All I wanted to do was be true to my faith in Jesus Christ. What I ended up with was a deliverance into the spirit of the peoples who struggle for Liberation.

What kept me in the groups was my clear realization that finally, I found a people who wanted to build a world based on non-violence, peace and love. I had discovered a truly pilgrim people not ashamed to say "Peace," a selfless people truly interested in disciplining and developing themselves to be servants of the people. A people who struggle for the power of good against the power of evil. In short, I found myself among the healers and the reconcilers. What these people offered is what I knew my theologian years had been searching for. They had found a way to reach into the spirit of life by working with the earth of the world. They clearly saw how, and which, earth structures and institutions mould the spirit for good or evil. They were builders. They were shamans. They were in those traditions of alchemists and astrologers and theologians --a culture's fringe people-- who sought to transform the profane into the sacred, the ugly into the beautiful. But more, for me, they were like Jesus and all the other great spiritual healers - they walked among the people, knowing that only by serving the people would they be healed, heal, and effect holy Liberation. Yes, I know this was not a pure, faultless people - there were betraying Judases and Doubting Thomases in the groups --even throw in a few truth denying St. Peters-- they were all there. But for me I always walked away from those people with a trembling. I came home at nights confused by all the heaviness of healing touches and the compassions of shared sufferings of growings. Indeed, I was not only finding the mysteries of the heaven, but being offered a vision of the earth. Among those Resisters, I found patriotism. The type of people's patriotism which releases the global spirit, that is the power of a people's faith, which at times I knew I to be what Christianity for 2000 years was trying to be about.

These remembrances offer much comfort to me. For I know that even now somewhere across our nation, and across our world, there are people still struggling like those I met. Other Americans now flowering from the seeds which we planted. Among my close "retreat" friends, most are, today, in prison. However, I can face these years of separation because we have been touched, we have been healed, with, by and through each other and so many others. Oh, yes, I've seen the depression and the defeat on the face of those who have once resisted and are now tired: "burnt out." But I know that the deliriously happy, dancing, richly warmed spirits of the people -- when once released or touched --cannot be squelched. Who are we? What did we do? Why did we get together? Simply, we are the people who have come, plucked from the womb of Mother Earth, to gather together for a dance of Peace and Love upon her rounding earth-mound breasts. Indeed, we are the people who must gather together. Those who need the warmth of one another. We are those no longer ashamed to love. We love you who read this with a passion that binds all of us -- even if you're too embarrassed to honestly recognize those earth feelings. And beyond all the fumbblings of words, the

embarrassment of these clumsy embracings, the fatigue of these endless reachings -- we come in this time... this most criminal and demonic times of total, undeclared and involuntary war ... to celebrate life. We raise the symbols of death ... the files and draft cards of war's death ... and we burn them with the fire glowing of a Pentecostal, peoples spirit. More than ever before, we are people -- flowers of seeds planted by a mass hand and a mass hunger -- who are now become conscious of the good in Mother Earth and all her children. We seek to bring the hard-crashing, fertilizing rains of Father Sky into her yearning valley womb ... there to mix new spirits for a molding of a peaceful child -- the brother and sister of an earth once more human, once again a global Liberation!

## II. From the bars of the County Jail to the guns of the “Armed Courtroom”

## .4.

"Don't say *anything* when we get on the floor." After cuffing my hands now the Feds want to cuff my mouth! During these hard County Jail days I was developing my stare: steady eyes probing these men who bound and caged me. Some are tall, some short. Old, almost wrinkly ones ... the hot shot young ones. On the outside all the Marshals rode us, emphasizing their commands with brisk nods, a slurred word, or an arm yanks out of elevators into *this* doorway and *that* room. Not unexpected a few Marshals broke the stereotype - they talked with us, listened, offered impressions and cut down on the macho bullshit when with us alone. What they all shared in common was a mechanical knowledge of how to do their job. As they stood about us, silent among themselves, passive foot soldiers waiting for some authoritative order; a message came clear: The Federal Marshals have simple almost boring jobs -most of their time is spent escorting prisoners. On that day, we eight were just "their job." As each Marshall saw it, that's all he was doing: bringing the prisoners to court. The sense of the human, national and spiritual trials going on between their hands and walks eluded almost all of them.

Today, Thursday 16 July was the First Bail Hearing. Ken Tilsen told us that according to law we could petition to have our \$50,000 bail lowered. He guessed that it would take about three to four hearings before we got it into the vicinity of \$10,000 apiece. On Federal Bail if you post a 10% bond, that would mean \$1,000 apiece, then you could "make Bail." Some of us knew we could raise that much. "Ding!" the elevator doors cautiously spread apart ... and "Say, there's Sister Rita" ... and a few others from my class I indicated to Marshal Jim. Then I raised my chained hands to wave: "Whoops!" -- a government push skids my shoulders through a door: "Now I don't want any smart-alecking in there" gruffs Harry Berglund, the Ultimate Federal Marshal. Once during a non-violent protest "Red" got angry at me, threw out his brick chest, rammed it into mine and glared his light blues into my dark browns, threatening, "Don't push me Kroncke or .... grrrrrr!" My non-violence has its own power, yet it pangs with terror. Someday, "Red" will close a door and bash my teeth together. Such unpleasant images sprung up upon hearing his angelic voice.

Well, anyway, here I was again. Another colorless room, lots of armed men, and the ritual taking off of our cuffs. No matter how short a time you have the chains on, you feel good to have them off. Automatically you rub your wrists. As the Feds were collecting all of us into this ante-room, we shared guesses about what awaited us through the opaque glass doors. Earlier that morning, cellblock rumors got us onto the scent of another upcoming Government switcheroo. Our Bail Hearing would normally be held in the Federal Courthouse four blocks away, but because of the rallying crowds milling on the streets, the Minneapolis officials and Federal people privately agreed to hold the hearing in the same building as the County Jail. Upon receiving word of this shift, Ken got the news to the people rallying below, most of whom decided to wait out the hours of the hearing on the sidewalks of the Courthouse. Since the Hearing was still technically a public one, some of our immediate families and friends were squeezed into the very small gallery. Some, like the Sisters from my Theology classes at St. Catherine's stood in a line outside the courtroom and rotated with others already seated inside. As the door was pulled open I instantly saw my Mom and sister Christine way in the back. They smiled a waving hello. As the Marshals plunked us into our reserved seats my mind interpreted this message of smiles. When friends come to see you or visit you when you're in jail they labor to keep a fixed smile ... even though you and they both know that they are anxious, scared for you, biting their lips, and so forth. So when the door opened upon us all our families and friends gave us an audience of nervous smiles. There was a collective strength

which this group smile offered. For me, that fleeting instant of warmth and cheer firmed up my body and took the edge of fear from my thoughts. Within a minute the room begins to settle into formalities. The eight of us are all in one long row at a sideways glance to our families, with a Federal Marshal paired behind each of us. The Bailiff raps-on-wood, and we stand for the "Honorable" Commissioner Chial. District Attorney Renner approaches this Commissioner and says that, "The Government is ready your Honor." Now, this being my first time in court, my mind immediately plays truant to the legal back-and-forths -- and characteristically prowls for the truth of what is really happening. "There's Marshal Jim" ... just a few minutes back he had snapped back at me about his feelings toward the Catholic Church. Seems that he suffered a lot because he married a non-Catholic and was excommunicated ...then without his asking, the Church, years later, reverses her stand on "mixed marriages" and technically he's back into the Fold! That doctrinal about-face was hard for him to handle. A bitterness still hung on him ... and a mighty confusion about that spiritual slight-of-hand. His story had stayed in my mind and was playing itself out in nuances upon the others there. What is going on in the mind of that Commissioner? Is he just a puppet with strings leading up to the Department of Justice? If so, what does he really feel he does every day as he hands out bails whose unpayable prices keep innocent men and women in cages? And what is our good Catholic Renner really feel he's doing? Is there a sense of morality driving him? Or just political opportunism? When he goes home at night does he pray?

"Clang! Clang!" a metallic clattering noise - one red-blushed Marshall stoops to retrieve three sets of dropped handcuffs! No one laughs. Chief Marshal Berglund frowns. This momentary aside breaks my wandering train of thought. I became aware of the other seven. Close to me, Mike is lounging, eyes seemingly fastened onto something outside the window. Chuck's feet swing free of the ground and he looks as if in class at a lecture. Brad is slouched, but of course his mind is pacingly following the legal proceedings. His face is thinking-tight and his brow almost a frown. "...appreciably lowered, say to \$30,000" - Ken's concluding phrase draws my attention back to the legal confrontation. As he sat down Ken looked over at us and then turned to speak with his co-counsels, Arnie Beneke and Chester Bruvold. My inner self was embarrassed. "Here your life's up for grabs and you're not even paying attention! C'mon, Kroncke get a hold of yourself ... you're going to have to understand and work with this legal stuff *sometime*." Before my thoughts settle Renner pops up again and says, "The Government moves to drop the Bail to \$15,000 apiece." Rows of ears prick up. "What?" There's a low murmuring stir in the courtroom ... the bailiff pounds his wooden gavel ... Ken Tilsen's eyes sparkle in the morning sunshine and, before any of us can exhale, the Commissioner intones, something like, "And I'll set it at \$10,000 apiece."

The Hearing is over. *Wow!* the Government really pulled a reverse in less than one-half an hour. Our hands are all cuffed. "Can your family come up with dough? What about your rich Republican friends? Say someone just told me that the Committee has enough bail to cover Don and Mike." Back in our cells and across the tiers we start setting up the bailing-outs. Before the Hearing we had had many long-houred sessions discussing who should go out first if we got some money. Should it be a good speaker like Bill? Or should Mike go first since his family won't be able to raise the cash? Or me, so that I could go and speak at churches? Now the touchy matter was less pressing. We knew that it would be a short time before all of us left. If Tilton and Simmons ... "Roll up!" a guard boomed and started his keys turning the outer cell door. Within an hour all of us were called to "Roll up!" Leaving the cages brought relief to every part of my body. Yet, something almost like guilt kicked me in the gut as I passed the eyes and faces wishing us "Good luck!" ... "So long you lucky stiff!" ... who would remain in these cells. During our six day stay we often discussed the politics of not posting bail and of voluntarily staying in the jail to protest the outrageous bail, living conditions, and cruelty which the other prisoners were enduring. When it came down to the "Roll

up!” we all rolled-up - instantly! In one sense we were deserting a cause -- we were the only effective link with the public that a lot of those guys had. Yet we argued ourselves into the realities of not being able to prepare an adequate defense while jailed -- not being able to raise defense money being reduced to being non-political while stagnating in the cages. A mixture of bright and dank emotions swirled within me as I walked towards the Sergeant’s desk. Several Hennepin County Sheriffs gave us back our dangerous weapons: for me, a pair of sandals, one leather belt, and a ball point pen. I signed a receipt and was guided, handcuffless down to the Federal Marshal's office. The necessary paper work was done with false smiles and plenty of paternalistic advice. I smiled back a good' bye at two Marshals and walked through a swinging doors set to greet our families.

Brad made it a point to return within a couple of months to post bail for a Jordanian immigrant held on a bad check-cashing charge. He was the only one any of us really helped. A saddening thought clings to my memory of those six days - that the Government was glad to get us out of the jail because we could draw middle-class attention to that dreadful place. Were we right in making bail? Should at least one or two of us had stayed in *and* worked politically from the inside? If some had stayed, would that move have been in itself foolish, since we weren't of the prisoners' class and background - would our staying have been just one more elitist, idealistic, white middle-class interference? Were we right in getting out and working with those people from whom are came, and to whom our actions had some possible meaning and credibility? Questions, which I still wrestle with often.

.5.

My sister Chris, George’s wife Sharon, but above all my Mom’s eyes spoke a gentle fear for me, for my future, as I walked to them, received their embraces, kisses and hugging “It’s good to see you. How lucky you are that the Bail was lowered. What will we do now?” Karen was over making a call in a semi-private booth about fifteen feet away. I tip-toed up behind her, slipped my arm around her taut slender waist. Her eyes sprung around in a tearful happiness catching strands of her long dancing hair. So much emotion splashed on those horrid government walls, I wonder how they stood it? Someone must come by every evening and disinfect the feelings. Drawn tight by a new bond of affection we walked out from that cold, cruel spirited place. The warm mid-day air tasted fresh but the traffic noise spun me a little dizzy. We clustered on the corner of 4<sup>th</sup> street to make some hurried decisions about where to go, who drives whom, and so forth. I stayed with Karen and we drove alone together out to George and Sharon’s house in Robbinsdale. No specific thoughts linger from that luncheon afternoon. On the whole, I remember talking a lot - very rapidly and for long lengths - however I recollect sensing that now everyone is deeply involved in these questions of war and justice.

Though the family’s initial support was instant and strong I kept waiting, now that the caged days were over, for the rejection in a tone of voice ... a skeptical question of criticism... an embarrassed trailing off in emotional support ... but these were never to come. From that moment of the first communal embrace, through all the days and hours till that embrace will welcome me home from the federal prison, my family is with me - co-conspirators to save lives! I did not expect that commitment and support. Indeed I was greatly moved when my family came up with the \$1,000 bond security. The eight of us knew that eventually somehow - thru families or the Defense Committee - we’d get bailed out. But the immediate and full support of our families was something that we didn’t quite expect. It is pleasant for me to remember that my whole (3 brothers and 5 sisters) family responded with a strength and love that forced me to reconsider my opinions and

attitudes towards each of them. Especially, when I discovered that my then politically right-wing sister, Marie, had loaned my Mom the \$1,000 bond! In their own way, everyone knew that the time had come to make some definite decisions about Resistance. These post-county jail days found me among a "new" family of peace criminals.

This newly spirited family spent that afternoon as we would many future days, discussing the why's and what's of our raids. Time would often be given to figuring out how long we'd be out of prison, who'd be our lawyer, what type of defense we'd take. The one thing everyone in the family felt was that I should take a vacation, while I could, and get some rest. Of course for me that meant San Francisco! Within three weeks Karen and I were on a Western flight ... and out on the hills feeling the ocean salty freshness. Since the eight of us do seem to follow certain life patterns, it will not surprise you to hear that the others were traveling the country too. In fact after Karen returned to Minnesota I spent part of my month's vacation with Bill and Brad up on Puget Sound. These early post-capture weeks were ones of psychic cave-ins and let-downs ... fears and thoughts and feelings tore out from my skinned spirit ... having been "captured" gave my inner and outer self a whole new perspective on life.

"To Establishment society, I am a criminal! An Out-law! Outside the law!" Often a rocky beached Pacific day was spent musing on: "If one becomes an outlaw by opposing war and death, then what type of society are we living in?" The tall, Washington pines played cosmic tunes which soothed my weary body. Timbered paths lead to seemingly endless hills and shrubby dips of the congested natural life. What a sense-startling reverse: from prison cell to forested openness. Once I sat down amidst a tangle of vines and scrub plants and tried to relax and flow into the land. Fear -- another type of sweaty shivering, dampened my forehead and palms. A near suffocating closeness caught my breath: the forest is *not* quiet, it also teems with the noises and hurryings of horse flies, itchy mosquitoes, dusty gnats and slugs all crawling over, in and through each other's lives. "Francis, you are afraid. Scared of something or some presence. Scared of this uncontrollable living swarm that you are just one unidentifiable part of." Images fluttered beyond my shaded eyes - of the single, huge Body which is Life, a Body which lives me, flows thru me - of which I am but a cell or a molecule in that cell - I let a many legged bug crawl on my hand. A terror steadied me - a burring itch shot through my legs - I wrist-flicked the crawler off - knelt - then stood upright and dusted myself off. With a brisk, almost involuntary turn, I made an about face and walked back towards the homelike cabin.

The log cabin belonged to some artist friends, Minnesota friends of Brad. During that visit I would, for the first time, "drop". The small group of four men and two women had partied last evening. All had taken some mescaline and most were already "down" and wanted only to sleep. Previous to our capture, Brad and I had often talked about tripping together. The thought of spending hours in an uncontrollable mental journey frightened me. I had just turned 26, had lived two years in the Haight Ashbury, and had hardly smoked more than four joints in my whole life. I have always feared drugs, I even still hate to go to doctors for their type of "medical" drugs. However, planets cross and moons set in cosmic patterns, and unthinkable things come to pass like spiritual draft raids ... and so charged with an eager anticipation that was new to me, and with a certain, also new, self-confidence I was off -- through the diamond moistened, geometrically glistening web of a tall grass spider who invited me to peer into another rainbow of life which was *his* world and the neighboring green lined pines .... What I can never forget from that afternoon, night and morning are the ceaseless patterns of enlightenment which drifted out into space towards and through me from the glowing campfire embers. Fire reveals and speaks the whole peace of changing life which grows through pain and death and cycles of which we all are but one spark. Among the many insights into fire as struggle

and revolution -- I came that night to the strange hope that when I die, my body will be cremated. As if with a desire to share and expand my glowing thoughts, this monstrous black dog nestled near me, pawed up and drew close like a lover, banged his head several times around on my sleeping bag and leg, then sighed into my right side tingling me the bellowing snores of his animal vitality. Oh, what a wondrous and sensuous starry evening. Everyone else was asleep and here I was with an armful of insights, feelings, emotional film-shorts, and happiness. That forest cool evening was just a really good and pleasant body-with-spirit evening. It was a gathering of moments wherein those untamed forces in my sub-conscious which had eked out of my rigidly disciplined spiritual bonds when I raided the Board, came forth with unstoppable steps to speak more honestly among themselves. My criminal mind held open court with my criminal emotions ...and in one more way, a prying open of myself was made to the cosmos, my whole self and all people who from time past and future would listen. Yes, it was a mystical awakening. But an awakening to the greater senses of what each one of us has within him or herself. I sensed a new touching of my body and spirit -- I gained a little more insight into what Catholics call the "incarnation" -- and I, forever, understood and tasted in the air the sweet breath which is the common breathing of the one, human Family's Body. What can I say? - but that my fellow theologian-Resister, Jim Douglass, is right, that Resistance and contemplation are two-faces of the same action. Forever from that day I know, from the second that I felt the beat of the crawlers pulse in rhythm with my own heart and shuddered, that the meaning of life is that all people must live and share together. Before the hours lost me in a deep snoring sleep, I said to myself, "Yes, Francis you are a criminal -- a criminal mind and spirit - and now body." An incomplete understanding, one which at the time both scared me and sung me joyful. The next morning after scrambling eggs with onions, and downing some pasty dry milk, a sense of readiness caught me. I knew that I was ready for the trial. What I'd do I didn't know clearly. Whether the trial would break me - was a thought still unsettled. Yet I was ready: to return.

.6.

"Fasten your seatbelts, we're starting our approach to Minneapolis" was the sentence through which the more-grey reality settled in. Out by the foamy Pacific the "Minnesota 8" all seemed like yesterday. Now, through a stewardess' automatic voice, "it" came back as today. From that September day of return, events begin to lose their historical perspective for me. A spin-off from the trial experiences is that I now know that the passing of time is purely a mental and technological figment. There has been almost two years of clock-time counted since the arrest, yet my body-time -- the rhythm of my biological functions -- makes it all into "just yesterday." It will always be only yesterday... and in this bizarre biologically timed way, it is even tomorrow. However, "back then," time picked up and began to run wild with excitement as the Federal Indictment was handed down.

The quick drop from \$50,000 to \$15,000 to \$10,000 for bail on the Government's part should have prepared us for the Indictment trick. Once again the Government was going to give us a lesson in how to play a hand when you have all the trumps. While we waited out our month and a half until the Grand Jury met, our collective mind wandered around these possible Government landscapes. (1) Sabotage with conspiracy? (2) Just sabotage and no conspiracy? (3) A completely different charge? Depending upon what happens at the Indictment, only then can you begin to draw plans for a defense.

The things I heard about the law and courts during these preparation days as we crowded into Ken Tilsen's small, wood-paneled office was much of a shocker to me. At times I was shocked by what I clearly understood the court could do to us, e.g., deprive us of any meaningful defense. Likewise what I couldn't understand about the law also bothered me. The law was not only illogical in many

points, but it was spoken in a semi-foreign tongue – legalese. For hours Ken would speak legalese with Brad or Bill, and I would sit there as lost and irritated as they got when I spoke theology. What bothered me most, and still does today - though now I've gotten the hang of legalese is the way legal concepts and rules turn common sense reality into a pathway full of illogical and clumsily rearranged steps. Consider that the Grand Jury met to "impartially" consider our indictment – and yet not one of us was called to testify. The Grand jury only hears the Government's case and the FBI witnesses. Settling a cup of coffee on Ken's desk I asked, "But why do they bother to even go through those motions? Of course Renner can persuade them to indict us. We could persuade them to indict the Government if they'd let us in to testify." As with many other points of law, Ken leaned back and started to give me a small historical lesson. It seems that the Grand Jury was formed, "back when, in England" to protect the individual private citizen from a vengeful government. The Grand Jury protected the citizen, since it demanded that the government prove to a fairly large group (i.e., a *Grand jury*) of fellow citizens the legal rightness of the charges brought by the government against any person. However, with a due passage of time the Grand Jury became, as Bill Tilton labeled it, a "rubber stamp!" As we once yelled out at Devitt, "The Grand Jury has become the tool of the prosecutor!" Instead of protecting the citizens most Grand Juries follow the easy logic of: "Well, if they didn't do anything, then why is the District Attorney and all these FBI Agents saying such-and-such?" After all, blinking away the swelling, patriotic crocodile tears, who can doubt an FBI Agent's word and still be an American? So on 23 September 1970 the Grand Jury handed down an indictment -- not of Sabotage -- but with a totally new charge! They handed us what Resisters call the "standard" draft raid indictment.

There were three separate indictments charging each of our groups with having "willfully and knowingly attempted to hinder and interfere by force, violence and otherwise, with the administration of the military Selective Service Act of 1967 and the Rules and Regulations made pursuant thereto by entering the Selective Service Headquarters ...." Clever strategy! What the Government did was to narrow our charge so that they'd be sure of a conviction. Consider that "sabotage" is a vague legal term: just what constitutes sabotage of national defense materials? Is every theft on every Armed Forces base or from every government agency, sabotage? Which military systems are, or are not, part of the National Defense? In fact, we had hoped, during our many pre-indictment meetings, that the government would hit us with sabotage. Under that charge we could really spring open some political nightmares for the government. The issues of the war, the function of the Draft System, the unconstitutionality of certain military budgetings, and other sticky issues, could all be dragged into court while we explored the outer reaches of "sabotage". But some legal beagle in Washington had his head screwed on right, and saw what we saw. So we not only had our legal scope reduced to mere breaking and-entering, but we weren't even politically charged with conspiracy! Now's here where the others gave me some political lessons which you might also find helpful.

I'd put aside my smoke curling calabash and ask -- with a voice that must have seemed incredibly naive to the others – "How can they do that? After all we were all together ... our letters are even signed "Minnesota *Conspiracy to Save Lives.*"?" Ah, Francis," a biting voice would hiss, "the wisdom of 200 years of injustice must be understood!" "Yes," as Brad often said, reeling off the truth dressed in a political consciousness, "if you're powerless, you always get smashed. Don't you see? They have all the guns and all the laws on their side. So if they want to make us "conspirators" they can ... if not, they don't. It's incredibly simple: they create the illusions which we must take as reality. Unless of course," as he began to expand my political vision, "the people seize the power and ...."

Such a time my logical head had: "Hocus-pocus!" and I'm not a conspirator anymore! Now you must admit *that's* real godlike power! What did this re-creation of us into the *Minnesota 2+3+3 minus 1* mean? Well we would have to have three distinct trials. This meant triplicate efforts all around the board: triplicate witnesses, triplicate expenses ...and a very tripled tiring Resistance community. Worse, because of the geographical location of our raided towns two of the three cases were in Judge Edward Devitt's jurisdiction while Mike's and mine fell into the territory of a liberal Judge by the name of Philip Neville. Ken said that our most strategic move now was to try and get the trials "consolidated". That meant we'd ask for a single trial for all eight, arguing that there was so much in common among the three indictments as to the charge, the witnesses, the lawyers, etc., that consolidation would benefit us tremendously and reasonably.

This was a seemingly clear, and necessary legal move, yet it brought in a host of personal conflicts. When Bill and Chuck and Brad would hear my theologically structured defense, they'd cringe or slouch in their chairs. Even my good, friendly, smiling Jewish lawyer was honestly baffled by *how* he could fit Roman Catholic sacramental theology into a draft raid defense. Could the others develop a politically powerful court case if they had to water it down with weird theology? Often I found myself saying that "the politics of our trials is more important." But deep inside I wanted to be me and do theology. These very sharp personal differences had to be thrashed out, *and soon*, because legal plans had to be made. Possibly I wouldn't have the type of trial I wanted. Could I *really really* do that?

At any odds, first, we had to try and get the other five the hell away from "Uncle Ed" Devitt. As often as we'd have to try and get some legal and personal stuff together the eight of us - actually seven now because Cliff Ulen hired a separate lawyer, but I will continue to refer to us as "the eight" since our friends and the press retained that phrase - would take a day off together and go somewhere like out to Bill's family place in Afton. This is a resort cabin on the St. Croix river and between heavy discussion we could get in some badminton and an occasional afternoon of water skiing. Afton always provided a friendly and relaxed atmosphere, yet we didn't always get things done. Between eight people who have risked their lives together, there builds up frictions and barriers like that among lovers. Unfortunately after the raids each of us spent a lot of time nurturing along our separate individual growths, and consequently our collective sharings fell off somewhat. During a day at Afton, we might end-up smoking more grass or playing more badminton than getting down to the trial details. In another way, at times, it actually hurt to bring the arrest and trial experiences up. Eight memories add eight times as much pain as pleasure. Yet on certain days we'd launch into grueling hours wherein we'd move in endless circles and dead-ends in attempts to figure out who was the informer ... would we ever catch him/her/it? Finally, with no single defense favored by the move, we unanimously agreed to try and consolidate. Anything - *Anything!* would be better than Devitt.

October approached. The month for our pre-trial motions. We were ready - at least ready and together in spirit.

## 7.

When the morning for entering a Plea came around, Mike and I were first. The "Committee to Defend the Eight" marked all our trial days with public events. Mornings would often open with a march, averaging 50 people and many banners and signs, through the downtown area over to the Courthouse. A communal voice chanted slogans like "Free the Eight! Smash the State! Power to the People!" Often "The Alive and Trucking Theater" would stage some guerrilla theater on the

Courthouse plaza. These skits would consist of group mimes exposing political injustices being committed by our government against American people and/or the Vietnamese people. Further, beginning on that Day of Plea, the government staged its own "Gorilla" Theater. That stage was already set as I walked from an adjacent parking lot over to the courthouse where, from the distance, I saw a small crowd gathering.

The closer I got the more people I saw -- but a good number were inside ...and were clearly not on "our side". Yes, the Government's Gorilla Theater was called "Turning the Courthouse and Courtroom into an Armed Camp." From the plaza, the ground floor is wrapped in building length plate glass, so I - and any passerby - could see their whole Troupe. Lined against the front walls facing out toward the streets were about 25 to 30 assorted Federal Marshals, FBI Agents, Army, Navy and Marine recruiters, specially assigned Security Guards, and a fistful of GSA building maintenance men. Every door to the seven story building was locked except one. At that ground floor door stood three Federal Marshals who routinely questioned and searched everyone. Though it was late Autumn chilly, all our supporters were forced to stand outside. This was to be our daily communal punishment. Even our mothers had to suffer the winter rains, which wetted most of the weeks of our trials.

All this physical harassment while there was ample space, just steps away, on the open ground floor corridor for over a hundred people! Characteristic of the Government's cruel attitude toward us, our families and supporters is this following incident (which even some papers found so shocking as to pick up). When it was obvious to us that all the "straight looking" people were getting inside one young hairy "freak" leaned towards Marshal Stan who had just yelled, "Move out of the way so that the people can get in!" and said, "I'm people!" Stan replied, with power backed to Washington, "Not today you're not!" (See, *Minneapolis Tribune*, Tuesday, November 3 "Trial of Minnesota 8 begins"). Another godlike re-creation: Resisters are not people. More, my 54 year-old mother isn't a person? Nice way to see your loved ones treated, isn't it?! But should I have been surprised? The disrespect shown to our parents and our friends is just like the Government's racist attitudes towards the yellow Indochinese and black Americans.

About 15 minutes before the scheduled hearing time, Ken Tilsen was allowed in with those of us who had to appear. While we rode up the only elevator of six which they allowed to go to the 7th floor (in Minneapolis the sixth floor) ...some of our families were being allowed inside, one and two at a time, to be checked and frisked. All this obvious bullshit about "security" really burned me. "Can't we do something about this?" one of us would repeatedly ask Ken. "We'll bring it up in front of the judge," he would answer. This was a Friday and Mike and I were the first ones to enter a Plea. The others would appear before Devitt on the following Monday.

The courtroom we entered was well guarded. Two tables were placed parallel to one another, with an old foundation column running up between them. Ken took the table nearest the jury box. He opened his briefcase and began to spread some papers and files. Stuart Wells joined us. "Good morning Frank - how are things going:" "Okay." Then the bailiff's, "All rise for the Honorable Philip Neville, presiding judge of the ..." introduced The Man. Name: Neville, Philip. Occupation: Judge. I sat down and fastened my eyes on this *other* human, my judge. Philip Neville is a silver-gray haired middle-aged six-footer who has a rubbery face. At times I found myself describing him as a cross between Ronald Reagan and Howdy Doody ... but, *whatever*, he really is a loose jointed, squirmy judge who's always running his hand through his hair or tugging on his cheeks with his long, slender fingers while saying, "Well, now Mr. Kroncke, as I see it ..." This was our first day together. His courtroom was in Minneapolis in an Eisenhower corner-stoned

Courthouse. The ceiling is cut low, there are wide and long windows on one side, and pew rows seating about 100 people. Psychologically I felt comfortable there. The room would not dwarf my six-foot-three body, and the design and color of the room would allow me to maintain good eye contact with both jurors and judge.

As the proceedings began, I found myself approaching him with a burning earnestness in my eyes. My approach would find only a one-way street. Never would I find Philip Neville's eyes; they'd *always* shoot away from my glances, lose me somewhere in a swivel of the black leathered chair or in a distracting wave of his hand as he slapped his desktop. That morning, my words were less than eloquent; a confusion had arisen between Ken and I, and I didn't know that I would actually have to enter a formal plea of "guilty/not guilty" right then. Looking back from here, I wonder just what it was I then thought a Plea was about? The words that did trickle forth were all about Jesus and how he couldn't tolerate war, how the Gospel stood against violence, and how Jesus when confronted by the accusing political power of Pilate remained silent. So after 12 minutes or so of noisy silence, I stood "mute"! That meant, as Judge Philip kindly told me, that the Government would enter a plea of "not guilty" on my behalf. Next, Mike stood up. Clerk of Court: "Is your true name Michael Duane Therriault?" "Yes." "How do you plead, guilty or not guilty?" "Not guilty."

Within that first 45 minutes of court experience, Neville had given us 60 days for our pre-trial motions. He said that on Friday, and come next Monday Devitt gave the others just 14 days! Once again a foul smell of Government went into the air. Devitt was getting publicly impatient to have us before him. He has a wolf's hunger for anti-war people. Consider that the Minnesota Federal District Court spends over 50% of its time prosecuting draft Resistance cases. Recently, for part of 1971-1972 that figure reached 66 and 2/3% This is the highest percentage of criminal prosecutions for any Federal court in the Nation - and Devitt is our *guiding* Chief Justice. So we knew from hard, hard experiences that the word "fascist" was almost too kind a one to give to Devitt when he had captured some Resisters. Uncle Ed bodes no disagreement within his courts, and he grants no respect to the powerless, least of all to traitorous sons of the Establishment.

To get away from Devitt one of Ken's first motions was our agreed upon petition for "consolidation". We presented that motion before Neville, hoping that he'd have enough guts to rule in our favor. And in front of Devitt we told him of our consolidation motion presented in Neville's court - and we added fuel to that fire in the form of Brad's Affidavit of Prejudice. The consolidation motion was settled in a judges meeting and you can guess whose desires prevailed. As to the affidavit, it is a written statement of fact sworn to by the party making the statement before a person having authority to administer an oath. What Brad swore to was Devitt's prejudice, and he centered his challenge on a personal incident.

Once while at the trial of another draft raider, Brian Wells of Mankato, some spectators spoke out against one of Devitt's harsh rulings -- not such a monumental offense -- and he, true to form, motioned the Marshals to clear the court. As he was being pushed out, Brad turned and called Devitt a "pompous ass." Devitt fumed at the insult, called Brad up ... the Marshals had to drag him ...then Devitt laid a cool eye, 9 days and \$200 on Brad. Later the \$200 was dropped after Brad had fasted for 5 solid days. Within the legal scene this exchange can be considered a prejudicial, but the real story of the whole matter -- and once again this is the rule of thumb in Federal Courts -- is that Devitt is the one to judge on his own degree of prejudice!

Naturally, the *Honorable* Edward Devitt doesn't consider himself prejudiced in the least towards anyone. As I see it, Devitt is so blind to his prejudices because his racism is buoyed up by an

overdose of elitist sophistication. As you sit watching Uncle Ed in action, you know that he considers 95% of the world as inferior to him. When my Resistance brothers stood before him, he received all their "not guilty" pleas and permitted each to say to him why they weren't pleading guilty. In turn the five before him talked about international law, constitutional rights, the undeclared War, plain old government immorality... and about our visions of a good society. At the end of each short speech, Devitt would click in like a telephone recorded message, "Have I heard you out? ... Next defendant."

Devitt does not feel that he has to listen to you - you are a common person in *his* court. Devitt's court is run by Ed Devitt - it has no responsibility to the people. Chuck pierced through the undemocratic character of all our courts when he asked, with low key, dry-humored sincerity: since the indictment read "United States of America versus Charles Larry Turchick and William Leo Tilton," that if the Government won, "Of course, I'll go to jail ... but if we win and the Government loses, would that mean that the Government would go to jail?" Chuck clearly grasped the "Dead End alley" mentality of the courts. See, even if we'd win, we'd lose. Even if the Government loses, it'd win.

Devitt never replies directly to any philosophical, moral or political questions. He simply turns to the Defense Attorney and says, "Have I heard you all out, gentlemen?" Then, he clicks in again: "Motion one denied, motion two denied ... motion nine denied ...anon." Hard to believe? Yes, there are few judges in the country of Devitt's caliber. He's in the field of the *Chicago Seven's* infamous Jules Hoffmann. Devitt doesn't waste time with the usual judicial game of taking Resisters' motions "under advisement," and of returning a denial under cover of an official letter. He's rather spunky in a dictatorial way. Ed just sits there, comfortable in the power of his unapproachable throne. He listens and listens - but never pays attention. Uncle Ed would be content to ignore you forever, and have you pass away to dust before his eyes, rather than speak with you. But the one hold the legal structure has on him is that he must at least say, "motion denied."

Even to a legally dense head like mine the grim reality was seeping in. The law has its own understanding of what is real and it has more to do with contracts, business procedures, and precedent than with the human dimension to events, morality, and historical truth. From the first I knew that my theological defense had about as much chance of being accepted as a snowball in hell. But we flocked, again, into Ken's small office, amidst piles of courtroom papers and briefs; ancient, dusty law books; and weak mid-western coffee to listen to Ken expound truths and tactics between his puffs, his ash stampings, and various artful cleansings of his pipe. Lawyers are funny people. They're always right on top of crucial human happenings, yet they retain an objective detachment that seems numbing. I mean some of us returned from the court almost jumping out of our skins, walking around, almost shouting down the traffic noise: "Jesus Christ! did you see what Devitt did? Can you believe it?" Ken would walk in, throw his satchel on a chair, sit down, pull out his pipe and say, "Calm down. What did you expect? Didn't you really expect that? Let's forget about it." .... Anybody want some coffee?" And, as you know, he was right. We all expected to get smashed from the word "Go!" and now that it was happening you'd think we actually believed that we would win. But, again you've probably guessed it - *yes*, deep inside ourselves we kept repeating the old American idealism, "But it won't happen to me. Not to me!" Hope. A near cruel hope always hangs out of a Resister's back pocket.

Every person about to be railroaded, hopes that some miracle will happen. That some heroic judge will lean over his Bench and say, "You know, young man, I think you're right. We should be concerned about this war." But it doesn't, hasn't and won't ever happen. Yet, each squirm and

squiggle in our seats indicated that each one of us was seeking what he thought would be new ways to defend ourselves. The new ways of saying the same old "Peace! Resistance!" thing but the way which for once would really reach the judge. Deep within himself I wonder if Ken has those cliff-hanging hopes? He must, or how can he go through this ritual of Resistance trial -- day after day, month after year after hour after every second?

.8.

The first trial was set for 2 November. When Devitt said that, we mentally gasped: "Jesus! are we in for it now." People along the rows were nodding frowns, shrugging shoulders in, "Well, what did you expect" fashion, and some, dejectedly, put their heads down into the palms of their hands. Devitt's move was ominous. Usually, it takes from six months to a year from the time of the Indictment for a trial to begin. Here with us it would be only six weeks. Yes, Uncle Ed said that he desired to give us a "speedy" trial. Such constitutional courtesy! He also happily informed us that the Alexandria trial would be the first one up -- and it was going to be held out of town in Fergus Falls. This meant that Bill and Chuck would be the first to go. But it also meant a lot of headaches. We had figured out that Brad, Pete and Don would be up first. So Ken had to shift his intended defenses a little and spend time with Bill and Chuck. Further, Ken had placed a motion for change of venue before Devitt. Federal courts have authority over a large geographical area, consequently there are secondary courtrooms throughout our state to which a judge travels when necessary.

Since all of us were caught "out-state," i.e., outside of urban Minneapolis - St. Paul we were scheduled to go on trial in Winona, Fergus Falls and Duluth. When Ken brought this up, we spent some time discussing the legal and political advantages and disadvantages of out-state trials. Mainly, the political advantages would be the work which could be done in areas which haven't been as saturated with Resistance trials and activities as Minneapolis-St. Paul. However, we chose to remain in the Twin Cities because of the staggering amounts of time, money, and psychological fatigue which three separate and remote trials would have upon us and our supporters.

Devitt's decision threw us into a small panic - one I'm sure he knew would happen - and which he enjoyed starting. For once he took one of our motions "under advisement." (This was the Change of Venue.) This meant that until he made a formal decision about trial locations that some of us would have to run up to Fergus Falls about 180 miles from Minneapolis - checkout the courtroom, the town, possible sleeping areas, media stations, the like. So, Brad, Don and I loaded into the green Rambler and took off. We spent a day drumming up support in Fargo, North Dakota; Moorhead, Minnesota and Grand Forks, North Dakota. Most of our time was spent at the Universities in those towns. Those days were encouraging, since the local activist students knew a fair amount about us and promised busloads and earfuls of student support. Then onto Fergus Falls. Good ole Fergus Falls, probably the most Republican town in the State. A small town jewel -- a rich, at times rurally opulent town which grew up in the best years of farming and the railroad. Minnesota has these jewel specks all over its map. A visitor drives through acres and miles of standard barns, open fields, and "no civilization" and then the highway takes him/her into a Main Street. Fergus Falls oozes the airs of wealth, traveled sophistication, and the social pretense of a kept woman.

Well, we found one family - a late middle aged pastor and his wife -- William and Marjorie Van DyKen of the Federated Church -- who would help us. They turned out to be one of only three families in the whole town who would assist us in any way! With a long-suffered knowledge of their neighbors they told us that we'd only receive hostility. So off we went to see the mayor -- one

of their parishioners. The three of us felt that we had better meet him and quiet his fears about us and about the hordes of people who he anticipated would come to campout in his parks.

Mayor K. W. "Walt" Wenino was an open-fellow who expressed more fear about the violence of *his* townspeople than of us or our friends. After an hour of talking, we both agreed that the best thing would be not to have the trial in Fergus Falls. The cosmically coincidental thing that had his town already riled up was that the afternoon after they read about our trial being set for their town, news came from the Highway Patrol that a score of "hippie buses" was coming through Fergus Falls on the highway. The people sounded the minuteman alarm at once -- "The Hippies are coming!" And indeed the hippies were coming. It was the bus caravan of Stephen, a much heralded guru from California whose *Monday Night Classes* was already a classical text for many new spiritualist. Stephen was then busing all around the country, speaking on his way to some undisclosed journey's end. When he hit middle northwestern Minnesota, the stars determined that his advent would be meshed with our mission among the Fergusites.

The clincher is - as you probably knew from the first - that after two frantic days of pushing the Rambler across flat, endless plains, Devitt moved the trial back to St. Paul. *Amen!* Another complication, above and beyond the change of venues and the preparation of defenses was -- with whom shall we prepare? To assist Ken we were trying to get another lawyer. At this time we started talking with Len Weinglass of *Chicago Seven* fame. Len came out from New Jersey to visit and rap with us. The eight of us all developed a quick respect both for Len's mind and his person. He's a gentle, soft-spoken, committed-to-the-core radical lawyer. With his usual flair, Devitt was giving Len trouble.

In order for any lawyer to get involved with our trial, he'd need months to schedule it on his own calendar. Len, therefore, petitioned both to enter our case, and in so doing to ask for an extension. That meant that the trial would have to be delayed possibly a month or six weeks. But Devitt neither wanted Weinglass involved nor the trial delayed. What he did was demand that Len be in Minnesota on certain days to present his case for "admission. In itself this was a harassment, because lawyers admitted to the Bar in one Federal District are usually given the protocol courtesy of just filing in another District and being, by that filing, admitted. Obviously for his own political prestige our local Jules Hoffman was going to harass, "What did you say his name was ... *Weinstein?*" With much regret between the lot of us, Len just couldn't fit his own appeal case schedule into the months our three trials would take up. Getting to know him however was one of the warm highlights of our cold trial nightmares.

Nights at home during this Fall and early winter of trials were quiet, resources seeking ones. Each of the eight, (seven actually now that Cliff Ulen had not only hired his own lawyer, Mike Galvin -- but had pleaded "Guilty!") continued to involve himself in some trial support activity. All of us worked with the Defense Committee, wrote leaflets, organized benefits for fund raising and went speaking. Psychologically, we all felt that we had to keep involved with those things we were into before the raids. Chuck stayed with the Resistance office and the magazine *Changes*. Don and Bill went back to organizing on campus. Pete was attending some classes at the University and studying ecology. I was finishing out my formal Conscientious Objector's "alternative service" at the Newman Center, and was on a preaching binge. Brad and Mike, as I remember, more or less spent their time among various groups.

Brad eventually worked with a Free Medical Clinic on Minneapolis' South Side. At all times the community support for our trials was overwhelming. Our friends from all across the political

spectrum from Progressive Labor to Mothers for Peace worked with us on the Committee. At our weekly meetings we tried to make decisions collectively. This was difficult for those of us who had been sort of lone-wolves. Yes, the draft raiding groups called for unanimity -- but only on one goal, the raid. Here I was with a group of people I hardly knew making plans for *our* trials, and having each move discussed and criticized by the whole group. People kept saying "we" and "our" and this was not just poetic, they meant it! Yet, what bedlam - from a Marxist to a Yippie to a liberal suggestion for each and every move. Somewhat amusingly the eight of us had to join our own Committee -- and then take a task, e.g., I was on the Speaker's Bureau. Decisions were made that not just those of the eight go out speaking, but that others go also. This was one way to tell the public that the action of the *Minnesota Eight* was not that of just eight people -- but of a community.

During this time the Women's movement had established a position of strength in the political community, and much was made about the male domination of the Resistance community in general. Specifically, women often raised near-hostile, skeptical questions about, "Why weren't there any women in your draft raid group?" With the vagueness of a word, I can only say that the women weren't caught: But that didn't help. And the women were right. There was, and to a great extent still is, a masculine aura around the Resistance. For a person like me who taught in women's college it was instinctual to be paternalistic. Only in the last couple of months -- as an end result of my battles with the Male Government -- have I come to actually respect and seek out women as political and intellectual equals. When you're in the whirlwind of preparing to go on trial for your life, being critically attacked is hard to take - most of all if your masculinity is being hacked at. After all don't people realize that I need all "the strength" ("all the balls") I could muster to withstand the Government's beatings? Honestly, this was a painful and terrible struggle. I wanted to speak truth about Peace and Power -- and here were these "little women" kicking me in the shins saying, "Pig! Peace Pig!"

Karen often asked why we didn't have any women witnesses? Good question -- a stumbling, half-true answer: "Well all the *experts* on the War and Foreign policy are men." The totalness of western culture as a male culture sunk in slowly, but it sunk roots which have stayed. In fact, yes, these were hard times, frustrating times, e. g., when I was criticized for calling one woman, "a beautiful woman" -- and didn't understand why this was degrading. Yet, the true healing of the trial experiences was the touch of the feminine. Not only did the women themselves open up unused apartments in my head, but the changes shared by the men on the Committee was the "strength" which bolstered me.

There arose a new masculine strength, one that was self-critical, humble, patient and tender. Every man among us was struggling with his maleness, and Resistance took on the deeper demand of Resistance to ourselves. This is something hard for people to grasp, but it is like the old spiritual demands. we knew that we'd have to "put off the old man" and put on the "new man". This wasn't to be just a newly dressed man, e.g., in hippie clothes or radical chic - but a new interior, psychic and spiritual person: a person as fully male as female.

Most of the consciousness of this change came after the trials, and is a later part of this story. What did happen during the early months was a confrontation between the male and female spirits of the Committee. I took this confrontation into the trial as if it were an albatross around my neck, and came out understanding that the War is male, the Establishment is male, the law is male, Christianity is male - and that I had been judged guilty because I basically was struggling to create a more feminine world. Our whole trial experiences, indeed much of Resistance today, must be

written as part of the feminist revolution. On the whole, the Committee drew closer both personally and ideologically.

One instance of change occurred that Thanksgiving when Elliott House had an electric-kool-aid-acid party. This was a gathering of about 30 people all who were tripping on acid. This was about my third psychedelic trip, and my first with a large group of people. Usually it is hard for a group of such diverse people to trip together. Yet that evening was a really fine one in which you could just dress yourself up with every good feeling, affection, and merriment. At one time in that night Brad and I got into a very long and deep rap. We talked between ourselves about revolution and my being a theologian and what that meant to me, while ten other people listened and fed our flower picking thoughts. In its own way, my few experiences with psychedelics helped me get to some thoughts that might never have come up front until the trials were over. Yet, none of this good tripping could have happened without the people. That's another basic thing I found out. That the revolution is really *the People*. Resistance done by a lone wolf - draft raids done only by eight men or psychedelics done by themselves - only amount to self-indulgement unless they relate, and help one grow with a community of people. The central truth in everything which we did during this period - draft Resistance, drugs and raids - which was unveiled, was that without community no real change could occur - we would be just replacing one oppressive regime with another. Of course, *community* is a feminine word - the polar opposite of male rugged individualism. Each step then was as difficult personally as politically, because everything we sought demanded a radical change in our most intimate selves as well as in the outside social and political orders.

.9.

Devitt's two trials would last from 2 to 5 November; then there was going to be one mistrial in Brad, Pete and Don's favor starting on 17 November; their new trial re-opened on the 30th and went to 3 December 1970. Everyday in Devitt's court was a twin of every other day - that month and a day was 31 days of the same day!

Architecturally, Devitt's court drained my psychic energy. He had a modernized court, with high white ceilings blanketed by huge glaring florescent tubes. This high intensity glare ricochets off a glossy, polished wood paneling which wraps the room and burns into your eyes! On top of this metallic burst sits Devitt -- literally, on top of all of us -- he has an elevated throne. I think it elevates him about 10 feet in the air. When you walk up to Uncle Ed's Bench you have to crane your neck and look up at him. Further, there is hardly anything, except a flag or a photographed picture, to relax your eyes on. Everything focuses in on HIM: The Honorable One. In Devitt's, as with most courtrooms, the ultimate mark of comfort is the inability to hear the lawyers and the judge. No one uses microphones -- and the lawyers have their backs to you -- so you have to strain your ears to hear.

Now as I mentioned before, Uncle Ed kept himself and us in an "armed camp." During the days of actual trial, in all three trials (including Mike and mine's) we filed an array of motions. Now a Motion is an argument which states that you are entitled to something by law. In the Motion you state the principles of law and the facts of your present situation. "What happens to your pre-trial motions determines the scope of your trial. During pre-trial motions you might ask for the name of the informer; the right to know whether the Government used electronic surveillance or not; you ask for the dismissal of parts or the whole indictment because it violated certain of your constitutional rights; you ask for standard legal things like a Bill of Particulars, i.e., the request that the Prosecution explain the charges contained in the Indictment in specific terms and incidents.

Besides the standard legal motions, the eight of us brought forth many political Motions. Political motions try to bring some human reality into the courtroom. That means, that our motions will not only have legal reasons to them, but they will also be written to convey a political message. For example, with our motion to dismiss the Indictment because it violated the 13th Amendment, I argued before Neville, the following:

A Pre-Trial Motion On the 13th Amendment and the Selective Service System in Neville's Court

I feel that the Military Selective Service Act, reflecting it against the Thirteenth Amendment, is a direct violation of the constitutional right against involuntary servitude and in support of every individual's inalienable right to life, liberty and the pursuit of happiness. I feel that it is our tradition --that it is up to the individual to determine his responsibility in a democracy and not vice-versa.

The history of our country is that of a slow awakening to the perverse ways in which men enslave one another. The Civil war was fought by people seeking to abolish physical slavery. But as recent times give witness, physical slavery continues to exist, despite its illegality, due to the subtle and more ingrained forms of human slavery. That is, there are laws and conditions which indirectly maintain the condition of slavery, though the outward appearances are gone.

We contend that among other demonic things, the idea and the acceptance of war, with all of its violences, visible and invisible, is the primary source of the enslavement of man, both physical and spiritual enslavement.

Wars force men to live in fear, and they express their fears by creating Death Machines, whether as dramatic as the ovens of Dachau, the Minutemen missiles of North Dakota, or the ghettos of Harlem.

True to our American heritage, we strike out against these forms of slavery. In this immediate case, we strike out against that very subtle Death Machine the involuntary Selective Service.

The court must take notice that any system which offers as its alternatives either physical death or cultural death must be demonic. Consider, that a young man between the ages of 18 and 26 has NO CHOICE but to surrender his body to kill or be killed; or else he has to go to jail or leave his country, these latter being forms of cultural death.

There is nowhere, as we can see it, in the *Declaration of Independence*, the paper which presents the ideas and ideals of America, that a person must, in reference to America, "LOVE IT OR LEAVE IT!"

Rather, the greatness of this Declaration is that it commits people to safeguard and help to develop the God-given rights of every individual, regardless of race, color, religion or political beliefs."

(See, *Pacem In Terris*, Pope John XXIII's words, page 13, Part I, paragraph 26.)

Not only did I claim that the Selective Service System violated the 13<sup>th</sup> Amendment's forbiddance of slavery, but I tried with emotion drawn from the gut of my spirit to awaken Neville to the spiritual dimension as well. I stated – in the spirit of Pope John XXIII:

“The dignity of the human person involves the right to take an active part in public affairs and to make his own contribution to the common good of all citizens. For as Pope Pius XII pointed out, “The human individual, far from being an object and, as it were, a merely passive element in the social order, is in fact, must be and must continue to be, its subject, its foundation and its end.”

On page 15, paragraph 34, the Pope continued:

“The dignity of a human person also requires that every man enjoy the right to act freely and responsibly. For this reason, therefore, in social relations a man should exercise his rights, fulfill his obligations in the countless forms of collaboration with others, act chiefly on his own responsibility and initiative. This is to be done in such a way that each one acts on his own decisions, of set purpose and from a consciousness of obligation, *without being moved by force of pressure brought to bear on him externally*. For any human society that is established on relations of force must be regarded as inhuman, inasmuch as the personality of its members is repressed or restricted, when in fact they should be provided with appropriate incentives and means for developing and perfecting themselves.”

Finally, we offer you, for your deep reflection, these words, from the encyclical, Part II, page 51, paragraph 51:

“Since the right to command is required by the moral order and has its source in God, it follows that, if civil authorities legislate for or allow anything that is contrary to that order and therefore contrary to the will of God, neither the laws made nor the authorizations granted can be binding on the consciences of the citizen, since WE MUST OBEY GOD RATHER THAN MEN.

Otherwise, authority breaks down complete and results in shameful abuse. As St. Thomas teaches:

Human law had the true nature of law only insofar as it corresponds to right reason, and therefore is derived from the eternal law. Insofar as it falls short of right reason, a law is said to be a wicked law; and so, lacking the true nature of law it is rather a kind of violence.”

Thus, we would like to conclude that the Selective Service Act is not only an irrational law of human slavery, but is a demonic law – a violence against God.

(All of the foregoing was part of a pre-trial motion before Judge Neville.)

Though we knew beforehand that the judges would pooh-pooh our political and spiritual motions, we made them. See, when I stood before Neville, as when the others stood before Devitt, I knew deep in my bones that we were locked in a power struggle. Yes, the obvious political power of the party systems was the cosmetic cover-up. To all who could see, we were being smashed because we defied the usual political procedures and homages. But what really was clear was the truth behind the words that the central, wrestling powers were those of the demonic and the humanly spiritual.

Behind our politically phrased motions was a plea -- a righteous demand -- to make our trials human. At every turn we kept trying to let more people in the doors. When I spoke about the 13th Amendment and the Draft I was prodding the corpse-like Judge to consider the hundreds of years of black suffering. But no! - he'd say something patronizing like, "Well, we don't have slavery anymore ... so you cannot use that amendment."

Under this liberal guise of claiming that black people do have a part in our system since they are no longer physically collared and chained -- he'd deny me the right to apply the 13th amendment to anyone but blacks. Our spiritual chains rattled. Our struggle then became vividly clear to me; it was against the demonic. For what else can I call that power which prevents humanness to be a part of judgment? And to be judged, for damn sure, that is what the government wanted to do. But it would do it only in a demonic, a-human fashion. What the media might report as a brash or bold act on our part, e.g., not standing when Devitt enters the courtroom, would be another attempt to pry open the coffin minded judges. How can we stand and give respect to Devitt, when he refuses to respect our mothers and friends? More, should we give even tokens of respect to a court we know had judged us as outlaws before the trials began? A court based on the whims of fancy of the white, rich, elite, male powerfults?

All throughout the trials then we'd have to seize every possible moment to attack the demonic. Every chance we got we asserted our humanity, the dignity of Vietnamese lives, and even the true personal worth of the judge as person not as a function of a system. At each turn the judge would stifle us with his power, thus showing us that we were just noisy rabble to him, that the Vietnamese were pieces of shit; and that he could only continue to debase and degrade himself because he had sold his soul to the Demonic.

Nevertheless, every day we'd bring up a motion, before the actual court day began, protesting the courtroom atmosphere and the hostility of the Federal Marshals ... Devitt always had a couple of tricks up his judicial sleeve. By securing off the entire building with many armed troops, he'd both give us a bad public image and scare people away from the trial. Further, by keeping people out of the trial room -- he kept four rows open for attorneys (who never came!) ... and never do come in such numbers to any trial. He frustrated a lot of specifically middle-age supporters who couldn't take the wintry cold rain; and by this move he'd also mislead the jurors into thinking that our actions were not well supported. One reporter remarked that Devitt's courtroom "mood resembled a Puritan church, with Marshals facing the audience to detect the slightest guffaw." "(Footnote: *Minneapolis Tribune*, November 8, 1970, "Atmosphere differs at two trials" by Bob Lundegaard.) That's a fair piece of descriptive observation.

To the groups packed into the pews between the armed Marshals it was like the proverbial can of sardines, or as the day drew on, like a pot of steaming water about to boil. For Ken each day brought out another Marshall absurdity. To him every other Marshall said something different about why they were not letting certain people in. There was a supposed "list" approved by the judge which said that certain well known radicals couldn't get in ... yet we couldn't get that list. At wits end, Ken moved to bring Chief Marshall "Red" Berglund to the stand to answer our questions. In his usual protective style Devitt refused to let that happen. To defend this Storm Trooper type harassment, Renner rose and said, "These are most serious and challenging times in which the people advocating violent change are willing to confront and use measures previously thought as being dramatic to the point of being illegal to effect the outcome and goals they seek." *God!* I couldn't take this two-faced lying about whose being "violent." Worse, Renner delivers his half-truths of deceptions with high-school-styled oratorical flourishes and waving arms. Our

aspiring District Attorney really tries to come on as a Clarence Darrow but he ends up more like Laurel of "Laurel and Hardy." "Bob" had about eight physical movements of emphasis, and after the first trial I was able to predict just how he'd sneak in the second.

But the deeper troubling waters for me is that Renner is a Catholic, as Devitt is, and both also attended the Benedictine St. John's University as I did. This made it doubly painful for my spirit to hear their bold faced lies. And if you don't want to call them lies, then their "shrewd" political maneuvers. Both men knew that the eight of us were non-violent, and they knew that we had no intentions of Yippieing or mocking the trial procedures. Nothing justified what they pulled on us, except their political ambitions to seem righteous in the eyes of the hellish Powers that be. And as to the courtroom atmosphere, let Devitt speak in his own way. His voice all through the trial is a controlled, stern, and fatherly one. His tone is condescension to the unruly child who must grow up! A version of, "This hurts me more than you -- but you'll appreciate it after you grow up!"

"May I say to our spectators that the Marshall reported to me yesterday that he had a fair amount of trouble trying to keep some of you *Quiet from Talking*. He advised me that he talked with you about it in the halls afterwards, and that *you were not appreciative* of the *Admonitions* he was giving to you, and some of these spectators have been kept out of the courtroom today. I urge you all to be *q-u-i-e-t!* *Not to talk in the courtroom*. I admonish you all not to express either approval or disapproval of what transpires by *laughing! Oohing! Aahing!* or anything else. This is not a public meeting. This is a judicial proceeding and it will be conducted as such."

Now, see yourself sitting in a courtroom hearing that; and then say to yourself that you'll get a fair trial. Why you can't even lean over to Karen and whisper something in her ear without an idiot Marshall thumping on your shoulder, "NO TALKING!" When the court recessed we flew from these tombs. Often my stomach had little tolerance for food. Like my mind it couldn't swallow what was coning down during those days. When your life is on the line and such slow, torturing demonic powers rest in the hands of your accusers, you begin to seek other foods and other systems for living. The trial was slowly radicalizing me to my core, spiritually and politically.

Without much surprise you can gather that all of our pre-trial motions were denied. For us the issues of the informer, electronic surveillance, and 'chat types of files the FBI kept on us were too important to let go by. So we'd have to find ways find out through witnesses. This would mean risking contempt of court -- it would mean playing each hour and each move by ear. Devitt had us locked into an armed courtroom -- and we knew that to be just a sign of the threats of violence his spiritual demonic powers were prepared to do to our moral and political defenses. We were not going to get far, but we knew that we had to stand up in that courtroom and speak. Speak to all who were there -- ourselves, our friends, the jurors -- even to the Government's deaf and dumb. Yet, further, each person must witness to truth -- and the only way we know of speaking truth was with our whole persons. Neither heroes nor martyrs nor prophets we are just your sons and friends seeking our human rights.

### III. No defense, no trial: "Vietnam: irrelevant and immaterial."

.10.

When it comes to talk about the trials I run into some story telling difficulties because of the weird nature of our American courts. The simplest thing for me to tell you is that the eight of us did not have trials. Now, not only am I saying that we didn't have fair trials, but I am trying to tell you something that I know you will find hard to believe: we did not have trials. Though I will continue to use the word "trial" for simplicity, the government actually staged three political "happenings." These government "happenings" can be understood as Establishments forms of social dope. Trials are used to cast illusions upon the public, deceiving them as to what is true, good and moral. In a sense, trials are government "trips" -- the government gets "high" off of fooling and putting down the people with honeyed lies and moral spoofings. As to our case, the trip with Devitt was very physical. He, as I've stated, armed the court and force fed our minds without much ado about hiding his intentions from the government. Yes, he played around with his words "justice" and "rights" -- yet, like a fiend, he had only one reality, his trial high.

When we came to Neville, he would fly high with the spirits of magic and dazzle the world with his powers of illusion casting. Yet with both, the simplest key to understanding them, is to know that they didn't give us trials. They *processed* us. Ran us through the rules and regulations and motions. But never were we as people, or in reality as we lived it, allowed a hearing. The whole trip was one governmental opium dream.

When my mind's eye wanders back to those Devitt days it sees a picture of my five other Resistance brothers being gagged and chained. It recalls to itself Mike and my being slowly choked -- garroted -- by Judge Neville. This is the single most unbelievable reality for non-Resistance people to fathom: the Resister is not allowed to defend him/herself. Yes, Resisters are allowed to bodily go through the movements of the courtroom procedures -- rules and regulations -- but no Resister is allowed to go forward in a trial with a defense based upon "philosophical or religious or theological responsibility" or "evidence of testimony about the Vietnam War, and about the Selective Service System."

The Judges' full restrictions as to the Resisters' defense will be set forth at the closing of this story. But I feel the reader will get lost if you don't understand why I have also called us "The Mute Eight." Whatever any of us managed to say in the courtroom during our brief trials, was, at the end - in what are called the *Final Instructions to the Jury* -- ruled "irrelevant and immaterial." Thus, in effect, though we spent days in a courtroom, we were not in court --that is, once again, none of us were allowed to be *within* the System. The System kept us on the outside, it out-lawed us. But that *is* the story of Resistance 1960's, i.e., that the young are kept outside of the System, not by their choice, but by the actions and choices of those supposedly within the System. To express our protest over being thrown out of a System which we sought to make work, Resisters laid claim that our present government is one of Illegitimate Authority. As with Resisters in general, if we had not wanted to make the System work, here the judicial system, we would have split the country. We, all eight of us, had ample time and numberless opportunities to make the choice to leave our country. But understand this clearly, we Resisters know that this is our country, and you are our people. The government is not the country, and the government is not all of our people. So if anyone should leave, it should be those wealthy and powerful few who run our government with such disregard for our American traditions, moralities, and human lives.

As I recall the trials, then, all three seem to flow into one horrid memory. Each trial had its own frills and fluffs but each was a frightening repeat of the previous one. Each is a memory of us being garroted -- choked by an iron collar slowly tightened by a screw -- till we died. Died to our past lives. Died to the System. Died in our last attempt to work with the Government for justice and peace. As I write from now on I will describe the trials thematically and not chronologically. Using this method I will treat the similar issues of the trials, e.g., the issue of the informer, by using matter from anyone of the three trials. When it will help to make the point, I will give you the peculiarities of a special event in all three trials.

The climate of the Devitt trials which lasted from 2 November to 3 December was that of a darkening, cold-front overcast. Though Devitt's courtroom is brightly lit by huge fluorescent units, the mind and spirit of a defendant sees only night. I think Devitt needs so much artificial light because he allows no moral, spiritual, or patriotic ray to enter his doorway. When we were to come before him, after our efforts at consolidation failed, we knew that he would not allow us to bring forth a defense. Now, few people realize that you cannot have any just defense to a crime of your choosing. For example, you might feel that your First Amendment rights were violated, a matter which leads you to punch a Marshall in the nose. Well, as much as common sense might tell you that you should be able to explain the *full human* situation to the judge and the jury, the judge might decide that such a claimed defense is "frivolous" and so you stand without a defense. What usually follows is that you hear the court define what you did, e.g., assaulting a Federal Marshall, and you are tried and convicted of something which *you did*, yes ... but of something which doesn't convey the *full* story.

In most every court case when you listen to a lawyer or a judge they talk about getting down to the "legal issues and facts." *This means* getting away from the human issues of race, sex, class, religion so forth. Now, most defendants of the legal system, called the Common Law, say (and there is something to this) that the law cannot consider, or allow to be considered, *human prejudices*. This means that when Resisters like us come in to the courts the judge wants himself, the jurors, the prosecution the audience and ourselves to forget that we are young, white males; active anti-war protestors, conscientious objectors, and so forth. The Judge just wants the *legal facts* brought out, that is, that on a certain night we climbed up a certain wall and broke a certain window and so on. The judge instructs the jurors that they must be colorblind, dressblind, politically blind, morally blind, and so forth. In fact, Devitt's own phrase is that the jurors are solely "fact finders." Well, the upshot of all this is that instead of being protected from prejudices, someone like me gets smothered in them.

Resistance actions challenge the basis of this System which pretends to work without prejudices, but which is built and nourishes itself on class, race, and sex prejudices. As in any issues dealing with human rights, e.g., civil rights, it is of the utmost importance to bring out, *not hide*, the human situation. **WHY** were we raiding draft boards? As it stands this question has no place in our present system of justice. Judges will say that such "why" questions smack of motivation, of morality, of politics and, glory be! - *as everyone knows* - our courtrooms have nothing to do with politics! (Whereas in truth they do have nothing to do with morality!)

The court will only consider and hear **HOW** something was done. Obviously, the court wants the case at hand to be faceless - and Resisters want Facts with Faces. Just as to us the draft files were not faceless but were the face of your son, brother, cousin, or fellow Indochinese human being. As

you read you must understand the basis of the Judges' denial of our requests is, according to their logic, that reality consists simply and solely of HOW facts and now WHY facts.

Devitt, from the first, would not allow us to bring up any defenses based upon any Bill of Rights arguments, e. g., the First or 9th Amendments. If we were to go forward with any defense it would have to speak specifically to the matter of whether or not Bill, Chuck, Brad, Pete or Don did or did not break-and-enter. Devitt would not tolerate any broadening of tile trials' scope. In this vein, if any of us tried to question a witness about a moral or political matter, e.g., ask a FBI agent, who had just answered that he had served time with the army in Vietnam, whether he considered his government job as part of the genocidal war against the Indochinese people, Devitt would not only sustain the prosecutor's objection but warn us that if we proceeded to ask questions like that that we faced contempt of court sentences. What the fellows did in these Devitt trials was not to bring forth any witnesses. In one sense we would not play the government game ... in one sense the government wouldn't let us play it!

What the five did in their two trials was to limit themselves to a slim, legal out - what I call the "10 minute-waiting trick." It seems that the FBI agents hid out for about 10 minutes, after each of our groups went into their Boards, to spring their ambush. Attorney Tilsen argued that "if" Chuck and Bill's *intent* was to disrupt the Alexandria draft board that they could have ripped open a cabinet file, torn up rows of files, in effect done a lot of destruction in 10 minutes. Therefore, Tilsen argued in Closing Argument that Bill and Chuck could have been there for a number of possible reasons, and that the government had not proven what Bill and Chuck were there for specifically. Now, this defense went forward in both cases without defense witnesses. In both instances all of the eight admitted that they were at the Board, but they argued that they were there for different reasons than to disrupt, e.g., to copy down the names of all the 1-A draftees, so that they could write to them or visit them in person to argue Resistance. From a legal standpoint Tilsen argued the force of this possible intent by using the logic that the government hadn't proven its case in legal specifics, and that it was depending upon the prejudices of the jurors to convict these young, long-haired, anti-war activists.

Tilsen said that "the prosecution has wholly failed to prove the charge in the Indictment." "Unless the jury is permitted to speculate, there is *absolutely* no evidence as to why they were in that office. About the only thing that can be said is that they had ample opportunity to remove and destroy records and they didn't do it." Turning full face towards the jurors, he continued, "From that it would seem that the absolute thing that could be determined by this jury is that *that isn't* why they were present." Tilsen hammered this point home that "no proof, none whatsoever ... not a scintilla of evidence" stands, and that the "prosecution's own case amply rebuts" itself. Now the simple, common sense fact was that Chuck, Hill, Brad, Pete and Don were just slow in getting their files opened and the stuff removed. However, the atmosphere in a courtroom is so weird, so open to illusion casting that a jury might have believed this far out story. In some ways all of us, including Ken, were a little embarrassed about taking this approach because it was so much pure legal bullshit. But when the court keeps denying you any semblance of respect or dignity, your survival senses take over and you move in anyway you can to get away from its grip. So why not let your lawyer -- who has to say something! -- do his legal best. After all, Ken has to justify all those years in law school - somehow!

Now what did highlight these two trials was the Opening and Closing Arguments of Bill, Brad and Don. These three were attorney pro se. This means that if a judge judges you fit and proper, a defendant can defend himself. Usually a pro se defendant will have a "regular" lawyer advising him.

Not everyone wants to go *pro se*; most people won't trust themselves in court because of all the confusing ins and out of legal terminology and procedure. However, in political cases, since we know beforehand that we won't get a chance at a fair trial, many of us want to defend ourselves. This works out well when you are on trial with someone else. What happens then is that, e.g., Mike hires a regular lawyer (Ken) who does all the legal shenanigans, and this frees me to work at prying open the trial as much as possible. Though they didn't bring forth any witnesses in their trials, Brad, Bill and Don (all *pro se*) were allowed to give Opening and Closing Arguments. These Arguments explain, at the beginning of trial, what you intend to do with the trial, and then when the trial is over they sum up for the jurors what actually happened, i.e., that you did prove what you said you were going to prove in Opening Argument. In these Devitt trials, the fellows used the Arguments to give the trials the moral and political dimensions which we all knew that Devitt would prevent in every way possible. These Arguments were the only times when Devitt couldn't stop us from saying what we had come to trial to say.

Bill boomed, in his Closing Remarks, that we want "to make this into a society where not only the Vietnam war will stop, but hopefully all wars will stop." Bill pointed out how the war shows that Americans are becoming "so calloused." In America we forget that we are "talking about bodies" when our news commentators tally up the weekly war dead. "There are only 17 million people in that country (Vietnam), and 1 million of them are casualties. That's the entire Twin Cities Metropolitan area." Bill, enraged, paced back and forth, his heart torn by Devitt's ruling that any discussion, within the trials, of the Vietnam war was "irrelevant and immaterial." His mind was stoked by these thoughts of how typical are the judges of the class who rules America. With their clever legal tricks they lop off the human arms of the war. Bill bridled at these thoughts of the quiet atrocities committed every day in the name of Americans -- indeed, even against Americans!

With passion still tempered he probed the feelings of the jurors as he spoke about the silent crimes, which even some of them commit. With righteous anger he described how white Americans go everyday to their businesses, like Minneapolis' *Honeywell Corporation*, to produce "fragmentation bombs" which are a slow-death-torture weapon aimed specifically at women, children and the aged yellow, poor people of Southeast Asia. The jurors hear that "we want to stop the Draft because we see that as a real form of slavery." As to his own reasons for the dramatic draft raids: "You have to find some way, so that not just those people (i.e., the government) will hear, but that other people will hear about it, (i.e., the war), will see what is being done and will try to pressure a change in society." In simple terms Bill summed up, "I believe in Draft Resistance, even though it is against the law. I don't believe somebody should have to go and kill or be killed if they don't want to."

Bill's booming words found no home in the hearts or spirits of the jurors. Devitt's magic was hypnotically strong. Their granite stares shattered Bill's urgent pleadings, scattering his words into heaps before his feet. Almost a month later Brad and Don were to pick up the fragments, and gather them into new form, to speak to yet another 12 Americans. On their respective days, they too approached a Devitt jury fastened by hostile eyes and closed ears.

Don had drawn his sandy hair back into a Colonial pony-tail. He stood in short-sleeves allowing his bony elbows and wrists to freely crank around as emphases. Don's approach is almost the opposite of Bill's. Where Bill prances and struts across an open space, spewing biting words into the air, Don practically stands still throughout his talks with but the slightest of weavings to and fro. His words are earnest, wrapped in a pillow's quiet and softness. His pauses are always measured by several grasping strokes of his long strawberry beard. To reach the jurors ... to try to bring them into the

human reality of the courtroom – the Vietnam War, Don used newspaper clippings to sound the truth to his core theme: "We cannot allow ourselves to be lied to by our leaders."

What he read to the jurors was a series from "Fifteen Years' Selection from Vietnam Quotations" which had been printed in the *Minneapolis Tribune* on 3 August 1969, and which was a reprint from Editor Philip Geyelin of the *Washington Post*. Don's message was that every year, from 2 January 1954 when General Navarre, French Commander-in-Chief said, "I fully expect (only) six more months of hard fighting," up to 21 November 1967 when General Westmoreland said "... we have reached an important point when the End begins to come into view ... the enemy has many problems: he is losing control of the scattered population under his influence ... he sees the strength of his forces steadily declining ... his monsoon offenses have been failures. He was dealt a mortal blow by the installation of freely elected representative government ... the enemy's hopes are bankrupt," the government has been lying to the American people.

Much in line with what all Americans learned after our trials through the release of the *Pentagon Papers*, such governmental lying was willfully done and consciously employed. Don delivered each quote - paused - gave an "Isn't this true?" look at the jurors, and then proceeded to finish the litany. Don's quotable quotes included: "Ambassador Lodge, 9 January 1967, "I expect the war to achieve very sensational results in 1967." LBJ 21 October 1964 (two weeks before the elections; which recorded him as a *Peace Candidate*, "... we are *not* about to send American boys nine or ten thousand miles from home to do what Asian boys ought to be doing for themselves." (Note: in early 1965 the major escalation of the war involving U.S. troops began.) White House, 1963, "Secretary McNamara and General (Maxwell) Taylor reported their judgment that the major part of the United State military task can be completed by the end of 1965 ...."

In concluding his tack-hammer approach to these evils, Don couched his explanations in terms of the Politics of Death. As he spoke about Death, Don almost drew this specter from the air. After twenty minutes of such a calm stripping away of the Government's demonic masks, he closed with a casual tone, about a terrifying reality, the truth of which should have alone drawn the jurors from their seats in conscious horror: "I think we see today that what is happening is that on all sorts of levels of government is this great immobility to be able to react, to correct these measures that many people tell us, like, a headlong plunge into the destruction of air and water and the continuance of this would mean the destruction of all human beings on the earth and planet ..."

Such gentle, careful explanations of the true demonic possession of our Government could not draw the veil of illusion from the jurors' eyes. So many things have hardened the hearts of us Americans such that we do not deeply feel. The jurors sat impassively watching us as if we were only another TV show -- massacres, torture, murders, lyings, deception -- what could we add that they do not see every day? How to add deep feeling to a violence drugged people? For us in the audience, it was sad to see, to realize, that these jurors would not listen ... that their class training had been so strong, that when reasoned moral truth is spoken, all they can do is yawn, and turn their eyes away. Devitt followed Don with a hard-sell government commercial, and then up came Brad.

I for one became very agitated as Brad approached the jury box. From eating breakfast with him that morning I knew that his heart and guts were perking through his head... and I was worried that he'd spill over, out his eyes and hands and heart ...and just scare the jurors. However, Brad's compassion steadied the event. He engaged the eyes of the jurors and struggled in a wrenching fashion to get their hearts in rhythm with their heads. Brad would also fail. Somewhere during his lengthy plea he seemed to grasp the width of the chasm between himself and the jurors, and so with

a second wind he launched out into a deeply earnest but stumbling explanation of the meaning behind the fact that people have formed societies.

He traced the development from primitive tribes to our contemporary technologised citizen and tried to explain to the jurors the visions which people shared, and which motivated them, as they broadened their individual concerns into social concerns. What modern society has lost, and what Brad feels must be refound if any humans are to advance in their development, is Passion. "We have lost the Passion for Life. We have become objects of that damn Machine. And, we are continued to be told to be Objects. To be slaves of that Machine and this courtroom. What we have to do is -- we have to make a Push to where we become controllers of ourselves again. To where we start deciding our lives ourselves, not the bureaucracy and not the Machine that has been set in motion." What Vietnam -- "that war (which) was started by a generation we had no control of, no understanding of" -- has shown the young is that the whole technological culture is morally and humanly bankrupt. "Our generation, what I believe in and hope you believe in, understands that it is time for us to control that Machine. To start to be the movers of the machine and technology and to move it in the directions, the aspirations, the beauty that man can develop; not in Vietnam by improving our warfare, not by sending more machines into Cambodia to kill lives, but by trying to feed and clothe and house people in Cambodia and South Vietnam, Southeast Asia, in Latin American countries and Africa, India and the United States --for the many of us who don't have and the few of us that have so much. *We have a common struggle as people.* We have to spread the wealth, provide the basis for all, look at one another as community, as brothers and sisters, and once we have a community, once we can all exist at the same level, then we develop our higher thoughts, we start developing community love, respect -- respect for human lives which I guess we really lost in this generation and this time of history."

Then with words and concerns that tellingly speak both of his conservative Republican upbringing as well as to his commitment to creating a moral, person centered, socialistic Order, Brad drew to a close. "I am not saying that the System can't work. I am saying that all of us have got to at least begin to have our perspectives, our priorities on such things as that changed. We must have genuine respect for human life and the quality of human life. When we begin to think in that fashion, and we begin to work together, the young and the old, the oppressed ...when we start to criticize ourselves and criticize our society and ask why these things don't get done, then we will begin to understand what keeps us in this (warring) position. We will then begin to get together to fight that Oppressive Thing. We will begin to develop a New Culture."

As I interpreted their eyes, to the jurors all these words must have seemed as a sound and a fury signifying nothing. It took them but a brief twenty minutes or so in each trial to return a guilty verdict. But the moral weight of this guilty verdict does not lay upon the shoulders of the jurors alone, because, as I've indicated the court has its special ways to prevent people from understanding, from criticizing, from getting together to fight "that Oppressive Thing."

.11.

Among the Government's many tools used to insure a guilty verdict in Resistance and most criminal cases, the most effective is that of the Instructions to the Jurors. These I will talk about in length at the conclusion of my own trial. As to those hard-riding railroading Days on Devitt judicial choo-choo, I can remember some moments of human interest. One occurred during the second day of the second trial when a mistrial was declared. Most Resisters and oppressed people take it as a matter of course that the court will pack the jury with people with white faces and/or white minds.

The average white American however snaps back at such a radical statement and accuses the Resister of lying, or of *being a Commie* ...or something like that, for most of us Americans have been brought up to believe that the Courts insure justice. Well, it is a *curious* fact, isn't it? That on all the prospective jury panels from all three trials that there was only one Black, no Mexican-Americans, indeed no Indians ... though all those ethnic groups have a significant percentage within our Twin Cities. So, we had all white groups, but more we had very prejudiced groups. Even though Devitt asked each of the 38 potential jurors, "Do you know of any reasons why you could not be a fair and impartial juror to sit on this case?" ... though each said, "No"-- we knew that they were prejudiced.

When these prejudices hung out like Monday's wash during the second trial it really miffed Devitt. What happened was that Brad's orderly Republican mother and two sisters were sitting at lunch with some friends when the jurors came into the same restaurant and took booths near them. Soon the Benekes heard a lively discussion flinging out phrases over salads: "People like the defendants should be in Russia." Keyed into the significance of this from her life with a lawyer husband, Mrs. Beneke did not get up and start shouting irately at the women jurors, no, she got everyone at the table to take down the conversations! When back in court, Ken brought the matter to Devitt's attention. Brad had pre-informed our supporters and we all were waiting, I must admit, somewhat gleefully. Devitt tried to pass over the seriousness of the incident, but when prosecutor Renner signaled an "Okay," Devitt decided to question the jurors.

Ken read from the luncheon notes which contained such comments as, "It's a waste of taxpayers' money," and, "The government is going to prove why they were there." One juror allegedly said, "They could be putting their time to good use, like a lot of teenagers do today. They sit there smiling and smirking. If I were them, I would be crying. I would be ashamed." As one reporter noted, though "each gave a differing account of their lunchtime conversation" finally one of them "Mrs. Jean Buckingham, substantially confirmed that there had been talk "along that line" -- that is, with derogatory references to the defendants." (Bob Lundegaard, "Mistrial is Ruled in Draft Case" *Minneapolis Tribune* Thursday, November 19, 1970)

In a way this was funny and pathetic. At one point the comedy was almost rib-cracking. One juror, Julia Prozinski, kept saying how much Ken "looked like her doctor," and this lead her into an unending discussion of her "sciatica." Even the grim judge couldn't take that: "During her testimony, the normally silent courtroom -- at least a half dozen federal Marshals are dispersed through it -- began to titter. Judge Devitt's bailiff rapped his gavel for silence, but when the judge himself began grinning broadly, the gavel-raping stopped."

Such human exposure has its drawbacks since, following the mistrial, Brad and Pete and Don had to sit through another dull session of Devitt's picking a white jury and his maligning of their human characters. As with Bill and Chuck, these three did not put forward a defense. The legal way in which they tried to widen the human scope of the trials was to bring forth "character witnesses." Now these aren't "regular" defense witnesses, that is, witnesses who talk directly to the legal facts or who observed us on the night of the raids. Rather they are called outside of the formal defense to speak to the characters of the defendants. This tactic was taken as the only way we could get testimony in about the non-violence of the three and about their politics, aside from their own statements in the Opening and Closing Arguments. Ken and the three agreed on this approach since they hoped that the character witnesses would further move the jurors to the truth of the case: that Brad, Pete and Don were being prosecuted because they were anti-war, political, and non-violent dissenters.

What often seeps out from Resistance trials is the love for life and for people shared among Resistance families. In this trial the love flooded. Bruce Beneke, Brad's brother, and Mary Simmons, Pete's mother, gave testimony. Bruce's presence at the trial was a speech in itself. He was then, and is presently, a Captain in the Judge's Advocate School ... then in Charlottesville, Virginia, presently in Saigon, Vietnam. Technically, he couldn't come into a civilian court, so Brad had to subpoena him. Here sat Bruce on the Witness Stand ... a lawyer and an army officer ... being questioned by Brad ... an anti-militarist Resister. A fitting symbol of struggling, young America. As he spoke Bruce could hardly restrain his body. He's a barrel-chested powerful figure with a commanding courtroom voice, yet, more, he sent his words forth on a vessel of brotherly love. Bruce knew from innumerable discussions and arguments how his brother felt about the military. Yet they firmly supported one another's commitments.

Bruce had decided that he could do his best by working within the Army – Brad from the outside. (Today, Bruce has applied for and received a classification as a Conscientious objector while in the Army! Saigon is his "alternative service"!) Bruce spoke with family pride, brotherly affection, and a tender manly compassion. "My father is an attorney. He has been an attorney since World War II. He was an attorney in the United States Army in World War II as well as a tanker in Germany for four and a half years; and also a Major in the Reserves of the United States Army. He was County Attorney for the County of McLeod for a period of twelve years, and he is now actively employed in private practice in Hutchinson, Minnesota and Glencoe, Minnesota. He also serves as the Appeals Agent for the United States Selective Service System of McLeod county." Our mother, Mildred Beneke, "is presently District Chairwoman for the Republican Party of Minnesota in the State of Minnesota." "She has been mainly employed as a housewife and secretary, and I might also mention that she was a straight "A" student in college."

Bruce looked steadfast at the jurors, his anxiousness began to speak excitedly. During Brad's years at Glencoe High he won "14 or 16 letters" in track, wrestling and football. He had been co-captain of the football team, and played at Concordia College in Moorhead, Minnesota, where he "majored in religion." During his junior year in High School Brad had written a paper on "Vietnam and the American Role of Imperialism." "I was startled to find out the in-depth study" which Brad had produced. All in all my brother "had an excellent reputation in the community as being a well-rounded, All-American type boy in high school." What stood out in Bruce's mind, and what stands as the type of life-risking people Resisters are, is this. "I think the most beautiful example of his willingness to give everything was in the summer of 1964. He was on a sailboat in Aitkin, Minnesota, with a friend named Chip Borkenhagen. The boat tipped, Chip fell off the boat, and Chip could not swim. Brad jumped from the boat, swam over to Chip. Chip beat him and struggled and panicked, and he did everything to Brad -- there was a storm out on the lake -- Brad could have let him go and saved himself. The boat was too far to carry Chip, so Brad -- I don't know for what period of time, for a lengthy period of time -- subdued Chip and with all this danger to his own life treaded water and held his head above until people could come from the shore three miles away to save them. He saved the young man's life and put his own life in extreme danger. This probably sums up Brad's character better than anything else I can say."

Again, you might think that I'm making us all heroes. In fact, the eight of us were reluctant to bring out our personal histories, because we felt that Americans do make heroes out of people ... and we acted to be neither heroes nor martyrs. Brad doesn't care about the admiration he might receive from such stories (in fact he has saved people's lives several times) rather his story, like this one I am writing, is to point to the importance we all felt about life. In that courtroom the Marshals, FBI

Agents and Judges couldn't understand our concern for all the living. Often the Marshals would taunt us by saying that we did the raid because we wanted the publicity! And I know that they really think that is the truth. How else could people who protect an individualistic, property based, violent culture think? If we didn't act in our self-interest, then of course, by Establishment standards we were fools! The truth is that Resisters are a common people -- mostly middle-class, who care intensely about life, and who are willing to risk-their lives for our brothers and sisters of the world.

Mrs. Simmons gave the tone of our averageness to the hearings as she spoke about Pete. In her words one heard a mother's pleadings, but more the unspoken statement: "Look my Peter is just an average kid who realized an obvious thing -- that he can't kill. He isn't a kook or a weirdo -- he's *my* son. Can't you people look into your hearts and realize that when kids like my Peter do things like this that something is seriously wrong with the country?"

Well, the jurors were not to open their hearts to any mother of a Resister. Mary however spoke the humanness of her son: "I argued with him about pacifism. I thought it was impractical, because, as people have often said to me, "*What do you mean? Nobody should go to war? What if they start one?*" And he said, "If nobody goes to war, *then nobody* goes to war." But he did tell me when I was talking about what if somebody is attacking your home, that he didn't really know --he said at that time he didn't really know how he would react in the case of somebody actually attacking his home and family. But he thought the chances of that happening were so slight in our country, the chances of going the other way seemed to be much greater. At that time, at least, I guess he was concerned with that particular situation. But he did feel that Gandhi's non-violent movement in India was the thing that finally, after many years, was successful there, and this is really the way for people to go."

Mary spoke to Pete's love of this country, how when three years previous she had talked to him about moving to Canada, Pete wouldn't go. "He loved this country and he didn't want to be legally barred from living and traveling in it. Besides, he added, you can't help to change your country from outside its borders. Nobody listens to you." Without sounding too cynical, I think Resisters have learned that hardly anybody listens to you even when you are trying to work within the country and the System. However, all eight of us are sustained and buoyed up by that hope which we see rainbowed in the eyes of the young. The Resistance spirit is afoot everywhere, the eight of us know that young America will someday build a person centered system which does deliver justice.

Lest I seem to drag the Government up to ugly monstrous heights, let me tell you of its one human moment. Of course the Government didn't think that this was too humorous, but to the gallery of Resisters it was quite so. The Government had as it Exhibit #26 the following notes:

"ALX Thur. Unmarked 1:37 west on Hotel St. Couple come home 2:05 at Tessmer, take dog for walk 2:00. A guy (possibly a worker) goes into hotel 2:10. 2:25 blue car (possibly unmarked patrol) goes through our alley. 2:50 Greyhound Bus stops in front of hotel (comes south on Filmore, takes left and pulls in front of hotel) leaves in about 2 minutes. 2:55 Garbage truck comes and collects in our alley Fri. Patrols come at 1:10, 1:40, 2:00, 2:05, 3:00, 3:40 Garbage truck comes thru alley at 2:30. Pretty quiet after 2:15. Baker comes 3:00-3:15 Light blue Ford 7JIM 330 is unmarked patrol. Gloves – Staplers. Paint."

Exhibit #26 was Chuck's casing notes. None of us knew what the Government would make of them but some day, while waiting in the armed downstairs foyer, in marched a small crew of people lead by a Marshal. They were an middle-aged and older cluster, with one quite tall and one quite pudgy

fellow standing out in my mind. "What trial are they here for?" I asked my friends. No one seemed too concerned about them, nor knew what they were there for. They proved to be, in my term, "The Citizens of Main Street". These folks would wrap the government case up tight --and sound the clarion call to the next generation of draft raiders not to mess around in small rural towns!

Upon questioning, (1) Citizen Charles E. Jeutter stated: "Always the same. We arrive at work at 3:00 o'clock. My brother and I. I drive." He was the baker. (2) Citizen Oscar Helgeson starts his garbage run at 2:30. It is always the same except Saturday; Saturday we start a half hour earlier." (3) Charles Robinson is the citizen who owns the "Pizza Villa", lives in the Tessmer building and whom everyone in Alexandria, Minnesota knows walks his dogs -- "I had two. I have one now." -- around "2 to 3:30 in the morning". Mr. Robinson has "poodles." Finally, (4) Citizen Burdette D. Benson knows that the Greyhound "going east to Chicago in the evening" goes through at "2:45" and the "bus going west to Seattle goes through Alexandria" at "2:47." Thus, (5) Chuck and Bill were had by the astrologically unchanging timeliness of small town residents! Good people who we sought in our own way to serve, and who served in their own way to bring a human smile to a dreadful trial scene.

While hearing the testimony of these Citizens, I couldn't help but laugh at myself - and recall the lessons of Sinclair Lewis's novels about small town America (Sauk Centre was one of our cased towns!). Most of all, life continues to amaze me with its complexity. Just think of the thousands of distinct and separate worlds which overlap into what we call a day. How strangely funny it is for me to now know that Mike and I were "being watched" as we ran through our little life drama! As we saw those nights, we were alone - we believed that we were succeeding at what we had planned. Yet, on top of all this *someone* was recording our every move and putting it down in their little notebook. My life became part of someone else's life - someone I may never get to know or meet, but who has spied on and captured me! Ah, the glorious mysteries of plain ole human living! *Out of sight.*

So in our trials, there were specks of humanity flung out upon the Court's corpse-like pallor. Five of us stood convicted, after trials which seemed to achieve little else except our exhaustion. Yet the immediate effects of an action can seem minimal, while the long range impact may prove beyond one's intention and imagination. This was the hope and the output of the struggle which nourished us and let's us live.

. 12.

The below-zero winter had settled itself into the nooks and crannies of the neighborhood houses, to shift, swirl, hang icicles down and pack itself hard in for the months until late April. Christmas 1970 had come to our families, and each of the eight faced the same kidding which colorfully wrapped our just received Government presents: "What can we get for our son-the-criminal?" Most of us got perishables. Things for smell, or taste, or drinking pleasure. When I'd open an inedible present I'd say, "Well, at least I'll have a dressy shirt when I get out of prison!" The mirthful family laughter cut the edge off the sad-eyed "let's unwrap the presents" scene. It was Christmas Day and in three more days five of us were to be sentenced by Uncle Ed. A social friend of his told us that every year Devitt plays Santa Claus for a local Catholic Charity ... however, we didn't expect Santa Devitt to give us any treats. Indeed, he opened a *BIG* holiday package: five years vacation, including free room and board, free medical care, supervised recreation and *total* security. Flabbergastingly generous! Truly part of his Catholic Christian Christmas spirit!

This was only the second time a draft raiding group got the Maximum Sentence. The first group was the Chicago 15. Uncle Ed had yuletide words for us, and likewise Bill, Chuck, Brad, Pete and Don sang carols to him ... but those words will have to wait until we all gather together at the end of this book to sum up the whys of the Government's and the Judges' actions.

This December 28th sentencing didn't exactly up our holiday spirits. The press was covering us fairly well according to its own standards ... rather limit that coverage to the two major Minneapolis papers. St. Paul practically ignored the trials taking place in its city... a tribute to Devitt's local power. In form the electronic media was rambling along with one-liners about our convictions and length of sentences now and then between their Christmas Season barrage of consumerist commercials!

During this Christmas Holiday we had to make our trial arrangements with Neville. Now recall that Neville had given Mike and me sixty days for our pre-trial Motions. When our time was coming up, Ken phoned him in early December to ask about a date of trial. All of a sudden Neville was in a hurry! He wanted us scheduled in before Christmas recess! In a splurt of telephone honesty he told Ken that he was catching a lot of hell from the other judges because of his "leniency" in granting us sixty days. Far out! As I said before, a standard criminal case takes up to six months to get to trial ... now all of a sudden every me was worried about our constitutional rights to a "speedy trial."

With a few hemmings and hawings we got the date set for January 11, 1971. Celebrating New Year's Eve was a hot toddy mixture of emotions. That eve is usually one of nostalgia for Karen and me, since we had met at a New Year's Eve party. With something of a merry-painful memory we always talk about how she was turned-off at first because I was loud, fairly boozed and handsy. So we usually spike the evening with tales of our lovers' journeys through my male supremacist and chauvinistic ideas into our present feminist togetherness. However, we knew that 1971 would mark the beginning of a very important ... if not down-right strange year. A year of challenge and change for both of us. As with every struggle we knew that if we were honest with one another then we'd survive the year and all the jails and cages it had to offer. We just hoped that what would be happening to us would be good for other people in this country as well. 1971 turned out to be a year when we surgically probed the cerebral folds of the nation's mind looking for peaceful thoughts and judgments of sanity. More was in store for both of us because we hardly, then, knew the condition and spirit of our guide and teacher, Philip Neville.

Since Neville had responded in a long written reply, with the same judgments as Devitt, concerning our pre-trial Motions on electronic surveillance, the FBI files, the informer and so forth; we sensed that the scope of our trial would be limited. However, Ken and I had submitted to Neville extensive pre-trial memoranda about our intended defenses. We hoped that his liberally quilted mind might feel the pangs of conscience. What we informed Neville about was that Mike and I wanted to proceed with a Defense of Justification, of Necessity. This is, simply stated, a defense which argues: we committed one evil (i.e., breaking the law) in order to avoid a greater evil (i.e., the Vietnam War.)

This defense does not have long-standing precedent in criminal law. In fact, it is just suggested in the Model Penal Code, which is a series of theoretical laws which are offered to judges and lawyers as possible defenses. Now Ken had done a lot of work to prepare our brief. He had found legal precedents, though most were from the last century. For example, some sailors had won a mutiny charge by basing their arguments on the insanity of their commander. Their actions were held to be justified. Also, in practice, often a person who has stolen a boat to save a drowning swimmer has

the charges of theft dropped. So too, a person blowing up a dam which floods a valley killing a thousand people is justified if the act was necessary to avoid the deaths of a million in a city above the dam.

Added to this, I submitted a Memorandum outlining my theological defenses based upon the Scriptures and the *Documents of the Second Vatican Council*. I laid out the principles of my theological tradition which led logically -- taking into consideration the undeclared war situation within America -- to draft raids. In brief, I stated that the sacramental theological tradition shows that Christians have always taken secular symbols, e. g., water, into their worshipping communities and applied them to a facet of Life, e. g., birth, and therefore raised the dignity of that secular event to a spiritual depth, i.e., for Christians the sacrament of Baptism consecrates and sanctifies the process of Birth. Further, most sacraments have had socio-political effects. In the case of Baptism, it protected babies from the Roman practice of infanticide. Whether you interpret the historical situation benignly or not, it was a felt social responsibility on the part of the early Christians to go about collecting unwanted babies, sometimes from trash heaps, and baptizing them ... therefore protecting them from being killed.

Furthermore, the commonly known "Seven Sacraments" sanctified every phase of interpersonal life: birth, death, puberty, marriage, choosing avocation, old age and daily communion among Christians. Each of these interpersonal sacraments had socio-political ramifications. Now, I argued, the need in the world is for modern Christians to follow out this sacramental principle and create social sacraments for the people of the global village. For example, the main social problem today is war (which in Vietnam also amounts to infanticide) and, therefore, we need a sacrament of *peace*. In like manner, to the slavish Draft System, we need a sacrament of freedom: Resistance -- which I said, is a spiritual posture first, secondly a political one.

Neville had commented on all our pre-trial Motions, but not on our Memoranda. When the trial began our Prosecutor, Thorwald Anderson, objected to our intended defenses and asked for the Court's decision. What Neville was to craftily do was to place the trial under his control in a total fashion. He did this through the tool of the "standing objection." This meant, as he told it, that he was going to withhold his decision until he could get a fair idea of what we were going to do. From a liberal perspective this seemed a fine thing to do ... he would not pre-judge us! No, not ole Humphreyite Philip, never! He'd let us anti-Vietnam war Resisters talk on and on, and he'd only make the decision when he had "enough facts" to warrant a just and informed judicial decision. However, this move placed the crucial sculptor's chisel into Neville's professional hand. What happened to us from that moment on was that whenever any of us, witnesses, attorneys or defendants, seemed to be bringing some facts into the trial that Philip didn't like, e. g. about the War, he could hammer and chisel away with the strokes of both judge and prosecutor.

Visually, he'd do this by leaning over the rim of his Bench, jutting his head toward the witness, saying, "I think I'll invoke the Government's standing objection at that point." With superb skill, while thoroughly stopping us just as Devitt did, Neville could keep up the appearance of giving us an open and honest trial. Whereas Uncle Ed is blunt and has a no-bones style, Philip is a sly, crafty showman who knows how to "draw the suckers in." Because Neville acted this way, I was tilted off balance. When we had first met on the day of the Pleas, I found him not to be hostile. In fact at times Neville seemed patient and almost concerned. However, I responded quite negatively to his darting, unsteady eyes.

I refused to make much of his eyes at first. "After all, maybe he was just nervous?" However I was wrong, for as the trial began he became "the Father." Whenever we'd meet in his Chambers to discuss a point of procedure, he would be "out-of-his-way-friendly." Philip's the type of guy who interrupts you when you're talking, but you can interrupt him too. More he seems to like to joke, and at one point while enjoying one of his own jokes, Philip placed his arm around my shoulders and called me, "Frank." I have thought back over the trials and realize that I'm not far afield when I say that Neville responded to me as if I were his son. Unfortunately, that is Philip's main weapon: paternalism. I was like his boy coming home from college with new-fangled ideas about society. "Dad" Philip wanted to still be "in" with me, so he told me about how he too wanted to change the world ... yet he didn't want to face up to, or have me know about, his role in the nasty business of the real world. So he waited until "my visit" was over and I went back to school to get lost in some more theories and books ... then he could go back to his job and not think about those conscience prodding ideals until I came home again.

The bind now was that I was actually in his Court ... a marking on his Court Calendar ... part of his job load. What would he do? For awhile he would just put off the inevitable. Almost always I felt that he wanted to ignore Mike and me, hoping that if he ignored us we'd fade away. He openly let us know his liberal prejudices, specifically that he was against the War ...but true to character he wouldn't talk with Mike about International Law, like those applied at Nuremberg; nor with me about moral or political theories.

Yet dear Philip wanted Mike and me to do more than just stand there. "What can I do?" he seemed to be saying to himself up on his Bench, studiously following what we were saying. "When should I do it?" In contrast to Devitt, Neville would spend days in twitchy indecision, flip-flopping back and around seeking comfortable postures, leaning forward and tapping his fingers on his notebook binder, fingering his cheeks and chin as he listened and waited, trying to judge when to cut off the conversation and say, "Now look, son, you'll have to face up to the cold, hard facts of the real world, *out there* ...!"

Neville was to parody our style and pull off a hollow symbolic act. He would give us the form of a fair trial, without any content. True to this style, he had lessened the actual "muscle" of the Marshals ... our supporters could laugh and even occasionally shout something out ...but he did nothing to reduce their armed, numerical strength. I've always wondered just what Philip would say and write about our trial. When I tried to get him to spend time ("off the record") just talking with me, after the trials, he wouldn't do it. Three times I went to his Chambers, and three times U. S. Assistant District Attorney Thorwald Andersen would be there with his notebook and pens, even when I told Philip that I was intending to write a book about the trial, and that I wanted to know him better so as to treat him fairly, he'd just pass it off with a wave of his left hand and say that he'd have to take those risks. This reaction is typical and loaded with significance. For Neville really doesn't care about books, history, social theories ... he is solely concerned with legal facts and legal prestige, and he knows that legally I can't help or hurt him. Neither Mike nor I are in his social class or carry any weight among the powers that be. (You'll have to remember that a Federal Judge is appointed to a life term. So he does not have to worry about the public, just the Party's higher-ups.) Neville always treated us from a position of power ... in the end, I'd have to say that he always played us from a position of power; he worked us like puppets.

#### IV. Witnesses of Facts & Witnesses with Faces

.13.

So Philip Neville retained a tight-fisted control over our trials through his "discretionary power" of the "standing objection." As we moved into the testimony, Thor called to the stand all the Government props who just simply and rotely rehashed and retold our Little Falls story. I sat doodling at the defense table ...wondering "What does he have to prove?" since in my Opening Statement to the Jury I had admitted about five times that Mike and I did the raids! I told the jurors that we "Did it!" and that Mike and I had come to Court to tell them WHY we did it. Possibly Thor has to earn his keep and go through things from his side?

So, we sat through a day and a half of Government testimony, with a large slice of that time devoted to a combo verbal/blackboard reenactment of the HOWS. In their clipped fashion the FBI agents began, "Shortly after midnight, approximately 12:15 a. m., on July 11, 1970, the car ... they proceeded ... they entered ... we were in the storage room and heard noises from the rear ... also a flash or flashes of light ... we heard movement ... more or less a shuffling about ... then I heard a pounding which to me sounded as if metal being ... metal hitting metal ..." In every trial we heard the same precise, sensuous phrase: "metal hitting metal." A well rehearsed group of FBI panelists.

On cross-examinations Ken or I would probe, not at the HOW facts, but at the moral and political issues which we hoped to raise. But every time either of us would establish something, Neville would do us in. For example, Ken cross-examined FBI Agent Donald W. Peterson. Ken found that Peterson had been well trained during his twenty-one years with the Bureau in "modern investigative techniques," was "an expert in various forms of surveillance including radio surveillance, electronic surveillance, and what some people might call 'telephone tapping'." Ken even got Peterson to admit, though he personally didn't know the precise orders, that it was fair to say that Mike and I were under FBI surveillance.

When Ken tried to take the next step to determine the kind and extent of that surveillance, Neville would give the screws another half-turn: "Objection sustained. We are not going into that matter." Later on Ken even got Agent Peterson to admit that there were "informants" though of course Ken couldn't get him to say "human or electronic." When we argued against his restrictive actions, Neville remained unmoved, though several incidents should have drawn some response out of him. One incident concerned a *NY Times* article which quoted Attorney General Mitchell as having stated: "He (i.e., Mitchell) has asserted in court cases that he has legal authority to eavesdrop *without court authority* on both types of groups (i.e., radical groups and foreign spies) when he considers the National Security to be threatened. This type of surveillance has not been ruled upon by the Supreme Court, and the Government has not disclosed how much of it is going on." (*NY Times*, Tuesday October 6, 1970.)

Mitchell had made this speech in Atlantic City to a national meeting of Police Chiefs, and his words were public document. Ken felt that Mitchell's words should give Neville pause to consider that the FBI had spied on us without court orders. Neville remained silent, so I stood and tried to bolster our reasonings by relating a personal experience. During the Devitt trials, Prosecutor Renner had stood up at the close of the first trial, when Devitt was mulling over the matter of bail, and said that "he had it upon *reliable sources* which he had *depended upon before*" that some of us were planning to go to Canada! Brad and I almost froze our glances together. Just nights before In Lorna's south

Minneapolis apartment --all alone -- we had hashed over that possibility! We had discussed it with no one else, nor anywhere else. Did Renner have ESP or were there some electronic bugs in the dusty corners of our sweet friend's living room? Predictably, Neville remained unmoved, though Ken argued logically that "the prosecution cannot gain from its decision to reveal the informer's identity. Fundamentally, the Process of Law, and basic considerations of fairness require the requested disclosures." But the Law has its own crazy logic and Neville has his discretionary powers, and with both together we were on the outs of that situation once again. Two strikes on the electronic surveillance and the informer. Strike three came after a lengthy search for the contents of certain FBI files.

This issue got its fullest treatment in trial number two when Agent Ben Patty, Jr. was on the Stand. We had him affirm that, "At 110 Fourth Street there are data or notations or information files, to use your own words, that will show that each of the three defendants are actively opposed to the Selective Service System and to the Vietnam War, and that on at least more than one occasion they have taken, each of them have taken, active part in demonstrations: by that we mean public displays of their opposition to the War and the Selective Service System and that they have otherwise engaged in protests and dissent to the Selective Service System and the War, and by the War we take it to mean the Vietnam War?" The particular dodge used by the FBI witness to protect himself is the "forgetful memory." Whenever Ken or I would press an Agent for specifics, he'd shoot out in a rapid fire, clipped, military cadence: "As I stated before .. I can't recall anything in particular that you were involved in." "Particulars I don't recall." "The particulars you ask me, I don't know."

Now there is one truly spooky thing about a courtroom: lies seem to echo cleanly and distinctly. I don't know why that is so, but it is true. Often a group of high school students would be visiting Court during one of our trials. On one specific occasion I talked with some of them -- young women from Montana -- and several said outright to me, "Can't the Judge see that they're (i.e., the FBI Agents) are lying?" Like them, my Mom couldn't believe that these much heroized defenders of the law would play such low-down tricks on us. Even more infuriatingly funny was the episode wherein Ken tried to get Agent Patty to define "demonstration."

*Question:* "What is a demonstration in your words?"

*Answer:* "A public display of dissent, or not necessarily dissent, but of your views."

Incredible! This was the basis for the birth of an FBI file -- that a citizen "demonstrates" -- which means "a public display of your views!" This type of straightforward government definition should give many of you readers a tingle in your spine -- and vocal chords! However, we have yet another example of this artful FBI dodging of how "to tell the truth, the whole truth and nothing but the truth." Agent William G. Lais was on the stand:

Tilsen: There's been testimony by others about a list with license numbers on it. Did you have that list in your possession?

Lais: Yes, I did.

Q. Do you have it in your possession, now?

A. I don't have that list, no.

Q. Where is that list?

A. I am sure I destroyed it.

Q. When did you destroy it?

A. Well, I had no more use for it and I presume I destroyed it either that day or the following day.

- Q. About how large was the list in terms of numbers, approximately?  
 A. This is just a very rough estimate -- probably 20.  
 Q. In terms of the numbers of combinations of persons, that is, numbers of individual persons who you thought might be going to Little Falls to enter the Board, about how many numbers were involved?  
 A. Probably close to 30.

(Pause. Ken turns around, walks to the defense table. His assistant, Stuart Wells, leans over and whispers something into his ear. Ken turns towards Lais.)

- Q. Do you have a COPY of that list?  
 A. Yes.  
 Q. The *one* you destroyed?  
 A. Yes.  
 Q. *Where* is it?  
 A. I have it with me.  
 Q. May I see it?  
 A. Yes.

See, we were entitled to the truth only if one of us could trip up the Government's witnesses! Just one clever symbolic event of the type of fun and games that goes on when the Government has a stacked deck and can play the cards in any fashion it pleases.

When Thor had finished presenting the government's case, all he had done was simply fill out the picture of our admission of guilt. In its case the Government offered into evidence, not discussions of the war or of the morality of the Government's foreign policy but, a sterile looking list of exhibits which is all that Thor felt must be stated.

What the Government's evidence shows is that for it, ours was a *crime of property*. Whereas all eight of us argue incessantly that our actions stand out, precisely, against this inhuman Governmental style of reducing everything and everyone to a property relation. The War in Vietnam is reduced to matters of foreign policy Laws, defense budgets, draft files; no one in the Government talks about the lives!

So too, our lives -- the lives behind our actions -- were ignored by the Government. This is simply and amply shown in the outline of it's case which reads:

GOVERNMENT EXHIBITS	Marked	Offered	Received
1. Photograph	101	102	104
2. "	101	105	108
3. "	101	114	114
4. "	101	114	114
5. "	108	116	116
6. "	108	116	116
7. Pair of pliers	108	121	121
8. Can of Black Spray Paint	108	120	121
9. Box, garbage can liners	108	110	
10. Plastic garbage can liners	108		

11.	Army Pack	108	118	118
12.	Pieces of glass	108	119	120
13.	Pry bar	121	126	126
14.	Hammer	121	127	127
15.	Screw driver	121	127	127
16.	Glass cutter	121	133	134
17.	Torch lighter	121	134	145
18.	Pocket knife	121	128	128
19.	Microflame torch	121	136	136
20.	Screw driver	121	128	128
21.	Screen	121	122	125
22.	Aluminum foil	121	129	129
23.	Oil, sewing machine	129	129	129
24.	Flashlight and batteries	129	130	133
25.	Cylinders of butane & oxygen	129	136	137
28.	Box of 1-A forms	106	106	109
29.	Gloves --Super Tiger	112	112	113
34.	Nylon Jacket	119	119	119
37.	Letter -- Little Falls	141	141	141
38.	Letter -- Associated Press	144	144	144
39.	Letter -- Minneapolis Star	144	144	144
40.	Letter -- United Press	144	144	144

These "things" are the Government's complete story of our trial. In the end, these *things* were to be all that the Jury could think about in order to come to a verdict. And the total effect of Neville's style was to keep the trial centered on these "things" while he let us - and the public - think that he was actually concerned about life! As Ken, Stuart, Mike and I prepared for our days of testimony, we knew the stuff of Neville's magic. Deep in my heart I was hoping that Philip's devils would be cast out -- but would it happen? Would it happen through me? Philip was to teach me a lot about spiritual truths!

.14.

At our commune, during the nights, the sheer psychological weight of all this Government impersonality would topple me. I'd find my mind wandering amidst the plates around Joan's vegetarian brown rice heaps clutching onto aimless, inane subjects - a habit I picked up which has stayed with me for a few years now. From our house library I'd pick up a non-political novel, or lounge watching TV fantasies like *Star Trek* or waste an evening at some silly movie. My mind was yelling for some kind of out. Previous to this trial period I had always spent my recreational time reading some classical novel, or going to a serious play or underground movie. In some ways, though, this psychic fatigue was good, because, to relax, I also began to seek out the company of human friends. Hardly ever before these months was I one to sit and "pass time" in conversation. Hague House, at that time, wasn't the most political commune around, and this also had its benefits. The people who lived and visited there were into all types of trips -- from handcrafting looms, to organic farming, to Quaker mysticism. When Greg would stay home during the days of my trials, I was hurt. He would say that going into courtrooms really hassled his head, and he didn't want to handle those bad vises. In a sense, my communal friends helped me to keep things in perspective.

After all, what I --and all of us there --were struggling for was a freedom. Greg's freedom was responsible for providing me with a sense of the greater life whole of which my particular actions were just one part.

Hague House was also a crossroad counter-culture motel. People would wander in, stay awhile and split without much conversation. Living in such an open-ended commune both placed me in contact with the wide variety of people who identified with "the Movement" or the "counter-culture" and showed me the shortcomings and limitations of the present radical lifestyle. As I went to court everyday the moral ideals I was to shout out and defend began to carry more concrete needs and human faces, than they did when I was arrested. Upon my spirits and shoulders yoked both a painful weight of impersonality and a joyful burden of new communal faces. Our Resistance collective, "The Committee to Defend the Eight," also offered a plentiful harvest of good friends. These were mostly "politicos," people who were not afraid to identify with what the Resistance was doing, people who made it possible for the eight of us as individuals to bear the day by day emotional brunt of the Government's heavy-handed abuses.

To you, the reader, such friends are just common names ... the Rons, Rays, Marvs, Dexters; the Lynns, Connies, Marys, Karens ... a huge list of common sounding people who are, in truth, the real story of our actions. They are a story that I am not capable of telling because for me it is a story of receiving. When Resisters talk about community, about new cosmic feelings, new Bodies -- we speak about a reality that comes during early evening meetings in a winter cold, electric heater blown, politically postered Liberty House basement at 529 Cedar. We speak about the casual embraces and smiles that draw us into some communal living room wherein we know that none of us have to "put on" to impress anyone.

Community means so many people who are the places wherein life is nurtured. If I can live long enough and muster the courage and talent, I'd like to tell the stories of these Resistance people. Men and women who have begun struggling against the whole "normal" world. People, mostly middle-class whites, who in the Sixties "dropped out" of the schools, the religions, the systems, and the male culture. Young people who wandered broken in spirit at twenty, freaked out at twenty-one, beaten, battered and bruised in body and spirit for endless ages of youthful years. Faces which gave flesh to the despairing images of existentialist poets and philosophers. Legs and hands which walked and crawled across a bombed-out suburban America seeking to kiss the radioactive feet of the Hiroshima Buddha Child. What a people! Sloughed off children of the Establishment's tuxedoed corpse -- who have been tombed like Lazarus -- caged and buried deep under the urban fill -- only to be seeded-only to wake wondrously astonished at *their own* roots - only to be raised up again - -new flowers drawn from the faithful earth by the fiery sun - to struggle humbly yet fiercely through a new birth.

Yes, I too was being broken and buried -- murdered. Looking only at myself and my fate, I was depressed. When I allowed myself to feel and hear and see and smell and taste the fragrances of these others, the burdens and the weights vanished. I who was trained to give and give and give -- learned the staggering burden and joy and freedom of receiving. How can I tell you about this healing -- about being reborn to a collective Body? Now my words sound too romantic - yet I have survived, more I've been freed. How else can I begin to explain all this to you? Yes, there are too many tears in my eyes which wet those reminiscences. Yet words have never been able to capture nor convey the fullness of spirit. To know that part about us and about our trials, you'd have to come visit our communities, stay for dinner, and rap the evening away.

Seeing ourselves in this light, the task for Mike, Ken, Stuart and me was to pierce the veil of illusion which Thor and Neville had tried to cast. To do so meant to conjure up equally as powerful spirits. We knew that we'd have to bring forth the spirits of the living and the dead. Here we meant the living spirits of those who do not die, those deathless people whose spirits live within our own bodies and spirits today -- our Resistance ancestors. Astride that spirit's glorious fire we'd have to march forth the sad spirit of those endless bodies crushed so senselessly and meaninglessly in wars and human atrocities. Such a gathering of human spirits, we knew, would be resisted almost *anywhere within* America, whether in classroom or church -- but more so in the courtrooms. The courts do not deal in spirits -- so they say. Rather the actual case is that their demonic spirits have sealed off every System's courtroom space; and like gargoyles they sit above the judicial doorways casting spells over the mental spaces of any who enter their sanctuaries.

Aware of where we were and what was in the air, we opened our case. First we were to bring forth those witnesses who spoke about the American traditions and principles of Resistance. Our task was to be rendered futile by Neville. Nevertheless, we had hopes. Historian Staughton Lynd began by speaking about the "tradition which begins with Socrates, or in a different way with Jesus of Nazareth, of individuals defying orders of the State which they felt to be in contradiction to conscience or universal human right."

"In American history, this tradition begins very early. For example, in the Massachusetts Bay Colony in the 17th century, members of the religious group to which I belong, the Quakers, insisted on witnessing to their religion despite orders of the State to leave the Colony. And in many cases they were imprisoned or executed."

Neville broke in at this point, leaning forward like Zeus ready to heave a thunder-bolt: "This is exactly what I did not want to get into. It is a discussion of history. We are not trying the Boston Tea Party and we are not trying the Civil War. We are here about July 10th and two people who came into the Draft Board. I just don't see the relevance of all this." These words seared into my mind as I sat at the defense table scribbling notes. I thought, "The colossal stupidity of such a man like Neville! He pretends that history doesn't exist!" I'm sure that I scratched out a few choice Nevillean phrases on my pad with sarcastic flairs drifting off into obscenities. Incredible! Here was soft-spoken Staughton Lynd -- not soft-spoken, no, he is unbelievably pacifistic -- when Staughton is in a room he draws the silences around him like a shawl. The Quakers believe in the Quiet, and Lynd is aured by it!

In comparison to him, Neville sounded like the ghetto junkman, clanging his wares and horse-shouting his offers. True to his class, Neville, in the classical American words of Henry Ford, said, "History is Bunk!" Neville constantly plays the game that there is no history, that there are no American traditions of Resistance. When our group recessed together, I asked the others, "Just what is Neville really doing? He gives us the "go ahead" and then when we "go ahead" he stops our testimony." I wondered to myself often, while perched on the sixth floor looking out over towards the workers building the new Federal Reserve Building -- "Just what in Your name is being done here?" and, "What am I really supposed to do?" Was I being an "instrument of the Lord" amidst this chamber of devils?

For me, with my own way of seeing, the whole trial was a prayer. I took my place in that courtroom determined not to "push" my way around; I was seeking the humanly spiritual signs of what I should do. What Neville did allow Lynd to talk about was the 1960's Resistance. On that topic, Staughton was able to bring in some facts about the Civil Rights and Peace movements; the civil

disobedience actions of Martin Luther King; and the growing anti-war sentiment arising from LBJ's escalation of troops in 1965 when "the troop involvement in SE Asia grew from 50,000 to more than 260,000" at a rate of increase from "30 or 40 thousand a month." Staughton explained how this escalation drew forth the largest, nonviolent protest in American history. Basing their politics on the Declaration of Independence, he testified, these young people began to March on Washington, work in electoral politics, eventually move in their frustrations to symbolic actions like draft card burnings, and then, peak in 1967 with the draft raid actions of the "Baltimore Four" and the "Catonsville Nine." Following these first Berrigan draft raids, every month has seen some type of attack on the draft system. Staughton brought forth the Movement's core anti-war protesting principle: that "some property has no right to exist": meaning that type of property which kills people. In my terms, the Movement sought to cast out the demonic elements.

Mary Davidov, a thirty-nine year old non-violent Resister, filled out (through his own personal experiences) what Staughton intended to say when. Neville cut him off. Marv is one of the few still active Old Movement people here in Minneapolis. He has a bald eagle head nesting upon the bushiest mustache this side of Kalamazoo: People either instantly take to or turn away from Marv, because he is a bellowing, hugging fellow who, once he gets your attention, starts spinning Movement stories which can keep you entranced for hours. Philip Neville didn't turn-on to Marv! But Marv got to spin a web of facts, though he, like Staughton, had to keep dodging around Neville's fatherly advice and eventual "objection sustained" irritations. Marv spoke of his college years here in Minnesota at Macalester College, and how after a stint in the Army from 1954 to 1955, he got involved with "a group of Minnesotans, men and women, who were protesting atmospheric testing of nuclear weapons, not only by the United States' Government but by the Government of the Soviet Union." This was back in 1958. Starting in June 1961 Marv became a "Freedom Rider." Through these stories of his Civil Rights experiences in Jackson, Mississippi, and the Mississippi Penitentiary he tried to show why so many Americans have come to civil disobedience. He spoke to the effect of such actions. "Four years later, the United States Supreme Court ruled that the officials of Hines County were breaking the Law of the Land; that all (Greyhound) terminal facilities had been ordered to be desegregated in 1954 and were, in fact, not desegregated. It was the demonstration itself which at least raised the issue before the American people, the issue of racism and exploitation."

As Ken questioned him, Marv told of the 1963-1964 seventeen month walk "from Quebec, Canada to Miami, Florida protesting the Government's Bay of Pigs Invasions against the Island of Cuba, and the Cuban missile crisis." Marv's recent life is almost a nut-shell history of the Movement: he was with the "first mass protest against the War in Vietnam, which was held in Washington in 1965," the "Assembly of Unrepresented People in August of 1965," and "I worked with the Berkeley Vietnam Day Committee." Marv helped organize the Los Angeles draft Resistance movement in 1966, and in that same year he began a partnership with "Liberty House people, that is, black people organized into Mississippi cooperatives in a self-help project to let themselves out of the incredible poverty they were subjected to in Mississippi." In 1967 Marv was on the hills of San Francisco with 70,000 other Americans demanding "immediate and total withdrawal." He came back to Minneapolis in 1968 and helped organize the "Honeywell Project ... an attempt by local citizens to stop the directors of the Honeywell corporation from producing anti-personnel fragmentation bombs and many other hideous weapons which have been used indiscriminately against men, women and children in Vietnam." Neville pounced on this mention of the economically and politically powerful Minneapolis based *Honeywell Corporation*. Neville: "Again you are editorializing about things. He asked you what you did. You returned to Minneapolis in

1968 and helped organize the Honeywell Project. We are not here trying the *Honeywell Corporation*." Marv: "I wonder why, sometimes."

Marv then tried to introduce a Honeywell fragmentation bomb as evidence in our case. Neville rejected it. When Marv kept pushing about the evil complicity of the corporate leaders of Honeywell, Neville fumed. In Democratic protectionism: "We are not here trying Minneapolis Honeywell. Whether they are just or unjust or proper or improper in what their Board of Directors do ..." Marv spoke but a syllable in response and down came Neville: "*You are not to talk! You are not to talk!* You are a witness to be asked questions of and to give answers." The tension in the courtroom was sinewy and quickly flexed. Since we found it not to our benefit to provoke Neville, we helped Marv finish up his personal Movement history which included, somewhat ironically, with his "grassroots campaigns for Senator Humphrey, for then Congressman Eugene McCarthy ... and in 1960 for the election of John F. Kennedy to the Presidency."

Because of scheduling difficulties with other witnesses flying in from the East Coast, Marv's testimony was spread over two days. In some ways this was good because it allowed the jurors to take Marv in smaller doses! When he returned, I was questioning him about non-violence. He stated that, "Non-violence is the art and science of the attempt to solve human conflict without using murder, exploitation or brutality, either physically, spiritually, or psychologically. Anyone involved in the process of non-violence or who believes in the philosophy of non-violence has to go through certain stages in an attempt to solve any conflict. One has to discover, first, if in fact there is a conflict. One has to discover if there is an injustice, because the philosophy of non-violence can only work in just situations. You can't use non-violence to defend injustices. Having discovered there is a conflict, that there are injustices present, one goes through various stages in the development and the use of the technique and philosophy."

Marv and I spent about forty-five minutes discussing, through questions and answers, the way in which a person acts non-violently to solve conflict. I felt it of tremendous importance to allow the jurors to see the reasonableness of non-violence, and to become acquainted with its oddities -- oddities to those persons who are accustomed to resolving conflict through violence, of some sort. Marv talked about putting one's body between the attacker and the attacked. He spoke to how this "does imply a spirituality, because you deny yourself the possibility of doing physical injury to anyone, and the attempt is made to avoid psychological injury to anyone." Now I knew, and most Resisters knew, that the jurors would be highly skeptical not only of our non-violent ideals, but that we would practice them. That is why we had Marv give his long history of struggling, years in prisons, and non-violent views on America's problems. He spoke to the Resistance vision of healing: "The aspect of reconciliation is the fundamental aspect of, or one of the fundamental aspects of non-violence. But it is also speaking and acting out profoundly against the Injustice, no matter what the consequences to one's self, but holding open the possibility of reconciliation with the opponent." With a statement like this, I hoped that the jurors (and you) could understand why we were in Court -- admitting the "crime."

We sought to bring Neville into our arms. Not into arms of war, but into the arms of peace. I stood before that man, Philip (as I am to stand before him again shortly,) and I opened my heart as wide as the pain permitted. I struggled not only to show him myself, but in placing my spirit before him, I hoped to lure those lurking sentiments, those caged sentiments, of love and peace and brotherhood out from his heart and into his mind. My whole trial sought one scene: to have Philip Neville come down from his black cushioned swivel chair and embrace me with the hugs and, hopefully, tears of humanhood. I was willing to be Reconciled but Philip knows only of laws which settle.

In concluding, Marv spoke movingly of this belief in the "Human Family which crosses international borders. There ought to be a Family of Nations and that is what we, in a sense, are trying to create -- without any borders that would inhibit travel or the free flow of ideas and Human Warmth." Yet, with a voice of what many would call realism, Marv answered my question: "Finally, then, Marv do you feel that non-violence is the only thing which will work to resolve the problems of human conflict?" Marv: "No. I don't. I would choose non-violence above any other form, but looking back at the injunctions which we have received down through the ages, I think people ought to resist injustices by any form whatsoever if they cannot accept non-violence. They ought to defend themselves and create justice, although I believe non-violence is the best way. However, if we are continually pressed and the vehicles of communication are constantly closed, more and more people are going to turn to violence, tragically."

And it is this "tragically" that draft raiders try to avoid. Our draft raid actions are border-line cases. Yes, we act in certain violent ways -- breaking and entering, stealing files -- but it is an act with the greater intention to raise the consciousness and moral sensitivities of a people. What the Government consistently fails to ask itself is, "After non-violent people like the *Minnesota 8* then whom?" Neville could look at me, talk with me, hear me plead for morality and rationality ... and play pretend games with me. After me comes the anonymous assassin, the lone-wolf bombers ... terror. I have only a sense of deepening tragedy when I have to tell you all that we Resisters are the last sentries who will come back to talk with you ... after us comes the seven-fold demons.

To give a heightened sense of the terminal sickness which is wasting America, we called Alan Hooper, a professor of Genetics and Biochemistry at the University of Minnesota, to talk about the function of science within our culture. Al has been in the Minneapolis Resistance community for a long time, and he is a personal friend to many radicals. Personally he bears the affliction of wanting to be a scientist but of not wanting to work for the Department of Defense. As most research scientists know, almost all research funds come from the Department of Defense, or are ear-marked by a Foundation for military research projects.

Al spoke to the changing attitudes among the young towards science. He tried to convey to the jurors another sense of young America's disenchantment with science-in-itself. The students at the University have formed, and got accredited, many science-humanities wedded courses to explore the moral and spiritual responsibilities of scientists and science. Al guides one called "The Biologists as Scientist, Citizen and Educator." With the habitual piece of chalk the Professor gave the jurors a brief lesson in the ecological disasters settling in upon the world's population, land, air and water. Al worked to his central point: "So the question comes -- are our traditions, our

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In a way I'm always glad when our "personal experience" witnesses have finished. My body can't take it anymore. I just can't understand how people can hear and look and see ... or maybe they don't see, I don't know ... a room becomes Vietnam for a half hour and people just want to get up and go to the Rest Rooms! This reality/unreality switching back and forth takes too heavy a toll. The whole trial became what Vietnam is for so many of my generation, a search for mental health. Understand that, will you please? I am seeking for a health of mind. My body is well taken care of, yes, in many ways that's true... but what is going on in this world? Where in order to turn the ignition in my car I have to enslave so many peoples into poverty? Where in order to flip a switch

for some lights, I have to allow 80% of our economic budget to go for war tools and production? Look, you're my fellow country-folk: *Why has this country been built this way? Why do we compete and isolate me another so much? Why can't we trust one another ... work with one another ... love me another?* Is loving all that hard? Why the biting "realism" gnashed at me by powerful officials like Philip Neville ... who say, "*Now now, Frank, you have to be realistic!*" and then lock me up in an iron cage for five years? *Why? Why? Why?* Oh Lord! This burden is becoming too heavy. The night has robbed my days, and the days steal away my nights. All seems to be confused and diseased. *I just want a nice simple life*, time to enjoy the bee dancing in a flower, after leisure hours to rise from a book with an understanding of people-kind's quests ... simple, happy family life ... and yet they say my mind is "criminal" ... my love is "criminal" ... that I am an outlaw ... that my reality is dangerous and harmful ... that my time is wrongly spent ... am I sick? Am I the one really on the fringe? *This glass of water in my hand, they say it is full of unseen chemicals!*

*Whap! Whap!* "All rise for the Honorable Philip Neville, presiding judge ...." Another session begins: "This man, Dan Ellsberg, from the State Department ... his testimony was restricted ..." A sentence I found spoken in my Closing Remarks. The key to a memory ... what a strange time it was with this Mr. Ellsberg. One morning Ken comes over to me and says, "Look, Frank, we have this guy from high-up in the State Department who wants to come and testify. What do you think?" And then our little conversation wheeled along: "What do you think he wants to say? Who is he? Can we trust him?" It seems that some Movement People on the East Coast {Dave Dellinger} said that this Government guy was looking for a Resistance trial through which he could get some information out. Only today do we know that Dan was thinking about using our trial to release the "Pentagon Papers"! That certainly would have shot our wad, so to speak. However, at that time we let this stranger come in.

What I'll always remember about Dan is his impeccable Eastern Establishment looks: meticulous and precise ... and subway nervous. Boy, we thought that he'd break some mental springs or something before he even began. During the night Dan called Ken four times to go over his intended testimony. Well, as you might expect Neville was not up to listening to any Daniel Ellsberg, recent drop out of the Nixon administration, one of Henry Kissinger's ex-experts. No, nothing Dan said about his personal or Government life moved Neville. After all, Philip had all the power he needed right there at his fingertips in his own courtroom ... so he didn't have to care who Dan was or what he did.

We sat there listening to Dan's background: Marine, worked in Civil Service for five Administrations, MIT, Harvard Fellow, RAND's think-tank, Department of Defense, the State Department, in Vietnam on the Pacification Program ... all these incredibly super-straight Governmental shingles! What was this man leading us to? At one point Dan talked about his Department of Defense work with "maintaining control of nuclear forces in nuclear war" ... was he going to talk about nuclear bombings of Hanoi? Dan was a GS-18, the "highest Civil Service rating in the Defense Department" ... and an FSR-1, "a Foreign Service rank just below a Presidential appointee ... was he going to just level some high-ranking criticism of our foreign policy? Then Dan, through Ken's questions, began to give us a picture.

Dan had worked with various groups like "the so called William Bundy working group analyzing alternative strategies for the President in the fall of 1964." Ah, this guy knew about the decision-making process relative to Vietnam! "I became attached to a study group in the Department of Defense set up by Secretary of Defense McNamara to do an objective study of the decision making on Vietnam going basic to 1940 and going up to 1968." At this point Neville's ears

formed radar cups ... with every word he tried to pull the threads into the pattern. "This was a very large study in which I participated; I did not do it by myself and I was not in charge of it. I wrote the major draft for one of the 30 volumes of the study which ran to 10,000 pages, and consulted on a great deal of the rest. I have read all of it." Little did we know that "it" was the forthcoming "Pentagon Papers."

Ken was leading Dan along carefully laid out lines, casually walking up to the top of testimonial hill ... Neville was treading a path right next to him ... and Prosecutor Thor was really out of the picture! I don't think he knew what was happening ... but Philip, good ole Neville, he wasn't going to let anything too controversial happen in his courtroom, no, sir! But at this point nothing spectacular was happening. Philip says to himself: "This man is just talking about well known Government programs and policies." Then, there was a shift into asking why Dan left RAND's think-tank: "I felt that it was essential at that point to be able to speak freely to the public, to write freely without currents from the Department of Defense, to testify before Congress. I had, been invited at that point to testify before the Senate Foreign Relations Committee, and to be free to respond to invitations such as yours."

So far, still nothing much. "The example of people who have committed themselves to non-violence and who have acted on it has had a great influence on me. It has led me to try to learn their motivations and thinking. I have studied books that they have given me, but most of all, I have been impressed by their actions and their characters, and that has had a very strong influence on my life since, in the last couple of years, the process during which I was trying to understand how we had gotten where we are and how I had come to be involved as I was in the policy."

Neville knew that Ken was going to get into PEOPLE now, and indeed Dan talked about "a Gandhian student, an Indian woman, a Berlin pastor named Muller, and Randall Keeler of the War Resisters League" ... and, "I am going to sustain the objection to that. He isn't here to be examined, to be cross-examined, to be presented, for you to tell us through your mouth what he believes or claims is hearsay." "I was impressed by his actions, not by his mental processes." "I don't want to be mean to you" ... Personal experiences: dead end.

Well okay, Mr. Neville, we'll have to cut short our development of the impact of non-violent personal witnesses upon Daniel Ellsberg ... we'll take another side path, hoping somehow to get to that hilltop ... "While I was working for the Government I was quite ignorant, I would say of the principles of non-violence in an explicit way. However, as I came to understand them as important, the principle of non-inflicting injury on others, and the Gandhian principle of acting truthfully, and it is a case of coincidence that a great deal of my analysis in the Government had come to revolve around the question of *truthfulness* and the consequences of Congress and the public, although ..."

**"I AM GOING TO SUSTAIN THE OBJECTION, (as I indicated in advance) TO ANY CRITICISM OF THIS ADMINISTRATION OR PAST ADMINISTRATIONS OR CONGRESS OR ANYTHING ELSE"** *Ooops!* We lost the battle.

"Criticism of anything else" ... oh, Mr. Neville, what are any of us doing here? No history, no personal witnesses, no criticism ... in brief, no human faces, voices, and minds allowed ... just Philip Neville and his version of the Law.

All of this wouldn't have been so bad, but Philip kept urging our sympathies for his own situation of powerlessness! "I am the third echelon down, the Supreme Court, to the Appeals Court to me."

Good God, what SELF-deception! He wields deathly power and pretends that compassion really motivates him! Our attempts to politicize the trial were torn to shreds ...and Philip wants us to walk around in our rags praising his mercy, extolling: "At least he didn't leave us naked!"

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In my mind after the third day the trial hours fold together like drawn Venetian blinds. However, I know that back then, we met each daylight hour and each night with an emotional strength that I may never have again. In the pitch of battle, against the forces of war and evil, the sidewalks steam out strengths of the buried, and comforts of the yet born, to steady one's legs and fill one's lungs with courage. At so many times I kept saying, "Not my will, but yours Lord ... make me an instrument of your peace" - the floating tidbits from my Franciscan past.

Since I was going to build on Mike's defense, some political witnesses were more important to my case than others. Indeed, the previously mentioned witnesses did not fit into my defense as much as those to come. And in one sense this will give you an indication of the intellectual, non-emotional structure of my theological arguments. I was more interested in developing, for the jurors, a reasoned, logical and rational common sense vehicle to carry their moral and emotional sentiments. Though I had petitioned (a writ: "Habeas Corpus Ad Testificandum") to have the Berrigans and another Jesuit Priest, Joseph Mulligan of the *Chicago 15*, released from prison to come as witnesses, I did not, then, stand in their theological traditions.

I had arrived at my draft Resistance and raiding postures having read less than two articles about the Berrigans. The stimuli for my witness were the evolutionary theory of Teilhard de Chardin and the sacramental principles of Roman Catholicism. In my past I mistrusted "unsystematic" thinkers, which is what I initially felt the Berrigans were. Also, when young men came to me for counseling about the war and gave as their main reason, "I don't want to kill," I would be very dissatisfied and uncomfortable. "Surely you must have other reasons," I'd say almost dumbfounded. For me to act I had to have a world-view, a whole picture, and I saw my draft raid actions not so much as moral witness, but as sacramentality. This meant that for me, the doing of the draft act was not only witness, but the actual effecting of God's presence. Not just a symbolic act, but a sacred reality. The sacramental way of expression is a hard thing for non-Catholics to grasp. Remember, that in the Catholic Church, the Holy Communion ritual is not just a sign, nor a symbolic event of remembrance; it is both those and more: it is the real presence, the flesh and blood presence of God in Jesus Christ. Now I'll grant that this is for many a strange, weird view of reality. But what strikes me true in it is that in any human communication we use "things": words, gestures, embraces, gifts, to express ourselves. And not only do we symbolize ourselves, but for many people the "thing" becomes the person, a true extension of them like touching their hand. Now YOU don't have to live reality just that way, but history shows that zillions of people have. By choice, temperament and calling, I place myself in that tradition.

Now I wanted to show the Jurors that the Draft System is a demonic sacrament. That our Government by constructing a System -- with all its files and cards -- which ultimately results in effecting the presence of Death, has performed a sacramental act. To a spiritual person, then, this demonic sacramental System had to be exorcized - -that is, have the devils cast out -- by doing a parallel sacred ritual, which would effect the presence of Life. In this case that meant destroying the evil elements, i.e., the draft cards, and getting the people to build new Systems which ritualize peace. So you see how for me the draft raid was not only witness, it was prayer. It was not only a

symbolic event, but for me a priestly act of inviting Gods peaceful presence onto the earth. It was a task I was called to, not one I sought out. In this light you can understand -- even though not approve nor accept --my statement that the draft raid was for me first, a spiritual act, and secondly, a political act. How then to convey this sense to the jurors?

Ken Tilsen, a nice, secular, Jew, scratched his head over my phrase, "sacramental theology". . . the others of the Eight preoccupied themselves with other things when I started talking this way during our pre-trial sessions ... Brad sat there, eyebrows crouching, saying, "Translated that means power to the people, revolution, socialism ..." and so forth. What I intended to do through our witnesses was, first, show the evil of the war by outlining how it became and remains undeclared. To show that an undeclared war is not only a political evil, but more a spiritual one because it denies free choice about the primary human concerns of life and death to a nation of people. Second, to show the demonic nature of the Selective Service System in that it also offers young men no choice about the ultimate questions of their own life and death.

To bring out the character of the Draft System we brought two witnesses, one friendly, the other hostile. Our friendly witness, Andrew J. Glass, hangs in my mind's eye as a pudgy sort of fellow with a brilliant, research mind which translates itself in gestures and spoken phrases ala the Glass family in J. D. Salinger's *Franny and Zooey*. Mr. Glass stayed only a day in Minneapolis, so we didn't really have much personal time together, therefore I don't know if he's actually anything like Salinger's people. But that's the psychic snapshot which stays in my image-album head. Mr. Glass stated that he works for the *National Journal*, a "weekly publication published in Washington. It is a nonpartisan publication devoted to coverage of public questions and Federal Government issues."

What he attempted to clearly show was that "88 per cent of the infantry in Vietnam are draftees," and that a draftee's chance of getting killed or injured as compared to an enlisted man was significantly greater. This *National Journal* study gave credibility to the Eight's statements that the lives of men typed onto Draft files were in danger of being killed. Neville and Thor gave us some flak about Glass, but I can't remember exactly what it was. Somehow I remember that Glass had to digress to give Thor a lesson in statistics ... Thor kept raising confusing theoretical challenges to Glass' statement that "the statistic theorem is similar to that of flipping a coin, how many times it will come up heads, chances of being killed in a month or captured, and roughly, the same mathematical formula." Despite this silly distraction, what got recorded was "that draftees comprised 88% of the infantry riflemen in Vietnam last year, while first term regular Army men comprise 10% of the riflemen, the remaining 2% being career men." And "that Army draftees were killed in Vietnam last year at nearly double the rate of non-draftee enlisted men; that Army draftees were killed or wounded at the rate of 234 per 1000, and non-draftee deaths were 31 per 1000; by contrast it appears that a draftee has a 54% greater chance of being killed or wounded than did the Regular Army counterpart." This was, and is, not private information. The study Mr. Glass did was in cooperation with Colonel Montalvo, Directorate for Military Personnel Policies, and has been published in the *Congressional Record* on Senate pages 13936 through 13940.

Our hostile witness was Colonel Robert P. Knight, State Director of Minnesota Selective Service System. Knight is in one sense a "personal enemy." Most of us had known him before our own trial from his testimony at other Resistance trials. Once I even sat in his St. Paul office discussing the war and the draft. This privileged visit was the result of my attempts to get information about the extent of the *Beaver 55* draft raids. Needless to say, the Colonel didn't let me see more than the most general records. Knight is a casual type person with some remnants of military stiffness scaling up

his back. He doesn't like to face moral facts and issues, and when approached as such, falls back upon the conservatives' crutch: "Mankind has always been at war."

No matter what you say or do Knight won't rise up with an emotional response, feel insulted or be moved to anger ... he "just pooh-poohs" serious human matters in a Nevillean manner. If you'd ask him about the relationship between his job as a State Director of a Draft System and the war, he'd shake his head, smile as he answered: "Now that's stretching things. I'm just an administrator." And so forth.

On the Stand he sat confidently, with no fears that we'd get him to say anything too revealing, because Neville always laid a judicial mantle of protection around Knight's neck. Such protection manifested itself when Ken began to question the Colonel about the data to which Glass had testified, and Neville said, "I sustain the objection, counsel. There is no question about it. I admonish you for the third time not to conduct any kind of questioning along that line, do you understand that?" In fact I, for one, couldn't understand THAT. It was as clear as a bell to me, that the draft is the MILITARY Selective Service System, and as such is part of the war our military is waging. Is that not so?

In Neville's eyes, the Draft System is *something* off to the side ... has nothing to do with the Vietnam War (*except* supply the bodies and blood!). All that Knight was allowed to talk about was how the Draft System operates, i.e., who gets classified 1A, and for what reasons, and so on. No mention of the War. Of Draft Resistance. Of the 60-70,000 men who fled to Canada. In his trial, Bill Tilton summed up my feelings when Devitt had also protected the Colonel: "I said it before and I will say it again, I don't see how anybody that is a reasonable man or a human being can sit here and try to say that stuff is irrelevant. I don't really know how somebody could look me in the eye and say that. It amazes me. That is all I'd like to say. You can say, 'Okay, it's irrelevant' but that doesn't mean it is. I have one question: *Colonel Knight, do you at all care about the people you send to die in Vietnam?*"

"Renner: Objection, immaterial!

Devitt. Objection sustained.

Tilton: No more questions!"

When I questioned him, what I got out of Knight was a statement of fact which I considered crucial, that "all young males in America, 18 years of age, regardless of physical, mental or religious condition, must sign up and cooperate with the Selective Service System from 18-26 or possible until they are 35 years old" - that this is "the first duty of the citizen at age 18." As I explained to the jurors this made the Draft System a "peculiar" system. After all there is no other System in our whole society which is that inescapable. If you don't like the public school system, then you can send your children to private schools. If you don't want to pay taxes, you can live under the taxable income bracket. Yet, no male American ... NO BREATHING MALE AT 18, whether an idiot or a genius, "joe athlete" or a human vegetable, atheist or Catholic ... can avoid registering by Law with the Draft. Yes, indeed, he may be deferred ... but he *has to be processed* through the System. It is inescapable! Isn't it clear as a spring morning light, that to the powerful the Draft System is of bedrock importance?

The Draft System is the transforming System of our culture through which "boys" are made into "men." It is the John "Duke" Wayne sacramental system! None of us young male Americans have any choice in this matter. The Draft System is totally unfree. The "choice," so to speak, is between

cultural life and cultural death: stay in the culture and be a soldier or be thrown into jail, stripped of your citizen's rights, and/or be exiled. Lots of choices! -- no thanks to that. Further, this Draft System controls your life, keeps information on you, decides your future, but is not responsible to you in anyway. "Is the file that a young man has in your System his personal property? No, it's that of the Government. It's not his personal property? A registrant cannot remove his file at will? Sell it? No. Barter it. No. Burn it, destroy it, it's not his ... *no no no no no no* ... personal property?"

So, when you read Government Exhibit E37, our letters to the *Little Falls Transcript*, you can understand why we set the issues in terms of life and death.

#### ATTENTION ALL DRAFT AGE MEN OF MORRISON COUNTY!

We, the Minnesota Conspiracy to Save Lives, have destroyed all the 1-A files for your county. In effect, what we are trying to communicate by our action is: do you want your life? -- if you do then use this opportunity to take control of it. If you don't want your life, then go down to the Morrison County Draft Board and give it back to the Selective Service System so that the government can use your body and life as a tool to make the rich richer and tire poor poorer.

The rich comprise .5% of the population of the U. S., yet they control the key decision-making positions throughout the country. They are the elite few who have something to gain from a war which their sons and husbands do not have to fight.

It is the draft age men of the middle and especially the lower classes which have everything to lose (their lives) and nothing to gain from cooperating with the participatory totalitarian regime of the U.S. that has no second thoughts about sacrificing *your life* for *their* benefit. Think about it!

We invite you to take control of your own life and thus become a member of the Minnesota Conspiracy to Save Lives. We've done our part to give you back your life. The rest is up to you. SAY NO TO DEATH -- SAY YES TO LIFE!

#### *The Minnesota Conspiracy to Save Lives*

(The foregoing statement was read on the Stand by FBI Agent Charles H. McCullough.)

Mike had drafted that letter; the one I wrote was, curiously, never put into evidence. Through his person, Mike served as the last witness to his segment of our defense. Mike showed how, through his personal experiences with the War and the Draft, he came to see clearly the issue as one between a politics of life and a politics of death. Now Mike had wanted to bring in a *Life* magazine picture of the My Lai massacre. When he went to refuse induction in January of 1970, he brought that picture with him to have as evidence for refusing induction. Eagle-eye Neville spotted the blood in the bodies and rejected the picture!

For almost two hours Mike sketched his relationship with the Draft. Like most of us he took his student deferment in college where he studied psychology. In January of 1966 he took an armed forces physical to see if he'd qualify, and he came home nauseated by the butcher shop atmosphere of the Processing Station. At that time Mike didn't want to refuse induction, just dodge the draft. But during the summer of 1968 he became more familiar with the Government's foreign policy and

specifically the Government violations of International Law. Mike studied the Russell War Crimes Tribunal and the post-World War II Nuremberg Trials. In June of 1969 he refused to show up for another Armed Forces physical: "I wrote them a brief statement as to why I was not showing up." But when they called him up again in July of 1969: "I didn't show up for that me, and I didn't write them a note or anything. I figured I would ignore them." Soon after: "I was declared delinquent and called for induction in January, 1970." This was to be the time when he brought the My Lai massacre pictures along. Now, consider that Mike is calmly and gently sitting up there almost whispering his answers to Ken's questions about his moral development. No harangues. Just a friendly walk along the path of a spirit where human sail sprouts colorful petals of tall freedom flowers. This is how Mike appeared to me, yet I wondered what the jurors thought. At one time or another during these six long days, each juror seemed to tire. Yawns and stretches and eye rubbings awake ... how to interpret these? Once or twice someone even dozed off ! You can bet that was hard to take. Our lives lost amidst a cat nap or a daydream!

Mike further showed how he tried to communicate with his draft board through letters and personal visits. When questioned by Ken, Mike explained why he refused to take a Conscientious Objector classification because it "grants legitimacy to the Selective Service System, access to lives of other young men who are unable to obtain deferments and Conscientious Objector status." Eventually he was cut free from the Draft by the Supreme Court's *Gutknecht* decision: a decision outlawing the Selective Service System habit of speeding up the inductions of young men declared "delinquent." But Mike didn't feel that this cut off his moral responsibility. He then spent time as a draft counselor helping others.

Mike's Resistance has a deep philosophical and moral base. Ken drew out that when Mike was in college he had written a paper for a philosophy class outlining his reasons for Resistance. Ken tendered this paper as evidence, and he had Mike read it to the jurors. In the essay Mike takes on all the standard objections to Resistance: "such a movement is futile," "irrational," "impractical" and sets about refuting these. Mike's core message stood out: "My commitment to the Resistance does indeed have significance and meaning for me because I believe that all men are brothers. And my commitment entails using my life in accordance with my inner feelings to make brotherhood a reality in the world. The best place to begin creating this better world is at home. And the first place for me to make a contribution to the goal of creating, a better world is in my own behavior and my own way of life. In choosing to serve an ideal of brother hood and love I have at the same time necessarily refused to serve the contradictory master of the Selective Service System and the War. Therefore, it was necessary (ethically imperative) for me to cease cooperation with the Selective Service System and thus violate its laws."

These beliefs helped the jurors to understand Mike's commitment to nonviolence, i.e., the avoidance of all types of violence: physical and psychological. While under Ken's questioning, Mike seemed to come off as a little too uncritical. So I asked him questions about non-violence as an unending process, and tried to make clear to the jurors and to Neville Mike's main point that he and I were inviting all of them to help us, and themselves, become non-violent. "Yes, we are always in a continuation of non-violence. Non-violence recognizes the need for change in people and an openness ... it opens the possibility of criticizing your own acts."

From a critical posture Mike went on to distinguish between our raids and the Government war: "I think there is a distinct difference between the laws which I feel the United States Government has broken and the law which Frank and myself have broken, in that the U. S. Government is violating laws in spite of its consequences upon people in general, and especially upon civilians, both in

Vietnam and the U. S. And the law which Frank and I broke was because of the consequences upon the people, especially the civilians." Most people like to gloss over those critical differences. They place all the burden for the violence of the war upon the shoulders of Resisters! As if our protest kept the war going. Such poppy-cock! People are often afraid to look human reality in the face. Consequently, they have to write moral, political and social theories to prejudice the human facts and truths.

Mike knew that his moral explanations carried sharp criticisms of the jurors' personal lives. After all, as brought out in the *Voir Dire*, they hadn't protested the war. The task then was how to reach them with a critical analysis, yet without evoking only hostile reactions to the pains we also intend to cause them? "I don't think we were vandals who went into the Draft Board for kicks. We weren't merely concerned about protecting ourselves from committing an illegal or immoral act connected with the war. We were in effect concerned about bringing such acts to an end. And I think you could also say, recognize that certain freedoms are basic freedoms while others are not. And that the freedom of one man to kill another is *not* a basic freedom. And for us to impose ourselves between the killer and killed is *not* to violate the person of the killer in a fundamental fashion; or those who recruit people to kill. I FEEL THAT THE DEATH OF ANY PERSON IS A TRAGEDY.

There is no amount of property which can justify the tremendous toll which the war has taken. I think what happens is that it becomes like the weekly football games. Or something, where statistics are looked at as the way of winning." At this point in his testimony Mike had asked the jurors to question themselves: *Is the death of any person a tragedy*, for them? Are their hearts hardened, or will they, like us, act against the Government to prevent themselves from the immorality and criminality of their continued "silence"?

Mike's was a carefully drawn, logical explanation of a growth into Resistance. As he spoke it seemed to me that three of the jurors were definitely with us: two women and one man. Of course, Thor rose on cross-examination to try to garble the issues, asking inane questions about whether Mike's morality put him above everyone else who made a moral decision, such as the moral decision to go to war? But as happened time after time, Thor's words only hurt himself. The jurors were clearly turned off by his confusing and rambling statements, and obvious attempt to just discredit Mike's person and not face Mike's morality head an. Our personal sincerities were coming across. With such good feelings, for the first time, we broke for a lunch recess.

.16.

My stomach took to eating eggs, green salads and soups during these defense days. Anything else hardened into concrete moulds around my intestines. I found it a real necessity to keep by body light and relaxed in order to function on a swift mental basis. As I prepared to go into my part of the defense, a small cloud of depression wafted around my brow. For months I had been trying to get the hierarchy of my Church to listen to my theological argument -- I even sent out feelers as to whether I could get a church trial. Now this was a far-out idea in some ways, after all, Church trials usually lead to burnings at the stake or the Rack! However, I wanted the Church to seriously confront what I said, so I knew that I'd have to find a structural, administrative way to dislodge them from their crimes of silence. The catch in the whole matter was that I could have had a trial if I were a cleric. This meant being tonsured - which is (in Catholic lingo) a Minor Order. When you receive this minor order you have a patch of hair cut from the back of your head and this makes you an "official" religious person. My being a lay theologian, that is, a person without clerical status but who is a qualified and professional theologian, didn't hold any weight.

Week after week following our arrests I began sending out letters to every liberal Bishop, priest, theologian and faculty of theology that I could think of. Probably this amounted to about 100 letters. Specifically, I asked for comments on my idea of trying to get a church trial. In fact I wanted to convene some type of theological Commission of Inquiry to examine, probe or in some way publicly judge the propriety and validity of my sacramental theological analysis of the draft raid. If any religious officials responded in an administrative way then I hoped I could argue to the court that the proper realm for my crimes to be tried would be one within the Church's jurisdiction and not the State's. That kind of move would have been a powerful moral statement in itself. But, alas! My daily mail openings revealed the true moral state of today's Liberal Catholicism. The responses ranged from, "Don't bother, no member of the hierarchy will respond"; to advice on forgetting about the Church as a viable vehicle for any moral concern; to Bishops wishing me luck but saying that while they can (*finally*) support Conscientious Objection, they can't support draft raids. After weeks of that a young person does begin to wonder just what his Church is all about.

As far as most hierarchical Catholics are concerned, my quaint theological theories should *only* be publicly revealed in some obscure theological magazine where they won't contaminate the average Catholic. It was soon after the trials on February 25 that word came down from the local Archbishop that he was shocked that certain parishes have let a "criminal" preach at their masses! In two specifics, I was invited and then told not to come to one church and one seminary. Soon after that "226 Summit Ave., St. Paul" and I exchanged letters, the upshot of which was: "Until you are ordained a Deacon, until you have completed the Canonical Examinations and have graduated from an approved Seminary, you have no right to preach in a Catholic Church, nor do you have my permission to do such." Signed, "With cordial best wishes, sincerely yours, Post Reverend Leo C. Byrne, D. D., Archbishop Coadjutor of St. Paul and Minneapolis." Though Leo is only partly right about ecclesiastical *requirements* for preaching the Gospel, his official response would seem to have completed the Establishment circle of my life: not allowed to speak in the Democracy, not allowed to speak in the Church -- Leo and Neville: my cross and my sword! Needless to say, I continue to resist both authorities, and I serve the people Democratic and the people Catholic whenever they call me forth.

The verdicts of those days rendered apart my body and spirit. I'd walk along the streets really doubting my sanity. Across every cup of coffee came the question, "Are you doing the right thing?"

Have *you* gone astray?" In one way I saw myself as becoming what during my youth I'd fear most: a critical, "free thinking," outlaw theologian. From the 5:30 Mass altar-boy to Society's criminal: that's not the way a good half-Irish Catholic boy was to go. {Half Germanic rigor.) At times my vision of the world and the Church pouted cracks, and chunks crumbled ... I was not always happy with my life ... not always sure. There were indeed many Dark Nights of Resistance... and of my Soul.

What is it then that does enable us Resisters to go on? In the face of such overwhelming secular and sacred odds? I wish that I knew. Some say that we are self-righteous and very ego-centric ... almost fanatical. Yes, we are strong willed people, most of us, and we don't take things lying down, otherwise we wouldn't have gone out with only moral power to take on the warhorse Government. Fanatics ... well, definitely passionate people, yes, often obsessed by the oppressive presence of death and its death dealing demons. As I look at my Resistance brothers and sisters, I too wonder what makes them go? Among ourselves we exchange a wealth of critical thoughts and challenges - and there doesn't seem to be one social or political or moral theory that binds us. Rather, I think our common sense belief in, and respect for, the value and dignity of all people is our mutual support and center. For myself no matter how bad a hundred people are to me, one kind person restores my faith in the *creative possibility*. This creative possibility is how and what I find to be worth living for.

People can decide not to create, but if one person does create life with love, that creation cannot be un-created. This marks the futility of war. War does not so much un-create as it just dis-orders things, puts them into dis-case. Wars are basically a-human, more than they are inhuman. Likewise the courts kept bombing my mind and spirit, spraying dis-eases towards me, hoping that I would succumb. But even covered with Job like dis-eases, boils and festers, both personal and social, we Resisters sit firmly upon the global dung heaps and claim our justification before our God. I guess more than anything most of us Resisters are Job-like characters. Not martyrs, nor prophets, nor heroes, nor extraordinary people. Rather we are people who stand firmly in the midst of earthquakes and social and moral changes, seemingly arrogant and bold to our critics, yet strengthened by an arm of truthfulness and power that we find here on our own earth.

As with Job so have we Resisters all felt so impossibly lonely. At times – especially during those *fumbling* times of the birthings of community -- we were crushed by the terrifying vision of the Powers looming dark against us. Peace was not "the thing to do" ... and endless nights were bedded with pain as our families and close friends questioned -- at times without knowing or intending -- our last fragile fragment of hope. Ah! Resistance is bittersweet. Flushing sunburst days follow upon the cool footprints of Dark Night wanderer. Has there been one of us who has not been felled by the raking sting of those we seek to serve? Who turn to us and yell -- yell from the gnash of the pains we cause them of sorrow and growth -- yell the echoless cut of Job's wife, "Curse God and die!"? Yet, with a heartbeat passion -- which is all common -- we continue to live, stubbornly awaiting for God to assume his/her responsibility and come to visit and live peaceably with us here on Earth.

All of these rainbow feelings, I knew, couldn't be gotten across to the jurors in that situation. Consider that the jurors cannot ask me clarifying questions --they can ask no questions at all. For six days they sat there, silently, mutedly, possibly not understanding a witness' point or hearing him clearly ... yet they cannot ask any questions, ever! As I stood before them in Opening Argument I brought this matter up to them. I only hoped that they would listen as carefully as possible.

So now my time had come. Court time, calendar time, clock time, Sacred time. With my theological witnesses I wanted to bring out the Christian Traditions and Scriptures concerning symbolic acts of protests, and the meaning of sacramental acts. My first witness was Mark Jesenko, a close friend of mine with whom I shared some years of graduate studies at the University of San Francisco. Since graduation Mark was living and working in the Twin Cities area, and when I was requesting that Church trial he helped me formulate my theological thoughts in a coauthored essay: "Towards a theology for a Radical Politics." Mark has a profound scriptural knowledge, and fortunately (for me) his theological expressions are quite similar to mine. In a very brief and direct statement he summed up for the jurors a good portion of my theology:

"I believe that from the Christian perspective the appearance of an individual named Jesus of Nazareth introduced a radically new relationship, quality of relationship between man and God, which we normally refer to as a relationship of intimacy, a friendship.

The central regard and concern of that intimacy is the preservation, the development and protection of life itself. That is the first and final priority, LIFE. Within the tradition stemming from belief in this particular individual, certain methods and modes of expressing their understanding, that qualitative new relationships between God and man have been established. We call those sacraments, or they are signs or symbols which effect what they signify.

For example, I am sure that most of us are aware of the Eucharist or Last Supper. Here we take the ordinary symbols of bread and wine as symbols of the sustaining of life itself. And we use them to express through consecration the very preservation and continuance of life between man and God which, by the way, we do not separate from life as we are living it at the present time, as we are living it here in this Courtroom.

Now we also ask ourselves how many or what types of symbolic or sacramental actions can we actually derive, and we found that there really is no limit. We have to speak specifically of sacraments, first of all, in the sense of this individual Jesus of Nazareth, because in a most unique and perfect way he symbolized God's effective presence among man or with man in time and space. The continuance of that effective presence is achieved through the Church, the second sacrament.

Then we have what we call specific sacraments, a set of sacraments, specific sacraments, baptism, Eucharist, penitence, etc., etc., but also our everyday lives and actions in virtue of the fact that we share in the divine life can also be sacramental."

Yes, life is the central concern of Christians. Most often this is not the concern of a State. States characteristically formed themselves around the ordering of property rights, not on personal rights. "According to the New Testament, the Christian owes obedience to the leaders of the State in as much as those leaders and institutions maintain so-called good Order which God himself established. Once the state itself violates that Order, then the Christian is bound in conscience to contradict them." Mark further showed that this view was amply documented and proclaimed as a guideline for Catholic moral actions by the Second Vatican Council. "I would say that in general, the Fathers at Vatican Council Two articulated the latest self-understanding that the Church has, and for that reason, it becomes a good source for teaching, for trying to reflect upon the nature of the Church, what its function is, what its direction is, what its future is. It is by no means the last word, but for the moment it is adequate."

One papal letter which helped open the Council, *Pacem in Terris* ("Peace on Earth," par. 51) written by Pope John XXIII was read by Mark: "Since the right to command and is required by the moral order and has its source in God, it follows that if civil authorities legislate for or allow anything that is contrary to that order, and therefore contrary to the will of God, neither the laws made nor the authorizations granted can be binding on the consciences of the citizens SINCE WE MUST OBEY GOD RATHER THAN MAN; otherwise authority breaks down completely and results in shameful abuse."

Another witness to this break down of authority and to this shameful abuse was Father Al Janicke who had spent one year in a Wisconsin prison as a result of his "Milwaukee 14" draft raid conviction. Like historian Stoughton Lynd, Al's presence was a commanding one. Here was a man who had already suffered greatly at the hands of the Government, a man who had witnessed -- and returned now to witness again. Al's voice shattered the conversational hum of the courtroom, "I AM PLEADING and you notice from my voice -- I AM PLEADING along with Pope John and in that tradition THAT HUMAN LIFE IS IMPORTANT!" The jurors' bodies and spirits clattered their bones together. "All people, whether Christian or not, are HUMAN, and as a member of the Human Society, PEOPLE ARE IMPORTANT. In fact, they are so important that it's from the Tradition that we come from that we have the stipulation that LIFE, as such, IS OF BASIC IMPORTANCE!" Even Philip Neville couldn't muster a response to Al. With good self control, Philip kept his mouth from hanging out ... but his spirit was obviously shook.

Neville didn't know what to do with these "Fathers" and theologians. In fact he sort of played "hands off" to my theological witnesses. His style was probably a mixture of confusion as to what they were actually saying, and a belief that anything moral or theological would be dismissed as trivial by the jurors. Also, by this time he clearly knew what he was going to do!

Another moral scenario that highlighted these days of witness was when Father Bill Hunt asked the Court Reporter to record this swearing-in oath which states "... I will tell the whole truth and nothing but the truth so help me God!" When I asked as my first question why he did this he said: "Basically because I think it affirms a relationship between the Court and higher authority; that the Court itself sanctions the use of an oath as an authority which will protect the type of testimony that I am about to give. It appeals to a higher authority as a sanction for believing that my testimony will be truthful." Good ole conservative Bill! the "Bishop's theologian," a priest most highly respected in our Archdiocese ... how hard the trials were for him because he believed that the Court would at least open itself to the moral-theological arguments. After our trial he spent time both with Judge Devitt (a prominent Minnesotan Roman Catholic) and Philip Neville arguing for leniency of sentence: the result - both gave us the Maximum!

What Bill wanted to bring across was the condemnation of Vatican Two -- at which he was a *peritus* (i.e., an expert) -- concerning total war. He quoted "Chapter 5 called, "The Fostering of Peace and the Promotion of a Community of Nations," the sub-title is "Total War," Chapter 5, Paragraph 80, page 294, *Documents of Vatican Council Two*.

“Any act of war- aimed indiscriminately at the destruction of entire cities or of extensive areas along with their population is a crime against God and man himself. It merits unequivocal and unhesitating condemnation. The unique hazard of modern warfare consists in this: it provides those who possess modern scientific weapons with a kind of occasion for perpetuating just such abominations. Moreover, through a certain chain of events, it can urge

men onto the most atrocious decisions. That such in fact may never happen in the future, the Bishops of the whole world in unity assembled beg all military leaders to give unremitting thought to the awesome responsibility which is theirs before God and the entire human race."

When Christians are confronted by authorities who do overstep these bounds and commit abominations, they must rise up against them. Father Bill quoted the Scripture passage which described Jesus' violent act of expelling the Money Changers from the Temple. When Jesus said, "You have made my Father's House a robber's cave," Bill pointed out, He meant, "That the activities of the Money Changers in this most sacred area of the Hebrew Life, namely the Temple itself, was doing violence to the orderly process of worship and to the actual freedom of the Jewish people on that day to worship. And in protest to the violence that was going on in the Temple, Jesus engaged in this symbolic activity, which brought it to the attention of the people." From these examples, Bill let the court and jurors know that even conservative Catholics can understand our draft raid actions; respect their theological Traditions -- though of course Bill himself would not carry out a draft raid.

I had tried to give a balanced theological witness, bringing in a lay theologian, Mark; a Catholic radical, Al; and a conservative, clerical theologian, Bill. Now, my two days were coming to an end. I felt good that our spiritual explanations had come across simply and clearly. The jurors did not seem too heavy eyed nor lost. The few whom we knew were Catholics were immersed in deep thoughts. The next witness was to be myself. It was Friday and the afternoon session was drawing close to 5 o'clock. I hoped that Neville would not make me go on the Stand, since I didn't want to cut up my testimony. What happened was that we spent a good deal of the remaining time discussing how I would proceed. Since I was my own attorney, would I have to sit at the defense table, ask a question, then rush up to the Stand, and answer it? ... hustle back to the Table, ask a question ... and so forth? Neville was amused by the picture of that ... but I said, "I hope you don't make me do that. The court has driven me into enough schizophrenia already!" With a small smile he kindly said that I would be able to just sit up there and talk uninterrupted. So the day ended, and *my* day was coming up.

Those two weekend evenings remain very vague in my mind. Possibly because the whole week has been so intense. Each day had brought to me a greater sense of the theater-like structure of this event of my judgment. Here I was in a room, on the 6th floor of a Federal Building, in downtown Minneapolis being judged as to the morality of my life's struggle! Twelve-people would listen to my words, and then render a decision. Incredibly simple. *Incredibly* incredible!

## V. Resistance Grows Another Body: the testimony of Francis X. Kroncke

Twelve people ... common, everyday people, with telephone book names and Minnesota map addresses ... men and women who could have spent mornings and afternoon telling us of their lives, their moral choices ... how the drama of their life was unfolding somehow. Now, the twelve of them and four alternates - were locked into Mike and my life - and we into theirs. They may never again have to judge someone. They may never again have to be judged! Oh, how I wondered about them. What did they say to their wives and husbands, their children and friends, about us and the trial experience? Did they really search their souls? Were we but nothing and no one to them? Did they cry or pray or worry about us at all? 12 names ... 12 people ... 12 lives ... 12 cosmic patterns -- whirling around the obscene Orders, the demonic Law ...oh, how did they see the drama, the struggle, the light?

### *The Twelve:*

Harold L. Hill, mechanic and truck driver, married, vet, son joining army.  
 Gladys Jaenson, telephone order board at Daytons, married, son 1-A.  
 John Delsing, book binder, retired vet, sons in marines.  
 Ronald Bisson, claims representative insurance co., married, vet.  
 Irene C. Sathre, school bus driver, 11 children, 3 boys in service.  
 Jean M. Vrness, a braser, married, young sons.  
 Mrs. Dorothy Rush, Shaklee products supervisor, married, two navy vets.  
 Cyrus A. Anderson, married, installs doors for Overhead Door Company, son a vet.  
 Anna Gertner, married, farmer, three vets.  
 Edward V. Oswald, assembler for Ford Motor Co., married, foster children for 14 years, a vet.  
 Mary L. Decker, housewife and part time worker for "Weight Watchers", husband an ex-marine.  
 Alternates:  
 Miss Mary E. Nelson, retired accountant.  
 Mr. Lyndon Rubel, farmer, married.  
 Mr. Dale A. Klemenhagen, mechanical engineer, vet.  
 Mr. Claude T. McClure, vice president of materials of Onin division of Studebaker Corp., married, son in service.

These 12 were *my* people. Persons who had not only to judge me but to judge themselves. Would they make the moral decision for peace? How doubtful I was of myself. I was afraid of my lecturing habits since when I begin to speak my mind often wanders and I talk about a thousand side-issues. Would I be clear? Would my words be more than my words, the words also of Truth and Love? If any day was to be my day it was 18 January 1971, a Monday, in Minneapolis. All my life's mental, moral and physical growths and struggles would culminate in that courtroom. Not because the Government was there, but because I would be talking with 12 other people ... 12 other humans and we would decide about truth, power, love, hope, good and evil, together.

As with most consciously approached days of decision and action, the early moments of the morning passed by in mechanical orderliness. "Call your next witness," Neville said. "I now call to the stand as my next witness, Francis Xavier Kroncke" - playing the formalities to the hilt! I rose, walked towards the Clerk of Court, raised my hand, swore truth, "So help me God!" and took my place in the microphoned, swivel chaired witness stand ... my back to the wall, my chair turned towards the jurors, my beard brushed wide, my eyes carrying out to the audience, my human family,

my true body, now poised to speak through my mouth. The collective, communal voice spoke myself 's journey:

"Being an attorney per se I'm going to try to talk to the relevant issues about my life and why the act of July 10th occurred. I, in a sense, do not like talking about myself but I do feel that there's truth behind every person's life and I hope that you will see that truth behind my life.

Presently I'm twenty-six years old and I live in St. Paul. I grew up in the East Coast, a town called Bayonne, New Jersey; come from an Irish-German Catholic family. We have nine kids in the family; five girls, four boys, eight of whom are living. My youngest brother died when he was two years old.

At present the family is rather diversified as families -- large families become. People involved in all types of pursuits; academic, professional, otherwise.

I was educated in the Roman Catholic school system from kindergarten up to my Master's Degree, and one of the reasons that our family sent us to Catholic schools was not only to allow us to become good sorts of scholars, to learn well, but to become good people. It was my father's overriding concern that we always be confronted with and guided by spiritual concerns,

Where we grew up in the East Coast in this town of Bayonne, for the greater part of my life I have been very familiar with violence. It was a town that's three square miles long and had at the time a hundred thousand people living in it, so most people lived "up." There wasn't very many trees, the city cut down the only tree in our block when I was about eight years old.

My brothers, one who now is a professor at the University of Wisconsin, I remember him being involved in gang fights. I remember another me of my brothers opening a kid's head with a rock. I remember that we couldn't go out on the streets at night so that you know that very honestly that the concept of achieving things through violence or living in violence is something that I am familiar with.

Two significant things stand out in that period of my life; one is the fact that up until I was about twenty-one years old I went to daily Mass and Communion in a Catholic church. That was basically due to my father who also got up and went to Mass and Communion every day of his life, as far as I know, till the day he died. Since obviously it has a profound effect upon a young man, why his parents are doing this and what it means, and my father has had a very profound effect upon my life. He is not alive today but I will try in the course of talking with you to guide you to see why or how I understand religion and a lot of that is due to the way he understood his life also.

The other driving concern in my life was basketball. It's about all I played for until I was probably into college. It's about the only thing I did, was sports. I was never involved in practically anything else but playing basketball. I was about as big as I am when I reached high school, so you can imagine then, a big, gangling guy like myself wanted to play basketball.

My family did influence my understanding of what life means. One personal incident in the family was what happened to my two year old brother. When my brother was two and I was about thirteen or fifteen, he came up one day when we were on vacation and laid down next to me and in the course of about thirty seconds my brother turned from a live human being into a human vegetable. He just went into convulsions; he was bitten by a mosquito and was given encephalitis, and the

influence of this upon my life was the realization of the frailty of life; that a fully alive person could, through an act of nature, all of a sudden turn into nothing. I was young and I saw a lot of suffering because Joe was the youngest of the family, and this profoundly -- I'm sure I wasn't very philosophical about it at the time, but it just profoundly changed my life, about my way of perceiving of what was the value of life and how life could be plucked away from you and when life was taken away from you what that means to people, and I guess ever since that time it is very honest for me to say to you that whenever I do read a statistic that one person has died, you know, I begin to understand what that can mean to people.

I lived in the East Coast for seventeen years and then my family moved to Hastings, Minnesota which is about twenty miles south of St. Paul. This was about 1959.

Many things happen in large families, many of you know; broken arms, people getting sick. My dad wanted to stay in the East Coast but he had a heart attack and everything, but 3M out here, Minnesota Mining -- my father was a chemist -- hired him, brought him out even though he had a heart attack because he was a chemist in a field they were interested in, so we ended up coming to Minnesota.

When I came to Minnesota from the big city, so to speak, and I saw the fact that in Hastings some of the streets weren't paved, I said, *I'm not going to stay her!*: I never saw anything like that before, so I went back East and went into the seminary.

I guess all through my life in my family I was the one who was going to be the priest. That happens -- maybe you are familiar with that, especially with Catholics -- Irish Catholics, they like to have a priest in the family, so I went into a Franciscan seminary in Staten Island, New York, and the next year -- I was a junior in high school and this was called the minor seminary. They take people that young, and was preparing to become a Catholic priest, and the next year because my family lived in the western part of the country I had to change geographical areas, so I went to a seminary in Indiana, and after I graduated from high school, which I graduated from in the seminary, I went into what is called the novitiate.

The novitiate is a period of intense preparation for the priesthood. It's a year when you sort of go away from the world usually in some place like the countryside. They have a building and you study very intensively the religious life. I changed my name at the time. I was called Friar Otto. The idea of changing your total identity and becoming a new person in Christ was the idea.

Now the seminary's influence on me was that it was really the first time in my life that I ever began to read, and of course in the seminary even though people are very young they are confronted with the concept of, "What are you going to do with your life?" So I guess ever since around fifteen years old this is a real pressing question every day. You always have the pressure on you of whether you're going to stay in or leave the seminary. The idea is whether you are worthy enough. You know, you have to keep asking yourself, *Am I worthy to serve God?* - questions like that, and I think these evoked in me at the time a real questioning about what is life and the meaning of life and how do I want to live my life and what type of service do I want; do I want to serve people spiritually, am I worthy to do that?

Some of the teachers in the school -- the interesting things that were coming up at that time were the reintroduction into America of folk-singing, where most of us, people my age when we went into high school and stuff, they had the hootenannies and everything, but the interesting things about the

folk songs is that a lot of them were songs about people and people's struggles, about the struggles of blacks, you know, about the problems of peace.

That influence of -- that type of music now at this period in my Church's development began to be the type of music that they would sing in Church, so no longer were people in the sense singing -- at least the young people in Church -- songs in Latin but they were singing songs in English and they were singing songs about peoples' struggle, songs about, you know, the problems of the blacks and the problems of bringing peace, so in a very real way I think it's honest for you to understand that all around us, you know, we are sort of a generation of Americans whom all around us even in like our religious practices in the church, you know, these songs which demand and call us to be concerned about people were there.

Of course at this time being in a seminary I was -- I had to sign up with, the Selective Service and I did that in a small town in Indiana and I was never politically aware, I mean, I just never read the newspaper and read politics. I still have an aversion to political things in a way. *I have* to let you understand that. When I went down to sign up for the Selective Service, I just remember sitting there with the Novice Master and I was -- the lady was very kind and we were thinking out things and she asked me if I was a Conscientious Objector and I didn't know what that meant at all, but I just remember how funny it was since I was going to be a priest, why did I have to go sign up since I didn't have to serve? since I knew that, but anyway it wasn't any big thing. I just sort of remember that little office there in a town called Auburn, Indiana, and I received what is called a 4-D deferment which means that religious people do not have to serve in the armed forces. Consequently it never entered my mind again, the problem of war.

Now it was about a half year later while I was halfway through this novitiate that I decided to leave and very honestly the reason I left the novitiate was because it was too wealthy ... Coming from a rather lower middle class family with nine kids, you know, you can imagine the problems, like you people share too. One of the things that really bothered me was the contradiction that the place -- I never lived so well as when I was in the seminary and I felt somehow that that would destroy my concept of service, so I left the seminary but I still had the ideals of living in a community of trying to serve people.

It was a very hard thing for my father and my family to accept, my leaving the seminary. It was a very hard decision for me to make. It took me about a year to make that decision. Remember, I am young at this time too, just getting out of high school. But the whole thing is the family. For, all these times, you know, "You know you were the one Francis who was going to become the priest," you know, and to make that decision even at that young age demanded that I in a sense try to speak to my parents, saying: "Because I love you and because I want to serve you I'm doing something that you don't understand." This was a source of difficulty for my father but as is characteristically true through my whole life, my father and I talked this out, talked it through and he and I in a sense, he was my -- I would call my spiritual guide, if you want, through my whole life and so what he decided for me, really, was that I would go to St. John's University up here in Collegeville.

My father happened to have gone to Notre Dame when he was a young man and we couldn't afford to go to Notre Dame, though that was his big goal, so the second best in a sense, if you want -- I'm sure St. John's wouldn't like to hear that - was that I went up here to Collegeville. It was in February of 1963 now, and the reason for my going there -- and my father made a big deal about my not going to the University of Minnesota because he didn't want me to be confronted with all those reckless ideas -- that I would go to St. John's and that I would not only receive a good education but

that I would be at a center of religious learning. St. John's is the largest Benedictine -- which is an order of priests -- the largest Benedictine monastery in the world, and at that time in the history of my church there was a great -- this Vatican II that I have tried to talk about several times in the course of the trial, was going on and there was a lot of changes and especially in what is called the liturgy or the religious worship services.

At this period, as I tried to mention before, we prayed in English instead of Latin and we sang songs, and again the songs are usually songs of "No more war" or songs about showing the absurdity of people being racist or people hurting me another. I decided then to study medicine. If I couldn't serve the soul I thought I'd serve the body. That is where I was at, at the time, and I received from the Selective Service a 2-S student deferment.

I, at this time, had no idea about the Selective Service. Like everybody else I just filled out my forms and sent them in and after a couple of years of studying medicine, basically biology, in one class -- I was taking a class called Philosophy -- a professor asked a question. He actually asked about if we ever thought about greenness, *greenness* in leaves. It was a very strange question, but whatever the question did to my mind I became very interested in philosophy at the time and so I decided to study philosophy and medicine.

Now the distinction that came is that the study of philosophy is the study of who man is and who we are. It asks questions like that, and of course this very well fitted in with what I was interested in, in the past, but when I first went to college I didn't think about studying that. I decided to study medicine, but now in college the two sort of came together.

You must -- looking back at St. John's I was there for three and a half years and it was a tremendous period of conflict for me. I couldn't resolve the questions of whether the religion that people were talking about was very real. When I was at St. John's I wasn't a joiner or an activist. I never involved myself at all in anything approaching political things. I was mostly just concerned about questions about who man is and what is the meaning of life, but I never joined anything.

The only thing that I did relate to was several Honors programs. They had -- these were academic programs only, where we tried to study the classics of western Civilization, you know, the main thinkers and what they said, and I just joined two programs; one was -- they were both Honors programs-- and the significant thing at this period was that I was really in conflict but the conflict wasn't on political issues.

The conflict was purely on moral questions and the conflict was a big conflict with my Church, whether the Church, that was for me so wealthy, the question to me was whether that was real. Were they really -- what was the religious thing they were trying to do with the world? Were they really dedicated to the people?

I had all kinds of questions. I continued like to go to mass and communion but I continued like in a sense to get farther and farther away from the church, from what I understood to be the Established Church, if you want, at the time.

I wasn't as aware then as I am now of the fact that my Church was also going under a tremendous re-examination of itself, you know, but at that time with a little less vision than I have today I was just very torn apart. I really -- I have to explain to you that I became interested in a man, some of you may be familiar with, that's got a long French last name. His name is Teilhard de Chardin, and

this is the Honors thesis that I wrote to graduate with. [Note: I showed the red bound thesis to them.] Only if I may say without trying to point myself up as being, you know, different than other people, there's only eight of us who graduated with it but we wanted to do it, that's all. This is a study of a man that I spent most of my last years in college with and I think to understand even the action of February 10, that -- July 10--that we are brought here with, I have to give you a little idea about the influence of Teilhard and how he changed my understanding of religion. That is, that up to this period of my life my relationship to God had been purely intellectual, you know, man believes in God by just saying he does. He says in his heart, "I believe in God." Basically people understood that religious people weren't too concerned with what went on in the world because they were concerned about the kingdom of God which was afterward and that even though they were supposed to be kind and nice to their friends, that the thing that you're supposed to be basically involved with was spiritual things and it would be better to say a prayer, you know, than to walk down the block and help somebody.

Now this man Teilhard created a great turmoil in the Catholic church at the time because what he came to bring together was an understanding that the way to be with God was to be actively involved in what goes on in the world, and you know it would take me probably, to be very honest with you, about three hours to explain it to you because he is a scientist and he's concerned about what is called the Theory of Evolution - but what he tried to show us was that he accepted what contemporary science is telling us, the fact is that man is evolving. But he said that most scientists when they understand evolution have come to understand that man has ceased to evolve physically.

They know this, you see, and around the Forties and the Fifties, these evolutionist thinkers were despairing of life on earth. They were saying man has ceased to evolve physically and they said this just tells us that man is going to just destroy himself.

They looked at the mind, man's ability to think, and the only thing that they said is, "Look what man has done with his mind. Man is the best killer in the world." That's just what they said. Man can destroy, you know, man is the only animal that, like it commits suicide, and the mind is what they call -- well, I will translate it -- they call it an epiphenomenon. It's something outside of the physical and it was basically a curse and they were very despairing of what man could do with the world, but Teilhard was also -- he was a Frenchman and he was a Jesuit priest and he was what was called a paleontologist, he studied fossils. He was a biologist studying fossils and Teilhard said, possibly if we can see a different meaning in the world, if we look at it this way: that evolution shows (though we have ceased to evolve physically, which all scientists agreed with) that we have come to understand that man is evolving in the psychic and spiritual realm.

Now if you come to understand that, it changes your whole view of the world now, you see, because Teilhard being very religious began to raise questions like to my mind, an understanding that if we are to change or to evolve in the psychic and the spiritual, it means that we must relate to the physical because he saw an intimate connection between what happens to the physical and what happens to the mental.

If I just, say, for a minute, show you that in the basic theory of evolution is that they start out with little things called one-cell amoebas. I think you have all seen that in high school biology, and evolution is traced along a growing sort of what they call, "complexity in physical life." They go up from animals called sponges, which are like lots of cells together, to what they consider a higher grade of life, these little things -- the biological term is coelenterates, they look like a little hand -- and these are single cells and when you get up here you have an entity which has a stomach -- a rudimentary stomach, but the things that Teilhard showed and what most scientists agreed with was that as they looked at evolution and saw that the animal entities grew in physical complexities from single cells like when you got with fish, you know -- a fish is a very complex animal. It has like you have - you look at a fish, you have gone fishing, you cut a fish open, he has lungs, he breathes, he has a stomach, he's very complex. He seems far removed from a one single-celled animal, but the thing that like a fish has that the scientists know -- saw was different, was that at this level the physical complexity, he began to exhibit psychic characteristics.

In other words this is what we call instinct, is that fish -- a fish never lives by itself. It always lives in groups that you always call "schools" of fish. The significance here that scientists began to realize and talk about was that at a certain level of physical life you began to have psychic manifestations which we'd call instincts.

The fishes communicate with one another. They go around in a school and some fishes, when there's danger, one fish will communicate to another fish, you see. When they go hunting for food together and they reproduce together and they sort of have the beginnings of what is called the family. We use -- or the fishermen say schools of fish. They don't call them families. Now these characteristics though began to continue as we go up from the fishes to the amphibians, which are like frogs, animals like that, scientists noticed that as the animals became more physically complex like they began to form heads and nervous systems, they also began to exhibit more need for one another. More need for one another, that if you -- I guess maybe you can only take my word on this but this is how Teilhard influenced me -- is that like with the frogs, they have a very close sort of family situation. If you study frogs, you can study where frogs live and you find out that frogs won't go outside of certain areas. They sort of like live in their little area and they have very complex inter-relationships.

Now biologists study this, you know, this is the type of thing they study, so finally when you get up to what type of animals that we are, called mammals, the curious thing is that man is the most physically complex animal of all. He has the exact same characteristics as an amoeba. We say an amoeba is "alive." You have studied them, you look at them under a slide in high school biology, they wiggle around, they are alive. They breathe and they reproduce and we can actually say that an amoeba, a single-cell is alive, and you say the same thing about yourself. We are such a massive animal, thousands, millions of cells, you too are alive.

Now the curious phenomena that happened here though like I tried to just briefly tell you, that all scientists say is that as far as science can say man has ceased to evolve physically, that this type of evolution is not going on, you see, so that many of them were despairing so that they had this view that life is just going to destroy itself. The planet's just going to die out and this was scientific analysis, you see, and Teilhard was one of the few scientists who said that the main characteristic about man as a mammal is that he is the most physically complex animal that there is, and all biologists that I have come in contact with have agreed to that, but he also exhibits this thing called thinking. He seems to have organized, you know, psychic characteristics.

Take this for, example, when you look at all of other life and if you ever study squirrels, whatever your favorite animal is, or, a dog, all day your dog is concerned about living. He eats all the time. He lives, you know -- his main reason for living all day is to gather food and to live and to protect.

Man is the first animal who lives for intangible things, for things he can't touch. Men live, and what do you live for? like for honor and for love and for hope and for trust. Humans are the only animals who will starve themselves to death in order like to do something noble, e. g., a man in a desert or in a struggle. Men will sacrifice. They will consciously give up or take themselves away from physical things and deny themselves physical things, but the main things that men live for, and I think this is quite obvious, is things like for love and for trust of one another.

Now the change that this gave me, like my understanding of religion, was this real ability to understand that if I was to come in contact with those things in man's life like love and hope and faith and trust and honor, which the Catholic church was concerned with and many Catholics at the same time came to understand this and Vatican II uses a lot of Teilhard's thoughts -- again you can only accept my word, maybe after the trial you might want to look at that *Document* some time-but they began to realize that in order to come in contact with these religious characteristics of like love and hope, they had to be involved in the world. That somehow even though we didn't know exactly how, that the way that you build the earth effects what religious people call the kingdom of God.

Know that in the Catholic church at the time many people, and like when I was doing my study I had to defend this in front of a whole panel of priests, you know -- many people began to realize what the consequences of this was, that to be a religious person meant to be involved in the world and that religious acts were acts that you committed in the world that we talk about every day. In other words without trying to explain this, the word they kept saying was to "Build the earth." People knew that if they began to understand these insights, and this is how I understood religion, is that I could not walk the street any more without being sensitive to how people build cities, for this tells me something about God. I had to, to be sensitive to the way people -- what they did with physical things, what they did with matter, what they did with their bodies; like if people killed people, that told me something about how they related to God. It gave me a driving understanding to realize that there is a relationship between the physical world and the spiritual world and this was very compatible with a lot of things that were going on in Roman Catholicism and I may speak to

that later, but at this time, a point I want to leave here, and I will try to come back to Teilhard, and I wanted to show that several things were coming into my life; the relationship of science which was a very big thing in America, science and ecology and religion, that those two things spoke to one another. That people who were involved in religion and the other thing was this overriding understanding which I didn't quite understand at this time, of how necessary -- what it meant that in order to enable myself and enable other people to come into contact with God it meant that I had to be involved in the world, but not because the world is all that there is to God.

In other words we are not just acting in the world or just building the earth and creating better cities, but that that was a way, that it was a way of allowing God's presence to be understood, but I will have to refer to that a little later because at this point I must, and honestly admit that even though I published this paper by Teilhard I, myself, was an extremely angry man.

What I took out of Teilhard's understanding was what people called elitism -- is that I felt what this told me at the time was that the people who were going to continue this evolution, the people who were going to fulfill the vision of Teilhard were only an elite few and I was very upset to see that most people never asked themselves questions about life. I was very upset and angry and very bitter at this period of my life that people would not take moral standings.

I looked at the world and even though again I wasn't very political person at the time, and I saw the injustice and everything, I began in a very real terms to really *hate* people. In fact one of the other papers -- it might seem a contradiction to the hope and vision that Teilhard gave us here, that I wrote in college was entitled, "The World to be Destroyed, the reflections of a twenty-one year old" and I basically felt that man, through his misuse of nuclear power and science had really only got himself to the point where the world could be destroyed and I, you know, I left -- and much in conflict at the time with my father who didn't buy my pessimism, and he read Teilhard as much as I did and we used to argue all the time.

The other thing that I have to say about my college years that was significant was my relationship to the Selective Service, is that at this point when I was a senior I lived with two men, a fellow by the name of Jim Hunt. Father Bill Hunt is his brother. And a man by the name of John Lauerman, and Jim Hunt was a Conscientious Objector and John Lauerman was going into the military. He's presently a Captain over in Italy in the military, he's doing it for his career. I had never been confronted with Conscientious Objection and I was at the point where even by going to grad school you could lose your deferment, so I decided that what would I do if I was 1-A and continued to study, and the question that occurred in our apartment all the time was when the news came on at night Jim and John would go at it, you know, one guy saying you can't go to war, and the other guy saying you can, and John saying to Jim that, "If I go to war and come back again you probably realize I'm going to hate you," and I was sitting in the middle of this and I had really no formed opinions about either thing at the time, but the war -- at this period I was a senior in college, it was 1966 and I was twenty-one -- the war began to be an issue, and just from my religious background -- I wasn't politically informed about the war, at all -- just from a purely religious background I decided that, you know, probably I couldn't kill anybody and I had a tremendous conflict with my father because as I shall try to bring out later, my father, who is dead -- died in 1968 or otherwise I might have called him as a witness since our lives are so intertwined -- was the type of -- he tried to stay a really fervent Catholic but when the war broke out, World War II, he had three kids at the time, he was over 30 and he volunteered to go into the navy, and to refresh my understanding of my father's position on things I took out some of the letters I he wrote to my mother at the time, over the weekend, and read his exact thoughts.

People, for example, chided him for leaving his family, sort of leaving them in the lurch, if you like, but he said that the reason that he went to fight in the war was because he felt he had a obligation to the country, but the main reason was so that his sons and his daughter, in his exact words, would not have to fight a war in twenty to twenty-five years, and my father believed that a man owed his obligation to the state and he continually confronted me with this, that the religious response to the present American situation was for me to go in and to become a good soldier, and he could never understand this appeal to conscience.

It took us about three years for him to finally get around to accepting my position of being a Conscientious Objector, but at this point, my senior year with Jim and John and the war as an issue, the questions of nonviolence and its relationship to Christianity first came up and I honestly said from my past that I had never thought -- I was twenty-one years old now and I had never thought about nonviolence. I was a senior in college but I had never participated in a protest march or anything like that.

The questions which Jim raised to me, who was the conscientious objector, seemed to give me more problems than the things that John was raising and so I really sort of looked into what nonviolence meant and at first I understood nonviolence, as unfortunately most people understand, as meaning that I had to convince myself that I couldn't do any violence at all; like I couldn't be unkind to anybody or that I couldn't call myself nonviolent if in any way at all someone attacked me and I defended myself at all, and that I had to be very willing that if some idiot come up and beat me over the head until I died that I had to smile at him. That was nonviolence, and that's what I thought it was and so I said, I'm not nonviolent. I'm not a pacifist, I don't believe in killing but, gee, if someone attacks me or someone comes over there and starts beating up the woman next to me I'm supposed to sit there and say, *Love, I love you, peace*, you know, and I just said to Jim, I can't be a Conscientious Objector but then things began to come into my head, sort of the influences of Vatican II.

Here we had this major Council in the Church. Council is more than what the prosecution tried to bring out in last Friday, you know, just more than an encyclical letter - encyclicals are letters that the Popes write out. They don't carry that much authority, but a Council forms doctrine for Catholics. In other words when the Council comes out and says something you really have to think about it. It's not just a letter. It's something which is sort of saying, before you act you better really reflect upon these things because this is the way we feel you should be developing your morality. So Vatican II started coming down with a lot of these sort of things; condemning going to war, condemning nuclear politics and the question that I always thought when those issues came up was they were condemning Russia or some other country but not America. Never in my mind did I ever become critical of the United States or of its policies.

I wasn't, again, very political at this period; and at this period my brother George enlisted in the Navy and my brother Charles was deferred so he was not in any position of being a Conscientious Objector, there was no precedent for it in my family, and my dad told me about some of the things that he did, like when he was in the Navy as a lieutenant, he was a chemist, he was assigned to Oak Ridge, Tennessee and he was very enthusiastic about going down there until he found out that the reason that the scientists were doing there is that they were working on the atom bomb and my father requested a transfer because he didn't want to be involved in that and so he went -- he was -- so he went to the Pacific and I used to say to my father, well look, you did those type of things. Don't you understand my objecting to involving myself in creating things like atomic or total war,

but the -- I finally got myself to the point where I did file what is called a Conscientious Objector Form 150 with the Selective Service and I filled it out, and I wrote them, oh, forty some odd pages of why I was a nonviolent Conscientious Objector, and I wrote them all about Teilhard, and I tried to explain to them all about this sense of evolution. I didn't quite have it as clear in my head as I do now, but I tried to explain the thing that we have to do is that we have just got to stop doing certain things. We have to stop, you know, creating nuclear weapons because it's just so silly and stupid, you know, to create enmity between people. The one thing that we are called to do is to try to be together and people kept saying, that's stupid, that's simplistic, that's naive but it's moral, you know, and that's the only thing I had at the time, was that it was moral, and my father posed the Question again that I did not have the proper sense of Duty, the proper sense of commitment. I tried to say, "Dad" -- as I tried to say many times in my family, you know -- "what I'm doing flows from the moral conviction that you gave me."

I said to my Dad: "Viewed through the way you look at things you felt that the way to bring peace, to prevent me from going to war was to go to war, and the only thing that I'm trying to say is that in continuity, in the same tradition that you're in I don't want my sons to go to war, the only way we can do it today is by not going to war." We have got to try it. Men have gone to war for thousands of years. Somebody somewhere has got to say it stops *here*. We are not going to go to war and take that risk. We know what happens from war.

I remember him saying that going around the islands in the South Pacific, specifically one island was just full of crosses and he said that some of these men are known only to God, and he said in this letter to my mother, something very close to the effect that these -- you know, that these islands aren't worth the life of one marine. He said that these men did not die for this island, they died for the principle that they believed in and he said that the conscience, the conscience of a man is worth more than any physical pleasure and that's the type of thing that, Dad, if you believe then you understand what I'm doing. Just at that time, just again being around '66, it wasn't that clear, and so I filed for my C.O., went to my Local Board for a whole hour and I was so frustrated that they just didn't understand what I wanted to do and so it happened to be at this period that I was going to go to graduate school so they decided that they wouldn't give me this C.O. but I had to take the deferment. I had to take the deferment, you know, so I said, okay, forget it, and I walked out and I said, you know -- I had never been so disillusioned in my whole life, that these people kept saying things like, "I am a Catholic, I fought in a war," you know, as if that's supposed to mean for all Catholics, or they wanted me to condemn everybody who went to war. They said well, I fought in World War II. I said yes, don't you understand that's your response and this is my response.

I can't condemn other people. I want everyone to make the moral decision. Their own moral decisions on what they should do, so -- okay, this gets me up to graduation from St. John's, and at the same point that I'm struggling with these ideas I find my self very bitter with people in general, I guess I should say.

I want to be honest about that because that was a very violent period of my life. Extremely violent type person, very sarcastic and bitter. It comes out sometimes in the trial when I get frustrated, you know, my immediate response is to put people down. Something I had to struggle with. So after graduation I went to California for a summer and worked at what is called the Easter Seal Camp for Crippled Children and Adults, and the significance of this was that I saw in the course of this summer four to five hundred people, mostly children, of every conceivable physical illness and destruction period in life, you know, from blindness to cerebral palsy to bad hearts, to people who -- ballet dancers who fell down who were paralyzed and, you know, all types of tragedies, but this

thing about life at this point for me was that I still couldn't get along with the counselors because I thought that they were educated people and they didn't receive, weren't sensitive to life, but these people that I tried to relate to really made me see life again, like what happened to my brother, you know.

The frailty of human life and the fact that there were just thousands of people living today with all types of physical illnesses that most people tried to avoid. California was one of the few states where they recognized the need to give life to people whose -- part of whose life had been destroyed. Like California is one of the few states which builds ramps so that people with wheelchairs can go to their schools without stairs. This is still a problem we haven't solved here in Minnesota very well. And so the question was raised again, why the contradictions of a lot of things; what is life? why does God do this to people? why would other people do this to people? or why does it even happen? and I just couldn't honestly through that summer say that the question was resolved. It was brought up to me again, you know, and I tried to fit this into this scheme of evolution; where do these people go? should we just rule these people out because they are less than human in a sense? Is that the solution?

You know, those questions were questions to me, but I -- they were just there and I came back to Minnesota then, to attend the University of Minnesota where I was going to go to graduate school and study what is called to American Studies. I was interested in studying what America was, who America is, and they have a program called the American Studies and it was something new at the time, this program. You study American philosophy and all about the American people and at the same time I was a dorm counselor at the University. This is a way of working your way through graduate school. I was a dorm counselor for the football team. All these big guys, all they did is care to play football and that was interesting too, you know, and I was there and I was a pacifist, they played football and they used to pick me up and throw me around and we used to have lots of fun.

I basically talked about nonviolence, but some of these things at this point were just sort of swirling around. The whole thing about, am I going to be a nonviolent person? you know, am I going to be -- relate to my Church, what am I going to do with my life, and for some reason I decided to go study religion and the reason for that is this; is that I just knew that religious -- you know, religious people try to deal with ultimate questions like what is life all about, and I didn't find like philosophy or economics or history dealing with those questions and so I decided that I'm going to go see what religious people are going to say.

I still wanted this at this time, but for the first time in my life I was not related to the church, I didn't go to Mass or Communion or anything, I just sort of did my own thing, if you want. In my own way I dropped out of society and just went to graduate school, and so it happened that through Vatican II --and later on in my Closing Argument I might be able to read a passage -- that Vatican II was encouraging that people in the church who weren't ordained like the young man Mark Jasenko who gave witness here, and myself, we are not priests, should study theology because they thought that we would have added insight. We are people who will be getting married and sort of take professional jobs and that we should study it, you see, and so there was this big move on in the Catholic church.

Lots of schools opened up graduate programs to study theology, so I thought, hell, that's fine, I'm going to study theology. I didn't have to make a commitment to be a priest. I could just go study it. I didn't know what it would be all about but it sort of interested me, and there was a priest at St. John's who was very influential in the development of - the development of the change in the

liturgy, the worship service of the church, his name is Godfrey Diekmann and I just went up and talked to Father Godfrey and I said, I want to go study theology, and he said, Well, where do you want to go. I said, I don't know, I just want to study theology, I'm interested in it, and I don't have any money, I said. So he said if I got you a scholarship to the University of San Francisco, would you go, and I said fine, so there I was off to San Francisco, and this was in February of '67.

The interesting thing, to give you an analysis of where I was as a person at the time, was that when we arrived in San Francisco -- we left in the blizzard of '66 and it took seven days to drive all the way out to San Francisco, and when we got there we parked and went in and we said, "Here we are, you know, give us our scholarships and tell us where to live because we have never been to San Francisco before." I was with another fellow and the people said we are sorry, L.B.J. is escalating this war in Vietnam, you can't get your -- you can't get your rooms, you're going to have to take out loans at the bank, so everything just started going bad and we were kind of down, this guy John {Schneeweiss} and I, and we went to Mass and Communion then, we thought that would be a good idea to begin our theological studies, and went out to the car, sat in the car and we realized something was different. Someone had broken in and stolen everything that we brought with us! "Oh," I said, "what a way to begin! Here it was an eight day downpour, and we were sitting in front of this church, the cops come by and they -- I said to them very naively, "How could this happen right in front of this Catholic church and someone comes and steals everything?" and he says, "Don't you know that the Haight-Ashbury is only eight blocks away?" and I said *hate what?* I didn't know what -- you know, I didn't know anything about that, and San Francisco was then to be an interesting thing. John interestingly enough had to leave and he enlisted in the Air Force and he was supposed to be getting out this summer and he continues to be interested in peace and religion and we are still close, but there I was in San Francisco pursuing, back in 1967, you know, my beginning of my theological understanding, and I had to -- because it was the cheapest place and most students lived in the Haight-Ashbury, and coming from St. John's I was very naive about this, the first time I saw long haired people and all this stuff about the drugs and everything else I didn't relate to it. Really for the years I was in graduate school I just *lived* there.

The interesting thing about it was that, you know, people were seeking -- they really seemed to me that these young people who came from the exact same background that I did, the things they were asking were the same questions I went to graduate school for, was what's life all about? They knew about the complexities of the society, they knew about the war much better than I did. They knew about the things that -- the misuse of science that was going on and they knew that -- you know, they wanted to relate and develop a better world for mankind but they didn't know how to do it either, and many people related -- many of the young kids who were just living there - to this man Teilhard, to his vision, except they said well no one is going to believe that though, and they basically said that the only solution is a spiritual solution. *Let's not get involved.* The thing that we have to do is find God and I really -- even though Haight-Ashbury has been sold to the American people as a big drug thing, the real thing is that it was a real quest.

People were really asking questions, and that's the way that it influenced me, so when I was in graduate school and I became a little more aware of the social problems and I began to study science and theology, and the thing that really came to me at this point was, you know, was there's a lot in the American culture as well as a lot in my Church which went together. Like American culture was very interested in science. People had discovered nuclear power. People believed in evolution, we were a highly technologized society, had all types of technology, and many people who taught me had great visions about what we could do with all of this. They said, you know, what we could do with technology. Like for example they would describe to me, I came to understand

this, like we are one of the first generations of human beings who ... every sense that you have in your body has a technological extension. In other words like you can pick up the phone and hear around the world. You can dial anywhere in the world. Look at the TV and at evening, you can see around the world. You can get in an airplane tonight and we can all go to dinner in Japan if you want, you know.

We can move. Every sense we have has really sort of a whole world-wide extension and that this led like myself to understand, to begin to sneak to this understanding of Teilhard that I had, was that the world was really one, that the world could be one, that there was -- that the concept of staying in one country was no longer a really understandable thing because most young people -- maybe it will reflect upon your own children -- even in high school kids can travel to France in the summer and the kids in college, when I was in college, they would go for a whole semester to Europe and people were able to travel and they could feel the fact that if they wanted to talk to someone in Yugoslavia, they could call them up on the phone and talk to them.

Now this is something that generations before us didn't have, and so even coming just as the American culture, you know, people were just excited about what we could do with the earth and that we could, people were saying, advance the vision that Teilhard has about man evolving psychically if we only knew what to do and how to really use this technology and how to use the nuclear power, and so as a lay theologian I began to relate that view of science and stuff to what was going on in my Church, and at this point, this man Teilhard, as I tried to say before, in Vatican II, was becoming much more influential. Vatican II went talking about the fact, as we have read in some selections, that they were banning total war, that they were saying nuclear power shouldn't be used to build arms but nuclear energy should be used to build a better life for men. They were saying that we can't let people live in ghetto situations. These are actual things from the document. You see, they were saying that the young men -- like they were saying to me, anyway -- young men, you must begin to really understand your society and speak to that society because it is important how people live and in what conditions that they live; that the Council felt it was important to speak to the issue of war, and I found out that most of the young people who were with me studying theology were very far ahead of me in talking about the war.

Now San Francisco, as you know, you can always say, sort of that things in the Midwest are a little bit behind. That's what they always told me anyway like on the coast. Like people were doing things like draft Resistance and turning in their draft cards and I had never, come in contact with that before, and they were saying that these were effective ways of responding to Vatican II, that these were ways, that the way to begin to bring peace to the world is you start with yourself, you know, and that puts the whole responsibility on you and I never liked that very much, you know, they said like if you believed in this evolution you have to realize that you have to begin to love. You can't wait for the next guy to do it, it has to start with you.

They said that in the sense that you are life itself and what you do with your life does count, what everybody else does with their life does count also, and this is again, I guess, the first period when I was studying science and theology and trying to understand my religious views. I would come out and talk to my classes that I was participating in, with the vision of Teilhard, with saying that the religious understanding today, the strong tradition in the Catholic church was that we must build the earth to begin to understand God's presence, that people were talking this way, see, and they would say like, man, you know, that's not going to work because America is -- you know, having this war and that's a nice, naive view of the world but this country, America, which you're so turned on about, you know, has all these problems and then they would relate to me things that I'm sure you

have heard about yourself, about how America is an imperialistic country and how we exploit people and things like that, and at that period of my life I just -- I didn't relate to that at all.

I was interested still in becoming the Conscientious Objector but I had never at that point had any type of critical view of the United States and this is even signified by, like the two Master's theses, I wrote another thesis about Teilhard and the other thesis I wrote on was on the problems of leisure; what was going to happen to America when people theoretically are supposed to have more time, free time now - I think most of you know that probably you feel you have less time now than you did in the past. I don't know. Some people work more than people in the past have, but these are the types of things that I was interested in and even though like I was surrounded with most of my friends who were theologians were very involved in social work. They had houses for runaway kids or they went into draft Resistance or something, and they were always arguing about the politics and theology and I wasn't interested in politics and theology at the time, and so I basically spent those two years much more convinced that to be religious, and I came to understand it better as I studied the tradition, as I studied the Scripture and began to realize how the Scripture speaks to this understanding of building the earth -- and I might be able to talk to that a little later -- I became convinced that I had to do something, but I didn't know what to do and everybody's saying -- I kept saying well look, maybe the thing I should do is I should go teach. Everybody said, *Look, if you go teach, you're part of the Establishment*. The thing that you should do is resist the draft and start building alternatives to what's going on in America, alternatives to the Establishment; but anyway I didn't.

I was accepted at the University of Chicago to do my doctoral work and this is the first time in my life that I had ever decided to go to a non-Catholic institution, you see was the University of Chicago, to do a PhD study for -- study my theology, and I will have to backtrack a bit, I'm sorry. When I -- right before -- the last year that I was in San Francisco, remember I told you I got robbed, right, so I ran out of money and I had to go around and try to find a way to live and the easiest way to go to graduate school and live is get another teaching job, so I went around with this little thesis here, you see, and I sat down with a few of these presidents of small Catholic girl's colleges and I convinced them that I could teach theology. I had only *started* my Master's program, but people were so interested in Teilhard that because I had done some work in Teilhard they hired me and in this small Catholic girl's college called San Francisco College for Women right behind the University I was going to in San Francisco, and so they hired me. I was twenty-one years old and they gave me a full-time contract to be an instructor in theology, and so during the year of 1967 to '68 I was also -- while I went to graduate school was going to teach.

Now I got at this time from my Selective Service Board -- again they refused even though I asked them to, to act upon my C.O. status because I wanted that thing resolved, they gave me a teaching, deferment which is a 2-A deferment but the thing about teaching and the way that that changed things, for the first time in my life I had to get up there and talk to other, people about what it means to be religious and I found that to be very embarrassing, difficult thing to do.

I was sitting up there in front and I was teaching seniors. I was one year older than most of these girls, and saying, this is what you should do with your life. This is how you answer these grave questions about who you are, what you must do as a person, and this was -- this really hit me, like I was, you know, close enough to them to come to realize that I had to be really responsible and respond to what they were doing and that I couldn't fool around and play the game that here I am, the great professor, I have all the knowledge and I'm giving it to these kiddies, because I was basically almost their age, you see, and this is the way that the politics began to enter my life, is that

I realized that one of the things that was happening in America was that there was a great interest in politics and so that in order to give them a responsible understanding about what's going on in America I began to bring in a talk about political issues. I began to talk about the black struggle, I began to study the relationship of religious thought in America to the development of America itself, and about the most interesting thing that came to me at this point was several studies which began to make me aware that there's a large segment of the American society who accept sort of America as a religion.

In other words there are people who sort of believe that America can do no wrong, that this is an attitude of a lot of people and that the theologians that I was reading said that one of the religious crises of today is the fact that many people look to America as a religion and they felt that this was a form of idolatry, that they are very uncritical of their country, that whereas the president was sort of like God and things like this, and like that was the first time from a religious perspective I saw people criticizing what was going on in the country and became to realize that there might be conflict or some conflict between people who have religious beliefs and the cultures that they lived in, and live in order to explain the turmoil that was going on in the Catholic church like in relation to the black struggle, you know, there were people coming down saying we should support the blacks, and other people saying we shouldn't support the blacks because they break the law, and things like that, I began to realize as I say, in my Tradition that it wasn't just this clear, it wasn't clear that religious people always supported the State.

It was quite obvious that there were large periods of our history when Christians were persecuted because of what they believed came in conflict with the State. The most significant thing I guess at this point to me was the fact that in the early Church it was the law of the land to worship the emperor and they refused because they believed in the one God and so they got killed, but it's also true that the early Christians used to meet -- there's a letter called the *Letter to Pliny*; it's just a historical document found in about the year 67 or something, and in it it's the Roman emperor describing, he says, "We don't understand these Christians." They get killed because it's against the law of the land for them to have their communion services. Like the Romans outlawed the fact that they could get up and have communion services. They weren't allowed to meet religiously and share what we call the Communion or the Eucharist, and even though they knew they would get killed the Christians did this. They would get up early in the morning and do this, and a lot of them died -- they died rather than not have the symbol of their faith, you know, to share in this Eucharist, and so like I -- again I hadn't received my C.O., I never Resisted, I was never at a Peace march, I was twenty-two at this time and I was just coming across these ideas and this is what I was still basically interested in; giving people the vision of life. What we could do with science, what we could do with the world and what became more aware to me as other people pointed out was that in order to do this I must respond, that every individual must respond, is that if mankind is to advance no one else is going to do it. It's not going to happen from outside of the world. We are going to do it, you see. God is within us and we find God by relating to other people. We don't find God by going off in some corner of the world and sitting down and try to say, "God, where are you?" We find God among other ways, by being involved with other people and the Catholic church seemed to carry that across most vividly at this period when I began to teach and try to relate these in a concept they called the Body.

The word is usually the Body of Christ and what they meant by this was the fact that all people must look at one another in a different way, in a new way. This is how I understood it, is that St. Paul says, which was something that I was -- which really affected me -- he says, when you look at one another, he says, only realize not only that they are your friends or you should like them but that

you are muscles and bones of one another. That was a strange thing, you know, look at other people, not just realize that they are your friends or you should like them but that you're muscles and bones with one another, that you are *that* intimately connected with them, that you know, what happens to their life happens to your life. He gave me a different concept of myself so that when I looked around at the world and saw other people I realized it was difficult at this time to do this because remember I was trying to tell you how I disliked people at this time, these things began to gnaw at me, that if I really believed in what this man was saying, that I had to realize that all people, not just the intellectuals, not just the elite people, but *all* people, people like the common man on the street, the janitor in the school, that I had to care for that person, that life, you know, that *life* meant that I was to love other --- anybody who came across my way and needed to relate to people, that I had to do that but everybody had to do it too but that I had to do it too and here I was telling people about life, telling these young women that they're going to get married in a couple of years and raise families, what they should do with their lives, and like it raised this great sense of "What a hypocrite you are!" It's a very hard thing to teach, to get up there and say "love" and then you go out and you hurt people yourself, you know, and this was very -- you know, very much to the fore in my head and the same thing with the political situation. I realized in a sense that I had to become somewhat political because it made sense that I couldn't talk about building the earth and not be concerned about what was happening to other people. I couldn't -- I had to be concerned about, you know, what happened to people economically, that if there were people who were starving in the world, didn't have good housing, that these had to be primary concerns for me and I had to relate to them somehow.

For example, I guess, we submitted a memo explaining our principles upon which we were basing our defense, and it's a quote from a scripture passage, First Peter, Chapter 4 and it says, "And now dear friends of mine I beg you not to be unduly alarmed at the fiery ordeals which come to test your faith as though this were some abnormal experience. You should be glad because it means that you are called to share in Christ's sufferings. If you are reproached for being Christ followers that is a privilege, for you can be sure that God's spirit of glory is resting upon you", and just another example like from Matthew in Chapter 6, it says that, "No one can serve two masters. He is bound to hate one and love the other or support one and despise the other. You cannot serve God and the lovers of money at the same time."

It was passages like that, among others in the whole context of the Scripture, that made me realize that to be -- possibly to be a theologian wasn't going to be a comfortable thing in my life, that maybe I would be involved with conflicts not only within myself but possibly in trying to bring the understanding of Vatican II, you know, to other people, that I would be in conflict. I had to, you know, continually ask myself what it meant and what it meant that I would teach, because like I -- everything that I do I try, and I mean like every other person, you fail sometimes, but I really try to understand the responsibility.

Like when you get up in front of a class of people, you know, like you meet people for a semester, that may be the only time in your whole life you're going to meet those people, they are people like you people right now, twelve people on the jury, you know, people who are involved in one another's lives, like there's a responsibility. There's something -- you just can't walk into a class and read to the class and then walk out. I mean, they're human beings and they're living and somehow, especially from a religious perspective, you know, you have to -- I came to realize -- you have to somehow be sensitive to that and try to understand it, so when you talk about the Scripture, the Scripture wasn't just a book. It was something that people *did*, you know, and something that was intended to make people affect the way that they live their lives, and we had many conflicts with my

students because I used to raise the questions my friends in graduate school raised to me, that the task of the theologian was to be involved, you know, not just in teaching but to be involved in social and political things.

I also began to teach -- or try to, at least, teach courses on non-violence and explain to people why I was a Conscientious Objector and I must admit that at this time in a sense I became much more Catholic and I guess slightly open to radicalism, and that's how I left San Francisco; very convinced about my Catholic faith, that I wanted to know it and understand it and open to the fact that I had given some little critical view that it was -- that my friends who were really concerned about building a better world and that could mean that people could be critical of the country you are living in and that it wasn't incompatible, that patriotism wasn't a blind thing, but that in -- especially from a religious perspective you might end up being critical.

So 1968-1969 I was going to go to the University of Chicago to finish my doctorate. By this time I had grown a beard -- first time -- and I finished the Master's in theology and I was very excited about that, but in criticizing myself I realized -- and you may realize this now too -- is that most of our lives are just too intellectual, that I had spent most of my time in going to school and I was at this time about twenty-three, and so I decided that what I should do is not go to college but that I should teach again, so I happened to get a job at a college called *Rosary College* in a suburb of Chicago called River Forest, and again I had a full-time contract for being an instructor in theology and again I had a 2-A from the Selective Service board and to give you an indication of my real politicalness at that time I *watched* the Chicago Democratic convention on TV. {The infamous Mayor Daley beat the peacenik's convention.} I wasn't there. I was sitting in Wisconsin watching that saying, gee, that's really interesting. I wonder what that means, and so when I went to teach at this college I was still sort of taking courses at the University of Chicago, and I was assigned courses to teach and I really liked teaching and I still wanted, you know -- I still hadn't realized the responsibility that I had to these people, again, since I was young, you know. I was almost like the same age that they were and the problems they were facing were problems I was facing, and since I was a lay theologian it prevented me also from coming into a place like maybe a priest would. People see a priest and they say, "Whatever Father says is absolutely right." I was a layman and I said something and people stood up and said, "I disagree with you," and so like, you know, in my theology class I had a little less authority because I wasn't ordained but it also enabled me to get more deeper into some problems.

The thing that I realized in order to respond to my students, I began to realize I'd have to change my educational mode, so I stopped teaching in the classroom. I developed a coffee house where I could be with students all the time and I would teach in the coffee house. I tried to make them realize that I was teaching a thing called sacramental theology, the sacraments like Baptism and the Eucharist and Communion, but the main thing behind an understanding of sacrament is that like in the Catholic faith -- the Catholic tradition believes that things and acts can make God present and they call these sacraments. They take like things -- like bread and wine, and if people share the bread and wine, *in* the act of sharing God can be present.

And they also believed that acts, like in the Catholic faith marriage is a sacrament and this means for Catholics that the act of intimacy, the act of love, the act of sexuality can be a holy act and so to take -- derive principles from this, the fact that, you know, things and acts can make God present. I tried to build the earth in my own little way. I tried to build a room -- I thought that by people being in there would allow them to come out better. It could be a place where they would feel freer; that

they would talk freer; where we would break down some of the inhibiting characteristics like of a classroom where I stand up in the front, or like now, like you can't respond to me.

In most classrooms you get up and give a lecture, it's just like this, and you might have questions to ask but unfortunately the way the jury structure is, you know, you're not allowed to ask me questions so I don't know if you are following me or where you are, and this is usually what it's like when you teach, and you read your notes, the students sit there taking notes.

So we created a coffee house and it was basically again, I really felt that the coffee house was like a sacramental room, you know, I mean like I was approaching - I was trying to create. I realized that I could do this but I didn't know how to do it, you know, but like I was trying ... and like we built a coffee house and this is like where things sort of began to happen, and at this period in time the *Milwaukee Fourteen* draft raids happened. Like Father Al Janicke, who gave witness, was one of these priests and I happened to know another young man who was involved in these actions, and they were Catholics, you know, and so the news comes that these people - two friends: Jim Hunt and another friend of mine, this college roommate of mine, dropped down when I was in Chicago and said that they had been in Milwaukee, that this guy Fred Ojile was in jail, and I said, "What for?" and he said, "He burned draft files." "Well, he's crazy," I said. You know, he burned draft files, what was that all about? So they began to tell me what that was about and I really, like most people's immediate response, was I thought that was really strange, you know. I mean, what were they trying to say but being a theologian, you know, I had to relate to it. This was an important thing, so like some of these people from this group came down and talked to my school, and well, they not only raised questions to the students but they raised questions to me. Here I was, to the students a big Peace person and then they kept saying, "Well, how do you understand these things like draft raids?" and things like that, and so I had to wrestle with the problem and I'd listen to these people and I had to say, Does this relate to my Tradition? Are they people who are just religious people, who like to do political things, or is their politics directly, you know, a religious act?

So I went up there to their trial and I talked to some of the priests and I had to find out who these people were, who Catholic radicals were. At this time I had only very faintly heard about what a Catholic radical was, and they began to tell me more about a Tradition in the Church, and then they began to say, well this is -- they took Pope John's encyclical and the *Documents of Vatican II*, and there were five priests in this group among other Catholics, and they kept saying, well, what do you think this means, you know? What do you think that means, and a combination of questions about total war. What does it mean here when Pope John says, you know, you can obey - *you must break man's law sometimes to obey God's law?*

I said, I don't know what it means, you know, and I had to go back and think about it, so I said, well, I'm a Conscientious Objector. That's what -- I still have this thing on file, I said, and they said, well, that's not enough, don't you see, the fact is that the government isn't responding to ending the war.

They said -- they began to give me a little history of like the Peace Movement, and this came out and these are the things I began to talk to my classes about too, is that people had marched and I hadn't marched ever at this point in my life either.

You know, they had protested, they had written petitions, they had worked for Peace candidates, they had tried to elect Peace presidents and it seemed that the only people who weren't working within the System were the people in the System, the people in America were taking to the streets to

lets -- they were taking to the streets and the ballot box to let the people know in power how they felt, and so they raised the issue for me for the first time and I had to confront this issue in my own religious consciousness, that even though I went along with the Selective Service System as a Conscientious Objector, is that the System was not going to end the war, but that I had to, in myself, witness that the people of power weren't going to be responsive. That in the tradition of America when the people in power aren't responsive, the people themselves do things and we have these rights, like under the Bill of Rights, the First Amendment and other Amendments of Free Speech and stuff, that when we do not just have electoral politics. We have the right to petition. We have the right to do the things that the people in the Peace Movement had done and that -- and the fact at this time these people had done all these nonviolent things.

So like these were issues that came to the forward. I began to try to integrate my study of science and theology with the study of politics, and I began to study a little bit about the war and the first book I read was the one called -- it's by a Vietnamese, a Buddhist monk, about Vietnam. It's called *Lotus and the Sea of Fire*, and this man was a religious man from this other culture in this other country in which we were involved with, and he made me aware of the complexity of these issues. He said it simply wasn't the Americans fighting the Communists, that there was a whole group of people in Vietnam who didn't want either the Americans or the Communists there, you know, and that they had their own tradition, their own history, that the Buddhists -- that the religious people were very involved and so at this point of my life I was called into really trying to understand these things and again the students were asking questions.

The political -- my relationship of theology and politics was even stronger because through this coffee house I tried to bring in all kinds of people from Right and Left to speak about what was going on in America, and some of the people who came in -- the most influential to me were some of the Black Panthers. At this point my attitude towards the Black Panthers was probably the same attitude you have, you know, Black Panthers were really, you know, strange people to me. They were violent, Revolutionary and stuff like that, and so like some of the Black Panthers talked, and they talked about four or five times in the course of the year at this school.

We had days to study what was going on in society and stuff. The thing that the Panthers did, like I found out, is that there are things happening in the United States that I didn't know about it. Things that I found very hard to really believe. Like I was against racism, but how do I relate to what was going on in Chicago's ghetto? I realized that there was a group of people who had grown up in America, like the Panthers being just young blacks, who were really -- realized that the way that they -- the only way that they could bring a real consciousness of their struggle was like to go into the streets and try to organize people, and that these men that I met were not stupid people. They had tried to study the issue. Some of them were young men -- some of them were younger than me -- who were very committed to trying to raise the conditions of their people. They wanted to work for better housing and better jobs and for human respect, and that in order to do this they were *willing to die*.

Now I was nonviolent at this time, much more committed to nonviolence. Nonviolent people were always saying, We are ready to die for other people, but usually when you come from -- when you're sitting up on the podium lecturing the people, it is easy to say, I'm willing to die for other people.

When you meet someone who is in the circumstance where it could happen, like a young man in the middle of a Chicago ghetto standing out there saying, "We need better housing and better food for

our people”; that “We have to feed the young kids,” and we need "better" medical care - and you know that some of the people in power's response to that might be to have him removed. It just confronted me that here were people who were really saying, *We are going to try to rebuild the earth*, and I was confused at the time and very open and confused and discussed the whole problem of violence and nonviolence and who the Panthers were, and stuff, and I had come out with a great respect for these Black Panther people and will not go into that, but I will just say that the thing they raised to me was a realization of what it means when you say Peace and Responsibility, you have to face up to that if you are going to talk about peace, something might actually happen to you.

Now I never really thought that that might happen. You know, I always talked about the fact of being nonviolent and dying for people and committing my life to Peace, but I just, you know -- the first time in my life I had met young people who in the midst of social problems in the country were trying to do something about it, and it scared me so much that I didn't know how to respond to it, that I had decided to sort of leave Chicago because I couldn't respond to it.

I know a lot of this is hard to listen to, it's hard for me to say a lot of it, but I do want you to understand why we are here today, and so before the break we were talking about describing the years 1968-'69 when I was teaching in Chicago and some of the issues that confronted me.

This is the first time that I did public speaking outside of the classroom and I spoke as a man interested in Conscientious Objection to a church group and the response in Chicago at that time, at this particular church group, was the fact that I was called a Communist. It was the first time in my life in the sense that something like that had happened and it kind of disturbed me because I understood myself as coming out of a religious tradition and now having any specific or definite political beliefs, although my political understanding was developing and there was a variety of things like that, a lot of things coming to bear. The responsibility I felt I had as a teacher, as a theologian and my -- the obligation to teach people about what was going on like in Vatican II, and to relate to the political issues that were happening all around the country, I guess makes me in a sense want to leave Chicago and get outside of -- get away from being in that role. I wanted to spend some time getting myself together, as people say. You know, trying to find out really what I should do, because the pressures were -- the pressure was there to act in so many ways, to act in response to my Church and even the responsibility of being a theologian, I wanted to know exactly what that was going to mean to me, and during this year a very deep, spiritual thing happened to me, is the fact that my father died and this meant a lot of things, I guess, in many different ways, because my father and I had been so much together on discussing religious issues all the time. In fact the last thing my father and I talked about was what's called incarnational theology; why God became man and then a couple days after I went back I found out that he had died right before Christmas. We always talked about these things, and all of a sudden here I am alone with all these questions. I don't have my father to argue with. I don't have anybody to argue with, no one to really sort of help me, guide me, and -- but I had to come to grips with the issues so I had like this in mind, if I may, from Vatican Council II the documents on the Church today, to try to understand -- to tell you like the responsibility I felt as a theologian alone, you know, because now I primarily defined myself, you know, that's what I am. *I am a theologian.*

Sort of like as I look over my life what I was sort of brought up to be, and it says, "With the help of the Holy Spirit it is the task of the entire people of God, especially pastors and theologians, to hear, distinguish and interpret the many voices of our age and to judge them in light of the divine Word. In this way revealed truth can always be more deeply penetrated, better understood and set forth to greater advantage."

Now when you're involved in trying to get up day by day and talk to people every day, you know, about how they should live and how they should die and how they should love and how they should feel, you read something like that and it's a real burden and I still feel the burden in trying to communicate, like, to you and the task today, and you also realize how you fail all the time to communicate to people. You also realize how intimately connected what you do with your life is with how people see what God is doing. I mean, people have a right to look to theologians and to people in the church who say they are concerned about these issues, to see how they live. Not just how they talk but what do they do, because if we, you know, of all people I guess in a sense aren't doing it, how can I ask you to do it? How can I ask you to be concerned about these problems, or how can I ask my students, but anyway I really wanted to get away from all that and I was hoping to go to Mexico for a year and study some politics and religion down there, and just sort of get away from having to talk because when you have to talk about it every day, you know, you keep hearing yourself saying things and I say to myself "Do I really believe that, and if I do believe that am I living any differently."

People used to say I was a good lecturer, you know. Kids come up and say, "Wow, that was really great!" and my own response was, yeah, I wonder what that really means. I can talk well, but do I act well? So with my father dead and the family sort of trying to come to grips with the whole change of life style -- I am the fourth oldest in the family, so I have like four younger sisters and my younger brother I told you is dead, so some of my sisters are -- like my youngest sister now is sixteen, that was two years ago she was only fourteen, and so like I felt the need that since most of the boys were married, in a way that I should try to be there for the summer and so I got a job, by an interesting coincidence, at St. Catherine's. It just so happened that I wrote them in December, asked them if they needed a person to teach Christology, it's called. It's the doctrine of who Jesus is through the ages, how people understood who Jesus was.

It just so happened that all of a sudden some Sister got sick and cancelled out so I got the job. It was kind of interesting, but I did find myself home in St. Paul teaching theology that summer, and what was happening here was twofold; as I was involved in teaching nuns, Sisters, older people, I wasn't teaching young children or kids anymore. These were people who were teaching young children and I had to realize again the responsibility that I was teaching people who were going to go out to all towns in Minnesota and North Dakota and different churches, I even had Sisters from Little Falls and stuff, who would be teaching other people that I was forming their formation, you know, directly and in the sense the responsibility of how many people I would reach indirectly was manifold, and again at this time I was confronting all these same issues and then trying to relate them to these -- these older women who were trying to understand what was going on with the youth in the country, and in a certain sense they amusingly, when the summer began, looked at me as an example of one of those youths because I had a beard, long hair and everything, but we really were able to talk not only about the youth situation and the change in America, but talking about how do we responsibly teach, you know, young children in the Catholic school system.

At this point during that summer I was also -- my draft status was changed to I-A, even though I had my C.O. on file. As I tried to tell you it was never acted upon. They kept deferring me even though I didn't want it until they finally made me 1-A, so I had to -- I went back to my draft board and I just said, look, you know, I want this resolved. I have this thing that's been on file now for almost three years and I -- now I have a Master's Degree in Theology and I have taught, you know, and I have come to grips with these issues and this is how I really believe, so two days later they gave me the C.O. and what this confronted me with was now was the responsibility of service to my country and

this is in the year '69 -- fall of '69 to '70, and even though I had come across a lot of criticism of the United States politically and everything, at this point in my life - and it's only like a year and a half ago now -- I felt that I still had to comply with this deferment, this Conscientious Objector status, and do Alternative Service.

Alternative Service is what a young man who becomes a Conscientious Objector does. He spends two years doing a job "in the national interest". Some people work in mental hospitals, or they are employed with a non-profit organization. Most of the people who get this job become {hospital} orderlies and the Selective Service Board approves your job and you do two years and this is supposed to be instead of serving, but nevertheless you do some type of service and I was still at the point, even though I was becoming a little bit more political, a little more concerned about the social issues in the country, I still felt that I should do Alternative Service, and go immediately upon getting my Conscientious Objector status, I found a position that would satisfy the requirements of Selective Service.

I was going along with the System, is what I'd like to emphasize to you very much, and I took a job at the Newman Center on the University of Minnesota campus.

Now the Newsman Center is a student religious center on campuses which aren't -- like here in Minnesota, which isn't a religious university, and they have centers, various faiths; the Baptist, the Catholics and the Episcopalians and the Jewish people and the Moslems and Mormons and anybody has student religious centers where they try to reach out to the people of the campus who are interested in that religion and try to add a religious dimension to their education that's going on like at the state universities. So I took the job there but I was interested in sort of not being in the role of a theologian because it was a little too difficult for me to handle all those things that I told you were in my head, so I took a job as a program director, which meant I was going to draw up programs and get lecturers and things like that, but what happened here, in retrospect for myself quite interestingly is that I can never be with a group of people and not talk, is that I just started to teach theology again, to have theology classes that they opened up to the public, but I also started to preach, and this is -- this is not something that has never been done in the church. There have been preachers who weren't ordained but it's something that hasn't been done for like four hundred years, so I went up to the priest and I said, look, you know, like we know what's going on in the Church and the changes and I have a degree in theology and I feel I would like to understand what it's like not to lecture but to try to talk within, like the worship service, and pray with them in public, because that's the reason of a minister and the role of a preacher, to try to talk directly to families and to the spiritualities in the family, not just give academic lectures.

So they allowed me to preach and I began preaching on a regular basis and it's just my own maybe peculiar nature that when I was -- like the first time I was going to preach I realized the Tradition that I was standing in. I realized that there were, for thousands of years, some men had stood up in front of other men and tried to speak God's words, that they had taken like a test, like whatever faith they believed in, but like Christians they had taken the New Testament and there were some men who had enough, I guess maybe -- maybe not enough humility or whatever but they stood up and they tried to say this is how and what this means, you know, and they tried to speak to people of all ages and from all walks of life and they tried to speak the word of God, and, you know, something like that just -- like what it brought to me was like more than ever that I find myself again in that position of saying things and then asking myself, what does it mean for me to do this, you know?

I mean, how can I get up there {and preach} to people who are older than me and everything and say, you know, this is what God is, what Love means, or this is what it means to love your wife, you know? This is what - how you should live. This is how you should raise your children. These are the moral questions that you should look at, and especially since it was a university community, that there were a lot of young people there and the issue of the war, you know, was one of the overriding issues that came there, and we often talked about these concepts now which become uppermost in my mind. This concept of the body of Christ, the fact that when I talk to these people in church on Sunday, that I was asking them and myself to change our lives so that when we went around the street and we saw people, we saw one another, the people here and yourselves, and that I realized that it must become real for me to say, you know, that you are meaningful to me, as intimate to me as muscles and bones, you know. That I must be concerned about your life. That must be my overriding concern when I look at people.

Not look at them if they have a job or a profession or are educated, you know, but that they are life and I must have respect for that life and we must begin to live so that we understand one another as a body.

We must begin to try to do that, and how to do that was really a good question for me, and this -- the war brought it home to me in this way: as a theologian when I get up and talk on Sunday, when I was preaching, a lot of the young people heard what I was interested in and I talked about a lot of things. Not just the war but all the different types of elements of the Catholic faith and spirituality, secularity, you know, a lot of things, a lot of responsibility, but the war -- like young men who come for counseling, and this is usually the way that I began to confront this issue that we are presently involved in, is that young men would come in and talk to me and say, I'm at the point where I'm going to be drafted, and they would like to know whether it was moral to go to war or not to go to war, and the questions that they would raise is how, as a Christian who does see other men as a Body, as a being, who realizes how they must love all people, how could a Christian, you know, pick up a gun and kill people? How can you live in that situation for years, you know, like in Vietnam?

A lot of people knew they would probably end up in Vietnam, and so they, you know, they would directly ask me that question about, how do you develop your spirituality in the time of war? I mean, do we just go to Vietnam, they would say to me like, and for like two years forget that we are Christians and then come back and go to church? Hove do we integrate it, how do we put it all together, you know, and I would find the same problems with young men who would come back from war and say, there is no place to talk about this but I have to talk to somebody, you know. I mean, this is what I did. How do I understand it. How do I live my life now? and the position that I, you know -- the theologian in myself, I guess, I don't make decisions for people. I mean, I talk about the Traditions, I say these are some of the peace traditions in the church, you know, but there have been a lot of people who have gone to year. This is the way that they thought.

You counsel people. A lot of my people who came to me, and a lot of my friends who talked to me; some of them went to war, some of them didn't go to war. Some of my friends are in jail, some of my friends are captains and others lieutenants and otherwise in the military. Some of them have seen action in Vietnam and some of them are just finishing their jail sentences, but the thing is that this was the overriding moral question that I was being continually confronted with, and I felt that I could speak to it twofold.

I could speak to the situation they were in from what was happening in America. There are traditions within the American -- just the American culture. There are traditions of men who have refused to go to war. There are traditions of men who have broken laws and appealed to higher laws.

The example of slavery is most obvious. Some believed that slavery was wrong and they would help slaves flee the South and so I realized that there was much people could reflect upon, but you see when people bring these questions you have to go and find this out yourself, you know. You have to find out and talk to them about the faith, and not only that, they may ask you the question of what are you doing about it, you know, so those are questions that they were finding, the moral judgments they were trying to come to with the ones that came to me, and I came down, I guess, very convinced the more that I got closer to like the documents of Vatican II and some of the recent papal letters and my further understanding of the New Testament, that I must become more committed to nonviolence. I must become more committed to trying to bring peace and I must -- and I think came to realize for the first time that my priority -- that my future life was not possibly going to be as nice as I thought it would be, and my mother always says, "Francis, why didn't you stay, become a professor, get married, have a few kids?" I thought that would happen to me too when I was twenty-six, that I would be a professor somewhere, but I realized that this might not happen if I responded to the questions that people were putting before me and I was putting before other people, and so there was a chance for me, there was as mentioned before by Colonel Knight, there was a draft raid in the Twin Cities area {the *Beaver 55*} and there was a rally for these people and these groups of people -- some group of people said that they were accepting moral and political responsibility for destroying draft files, and I really was attracted to these people because I felt again, like a lot of other young men, that these men were trying to speak to the issue, that they were very -- they realized the Traditions they were coming out of. They were the type of people that when I talked to them they had tried to involve themselves in trying to understand the American tradition. They tried to understand the political situation. They tried to understand, you know, that people have tried to respond to the Selective Service but the Selective Service really has a grip on the lives of all men regardless, like I said before, like their physical and mental situation when they are eighteen.

They made me come more to face the fact that the Selective Service is a very peculiar system, unlike any other system in America, that every male has to relate to. Even after you're discharged from the army, you carry your classification with you. I think it's 5-A or something, but it seemed to be symbolically, you know, the one piece of paper which tied people into the war, which tied people into accepting the fact that we could continue a war which I had at this time become very convinced was destroying America. Not just destroying Vietnam, which is very obvious from some of the witnesses, but that it was destroying America.

The question that I began to perceive, or the situation was that these young men who were coming to me, these were American young men and that the issue of the war was driving a real wedge into their culture, that it was really creating deep, deep problems and I really feel and I still feel that the war is destroying our country besides destroying the country over there.

There is a statement in Vatican II where, after talking about how we must outlaw atrocity and subhuman living conditions, the Council very wisely says that these types of things poison human society, but they hurt more the people who do them than the people they are done to, and this is so true I felt for the United States, was that one of the problems was that our culture right now was being wrecked by the war. People were readily accepting the fact of mass murders and mass

bombings, that America was becoming insensitive and that I felt that these were the type of men who were speaking to these issues, so I joined their Defense Committee and I joined the educational branch in a sense, just joined the group. Sort of the first political group I ever joined and I went around with them to colleges and we talked to students about what is actually going on in America. Why do men attack draft boards? What are they trying to show? What are the moral issues? How do people respond and for a couple months we always were confronted with the questions: work within the System, doesn't the System work? And we had to become more familiar with like the history of the Selective Service System and how the people in power have not responded. The war has not been declared by the Executive, *it has not been* -- it has not been declared or approved by the Congress. There have been numerous cases brought up to the Supreme Court challenging the constitutionality of the war and the Court refuses to consider them because they say they are political issues, and yet men like us, when we react against the Selective Service System, we come into court and say, well, we can't be tried because it's a political issue, they say, well no it isn't a political issue, you can be tried. There is a strange way of thinking there.

While the Supreme Court refuses to face the issue as we saw it, they would allow us to be tried and put into jail by saying that it wasn't a political issue, so a lot of these things made me come more to understand this Tradition within my Church called Catholic Radicalism that I talked about and at this time I became much more aware of men -- the most popular known are these two Jesuit priests called Fathers Berrigan, and it was among other literature, a book like this came out and it's called "Profiles in Catholic Radicalism" and it's subtitled "Divine Disobedience" and it details and explains the lives of these different priests and especially like the Berrigans, and all the different types of radical -- well, what would be considered radical social activity, and how Vatican II and the papal encyclicals spoke to these people and they were doing things like draft raids too, you see, and they understood that this came out of their religious tradition, that as priests, like I was also a theologian, they had to speak to the people and that we don't speak to people just while we are in Church, you know, in that little physical building on the end -- you know, some corner somewhere, but that we must speak like Vatican II addresses itself to all the people of the world and that in a sense that while people who go to a specific church, you share historical symbols, like you share the Eucharist or Communion, you know, the bread and the wine, this is something which for thousands of years people have called themselves Christians have shared.

Now the task was to try to go out to people outside the church who may be not -- don't identify themselves as Christians and try to speak on their terms to them about some of the same religious visions that we have, the visions of Peace and the visions of Love. To speak to them in their own terms.

I can't go out to a young man who's going to the war and say, well, just -- you know, here, share this bread and wine and we will understand what Life and Love is. I have to speak to people who are not in my Tradition, you know, with things that they will understand and one of the ways that this came about was -- and I talked -- in talking to people I further came to understand this, it wasn't something I just had. As I talked in colleges, people, you know, raised the question to me {about} religion and I had to understand how it came out of my Tradition that I had to in a sense attempt to commit a social-political sacrament. I had to try to speak -- find something symbolic of American culture, something that was very peculiar to America and I found this myself in the Selective Service System, and because of the way I tried to let you understand how historically the people have tried to relate to that System and the Government and the people in power refused to respond, and I realized that this was the one system, you know, that would really enable young men especially, and young people because a lot of women are concerned -- you know, women have been

concerned about the war too, you know -- about how we must stop this acceptance of war. We must stop - instead of talking -- like you take the Eucharist, the Communion, you say to someone, *This is God*. This is *the body of Christ* as Scripture says for Christians. When you take your draft card, you can actually say, *This is war*. I accept violence, this is violence because by this I am willing to commit acts of violence, I am willing to go to war and somehow we need something that would say, *This is peace*, and I am committed to peace and to nonviolence.

As absurd and as ridiculous as that might sound, it has to start somewhere and it starts with us and we must *not* live by fear. Just because that Selective Service System can throw us in jail or force our friends to leave the country, we must not accept that. Look what it does. It forces some of our friends to go to war and we have known some of our friends who have come back from war and what's happened to their mind and how they feel as the young vets talk about, you know, how people can't sleep.

You have probably experienced that too, if you ever experienced war. It seems to me to be the most absurd and patently -- you know, exactly opposite thing to my preaching Christianity, to allow people to go to war. If there is any one thing that destroys my preaching about Christianity it's war, because if you kill someone I can't talk to him any more! *I can't love a corpse*. People must be alive, we must come to savor life, not carry around tickets for death like the Selective Service System, but for life, and, you know, how exactly to say that to people? You know, how exactly to try to say it and what is a really dramatic and symbolic way of doing it? Well, last year when I was with these other people things also began to happen in the country, like the Cambodian invasion and the students' response to that. They killed these students at Kent State and Jackson State.

It's hard to say exactly how you do this, and that these things are finally, you know, coming together; the religion, the theology, the science, like my views -- like the evolutionary view and the realization like with what was happening in the country, like if I was ever more convinced that the war was destroying America, you know, the response of Cambodia, the response of shooting the students, you know, these things and the acceptance in the sense of this by the American people, the sort of casual acceptance -- well, these are things that happen by the men in power. I began to realize that, you know, that if the political people weren't going to respond, the religious people certainly had to respond. That if the political people felt that there were reasons why they weren't going to face the issues, the religious people had no excuse for not facing those issues because we are committed primarily to life, and if I have to embarrass myself by sitting here trying to talk to people about what life is and put myself in that position, then I have to be willing to do it. I have to do acts which raise contradictions for people that don't allow them to understand directly but which I hope will let them understand in the long run, then I have to do them.

So like the real problem for me about trying to do a draft raid and why we then began like to decide to do draft raids, was the issues of violence and nonviolence, like right when I first heard about the *Milwaukee Fourteen* burning draft files I couldn't accept it because I thought it was violence, and up to this time in my life I thought nonviolence basically meant *not doing* things to other people and *not doing* anything that would hurt anybody, but I began to realize that the main understanding of nonviolence is to try to respond to the human situation as humanly as you can without inflicting harm on other people, that, you know, even though planning like to raid a draft board is something I have never done before in my life. I'm not used to breaking and entering, you know, learning all those types of crafts or whatever, that that was something that as a theologian I had to try to do because by entering a draft board, you know, I set up the situation where enough people are going to say, "Why did you do that?" They say -- people who know me, people who I preach to say, "Why

did you do a crazy thing like that?" They don't understand it. Then you try to say to them, "Well like -- property is not as important as personal lives. "Yes, I agree with that," and then they say, "Well, were you protesting the war?" And most people say, "Well, I agree. I'm against the war," but then the thing is when you put yourself in jeopardy, like the ability of going to jail, and you know people do have to look at it deeper, and I say, well, it isn't that simple. You may never have wanted to look into it as deeply before but now because I have done something and you know me, you know, you will have to look into it much deeper. And when I went back -- I was arrested while I was teaching at St. Catherine's. I was in the fourth of my six weeks of summer school. I was teaching a course on sacramental theology, how to make God present to the world.

I was teaching about Teilhard de Chardin and next Monday these Sisters find me in jail, see, and you know to them too, who come out of my Tradition, it means a lot of questions but it enabled a lot of them to realize that, maybe, you know, there is an urgency to what we are doing, that maybe we can't just say another three years of the war, you know, another maybe 25,000 lives we will accept. Maybe we can't accept the fact that -- well, they will begin to accept the fact that the people who leave the country are the people who are refusing to face the moral issues and that the only people who are going to face the moral issues are the people, the anonymous people that you don't read about in the paper every day, and that it is important and absolutely important that if to end the war we must act, you and I must act, and there comes a period for some of us to take acts which try to raise these contradictions to people, that we had nothing to gain by that draft raid. We -- they weren't our draft files. "We weren't going to make money out of it. We weren't just going to burn the place down, you know. We wanted to speak to the evil of a System and we wanted people to realize that even though we casually accept the fact that we have been at war for fifteen or twenty years, that this war is destroying the country and people must look at it and they must begin to respond to it.

I guess one thing in summing up my witness, there comes to me that my father, I remember reading that letter, said "a clear conscience is a greater thing than physical pleasure", and I guess, you know, the thing is that I feel very peaceful about what I have done. I have made one moral decision, I have got a lot more to make, you know. In a sense, you know, I'm not on trial; something else and other people are on trial here, the moral decision in the sense to be made here is the moral decision you are going to make.

I, in a sense, feel and know that my response to the doctrines of Vatican II and to my religious Tradition were proper ones because of the peace that I do feel within myself. Not to say to you that I am not confused, not to say to you that I haven't entered into criticism. The draft raid hasn't worked as well as it should. The American public has a strange obsession with property that a lot of us weren't quite as aware of, but people will still say, you destroyed or you wanted to destroy some pieces of paper, and so in a real way of criticism, you know, I realize that it wasn't the most effective act and it's not something I plan, I guess in the sense, to do tomorrow or next week, but what I really want you to understand is the history of the development; that in that period of time with the issues in this country and with my own personal growth and with the documents speaking to me, my commitment to peace resulted in that type of action. My commitment to peace will continue to keep me to work. It comes at times that maybe to bring out the fact that God's law, is being flaunted and not respected, that we have to break laws but again the System we acted against has a very peculiar nature to itself. It's not a voluntary system. It's not a -- it doesn't -- the property of those files doesn't belong to the individual. He cannot go down and take his file away. He has no control over it. It's a file kept on people which has control of their lives, which does wreck their future and we feel that the only person who can have control of someone's life and direct their

future is God, and a person cannot be directed. Therefore in a sense we really feel and I really deeply feel that that System ... has become demonic and I only ask you to look as I have looked at what it has done to the United States, what it has done to the young men who have to fight in wars and to understand that as I have, as this paper that we have mentioned that I have written after the action, is that our intent is to communicate -- to try to communicate these values.

If there are better ways, we hope to take them on now to communicate; but this certainly is an understandable way. It is certainly a way out of our Tradition and it certainly is a way -- the type of commitment, the type of risk we must be willing to take.

The documents of my faith speak very true to me and the visions that I have for myself and for you and for all the people here is to build the earth and I guess I should -- and I feel that it's -- I'm sorry in a sense that I have to talk about myself to talk to you, but God works through people and I can only hope that He in some way works through me.

If you want to ask questions, I presume that's about it."

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"You can step down," Neville said. And so I did, step down. Off that cosmically centered spot of my Witness. My inner self was locked in a wrestle with the jurors. Our arms and legs were entangled. Air wheezing sounds of sighs and heaves and grunts ... and screams rose into a chorus of pain. As I resumed my seat my head slipped into an almost unconscious bow ... after five breaths my eyes emerged to once again look at my 12 Friends, the jurors, to search their faces for emotions ... some eyes spoke that they understood, were feeling with me, possibly questioning, not afraid of nor embarrassed by the wrestle. The courtroom aftermath is some long uncomfortable minutes of procedural shuffling. Soon Neville broke the humming silence and said "We'll take a recess. I want to see the Prosecution and Defense in my office to discuss the Instructions." He was talking about the Final Instructions to the Jury, but most importantly Philip was talking about whether he would now make a decision on the admissibility of our defense. It was six days and all our testimony got through, at least in its general intent ... would he dare throw us out now? This whole court experience had been such strange mental, physical and psychic terrain for me that I didn't know whether I had reached the mountain-top or not. "If Neville let us continue, then we might have the first Resistance trial in history to argue a political, spiritual defense!" My minds wobbled around that historical perspective... "maybe something significant will arise from all these struggles, after all !?"

Now my Appeal Brief is based upon what happened during the hours following the close of our testimony. In his Chambers Neville paced back and forth behind his chair, occasionally halting to grip its edge and speak. Ken, myself and Thor were seated in a semi-circle before him. Each waited to see what Neville would really do. Philip kept hemming and hawing about the Instructions -- 15 in all -- and finally let the three of us go, not having made an explicit decision about our defense. What was up? As Ken and I were leaving, Neville came to our left and said something with almost a whisper of mystery: "Well if I make a decision now, what will you have to say for your Closing Argument?" Ken smiled but did not reply. I was going to speak but Ken motioned me out of the room. Before we talked about what Neville had just said, Ken sketched the new legal landscape we now stood upon.

According to the Rules of Federal Courtroom procedure, Neville is bound to tell the contending parties about the admissibility of an offered defense before Closing Argument. If a defendant has been informed by that time that his defense is thrown-out, yet rises at his Closing to argue those inadmissible points to the jurors, then he can be cited for Contempt of Court. So, if Neville had made a judgment against us there in his Chambers, we would have nothing to say that afternoon to the jurors. Yet, since he said nothing, then by law he is affirming the right of our defense to be argued to the jurors for consideration during their deliberations. We left his Chambers without having received a positive legal decision from Philip ...yet Ken and I could tell from Neville's tone of voice that he had something up his loose black robbed sleeve.

When Thor got up to present the Government Closing Arguments he clearly botched the job. In the District Attorney's office, the number one man, Renner is considered among his peers to be a powerful orator, though to me he is hardly that. But true to their aping ways, all the assistant DA's try to embellish their speeches ala Renner. When Thor does it, it just doesn't come off. His main point was, "But no one is above the law!" The magnificent (idiotic!) slogan of those who believe that the law develops morality, not morality the law. Thor finished his Closing in a fairly low keyed way, just rehashing how Mike and I "Did it." Then Ken got up and give his plea. Indeed it was a plea, not just Closing. He tried to share his personal pain with the jurors, how as a middle-aged lawyer, in these torn times, he goes every day to defend young men who are sent to jail for refusing to kill. Ken spoke with an earnestness that allows people like me to know that he really cares for us as people, not just as clients.

These jurors were listening to everything Ken said. When I came before them, it had been just hours before that I had sat for over 3 hours pouring out my heart towards them. What could I say to my twelve now? My lengthy hair and my long, full blackish beard was a comfort to me as I spoke. I began by trying to let them know that I didn't want to "snow" them ... that I wanted them as people to now make a choice, a moral choice. I pointed out that I understood the government's main criticism of our actions --"Can anyone who disagrees with someone have the moral right to go and ramshackle their offices and property?" No, I said, of course not. The Draft is a peculiar system ... and I re-sketched the totally involuntary nature of the System. Then I shared with them the fact that some supposed right-wingers had broken into and messed-up our Twin Cities Draft Information Censer. We as Resisters understood their protest ... but they, in contrast to our style, acted like a posse, they hit and ran ... without even the slightest effort at communicating with us. This is the difference between our non-violent symbolic act and vandalism.

While before them, I shifted between short paced walks in front of the jury box and moments of elbow leaning forward from the speaker's stand. I was tiring, yet I knew they were listening eager to hear and feel my speech. "My personal whole life as a theologian has been to speak the words -- that's what a theologian means-- to speak the word to the people, and I'd like to speak the word, PEACE. Try to understand what that means once I speak that word." This word meant to me, I continued, that it is impossible to live peacefully in a world where people justify the wholesale destruction of land and people." Think, as Professor Westing said, there is land the size of Massachusetts in South Vietnam that won't grow anything for 20 years!" This land ravaged example I hoped would sink into their Mid-western farmers' guts. Then I talked about Vatican Two, how I knew that for many of them "Vatican Two may seem like a bunch of Bishops" but that to me, from my Catholic tradition, what those Documents said implied serious things for me to do in the world. Kenneth E. Tilsen was up there, too -- right there feeling the burden of judgment, sharing the piercing pains of the moral struggle. Ken, Mike, Stuart and I were all co-defendants, and the jurors felt the truth of our communal Peace criminality through Ken's words. At that moment, I scratched

on my pad "Ken Tilsen is the real number 8 of the *Minnesota 8!*" I was very thankful that when I went on trial that somehow Ken Tilsen was around to be with me.

Then I shared with them some thoughts about my family. I spoke first to how I saw what I was doing as a Resister as directly in line with what my father --and many men on the jury-- felt they had to do in World War Two, i.e., take a moral stance and attack evil to protect their lives. A week before the trial my mother had told me one morning that she had been going through my father's letters. Mom always followed my Dad's advice on things like politics, and our trial was hard for her, it was challenging and changing her, giving her new experiences. She found herself supporting me and my "hairy friends" and in a way this troubled her; she wanted to really see whether my Dad would have supported what I did. She found these letters, which I read to the jurors. They tell their own story and tell me a lot about *why* I've Resisted as I've done. They were my own intimate introduction to *Patriotism Means Resistance*.

17 October 1944

(I was born on 6 August 1944)

"I think you are right about Charles. He will have to be a little gentlemen. In fact I want all my sons to be gentlemen. I don't want them to be sissies but I don't want roughnecks either. It seems that some people think that being a roughneck is a mark of a real boy and I may have once myself, but no more. Although I have seen no violence I have seen some of the results of it, and now I know how much value should be put on the finer things of life. I sincerely mean it when I say that my own ambition, my one ambition is to have my children grow up as Christian ladies and gentlemen. People who glory in violence and war, in my humble opinion, are to be pitied because they are very abnormal. Please don't mind my getting philosophical on you, but that is the way my thoughts run. God grant that the day will soon come when I will be with all of you again and can enjoy these finer things."

7 October 1944

"Since I too wish I were with you but to sit around regretting things is not going to help Charles or George. What I did (meaning joining the Navy) I did with best intentions a father and husband ever did. I prayed hard before I joined, for guidance. It's not trying to justify myself, but you know, Sweetheart, I did not leave to shirk my duties. I would willingly die this moment if by that action I could aid you and the children in any manner whatsoever."

It was this type of thought that many of us in America tried to instill in ourselves and that we tried to teach with and we tried to, you know, help ourselves grow with. And in the midst of this, my father's personal response was to go to the War, to leave a family of three children and go over. He was accused by some people of shirking his duty. My mother was pregnant with me shortly after he went to the Pacific.

11 November 1944

"How are you and the children? I hope and pray all of you are well. Today is the 26th Anniversary of the end of the last war. I wonder when this one is going to be finished? I hope soon. War really throws everything out of joint. When one thinks of all the lives and time, material wasted in

prosecuting a war, one wonders whether civilization has really progressed as far as some claim. One thing, however, it should teach us to appreciate peace and do all in our power to prevent any more of this foolishness. I am in one of my reforming moods but when I think of all this time I could be with you and the children, and think of all the others in similar circumstances, I get mad. Of course, I know I volunteered but I feel that that is something I should have done. It is the whole idea of wars that makes me mad. Let us pray that this war will end these silly controversies. I hope that our children will never see another war. If they don't, our sacrifices will not have been in vain."

With all my love, I am  
Devotedly yours, Charles

"Unfortunately, I guess, my being here today in a certain way speaks to the fact that a little bit of that sacrifice was in vain, unfortunately."

My mind bent backwards for images, for the right words -- phrases burst my head like rain drops -- sentences whirled around in maddening fury and my forehead got fever hot. Everything was one blinding flash -- the jurors fading into the afternoon's glare like a photographic negative. My body thrust its fleshy weight on my bones -- I was tiring, tiring deep, deep arid soft. One phrase, one sentence, forever the image of my whole standing before my twelve -- I slooped with my body-mind. The crystal mouth dark, shimmering pearl crystal of my life's quest and struggle: "It's like walking up to a person who is dead -- you know, *it's easy to kill but have you ever seen anyone walk up to a dead body and give it Life? did you ever see that?*" My brother Charles said that the room quaked and all the jurors quavered.

Now my cup was indeed empty. What more could I bring to these people -- to the times -- but my father, my God, and myself? My whole young life and its single purpose were spread like a fragile spider's web before them. How they acted, whether they would just brush me off -- or ignore me, I didn't know ... I was so tired, so bone weary that I almost didn't care. My task was done, their task lay ahead of them. I closed with words bidding courage, words inviting them to see me in themselves and themselves in me. These last words were spoken on the rhythm of pleading melded with affection. "...we happen to be together -- we are here today, *strange thing*. Next week you might say, "Last week was really strange. I was sitting in this courtroom for a week and we were talking about life" -- *and we are* trying to talk about life *now*. We are trying to talk about Life. If there's anyplace that we go for moral decision making, it's here. *You have arrived*. We are making moral decisions.

The war, may have before seemed really far away from you. But all of a sudden it's as close to you as I am, and as you are to one another. But that's what we are talking about right now. And you might say, "I don't want the responsibility." But sometimes we find ourselves in circumstances where we realize we do have that responsibility and we have *more than the law* to fall back upon to guide us.

We do have our conscience. We do have love, we do have friends. And we do have visions. We do have children who -- maybe you will have for the first time in your life the chance to say -- "I made a conscious decision to talk about peace."

If the prosecutor can convince you that I am a vandal, that I have acted out of some type of selfish motive to get self-gain or whatever he wants to do, and you can believe that, then really -- *I don't know*. I am a man like you are people, men and women. I am not seeking for power. I am seeking to say, "Aren't you glad you know Francis Kroncke." I'm seeking to appreciate and understand life and

live life, and hope that by the way I live that other people can continue to live. And I am conscious that as I act and people look at me they will know whether we are peaceful because if I am peaceful they will know that some men are peaceful.

And when I stand up and say, "War is Evil!", and you stand up and say "War Is Evil!" -- *we are* saying *something* to one another. And if we really believe deep within ourselves that we want to create a world where there will be peace, *we have to start* making -moral decisions with our lives.

However you perceive yourself. Whether you perceive yourself within an Evolving Human Spirit or whether you perceive yourself striving to be One with God. Or, however you see what you are trying to live your life for -- give a good world to your children, to your friends, to your wife or whatever -- *we are now* at a point of making a moral decision as to whether we really want to talk about peace. (Pause) *This is not a game.*

This is not a game between young, bearded people and straight people.

This is not a game, at all.

This is Life, and we are here.

In a certain sense I am glad to be here. I realize that twenty-six years of my life are here. It's a tremendous period of growth for me.

It's a tremendous wonderment about what life is that twelve people and myself and Ken and Mike could be standing here trying to talk about Life.

In a certain real way I feel close to you people even though we haven't talked. And I am certain - in my own peculiar way - *just glad* to be here regardless of the outcome.

But I really, really hope deep inside myself that you will be able to glimpse some of the truth in our lives and realize that there are times when men make laws that usurp God's powers and that when men make laws to usurp God's power men must stand up and break men's laws and obey God's laws.

And this in a sense is what I'm asking you to think about and reflect together.

I hope it is a good experience for you in the jury room. *That it will be a positive experience for your life.* That you will know what it means in some way to speak "Peace"-- and I hope that really some day that we will be able to get together and talk, and talk about now, and I hope -- I guess I leave you with the hope that I hoped with on July 10th, a hope that you will try in your own way today to speak "Peace." It is your decision now. God guides you, I guess."

Neville: Mr. Anderson, do you have any rebuttal?

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My last words were spoken. Sealed time was hanging like a drape in the courtroom. There was a stillness hovering ... each juror knew that "*the time*" was coming. Yet the Government was not through. In courtroom procedure the Government has the right of Rebuttal. That is, the Final Word. Now Thor got up to refute our arguments. Whereas in the previous cases Renner had risen {in Devitt's court} and spoken a fairly familiar and somewhat reasonable conservative line such as, "I don't like the Vietnam War any more than Mr. Tilton does. And I am sure that not one person on the jury does. If there is a way to get out tomorrow, we should get out tomorrow. The only question is, How do we get out? Are they right? There is a disagreement, isn't there? You may have an opinion, and I might just happen to agree with Mr. Tilton. There is only one thing about it. If you don't get your way at the Ballot Box, that doesn't give you the right to break the law no matter how high your motivation may be." Renner was even upfront about his dedication to the System: "You will try this case on its Facts from the evidence you get from that Chair and you will make a decision NOT based on Compassion, NOT based on Mercy, that is Not For You, that is for the Judge, that is for Others, not for me. WE DO OUR JOB because it is the System. *It is the only System we know.* It is the one we have lived with, that Has progressed." Of course, our ears flinched at those phrases -- I wholeheartedly disagreed with Renner, but he was a conservative and I understood his rhetoric. Only at times would he fly off into a nasty tactic, such as when he said of us, "So what have we attained? *Destroy the System! Attack! Force and Violence!* If this is the argument you wish to abide by, to be convinced by, then of course this is your right. But I would submit that we don't want GOVERNMENT BY TORCH!" Now that was a little strong, and a wee bit hypocritical for a representative of a Government which is waging an unprecedented total warfare. In response, Ken moved that Renner be censured for this professional misconduct ... but Devitt (what would you suspect?) let it go by. Now when Thor came to Rebuttal he reached for mighty historical and poetic imagery. But true to his pretense, like Icarus soaring past Daedalus, he drowned in a sea of his own words. Somehow some people can carry emotional invective off in a convincing way, however, Thor just sputtered.

He talked about noble Motives and "the political Robert Ingersoll -- who on his Plumed Knight goes full and fair into Little Falls" -- (Who's Robert Ingersoll? Someday I'll look that up). As a second layer Thor plastered on another historical allegory: "We don't have a modern Pope Leo in Mr. Kroncke who goes to meet the Barbarians at the North of Rome in the middle of daylight in full vestments and let him explain his view where people can accept them or reject them." Further he, finally, smoothed all this poetry off with a half-comical accusation that said, "Now what's Mr. Kroncke's argument? He says, I, like Mr. Therriault, *did as you charge but I committed no crime. I administered a sacrament.* ... Seven sacraments are not enough! To Baptism and Confirmation and the Eucharist and Penance and Holy Orders and Matrimony and Extreme Unction we add the EIGHTH SACRAMENT of the Roman Catholic Church -- *ripping off draft boards!*" Now that was fairly clever, and if he stopped there he might have made some points. But he continued in his imagery to accuse me of "a four day temper tantrum." Then he started talking about the English Nobles and King John, about Divine Right and the Magna Carta. That was getting a little gooey and thick. Poor Thor, it was obvious that he was turning the jurors and even Neville off. But he dragged in his last stanzas telling the twelve, "... and you must meet the modern King Johns across the River JUSTICE and you must say, *No, Francis. No, Michael.* You must sign the Great Charter. You must live by the Law, and if you have not, you are Guilty."

Yes, the time had come to judge about guilt. The last procedural hurdle was the Neville's Final Instructions. What we feared would happen did now that our sideshow -- or as Philip calls it, "Your forum" -- was over. Neville was to draw up his own curtains on the Main Act.

## VI. The Judge's Final Instructions: tribute paid to Caesar

As you've gathered, throughout this story, I do not distinguish between trials in Devitt and Neville's courtrooms. They both produced the same outcome, but there is a marked difference in style. For six days Neville *allowed* us to do our thing, later on he would say, "You had your forum." and I'd answer, "But I wanted justice." *Whatever!*

In their Final Instructions both Blackrobes took fistfuls of time to hammer at the jurors. Devitt speaks quickly and bluntly, Neville rambles a little, sidetracks and at times loses himself. Both ultimately *do* the same thing. Here I paste together parts of their Final Instruction, so as to cut down on the (specifically Neville's) verbiage. But imagine hearing the content of all these things, during the closing minutes of a six day trial.

First, each Judge draws the jurors to them with discussions of "It is a Duty and a Responsibility equal to that of Paying Taxes or discharging any other Duty of Citizenship for a person to serve when he is summoned to serve. I might suggest that I think it's a Privilege of Citizenship to serve as a juror." Following this invitation, the Judge sets the jurors in perspective as his tools: "Basically, a juror sitting with eleven of his conferees is a FACT FINDER. A jury is a Judge of the Facts. The Judge is the Judge of the law, and the two-together, the Jury and the Judge, administer Justice ..." Cozy phrases ... the judge and the jury are "two-together." A nice moving of the minds of the jurors to see themselves as Government employees, not neutral human judges -- "peers of the accused"! This phrase "fact finder" is drilled into the jurors heads about every other phrase, once again: "So, basically, the function of the juror is to resolve disputed issues of facts and make a determination of what the Facts actually are." What is this a lead into? This: "It becomes my duty now as the Judge to instruct you as to the Law that applies in this case. And it is your Duty to accept the law as I give it to you. If you have any idea of your own as to what the law is. Or, what it ought to be. Or, what it should be. I instruct you that you must DISREGARD YOUR OWN IDEAS and accept the law as I give it to you. *On the other hand* it is your exclusive province to determine the Facts ..." "You are the exclusive judges of the Facts."

Now what is happening here? The judges reduce the jurors to non-human, calculating machines. The jurors are not to think, feel, or in any other way be human. If the jurors are just to decide the facts, then why not use a computer which doesn't have the human forgetful memory? To anyone with sense in their head, jurors are HUMANS ... and this means that they discern more than FACTS; they experience and can judge human truths. Naturally, the jurors can pierce through facts to see the true situation ... to be morally sensitive ... but the court says that the Judge is the Law ... *and that* is certainly not democracy. At least when I grew up, democracy meant rule by the people. And a jury of your peers, meant you were judged by human people, not fact finders. However, the judge has just been building up to his master stroke. "Lastly, I want to talk with you about ... the testimony about the Vietnam War and the Selective Service System. In that connection I advise you that you have a VERY LIMITED RESPONSIBILITY IN THIS CASE. It is solely to make a determination under these standards of Law which I have stated to you as to whether these defendants are guilty or not guilty. And THAT IS ALL. You have no philosophical, or religious, or theological responsibility at all! ... Well, *I advise you that you have no such responsibility. If the Vietnam war is wrong. If the Selective Service is unfair, and if other things are wrong in this country, the remedy lies in the Halls of Congress or in the Executive Branch of the Government. In*

our tripartite system of government it is the responsibility of Congress to enact the laws, even bad laws if they have a mind to and some of them may be very bad or very good. It is the responsibility of the Executive Department to enforce those laws and our responsibility, the Judicial Branch of the Government to interpret them and to apply them to particular fact situations, as we are doing here today."

Having drawn the jurors into an identification as part of the Judicial Branch of the Government, Neville would add particular references to my defense. "Religious doctrine or belief of a person cannot be recognized or accepted as an Excuse or justification for his committing an act which is a criminal offense against the law of the land." "Further, it is the law that no one has the right to determine on a personal basis which laws will be obeyed and which will not, because of alleged evils." Hearing these phrases I sighfully asked myself, "Did he ever really listen to what I was saying?"

Upon finally hearing the worst -- what we all along expected! -- the collective feeling in the court was like a sagging in the stomach when the breath is knocked out of you. The jurors left, mutedly. Ken stood to lodge his complaints that Neville hadn't given our proposed Instructions. For my part, I rose, more calm then I expected myself to be, and questioned the morality of what Neville did.

"Well, Mr. Kroncke I guess that I don't have to defend myself but I took an Oath to enforce the law when I was made a judge."

"And I was baptized before God to live a free life!"

"I can't ... maybe it would have been better to have rules right away and had none of the evidence."

"It might have been."

"But I didn't think that was fair to you and I didn't think that was right, and IF the purpose in your mind is to Focus Attention on the Evils, we have been here eight days doing it, or six days, and maybe there is some advantage to that, but the law as I see it is what I read, and I'm sorry but that's the way ... Mr. Anderson?"

Ken still had some tears in his eyes. Rachel, his wife, came up and hugged him. Stuart came over and said something about, "It was a good trial, but what did we expect?" Mike was already out among his family. Our collective body filing out in Sunday Church Fashion past Silent Marshals, speaking above the shuffling noises to "Where shall we go?" Finally some decided on the "Stockholm," a bar with food some blocks away. Somewhere along the line we had picked up a bevy of High school students from Montana, so our body was about thirty-five people. We didn't expect to be there long, in fact we questioned whether we should go that far away from the courthouse. But we went. Passed around some beer, sandwiches, pop and comments about everything. Each moment the phone didn't ring seemed like an hour. Our strange experiences were not to end that soon. *One hour. One hour and thirty minutes. One hour and forty-five minutes ...* "What's keeping them? Do you think ...?" Hope sometimes comes as cheaply as beer nuts. "Phone call for Mr. Tilsen!" the bartender rings out. "Well, this is it," and we start gathering up our things. Ken -- rolling wide eyes -- comes back saying, "Say, guess what, the jurors have submitted a note to Neville about the Instructions!" I wondered what this could mean. "I don't know, but we have to go back and hear it."

There was packed and icy snow on the streets, yet most of us hurried -- the whole body was strung along the two and one-half block area, moving as quickly as it could back towards the courthouse. When we got in the room the jury was already in the box.

In comes Neville. The foreman of the jury stands up and reads a note. It states that the jurors were confused about what evidence was permitted. *Wow!* Neville had failed in his hoodwinking task. The jurors couldn't believe what he had said, that he had thrown out our case! So Neville rapidly reread Instruction #15, about no theological responsibility, etc. The jurors didn't seem satisfied. Anna Gertner leaned over to the foreman, Ronald Bisson, and whispered into his ears. Bisson stood up and asked directly, "Can we consider the *Documents of Vatican Two?*" What had happened? well, we had the *Documents* and one philosophy paper written by Mike introduced as evidence. Neville had permitted them in, and when he threw out our defense, his Clerk of Court -- confused, I'm sure as the jurors were -- didn't remove them from the evidence box. Therefore they went into the deliberating room along with the torches, and glass cutters, and other Government evidence. In my Closing, I had told the jurors to read a certain section, "The Church in the World Today" ... and they were reading it! What a victory! The people were listening. But not to be undone, and with the (always) final trump up his blackrobed sleeve, Neville slammed down the winning Ace ... he told them that they were to ignore the Documents and ... Mike's paper. So, the jury filed out once again. This time we didn't move from our seats ... we knew what was happening. Mike started taping something onto the edge of the defense table facing the jury box. He had written some statements on two posters, they read: "We love you." "We understand you," read another. "Your coerced verdict does not charge our love for you." What a fine thing to do. I thought Mike really had witnessed!

The end of this little American experience of youths in the Sixties finds its final images in the words of the jurors. When they returned into the courtroom after 8 minutes, several of them, men and women, were tearful. The verdict was quickly read, and the jury polled. In the brief moments before Neville had re-entered, and the jury was already in their boxes, there had been an electric silence in the room. Out among my family my Mom couldn't take it any more, she started sobbing and saying, "Oh no. They can't do this." At that point the earthfired human heart had risen to protest and to plead with its final sobs. Philip Neville couldn't handle this. He accepted the verdict, and rushed out of the room ... without setting my bail, or finishing off the standard legal matters. He was gone! The jurors walked funereally from their boxes past me and then Mike and were lead by two Federal Marshals out into the hallway.

When I met Anna Gertner she was crying. This old woman from rural Westbrook, Minnesota was tearfully apologizing to me, "I'm sorry." I just placed my hand upon her shoulder and said, "It's okay. Take care of yourself." Others later told me that the jurors said they had been split 6-6 and that for a long time they couldn't even pick a foreman. Bob Lundegaard from the *Tribune* recorded these telling statements. "Mrs. Dorothy Rush said afterwards that 'We did a very difficult job. It's no fun sending two young men to prison. But we had to follow the judge's instructions.' If the instructions had been different, she said 'Some jurors had their feelings and I had mine, but I'd rather not say what they were.' ... 'We felt we had no alternative since all their evidence was stricken, said Edward Oswald.'" (Quotes: "Draft Raid Defendants Convicted," Bob Lundegaard, 19 January, 1971 *Minneapolis Tribune*.)

That *is* the story, my friends, of the youths of the Sixties. We are given no alternative too, when all our evidence of the truth is stricken. No longer can we turn our faces and spirits towards those elite people and at a Government which have dismissed our lives, our searchings, our witnesses ... as "irrelevant and immaterial". Yes, we have no alternative anymore ... we cannot go back into the System, into the powerfuls' way of living, which is clearly a demon possessed way of dying.

Our hardest times lay before us now. We accept our criminality, and know it demands that we suffer even more and be unceasingly creative. We accept being *outlaws*, know that this summons us to a greater humanity. Cast aside from the System and the Orders, we must follow the human Spirit. The demanding, exacting, but liberating spirit. Resistance had delivered us into Liberation ... Patriotism now becomes for us a global stance. No longer can we claim to be Americans, we are Peace criminals to all nations ... therefore we are among the first Earthpeople.

As I walked my last steps away from my trial ... stood, before I jogged up to join them, I looked at my brothers and my sisters ... young, aged faces, hunched over, with breaths of depression, eyes tearing with pain ... I glanced back at the marbled and chromed tombstone: the Federal courthouse. My eyes caught the Security Guard searching someone's briefcase, and knew that *that* was not Life. The bright heatless winter sun touched my eyelids with glare, yet I saw clearly the sadness in those frightened armed people. I tried to imagine what Philip Neville was doing that moment, what was he thinking. ... Whatever you are doing dear Philip, out here on this street. Out here on this street, dear brother Philip, embryo cells are linking with embryo cells ... yes, dear brother Philip, right here in Minneapolis the birth of a new folk has begun ... the peopled new spirit which is rising up powerful! My male body is pregnant with seeds of blood and fire -- honey and milk -- with daybreak sproutings of spirits -- ruddy cheeked spirits with wild Minnesota whirls of January snow in their hair! Oh, Philip, dear Philip, I love you brother of mine ... will you yoke with me -- be born anew together to build the Earth? "Oh, brothers and sisters, wait for me" ... I tremble as I touch them, hug them, kiss them. We walk the streets of Minneapolis becoming ... *becoming*...

## VII. Epilogue

### .1.

Though winter still clung to streets and people's faces, a sweltering intensity like that of a humid July's midday sun, has passed from our lives. During the trials I had felt irritated, angry and shocks of unbelief at what the judges had been doing. In a way then, I was startled to feel my own passionate fatigue. My body and mind were wrecked. For the first three post-trial days I felt agitated - I had nothing to do! "The trial is over. The battle is over. *Over!*"

Another illusion filled with pain: Neville has the power to draft the scene for moral struggle - and then to dismiss you when he feels like it. To Francis X. Kroncke he had granted six days. The procedure was over, at least for a time. Our days in court were finished. What a strange realization. That even if I wanted to, I could not go back into Neville's courtroom and talk about the war. My time was over ... I was no longer on the calendar ... Philip would never talk with me again, spend any hours listening to me. Incredible! How weird life really is. Mike and I had played by Philip's rules ...but Philip had refused to play by ours. He continues, unthinkingly, to hold court everyday. Every day casting his illusions -- like shawls so tightly around his fearful self.

Now I was back on the street, going to churches to preach, high school classes to speak, back into my attic office to begin to write. Yet this small drama just finished was also an epic just begun. Never again in my life would I be the same, I am an outlaw. Judged guilty ... guilty of what? Wanting a world full of living and loving people? *Guilty* ... that is a strangely fitting after-dinner jacket.

These types of thoughts ran in and out of my mind during those weeks between the Verdict and the Sentencing. Mike and I gathered that Neville would be gutless and follow the harsh but politically-wise example of Devitt who had given the other five, five years: the Maximum Sentence. Around our Sentencings many smaller dramas took place. Hundreds of friends and relatives began to barrage the judges' offices with letters asking for leniency. Clergy men went in person to visit Devitt and Neville and plead for a light sentence. Many Minneapolis clergy received a brutal spiritual shock, as they realized the absolute immorality of the judicial process. One Catholic priest {Fr. Bill Hunt} who was a Conservative theologian, returned from meeting Devitt (himself a prominent Minnesota Catholic) stunned by Devitt's inability to see how law must spring from morality. Later, when Father Hunt spoke with Neville, a nominal Protestant, he was crushed seeing how judicial politics guided the man and not his sense of justice.

When Brad, Bill, Chuck, Pete and Don came before Devitt they were bold and biting. At a Sentencing a defendant is given the chance to say his "Last Words". Usually this means the last chance to "kiss ass," whimper and grovel before the Honorable One, asking for mercy ... and such stuff. Typical to our understanding of what really motivates this demonic judiciary, words were not minced. Bill spoke in thunderbolts. He covered the various themes which had highlighted our collective political feelings. Bill questioned Devitt ... he put Devitt on the line. He began by putting our Resistance trials in perspective with The Nuremberg War Crimes Tribunals. There were over 2000 trials after World War Two. The United States -- the "Good Bulwark of Freedom" -- happened to prosecute 950 of those cases. You probably heard this stuff before but just to refresh everybody's memory one of the major crimes determined by the Nuremberg War Crimes Tribunal -- indeed, the first one was Crimes Against the Peace, which included the planning, preparing for, the initiating or waging *a war of aggression* in violation of international treaties, agreements or assurances." Devitt

knew, as most Americans do, that our Government has violated practically every clause and phrase of every international law pertaining to the waging of War. Vietnam is a *total war* ... by the Army's own admission. Vietnam has no precedent in the annals of history. Bill thrust on, reaching for every possible moral lever in Devitt's soul. He questioned: "I ask you as a judge, what would a World Court think of the United States' invasions of Cuba back in the early Sixties? What would a World Court think of the United States' invasion of Cambodia? What would a World Court think of the violations of the Geneva Convention in 1954? The SEATO treaty and their activities in Vietnam?"

"The second major area of crimes was conventional war crimes, violation of laws or customs of war: murder, ill treatment of the civilian population, ill treatment of prisoners, wanton destruction of cities, towns or villages. What would a World Court think of the fact that over 50% of the people in Saigon are relocated refugees? What would they think of that prison, Kahn Sang (note: the cruel "Tiger Cages") that the United States knew about and did nothing about? What could they say about My Lai? We all talk about it, *but you are a Judge*, what would a World Court think of the United States? What would a World Court think of the people of the United States that let that stuff happen?" As with the style of our political arguments, Bill brought the war close to Minneapolis. "What would a World Court think of the owners and managers of Honeywell? What would they think of James Binger and Keating and these people who direct the company – 33% of sales comes from anti-personnel weapons? Who lay off people because they don't get money from the Defense Department? And they are not willing to reconvert to producing something for humanity! What would a World court think of Standard Oil who was criticized for a plant on the East Coast that polluted the people -- it was one of the worst sulphur polluters in the United States -- and instead of fixing the plant they moved it to Venezuela? So instead of just taking the resources from Venezuela, they are killing the people down there as well.

*Are you paying attention?"*

Indeed, throughout all the Final Words Devitt burrowed his eyes into his desk top. Bill shook him more than anyone, especially when he further dragged and strew the political corpses before Uncle Ed's elusive and quivering soul, thundering: "Are you a Catholic? What would *your* God say to you on Judgment Day when you have sentenced people to prison for refusing to participate in a war machine? Think about that next time you go to Church or Confession!"

In yet another way, the totality of what we were trying to get at in our trials was symbolized in a small judicial detail taken care of by Devitt moments before he began our Sentencings. A man ... a poor white ... had just been captured after jumping Bail. Chuck spoke about this man: "What is going to happen to Mr. Sliwinski? You want to use his long record as justification for sending him to jail for two years because he was afraid to show up in Court, he jumped bail -- two and a half years, I am sorry. If anything, that should indicate to you that you should try something new. *Even on your own terms*, what you have done to him in the past hasn't been successful. He was in prison for five years and it didn't work, *even on your own terms*." With this sadness misting his mind, Chuck struggled to pry Devitt open, with a little of his dry wit: "I was sitting here trying to figure out what I was going to say and I was reading, of all things, the Indictment, and it reads "The United States of America versus Clifton Ulen, Charles Larry Turchick and William Leo Tilton," and I had some of the same sorts of thoughts Pete had, *those* are formidable odds and then we are only left with Bill and myself and that became even more formidable. And it came to my mind, the mythical scales of justice, you know, the balanced scales in the legal system, and I asked myself, "Well, we lost the trial and we are being sentenced. Well, if they are really balanced does that mean

that if the United States of America lost that the United States of America would be sentenced? And I decided that that probably isn't true and I realized in any criminal trial the defendant has absolutely nothing to gain and everything to lose while the Government, the United States of America, has everything to gain and nothing to lose."

Throughout all our Last Words before both Neville and Devitt we repeatedly turned to the facts of the war, the skull-mountain number of dead people ... the actual cries of mass murders. We challenged the judges, questioning their demonically naive statements that they have no power over these matters. We accused them of the Crime of Silence and of being "good Germans," that is, people who through their inaction allowed fascism to gain rule in our land.

Through each hour of Sentencing all eight of us knew that we'd get the maximum five years. Our attitude towards that was summed up by Mike: "Frank and myself, and I know you are to give us five years, and that's just fine because you are going to have to live with it." How much we felt this truth, that Ed and Philip were judging themselves. Don't they understand that? That as a person judges so is he or she is judged? You who read this must understand that also: your judgment upon us is your judgment against yourself. Mike: "As American society is constructed today, it forces all responsible Americans to be criminals; you are either a peace criminal or a war criminal. Mr. Neville the choice is yours. That is all I have to say." My brother and sister, the choice is yours. What else can I say?

While listening to Mike, within myself a thunder storm of feelings, words and gestures crashed themselves towards my mouth. The previous evening I had walked, with damp feverish brow, around Lake Calhoun. The settlings of the weeks since the trial were once again routed by wild emotions that trembled me. Towards the moonlighted clouds I started to half-shout and then yell while picking up stones and whizzing them into the lake ... turning now for a dance, a mimic towards the trees ... then, I was in the 11 o'clock courts of the Powers once again, wrestling with my demons and my healers. Should I just lace Neville up and doom with sharp verbal blows? Maybe I should just stand mute ... not say a thing, and see if that gets to him ... how? how?... oh, God, how to speak *again* in words to Philip?"

Yet speak eloquently or well I didn't. The morning found me dream weary, my real sentencing was that night-walk where I settled my accounts with the Powers rising from the dark watered lake and dancing forth from the many faced trees. What I finally said to Philip, I'd also say to you. I asked him questions which are ones for all of us to mull over.

"What do you think putting me in jail is going to do?" "Am I going to be rehabilitated?" "How am I going to serve my community by being in jail?" "Now I am willing to undergo the experience, obviously, or I wouldn't be here today. But I would like to know from the depths of your person: you give out sentences to people, like five years of a person's life or one year of a person's life -- do you understand what happens to people? Do you know how they are going to grow? Who is going to take care of me, and help me develop my concepts and get a better perception of how to bring peace? What is going to happen when I am in prison?"

You are a man who sends people to prison. I am a man who, I guess, tries to make people think. That was my job, or send them to God, whatever you want. I sort of have a vague idea from talking to people what that is like, and I have tried to experience it myself. But have you experienced jail? Will you come to see me in jail? Will we share that in any way, or will I be out of your life for

good? I know that what I have said is probably not as eloquent as maybe other people might say certain passages, but I guess this is not the time for eloquence, but really for honest truth.

I don't understand -- and I would like you to explain to me -- I don't understand what putting us in jail is going to do. *I would like to understand your position.* I would like to understand how you think. I would like to understand the System that you claim allegiance to. *I want to understand this country. I want to understand its people or I wouldn't have acted, and I think you owe it to me in honesty and to the people here as you sentence us to tell us, and to tell us.*" I turned and my family and friends hurried to my side, to stand before Philip, "because they go to prison with us as they have stood with us through the trial and as thousands of people in this community have stood with us; and I think you owe it to us to at least tell us what you are doing to us by putting our bodies in prison. *Speak!*" But speak to us ... are you kidding? Judges don't have to speak to anyone, least of all to us citizens ... of those, never to a criminal, heaven forbid! Throughout our trials they did not speak with human tongue, and in such style they continued to refuse. Oh, yes, Uncle Ed whipped out a pre-typed page of words and rattled them off, hands slightly trembling, eyes never lifting off the printed pages, phrases flying at us at dictation's drowning speed.

"The criminal acts for which the defendants have been found guilty were not just impulsive, minor transgressions, expressive of youthful nonconformity, but rather were part of a planned and organized, illegal effort by violence to cripple the operation of the United States Government in carrying out its Constitutional duty to provide for the national defense. Ripping off a draft office, as it was characterized by one of the defendants, is not a prank but a crime and a serious one. Criminal acts must be treated as such. These defendants would discuss their conduct on the basis of a sincerely held desire to show opposition to the Selective Service Law and to the Vietnam War. But the law is, and common sense dictates, that good motive, regardless of how deeply felt, does not justify or excuse the commission of a crime. If it did each of us would be exempt from responsibility for violating laws with which we do not agree.

A basic obligation of American citizenship is *to obey all laws*, those with which we agree and those with which we disagree. *How could it be otherwise in an organized society?* While these defendants are not criminals, in the sense that robbers for instance are, whose crime is that they take money or property from others, they are criminals in an equally, if not more serious sense, because their criminal conduct strikes not just at the pocketbook of others but at the very foundation of government and therefore at the security and well being of all.

To condone their conduct or to dismiss it with a slap on the wrist would be to invite continued lawlessness and to approve violence as an agent for change. Change may well be needed in America but change without order results only in chaos. *Those who act out of allegiance to a higher law than the law of the land are making jungle law.*

Freedom cannot exist in a society which permits violence. These *misguided* men are wrongly manifesting their opposition to the present state of affairs through recourse not to the law but to rebellion against the law and that is wrong, that is a crime sanctionable, as are all crimes, by conviction and punishment."

Incredible! Such moral idiocy I have hardly ever heard. And this coming from a man who supposedly represents justice: "Those who act out of allegiance to a higher law than the law of the land are making jungle law." Often this dark phrase has come back to haunt me; it is a classic of

fascism. Have not all nations strove to develop the law? Who can ever believe that laws can guide morality? Well, Devitt speaks well to the stature of his own character.

As to Neville. During our statements he fidgeted. When it came for him to "speak" he did not speak, he hedged, and then unfurled the colors of his true flag. "I don't need to argue whether this is an act of violence or not, but it is an act of *destruction of property*. If everyone in this country who didn't like the law took it unto himself to say, 'I don't like the law, automobiles are killing too many people in this country, and therefore, I am going to break-in and destroy the plans for next years automobile, --and they kill more people than the Vietnam war has killed every year, pretty near -- if you take the law into your own hands because you don't like the result that you see, then we have no government and no laws at all. We just then have anarchy and the Court cannot countenance the proposition, despite the sincerity and the eloquence of your arguments, that because you are motivated by religious principles, or otherwise to do what you consider to be a moral duty, that you therefore have the right to say, 'The law doesn't count. I believe it is wrong and therefore, I am going to do my best to impede it.' That is just so contrary to our System, that it has consequences far reaching."

Does it not seem strange to you that men who are judges, people of power and responsibility within a Government which wages an undeclared, a total war can accuse others of anarchy? Anarchy as Philip meant it defines a state of chaos ...what is more chaotic than a Government which wages a total war and doesn't declare it? You as a citizen have not voted for the war. Why -- even with every other democratic check and balance passed over -- has the issue of the war not been put to referendum? We as a people exist in the absurd state of legal non-war ... what else is anarchy? At present our Government abides by no Law and by no Order. It is politically and morally dictatorial and bankrupt.

Using analogies, such as the matter about automobiles, are the mental games Neville plays so that he does not have to confront the thrust of our arguments and witness. There is no comparison between people choosing to erect such an inefficient (and I'll grant, *stupid*) transportation system as the automobile -- and the Government's undemocratic, unconstitutional and demonic waging of both an undeclared and a *total war*. In the same fashion did the builders of the Nazi ovens say, "We were just doing our job." Suppose they reasoned, "If everyone didn't do a job because they had moral problems with the uses of their products -- then how could we build an industrial Germany?" Would you accept that as a justification for building the ovens? Like many others of the Powerful, Neville refuses to face the specific result of what he effects. He says he is only applying the Law here in Minneapolis-St. Paul while he is actually strangling young mothers and children in Vietnam. With so few Americans does such heavy moral responsibility lay, as it does with Philip Neville.

At the end Philip whimpered his way to a close. He did not answer a single one of our questions. His whole talk was an excuse for the cowardly thing he knew he *must* do -- must do *not* because of his moral sensibility, but because of judicial politics: "I an going to do as was done in prior cases of others of the so-called *Minnesota Eight*. Imprisonment for a term of five years." That was it! All processes were drawing to an end. Our bails were left intact, and all we had to do now was wait until the Appeals.

.2.

Most of us decided to go off traveling again. Karen and I decided to go West. We stocked up the Rambler and left early on a March 1971 morning and drove to her family's place in Kenneth, a

southwestern metropolis of 90 people -- with a two way STOP sign and no cops. Paradise! Well, most of Karen's family has warmed up over the years to her growing radicalism. Karen, a public health nurse, is actively involved in the Free Clinic and Feminist movement, combining both into work on women's health. My arrest set her family back a little, especially her Dad who fought in World II, is an American Legion activist, and a staunch, mostly conservative Roman Catholic. Her Mother, Millie, true to her woman sensitivities -- has always been more critical of the war than Albertus, her father. The trial, however, turned both of them almost inside out. Millie has intensified her anti-war work within the Democratic party, but Bertus -- ah, Bertus! -- we still get into wall climbing arguments about foreign policy. At this point, every Resister draws his scorn, *except me*; every other Resister belongs in prison, *except me*, and so forth about the Radicals. I mention the Clarks because we visited there for several days to rest up and chat. But more because the two years up to the present time since the trials can be told as a story of Karen's and my increasing friendship with her whole family. The Clarks stand in the heritage of Appalachian whites come northwest to farm and build democratic villages. Bertus had to give up farming -- move into Kenneth -- and teach himself the Banking business in order to feed and school his 5 kids. Their story is typical of *those* people many of us young University and urban radicals grew up despising and mocking. Yet it is the story of a spirited life struggle, with the land and the American people, which so many of us are now so eagerly seeking. Those Kenneth days back in March of '71 were just the beginning three of my rediscovery of America.

By the time we would be finished driving, our Rambler would have turned another 10,000 miles. With various hitchhikers Karen and I and the Rambler saw the California coast, the hills of San Francisco, the spitty smog of Los Angeles, the fatigue of Grand Canyons' Bright Angel Pass, and a whole hidden backstage of America. After three weeks in the west I left Karen in Minneapolis and took off by myself to go East. There I met Brad in Boston and we picked up our relationship with Dan and Pat Ellsberg. This meeting in Boston is the opening paragraph to another long story, which someday I hope to write. A hunger had driven me onto the open road again. Somehow I came back to Minneapolis tired yet rested, but not yet satisfied. Driving through America is not the way to find America. This realization made me very lonely. On top of this loneliness came the strangeness of *waiting*. Often Karen and I talked about what would happen when I went to prison. In order for her to continue in her struggles and growings, Karen gathered with some of her friends into a commune centered around feminist concerns. This was at Colfax house, a huge castle home, which has housed many Resistance families during the Sixties. Since I didn't know the date of my imprisonment, I couldn't make any long range plans. Little did I know then that I'd be waiting over two years from the day of arrest before starting my sentence. So with this time itch I moved in with some friends, or rather on top of them, into the attic of Jim and Kathy Hunt with son Vincent. During this period of living by myself I began to get this book together, and also to go through intense re-examinations of what I had done. To avoid becoming too overly analytic, I continually talked myself into doing other things.

For one thing I spent the summer working in a camp on the grounds of Blue Cloud Abbey in South Dakota. This was a camp which worked out of an inner city parish here in Minneapolis: St. Stephens. However, the pressing time of the Appeal made me cut short that summer work. What had been arranged on the legal front is that I would write my own Appeal, with the help of a good friend of Ken's (and now mine) Charles Bisanz. I had also petitioned the Appellate Court for permission to argue the brief orally. Now oral arguments by defendants are not rare, but they are somewhat extraordinary. So I wrote my brief, most of which was published in the Fall 1972 *Cross Currents* under the heading "Resistance As Sacrament." This brief is a tightly drawn

theological/political summary of our trial. What happened to me at the Appeals Court in St. Louis, Missouri bears repeating.

The Court usually allows one-half hour for oral argument. When Ken got permission for me to go they split that time up and gave us 15 minutes apiece! Now this is a telling fact, because when you go from the trial to the Appeal Court you are limited to about 50 pages for your written brief. In its own way this protects the trial judge. How? Well, our trials ran to 6 days and about 3,000 pages of transcription. To put all that into 50 pages means that we have to select out the issues we want to argue. Therefore several issues that we might want to argue, such as the matter of the informer, cannot be argued because we won't have enough time to develop it either in written form or orally. Then when I arrived in St. Louis, I was driven by a Resistance friend to another set of small government rooms. Somehow it always strikes me: that the world is made up of small rooms. If you walk into certain small rooms people will listen to you, talk with you, and then maybe go out with you for a beer; in other small rooms you can go in and just sit down with hundreds of other people and spend three hours watching a film and not have to say anything to anyone; and then in other rooms you walk in, talk about life and death issues, are judged ... and your whole life is radically changed. Unfortunately, these latter rooms are usually just male ... blackrobed men and men with guns. Down in St. Louis on October 18, 1971, I opened a door into another one of these small powerful rooms.

Now my Appeal Decision hasn't come down as of yet (March 1972). Possibly I pricked the conscience of one of the judges?! Possibly my file is lost in the bureaucratic jungle (ah, hope!). Whatever the final outcome, what I will never forget are the short instructions from the Clerk of Court. Paraphrasing her, the words come back: "Now, Mr. Kroncke when you go to speak, you stand up here (pointing to a lectern) ... and there are two lights there. When the White light blinks, you have 5 minutes to go. (If you want to have time for questions and answers, you should stop then.) When the Red light blinks, you are finished." Oops: how neat and technologically clean. Morality guided by the blinking lights. *May* I say: "Incredible!"?

So I was prepared to once again argue my life's meaning. Two out of the three judges asked questions and had obvious knowledge of my case. The other, a recent Nixon appointee, sat scornfully silent. With Judge Heaney I got into the matter at hand. Heaney is a Roman Catholic from Duluth, Minnesota and a liberal's liberal Democrat. My Appeal arguments had hit him in his Catholic heart -- so I hope. In one of his statements he said, again from my memory, "'Well we can't have one jury in this part of the country freeing draft raiders, and one jury in another sending them to jail, can we? We *cannot* let juries pass on the morality of the Government's foreign policy." I shot back, "I always thought that the fragility of the democratic process was just that - that the people rule and therefore things don't happen always according to a logical and predictable order. Isn't that true? The people *may* do contrary things, but isn't that the right of the people? Don't the people in a democracy have the power? Who else is to rule on the morality of foreign policy, but the people?" Heaney's simple answer was a self-conscious musing: "That is the question at hand, isn't it, Mr. Kroncke?"

Whatever they will do is beyond me. As I finished up our story the Appeal decision is about a dozen weeks overdue the normal time. Possibly somewhere under a Black Robe lies a moral conscience?

I would like to close my recollection of these trial years with two matters that took up much of my time: trying to understand who the judges are, and why they acted as they did. And, coming to grips with what had actually happened to me through Resisting.

One of Mike's statements at Sentencing gives the guiding theme of my understanding of the judges: "You are as much against the war as any of the peace criminals who come before you, but the way you live your life makes you a war criminal."

As I mentioned in the Preface, discussing the problem of evil is difficult because the passing of judgment tells one as much about him/herself as about the person judged. During this last year I've wracked my brain and all my prejudices over against this anvil of evil. The upshot is the emotional, sensuous felt pain of hundreds of thousands of people dying daily in senseless, artificial ways, e.g., in wars and automobile accidents. I cannot walk under a freeway without saying to myself "automobiles are a racist, sexist and ruling class insanity ... and a means of oppression." Thus, for me Neville's automobiles are a spiritual problem ... they are one type of sacramental element ... which, while supposedly solving a practical problem of travel, allows evils to be cemented and steeled. It might strike you as strange that now I am talking about the automobile, yet this is most significant. The automobile is a symbol, possibly the symbol of technological America. The car is an extension of isolated individualism, private property, aggressive competition (e.g. driving in parking lot and freeways), class standing, and male characteristics, e.g., possessive ownership, speed and violent power. In short the automobile is not a means of travel, it is a way of living. Our society, both industrially and psychically, forms itself around the symbol and thing of the car. Neville was on to something when he talked about destroying the plans for next year's cars.

Our economy is based upon Defense and the automotive industry. Much insight into why we are in Vietnam can be gained by studying the economic, psychological and male sexual meanings of the automobile. In many ways people my age have been pre-conditioned for waging an "automated" war by our contact with the car as the extension of our psyches and spirits. The difference between Neville and my understanding of automobiles and the war is that Neville will not allow himself to see the *connection* between the automobile and the war. As we treat ourselves in our everyday ways, e.g., on the freeways of pollution and body counts, so will we, as a people, treat others. For Neville that automobiles kill more men than the Vietnam War does, is just a statistical coincidence - for him it is not a telling cultural and spiritual fact. Now this is not the time to go into all the thoughts that I have about the spirituality of everyday things. However, during that year I did realize that the things a person uses allows him or her to develop themselves spiritually. So, when I went to find out about the judges, I knew that by looking at the structures of their lives I could find out something about them.

The most significant fact about Devitt and Neville is that they won't talk upfront. Like my friend Father Bill Hunt, you can have a meeting (or interview) with Devitt, but he will not share with you his personal motivations or beliefs. When I went to Philip he always had Assistant District Thor Anderson in the room. When I tried to get to Philip's moral ideas and reasonings, he would just clam up and say that they were his own. Yet here is a man who works in the public domain, with the power of life and death, freedom and confinement, over people ... yet refuses to talk about anything but *The Law*. So it is The Law, a collection of written words, which direct their every puppet actions. Imagine, if you snuck in at night and rearranged the commas and semicolons --imagine what havoc you'd create in the courts! Such a mad scheme.

Yet I am not happy with the little I have found out about these men. I spent some time in the *Minneapolis Star and Tribune* library looking them up. The single common thread is that they both believe in the System and the Law. Of course this belief is sustained by their ruling class lifestyle. Both men belong to all the right clubs, are active in the correct church organizations, have good financial investments, and have worked in their Party for the right amount of time.

James Edward Devitt was born on 5 May 1911 in St. Paul and Philip Neville on 5 November 1909 in Minneapolis. I found little about both their boyhoods but Devitt seemed to be generally middle class. Devitt's Dad died when he was 10, and this might have been the reason why he was sent to the Benedictine Prep School at St. John's University, Collegeville, Minnesota. For me, having also attended St. John's this experience explains Devitt the best. He is a product of a rigorously disciplined Germanic spirit of Catholicism. St. John's is the largest Roman Catholic Benedictine monastery in the world. It is situated out in the central Minnesota woods, some ten miles from the closest town. Devitt was there in the Twenties, and I can only cringe imagining the world view he was given back then. When I was at St. John's in the Sixties, it was only then breaking away ... in small, small fragments ... from its medieval Thomistic faith. In brief, at a place like St. John's, conservative politics and dogmatic, self-righteous Catholicism were wedded. This notwithstanding that such supposedly liberal people like Eugene McCarthy also passed through the monastic arches there.

From there Devitt went on to pick up his Law Degree from the University of North Dakota in 1935. At this time, in 1933, Neville picked up his Law Degree from the University of Minnesota. Both men went on to be Instructors in Law -- Neville's field being Business law. Their careers separate a little here. Devitt goes on to become Assistant Attorney General for Minnesota from 1939 to 1942. Before that, "at 24, he became municipal judge of East Grand Forks, the youngest man to hold that elective position." Neville meanwhile joined his own private firm *Neville, Johnson and Thompson* in Minneapolis. Devitt advances in Republican politics by being elected to the 80th Congress for the 4th District of Minnesota, and then becoming Probate Judge for Ramsey County from 1950 to 1954, topping it all off with an Eisenhower-Nixon crowning in 1954 as United States District Judge. Neville received his life-time appointment to the Courts in 1967 under LBJ, with his friend Hubert Horatio Humphrey's kind intervention. This was an honor mark to Philip's political career which, as far as I can find, was only publicly affirmed once before when he was appointed United States District attorney in 1952.

Both men have published a book: Philip, one called *Syllabus in Business Law*, and Devitt --of all things! -- a handbook on *Federal Jury Practice and Instruction*. When you read what they do socially, it is a stereotype paragraph from *Who's Who*. I've talked with social friends of both of these men. Devitt is known to be an aloof, consistently conservative person. Neville is touted as a good golf player, a casual person easy to get along with, a congenial and conscientious judge, and someone who styles himself well read. Their backgrounds say that they have made themselves into products of a class, both educationally and morally. Devitt's temperament allows his morality and politics to be clearly seen. He has the conservative psychology which sees the world in "black and white", without any greys in between. To him we were "misguided men" who must be punished severely. "How could," he asked, "it be otherwise in an organized society?" Devitt reminds me of the kid who owns the bat and ball and who pouts and runs home if you don't play the game his way. Except that now he owns the Law and Order -- and the price of his stubborn self-centeredness is too humanly costly.

Neville's temperament presents a little more difficulty. He is a person who practices a depth of self-delusion. Philip arrives at precisely the same goal as Devitt but does it in a different style. As in our trial so with first impressions, my mother thought him an open and honorable person who was allowing us to speak. Then when the crucial moment comes Philip draws a lethal blade and knifes me in the back. I think that Philip has not come to grips with the times. If he has then I could say that he is devious and effects what Herbert Marcuse calls "repressive tolerance." That is, through liberal actions actually suppressing people, e.g., giving freedom of speech to Martin Luther King, but arresting him when he commits the symbolic speech of civil disobedience, such as a sit-in. In many ways, Philip is repressive. Yet to me he seems more repressive to himself than to anyone else. In that light he is more dangerous than Devitt, because you never know what Philip will do to you -- meaning, do to himself. However, Devitt also seems unreachable, while Philip might some day not be so afraid of himself.

The problem I have with Philip -- the problem most disturbing -- is that he will not admit that he has done what he has done. If he sends me to prison he claims that he is doing his job or just enforcing the Law. Whereas he is making an open moral decision to sleep with death. Basic to both men is THE SYSTEM: social, economic, sexual and psychic which binds them into their tracks. To help them grow, and myself, I've come to realize means not just moral changes on my part or their part, but a total reorganization of our System as we know it now.

#### .4.

My Resistance has lead me to understand that I have acted because it is *our* Resistance. I have been as much *drawn forth* as rebelling out. What is happening here in America, and throughout the world, is both the evolution of a new spirit and revolutions in material structures. Evolutionary advances have always been marked by physical and spiritual revolutions. I shy away from terms like Revolution or Socialism, because they carry so many bogey-men thoughts with them. Yet I know that the present forms of material structures -- meaning laws, architecture, religions, State capitalism, and such have flowered forth into the rank smell of Vietnam, the ghetto, and *Playboy* sexual exploitations of women in every facet of American life. So, it seems only common sense that to end the War means to end a certain way of living -- which has become a way of dying. I have become a communal person, whose basic question to everything or every person is, "How do you (does it) serve the people?" When a collective of people say, "This does not free us up," then I worked to change that System. When enough people say the same thing, I work for total change ... that is, for new creations. The forces, powers and people who have helped me grow during the past year are fairly well expressed by the following sets of images.

*War Criminal. Peace criminal.* These are phrases which describe our times. Because of the total and undeclared war -- because of the slavish, involuntary Selective Service System -- *there is no middle ground.* All Americans are criminals. The choice is whether to break the grip and law of War or to grip and order the Peace.

The times are furious. Mad, screaming, sizzling fires bomb and missile fall from the skies. Numbing, mute and monotonous illusions float and flicker from the TV sets. The Powers have drawn their maps. Either you must enlist in the camp of the Politics of Death or gather with the communities of the Politics of Life.

In some areas on these human maps the battle-lines are clearly drawn. In Vietnam it is US and Them. Overlapping of areas occurs here in America -- and confusion reigns. Here US is Them. In our own land the Powers wage furiously -- cities are ornamented with bombed out minds and napalmed souls. Miracles abound with healers walking every street, building up the land and strengthening the spirits of the people.

Here in America -- at home, is also here in America -- on the battlefield. This global war waged most furiously without physical destruction centers within our land and on people like you and me. Minds and spirits, psyches and souls -- are the tactics and strategies of the first totally psychological and spiritual war -- this *War of Illusions*.

Growing up here in America is confusing. There never seems to be clear sides. This day's Just Ones are the next day's Evil Doers. The person who brings low-income housing to the slums manufactures hideous anti-personnel bombs. The producer of technological advances broadcast sexist, women degrading commercials. The non-violent activist bears the club thuds of the oppressor only to go home and taunt him as "pig." You, yourself, struggle to live by the Law -- and find yourself a war criminal. You embrace a common sense of morality -- and find yourself a peace criminal.

You find that every action you take delivers you into a prison. You finally know that *life within America is a criminal existence*. Which way to turn? Maybe I shouldn't act? *Not* take sides. But not taking sides is criminal also. So you must act -- must become someone -- common sense says: struggle for non-violence and peace.

Does becoming a criminal finally clarify what's happening? In one sense, yes, a criminal sees all the prisons which actually exists in America --the physical, sexual, psychological, educational and spiritual prisons: some self imposed, some imposed by an oppressor.

In their clear identities, the War criminals and Peace criminals have one thing in common -- they see clearly the basis for all these prisons. They both know the powers to which they are criminals. One chooses elites, profits, property and death. The other chooses every person, service, people and life. Yet for the peace criminal clarity still brings confusion. Because life means living, emotion-packed people who are always not solely good or bad. The war criminals: "black and white" clarity rests upon non-living rules and orders, properties and systems -- dead things: corpses of the once human. There is a certain simple and pure clarity to the War criminal's death dealing: "*Can you breathe life back into a corpse?*" Ah, the precise and emotionless Order of death is so cut and dry simple: To kill is to remove once and forever. ...To serve is to listen and always change.

The Order of Peace is confusing. One never has clear ground for a mass attack on the War criminals. If war was only "automated" -- waged by machines and laws -- as the illusions of the war-makers makes one believe, then Peace could be *waged*. But even war-makers are people, people whom the peaceable also seek to serve. So peace can only be waged by being lived and through a living with others.

Indeed, even the Politics of Death is a life style. A life style seeking to become a System -- yet, not yet a System. So the peace criminals' task is not completed when he or she becomes criminal. No he/she must re-enter the social order and struggle more passionately to *destroy* all camps of criminality. The Peace criminal can never accept the Revolution which turns around and imprisons the oppressor. For the Peace criminal all prisons must be abolished, forever. He/she must seek again

to build new laws and orders -- to form in concrete and steel, in institutional rules and regulations, in sexual and spiritual codes, the many spirits of the people. He/she must care for the person of the oppressor.

Once again he/she must step beyond the clarity and comfort of his/her righteous, peaceful criminality and gather the soil into his/her hands and mould the land -- grasp the toiling sweat oozing from the toiling bodies and minds of the laborers and once again (and forever!) set free the life seeking spirit of the rainbow people.

This time --once again-- comes confusion. The confusion of the peaceful who know that they must be patriots who know that peaceful criminality flowers into struggling patriotism. Who understands that you can only advance the peaceful spirit by immersing yourself in the land and peoples of America. Real criminality is the rejection of the land and the people -- the creation of illusions and cosmetic bodies. War criminals try to step outside the people into Systems -- into a world of property. The peaceable step into the vast, bubbling confusion of the masses of the people and their rainbow cultures. To create a truly peaceable and whole earth, the peaceable must find the patriotisms -- the cultures and life styles - of the diverse mass which is truly the land and truly America.

It seems that only the peaceful outlaws know the true and confusing call to build anew him/herself, the land and the people. Such is the beginning of a new earth -- a new culture -- based on life arising amidst the painful confusions of growing up aping a ruling class death culture. Set finally in Death's ultimate prison -- concrete and steel - -the peace outlaw understands and sets forth to build anew.

Peace within oneself is the throbbing life spirit loosed to bound -- to dance -- among the corpses which still rule and to heal and make whole the battered human face. This then is the journey -- the journey across the graveyard -- winding past the hill of white crosses -- out onto the dirt and asphalt streets which lead to the houses of the living. Patriotism -- the spirited life style of an embrace of land and people. Patriotism rising from death's confusion to build an Order of Peace and a style for everyday living.

## FILTER 1: SUNDOWN RED: The Healing Feminine Spirits

Every living person and thing feels the rising of the sun. In such a way are we given hints of the unity of all life. I feel that all life is fire, and that people-kind's particular rhythm is to funnel and whirl up splashes and thrusts of creative love. In the past years, in my time of growing Resistance, my mind and body have been burning. Parts of me have been consumed and destroyed, yet all of me has been transformed. My wholeness is much more wedded. In one way I've tried to remember just how I felt as I became conscious of those changes. Thus the story you have just read. However, now I am at a point from which I can see the smoke and blazes of a more embracing fire. I can talk about those years of Resistance in terms of the release of the feminine.

When I first started giving Peace raps, particularly about Conscientious Objection, I was always dumbfounded at people's reactions to me. Only on one memorable occasion I recall someone -- in Daley's Chicago, of course! -- calling me a "Communist." However, a chilling shower of emotions -- eye-flicked, shoulder jerked, mouth turned, or hostilely postured ... often conveyed that my hearers didn't agree with me. When you present a logical and clear argument drawn with historical continuity to its theme, you don't like to be dismissed so lightly. What I've seen after the years is that these coldnesses were responses to my fire. That what I had called forth from these people was a demand to change themselves *totally*. Non-violence I came to realize meant more than stopping the war. It meant many things, among them reorganization of the economy, foreign policy, modes of travel, educational structures, industrial organization, and so forth.

About the time of the trial my Resistance sisters helped me see that the next step in my process of becoming non-violent was to stop being violent in my interpersonal relationships. My family has always thrived on a healthy sarcasm. In my younger days, so to speak, my sarcasm was not often healthy. In fact it was my ultimate weapon. I prided myself in a way on my ability to control any situation with my verbal muscle. Now women were mirroring this fact to me. Here I was on trial before the public as a non-violent Resister, and lugging into court inside me a deadly tool of violence. Ever since I met her, Karen has been challenging my attitudes towards women. Her and my friendship is one of the incredible stories of how people seem to be bound by temperamental antagonisms. I presume that the issue of Resistance was our strongest bond at first, for on the interpersonal level we seemed to be ever at odds. She didn't like my humor -- sarcasm; didn't like my intellectual one-up-manship; didn't care for my attitudes towards sexuality, marriage, and children. Of course, I thought she was wrong. That in time she'd mellow out. Mostly through her kind perseverance, have I come to see the true character of Resistance -- and probably why, psychologically, I was from the first attracted to her friendship.

What Resistance is, is the rising up of the feminine spirit. Now, in this light most of my past experiences make a lot more sense. Often as a Conscientious Objector I was taunted as a "sissy" ... called a "fem" ... accused of being a coward, and of being "unmanly." In short, my hearers knew that I was calling for the burial of John Wayne: what their cold responses told me is that basic to Resistance is the call to change my interpersonal ways of living ... to channel my erotic energies, differently ... to perceive the Whole Fire in a new way. So, the problem of being against the war is not primarily one of foreign policy, or of logic, or of historical facts ... but of personal and social sexuality. People instinctively know that wars are super-masculine trips. To challenge the war then is to challenge *our* public expression of masculinity. More clearly to others than myself I was asking my hearers, and myself, to be manly with gentleness, patient, long suffering, kindness and tenderness. The only thing tender that John Wayne ever did was to kiss his horse at the end of a

good fight ... amidst the strewn limbs and bruises of his just conquered foes. To be anti-war demanded that I be tender to horses and people. Granted, that called for a Revolution in my lifestyle!

The jolting together of these feminine and masculine spirits within my self came, as most everything in my life has come, through theological hasslings. When I spoke in public I could accept the political taunts and criticism of the crowds -- what I couldn't accept were the rejections of my theological views. After all as a theologian I knew what the Christian message was! *More*, when priest, ministers and rabbis gave me the cold shoulder, I was both cheeked with anger and frightened. Wasn't my understanding of the Gospel correct? Isn't there a tremendous moral question hanging over the act of a Christian picking up the gun?

Well, when I began to understand that Resistance is really the bounding loose of the feminine spirit, my theology also fell in place. The Feminist bear a spitty hate for Christianity. For them it is *the* vehicle, *the* virus of anti-women sentiments. Naturally, I didn't like to see the Gospel attacked. So I investigated their claims. Lo and behold! here comes God the Father, Jesus the Great White Male Son, and the Neuter Holy Spirit. Curious: I found that early (*very early*, while at the wooden base of the Cross I think) Christianity was feminine, and radically so. Jesus said, among other important things, first that to have the experience of the holy, people must gather together into communities. Second, that this holy Power, the Spirit, which only comes through communal experiences, comes *through everyone*: men, women and slaves. From these two central points flow the Jesus style: seeking and revealing the Holy Power communally, i.e., always with his Disciples.

This is the emphasis which Paul centers on in his theology of the Body of Christ ...which is the basis for the understanding of Church. Further, it was contrary to his male dominated Hebrew spiritual heritage for Jesus to associate with women and slaves ... but it proclaimed that he found in them and with them the wisdom, truth and power of living. I found that it is not sufficient to say that Jesus was non-violent, though that is true. A fuller truth is to say that Jesus was feminine. He was a spirited male ...a man who talked about making people whole, and who said that wholeness (holiness) comes from *metonoia* ...a word meaning "turning one self around", often insufficiently translated as "repentance." The radical significance of Jesus comes through if you understand that he came into a very male world, a world, which in a sense had chosen ice and not fire, sin and not grace ...and called it to be One (at-one-ment). His call was to mingle the healing feminine earth spirits with the thundering male sky spirits. In Paul's theology, the members of the Body of Christ are in unity, but not uniform. Therefore, Paul finds it proper to say that women are subject to their husbands (which is a cultural custom) *only if* their husbands treat them as Christ treated all of us - equally as full persons. Paul's theology rests on two senses of body. He uses *sarx* and *soma*. *Sarx* refers to that part of the human which is within the cycle of Necessity, e. g., having children, eating, the survival needs. *Soma* refers to personhood - which could only be attained by participating in the public arena, i.e., politics. Only men were *soma*; women and slaves are *sarx*. Paul assents that women and slaves are *soma*, i.e., persons, because we are all of the *soma* of Jesus Christ. This theological distinction fell by the wayside, as the Church, with a seeming vengeance, took up the cultural aspect of Paul's statement and beat women into slavery. Obviously, Paul's use of *soma* had revolutionary political overtones, and to squelch these feminine spirits the male Church turned Paul into a woman-hater. The Feminists don't need Paul, but we Christians who want to know where the spirit of Jesus is, must seek the Feminine.

Now I didn't make this up, believe it or not. In fact, the scholarly footnotes drove the last of my theological male supremacy over the edge. In his famous work on the Lord's Prayer, Joachim

Jeremias notes that Jesus' form of address to the Deity is *Abba*. *Abba* is an Aramaic word which is often translated into English as Father. This is also insufficient and disastrous, because *Abba*, as used by Jesus, indicates a revolution in spirituality. In the Aramaic tongue (as in many non-English tongues) there are two forms of address: one for public usage, one for inside the family. *Abba* means "*Daddy*." It is a term used only in *intimate* address. For Jesus to call Yahweh, *Abba*, was blasphemy to his hearers. Jesus was claiming that the presence of Yahweh rests in the areas of intimacy. If you are in harmony with Jesus' communal sense, to be with Yahweh, then you must be intimate with the world and your fellow human-folk. Now, these are hard words for any supposed Christians to hear because for many the Gospel is the way to get away from the world and people; to be "released" from this vale of tears. However, the only way to come into contact with what Jesus of Nazareth was saying is to create situations, and a society, wherein intimacy is valued, allowed to be expressed, and encouraged to be shared. Such was the intended function of the Church ... which was demonically evolved into a Big Business, American male style. The clincher, however, is this: Jeremias footnotes that the word *Abba* carries the same emotion in the Aramaic culture as "mother" does in ours. *Abba* is for us a feminine word. The spirit and the power Jesus was invoking when he prayed was the feminine.

Now where did all that get lost along the rugged road of Christianity? After all theologians and lesser lights have made a great thing out of Jesus of Nazareth's being born with a set of male genitals. Indeed, women do not exist, in any practical way (except to clean the church) in Christian history. As I see it, all the trouble starts -- as most does -- with the rise of Constantine and the incorporation of Church and State. Around the early part of the Fourth Century, the Christians slowly compromised in their merger, taking the muscle of the State and giving up the heart of the Woman. At this time the Church leaders adopted back the cultural value of a male dominated Greek civilization. We have rising at this time the curious trio of Pope, the Holy Roman Emperor, and Mary. The first two are of course men, the latter "The Woman." In order to control the feminine spirit, the Church began by controlling the bodies of women. Women in Christian theologies returned to being non-people; vehicles of Eve's sin; carriers of the vile seed; seductresses ... in short, Original Sinners plus the Sin: sex. Women were dropped from the Church ... history is replete with its absence of women theologians, priests, and so forth. Mary became *The Woman* ... she was used as the club to keep women down. Women were told that Mary had done everything for them. That salvation for them had been achieved by blessed Mary Who raised their scum bodies to a glorious state through being immaculately conceived and virginally impregnated. Well, as you can sense, Mary was really a non-woman. She was just another superstar, or super-freak, beside Jesus who was also man but not man, yet a God. Mary, The Woman, was and is, a symbolic creation of a warped male mind.

Once again the matter does not just rest easily understood. Not only are the faces of women hidden in shawls, and their bodies railed off from the Holy of Holies ... but feminine thought is banished. Here is where my tumbleweed theological brain comes rambling through. Those aspects of life which we can call feminine: tenderness, non-violence, the negative power, listening, unfolding, and so forth. These were dropped from the theological task. When I went back to find a tradition for a theology of non-violence I could find only skimpy references. The same would happen for a theology of listening ... or in another sense for an ecological theology. Classical Christian theology is one of Reason, Wrathful Power, Justice, Iron Will, Guilt, and the Cross. Mercy, Hope, Togetherness, Affection, and the Resurrection-- and even Love -- were lost along the way. More to the point, many of the male theologians who exhibited feminine traits in their theological ways were ignored or smashed as heretics. As one case in point it is curious isn't it that in the Trinity we have

two males and one neuter. Why in the brimstone of hell is there a neuter in there? *Neuter!* Isn't that quite a telling fact?

But putting these short theological tidbits aside, let me talk from personal experience. This past Christmas (1971) I was a little torn inside about going to midnight Mass. So what I did was switch on the televised Mass from St. Patrick's Cathedral in New York. Nothing -- like nothing! -- can evoke more crusty old nostalgic feelings (many of guilt!) from my East Coast Irish Catholic Past than seeing St. Patrick's. Well, here was this Mass unreeling in typical fashion. Stuffy liturgy, a Junior Chamber of Commerce type priest speaking in deathless tones about "love" and all the usual Christmas goodies ... when, Lo and Behold! comes the Consecration and the cameraman (May the Great Mother Kiss Him!) cues in on a sideways pan of the Celebrants. But what to my wondering eyes should appear but seven males offering their Sacrifice to "Our Father." Spiritual Corinthian columns crackled in splits, and my Cathedral Catholic mind earthquakes. What visual justice! There I was sitting ... SEEING all the Maleness right in front of me. Never again am I to doubt the cause of our cultural and spiritual problems.

The War in Vietnam is just the White Males' Global Liturgy ... a ritual of male fire and ice ... an imbalance in human nature ... a depravity ... a curse ... a disease ... a deformity of the human spirit. As I stood before Philip I knew that I wanted to embrace him, and I wished he would me ... but neither of us would do that. One of the reasons I could handle my trial so well ... so rationally and with repressed emotions ... was because of my male affliction! Now, I don't know if I could ever really go back into a courtroom. Within me the feminine spirits are gentle and tender, but they burn and gnaw releasing a power from my muscles for rebellion and liberation.

Yes, within me there is the feminine; just as, horrifically, many women have claimed Liberation by becoming a patriarchal male. That is the sadness which wraps the glossy smiles of *Playmates*; of so many of our TV commercials; and of our "kept" women. Yet, among women in particular is this power raging most intensely. In a poetic and practical way women's bodies are the logs of the global feminine fire. The Cold War Earth needs a warming feminine hearth. The task as I see it for myself and my brothers is extremely difficult. Being born into an oppressor role we have hardly any precedent or models of healthy masculinity. We must struggle along side our sisters to battle the demonic male spirits loose today, and jar loose our own healing male spirits. Our bodies need to be healed. True, Jesus' lifestyle gives us much, but the Church has really mutilated him beyond recognition. We must instead do what he did, and that means to seek the power of the feminine, most boldly embodied in women.

It is striking ... and something these short reflections cannot carry through ... that Jesus did and saw everything communally. Today, the Feminist movement has called us beyond the bonds of Resistance Brotherhood into the communal Body ... into a new sense of the person, of the Family and of the Human. These are exciting times. I am thankful for my trial times only because they made me see clearly and confront boldly demonic Maleness which we all must seek to turn away from. Someday ... someday for sure, because I feel it within, my bowels and bones, nerves and hairs, we embryo cells as we are will couple in true human warmth and grow the new organs, limbs, and shouts of a free human Body. Femininity means Liberation.

## FILTER 2: SILVER BLUE: Festivals

Our draft raid was a symbolic act. Through our actions we tried to say that the Government is waging a Politics of Death, which we oppose by living a Politics of Life. Throughout our trials the Government said, "No, you did not effect a symbolic act, you just broke and entered into a building." We said, "No, we did not break and enter a building, we protested the war and exposed the demonic base of your power and System." The only way to gather some insights into the truth of either statement is to look at the way the people live who hold those views. The Government lifestyle, I'd say, is one of death-dealing. I hold this view because I look at what the Government does: wage an undeclared war, erect an involuntary Draft System, permit polluters to go unchecked, ignore urban and minority problems, discriminate against women's rights of control over their own bodies and minds. Is my reasoning faulty? Or are those problems just made up ... further illusions cast upon me by devious professors, writers, and oppressed peoples?

When I was getting acquainted with Resistance, what attracted me most was the lifestyle. Yes, like most middle-class white Americans I was at first put off by the Movement's lack of money and power. Resistance people seemed to be going "down" in the Great Race, and I was geared to go "up". Couldn't I be a Resister and still get my PhD in Theology, my private home, 2-1/2 children family, and so forth? Would I really have to give up my BankAmericard?! Well, these are superficial worries, and in themselves these questions portrayed my aping the-ruling-class value system. What I ultimately found amidst the Resistance communities was a real lifestyle ... a life *styled* upon struggling to free up people from the various forms of death that gripped them. Resisters were willing to always stand firm on their one bedrock premise: life is of primary importance, this means that the dignity of people comes before anything or any power. Regardless of their external surroundings Resistance people are wedded by this dedication to develop their personal and social lives around the dignity of people.

During our trials there were several events which show this Resistance attitude. At every turn in our lives, at times of joy or sorrow, we strive to celebrate Life. While experiencing the Devitt "smasheroo", several people started talking about, "How to communicate with Uncle Ed about what he is doing to us?" One disastrous attempt was that a group of people wrote him a letter telling him why they weren't going to stand when he entered the courtroom. This was a negative gesture which would affirm the dignity of his person while challenging the authority of his office. Despite their letter, when they didn't stand Devitt turned his bulldog Marshals loose and they vamped on the people, hauling and pounding them out of the court --men and women alike. Uncle Ed spoke not a word to any of us. In protest several of our immediate families got up and left. So much for attempted dialogue about the dignity of all persons!

A second attempt was to present a gift to Devitt. Several members of the Resistance community once again wanted to convey some of the values of the Politics of Life, i.e., the value we place on people and not their jobs and offices; our sense of the spiritual dimension of the judge's authority. They decided to do this by presenting Devitt with a symbol. The symbol we chose was the Gavel. The Gavel we felt was Devitt's own symbol of Authority and Judgment. If we, those who are judged by the Gavel, turn around and give that gavel to the judge we felt this would convey to Devitt that we knew the limitations of his authority and office -giving him the gavel would, hopefully, remind him that his Office gets its Authority and Power from us, the people. We have created the political offices and authorities. We have carved the Gavels. By presenting him with a Gavel, we sought to

engage Devitt in some dialogue about our understanding that the judicial offices derive their power from the people, not from some system which pretends to be godlike, namely, the State.

We feel that Devitt himself *plays* God – the appropriate stance of a Judge in the Politics of Death. But the Politics of life recognizes that States are just the systems developed by humans. Our presentation of the Gavel as a Gift was an attempt to evoke a spiritual sense, the sense of Humility, for Devitt. We whom he oppresses will, in true non-violent fashion, strive to love him even as he tries to kill our spirits. The contradiction of the symbolic act we hoped would give him a sense of our Politics of Life ... which Politics he had not allowed us to speak about. However, he said: "Thank you. And, I also received from somebody today, I don't know from whom, somebody gave it to the Marshall, a dollar bill with a symbolic card in it, and whoever gave that to me I thank you for that too."

Devitt seems incapable of grasping our intentions. A local newspaper columnist friend of his wrote an article about the Gavel ... which interpretation of the event I am sure is Devitt's. It stated that "the big bearded" fellow (me!) "Thank(ed) the judge for his handling of the trial and upholding the dignity of the Court." (See: "Oliver Towne," *St. Paul Dispatch*, Dec. 1971.)

Devitt obviously loses his sense of the symbolic when he leaves Mass on Sunday! *Unfortunately for us*, that is true, and it baffles me as to how we can communicate with him now. Our words, actions, and symbol seem to pass him right by.

Another example of the style of our Politics of Life came in what was called, "Thanks For the Pie." In between the trials of Devitt and Neville on Sunday, November 15, 1970, our Committee to Defend the Eight wanted to publicly express how they felt about the trials. We could have staged a political demonstration during which Devitt and the System would have been denounced ... and during which our pent up rage and hurt feelings could be relieved. However, we talked over just what did we want to say to the Government and to the Public?

People decided that, of course, they wanted to Celebrate Life. That they wanted to show people that the base of the Politics of Life is that of enjoying and sharing together. "Thanks for the Pie" conveyed its "politics" through a merging of the sacred and the comic. There were no "straight political harangues" -- only praying and laughing and eating pie. We gathered in front of St. Paul's Federal Courthouse on a very cold, drizzly day. The FBI were all *inside* busily taking pictures of the crowd ... and I think really stymied by what we were doing. Instead of political picket signs many people carried a sign made from the centerfold of a recent edition of "Hundred Flowers", a local underground press. The centerfold was prepared just for "Thanks For The Pie" and it was a picture of a *housefly*. Imagine!

People were encouraged to make their own signs -- of apples, pears, sewing machines, anything at all -- whatever was part of life. Every part of life was to be celebrated! Fr. Bill Teska began the ceremony with an official rite of Exorcism. Exorcism is the religious ritual by which evil spirits are driven from a building. The ritual states that, "If there are any evil demons in this building" may they be driven out. Father Bill blessed the Federal Building and chanted the prayers in his best Episcopalian style.

Then a local group, called "Hevy Gunz," carried through our celebration with a comical presentation of human failings and human achievements. The people sang and laughed and hugged

one another and ate apple pie as the FBI cameras flashed and wheeled and their machines tape recorded this "subversive" event:

{Click here to see an image of "Thanks For The Pie." }

How can the Government ever control the lives and spirits of people like this? How can the Government stifle the spirits of loving people? Only I presume, by destroying everyone and everything, *including* themselves.

What would be a similar celebration within the Politics of Death? "Thanks for The War?" "Thanks For The Bomb"?

Lastly, I want to mention what we did when Don, Pete, Brad, Chuck and Bill turned themselves in. All during our months of waiting for the Appeal decisions we had received unforgettable community support. By this I mean not just the support of our Resistance friends, but of our families, and many Establishment people. In fact, what always surprises me is the wild cross-section of people who relate to Resistance and our "Minnesota Eight" action. After the event of our "Turn-In", for example, we took off in a six car caravan out to lunch at the wealthy Republican's home. It seems that people are coming to Resistance from every corner of the American way of life.

The five were to turn themselves in the day after Thanksgiving. Because they wanted to have this public celebration, they skipped that deadline. Technically, they became "fugitives." This made us wonder whether the Federal Marshals would try to break up our celebration or what. We'll, come that Monday morning Karen and I freewayed out to Fort Snelling's National Cemetery. As we exited from the "494" I felt nervous and depressed with a rhythm of euphoria. Crazy? Well, it is hard to "go about the business" of sending your brothers off to prison for five years. Yet the day was a glorious day, a day when five men *once again* stepped forward for Life. Jose Barreiro of the Student newspaper, the *Minnesota Daily*, wrote a piece which I feel carries forth well the emotion of the day.

"At the entrance to the cemetery, on the road to the gate (a large pale brown dead structure), about 20 cars are parked. Two or three television cameramen line up shots, and a crew of caretakers shovel snow. One and two, and then half a dozen scattered persons leave their cars to brave the cold, and Francis Kroncke (a defendant who hasn't yet exhausted his appeals) hands out printed statements to reporters.

Slowly, more people leave their cars and also slowly, more cars arrive. Soon, there are nearly 200 people standing on the snowpacked road.

"Let's sing a song," someone says. No one answers. You see smiles, but no song.

Time passes, and still none of the five who will be in cells tonight have arrived. A fear spreads through the crowd that maybe they were apprehended. Relatives arrive. Mrs. Tilton, her daughter, younger son. Mr. and Mrs. Turchick. Rabbi Turchick, Chuck's brother. Newsmen circulate freely, asking questions, studying camera angles. "They could pick them up for aiding the three fugitives." "Aw heck, they don't need a reason."

Still, they don't arrive. A bearded man asks a little girl: "Are you ready for a snowball fight if the Marshals come?" The girl smiles and nods. A small controversy takes place. A boy in a black and

white painted face carries a sign: *KILL EACH OTHER. LOVE IS FOR BROADS AND LITTLE KIDS*. Some people want him to take it down. "It's horrible symptom of a part of the Movement," one girl says. Finally, he's approached. "I don't understand what they have against my sign," he says. "Forget that you made it, man, just put it away." "But don't you understand what it means?"

Kroncke comes over. He is a big, mild-mannered guy. "It's just disruptive, man," he says. "Hell, put it down for the sake of unity." The sign comes down.

Brad Beneke arrives! People cheer. He has cut his hair very short. "This strange looking man here is Brad Beneke!" shouts Kroncke. Everyone laughs. "How do you feel, Brad?" someone shouts. "Good. Good at this point."

Olson, Tilton, Turchick, Simmons. They all come, one by one amid cheers and embraces and handshakes. The pressmen hop all over taking film.

Now the formal part of the ceremony begins. Kroncke asks the crowd to move by the gate. Cameras and microphones are positioned, and Tilton is jokingly asked to lay the "heavy political rap" on the press.

Tilton reads. "We have chosen the National Cemetery ... to emphasize that DEATH AND DESTRUCTION CONTINUES AT A HORRIFYING RATE IN SOUTHEAST ASIA ..."

He speaks of Nixon's "Hitleresque policies," of an air war which reduces white casualties and increases brown casualties, of "automated battlefields," of white markers like the ones behind him that didn't need to be, of finding alternatives to capitalism, of going to jail, and of their hope" -- that ultimately, the Politics of Life will overcome the Politics of Death."

The crowd cheers and applauds. Next comes a statement of support from Vets Against the War, and a moving poem by Kroncke."

Jose left the following statement out, but I want you to hear how some vets ... war men struggling to find America in these criminal times ... how they saw us.

#### "Salute to the Minnesota 8"

"We of *Vietnam Veterans Against the War* and *Veterans for Peace* salute you in a most anti-military manner. We love you. The fact that you are considered criminals is stranger than fiction. We know who the real criminals are. The men who put our buddies in those graves over there, in wheelchairs for life, in mental wards, in drug wards, and on the streets without jobs; the men who put us on the other side of the world to destroy a country and a people, are the real criminals.

We have seen the results of criminal behavior on a global scale. We know who the real criminals are and I think the people know who they are. We know that what you did was to try and stop the war machine and the death machine here at home, at the source. We demand a full pardon for you, the *Minnesota Eight*, as well as amnesty for all draft Resisters and deserters who are suffering as a result of their beliefs. Our brothers will be in jail for us, let us remember that we are on the outside for them. HOA BINH!"

(Footnote: Read by John Sherman, written by him with help of Chuck Logan; from "Minnesota Homefront Sniper" Nov. 1971, vol. 2 no. 1.)

"It is hard to shout," Beneke says, "when I really want to whisper." So he shouts, "WE SHALL WIN!" and the crowd takes up the chant. We shall win, we shall win. A dog breaks into the circle and starts howling. Everyone laughs. "We even turn the dogs on," says Kroncke.

Death, in the form of a man dressed in black, is then symbolically buried. He lays down and Simmons and Turchick spread a white sheet over him. Solemnity reigns for some seconds before someone says, "Resurrect Death, man. He's getting cold." And again everyone laughs.

Two songs are next, heartily chanted by the crowd. Solidarity songs that you sway to. And the celebration is over. "See you in five years," Beneke shouts. "Before that," Mrs. Turchick cries back. "Before that!"

*GOING IN* – {from Jose Barreiro}

At the courthouse it was simpler. There was no prepared statement. Half the press had been lost, and most of the spectators. Still, the space was smaller and seemed crowded. No one was allowed inside the glass doors.

"You people stand aside," a rotund guard shouted. "Let the people with legitimate business come in!"

"Oh! Legitimate," shouted a girl. "Are you legitimate?" asked her friend in mock chivalry. "No, I'm not. Are you?" "Yippee!" she shouted, starting a quick dance together to the chant of, "In and Out the Window."

After that anyone going inside was asked if he was legitimate, which gave way, of course, to a song with people waving and making faces at the Federal Marshals inside the door.

Somehow you find yourself not caring as much as you did before. There is a sense of anti-climax to this day. It should have ended at the cemetery -- with everyone happy, pushing forward in good spirit. Then you spot Beneke. He comes down the street, arm linked with his mother on one side. The crowd cheers. Then Olson and Simmons come -- and little Turchick, who no longer seems out of place. And Tilton.

They converge with the crowd, exchange kisses and hugs, while inside the good Marshals wait patiently.

Tilton, as usual, goes first. Quick kisses, a trailing of hands and he's in the door. People gasp. Then Simmons. And quickly Turchick, who gets a pat on the head from Kroncke. And Beneke with Olson. "Come on, Don," says Kroncke in a last stab at humor. "I think you're late."

But he doesn't smile as he says it."

Yes, I didn't smile. No, not at that moment. The steel rimmed glass door shut, and my brothers were inside the Belly of the Monster. But as we all walked back, dispersing slowly at street-corners,

towards our parked cars, we all knew that *once again together* we had turned death over to set life free!

### FILTER 3: COFFEE BROWN: The Families Speak of Jails and Free Spirits

An often heard general remark about the youth of the Sixties is that they've come from permissive homes. People often think that young people protested so much because their families lacked a strong authority figure. I cannot speak for every Resister but I do know that for the Eight of us, and for most Resisters I've met, these two commonly heard remarks are not true. In fact the exact opposite seems to be the broader truth. Most Resisters come from conservative backgrounds, from families which had a traditional concept of roles and obligations, and one that believed in the American Dream. As with myself, so with so many Resisters, I have become a radical because I am such a conservative. What motivates me is that I see and feel the social order decaying and breaking down. The Resistance style is not one of disrespect for authority, but a rebellion against illegitimate authority. My family's constant reinforcement was: stand up for what you believe, no matter what. In my particular case our deeply held Catholic beliefs anchored me in that moral staunchness. If an outsider would come in and count the number of rich kids who are Resisters, he or she would be surprised to find that most of us do not fit that stereotype either. We are middle class whites, that's for sure, but our backgrounds are in the rising, lower-level white-collar class who sent their kids to college to insure that they stay out of the factory inner city. Brad and Bill are closer to the professional upper middle class, and are more sons of the Establishment - meaning "successful" people -- than the rest of us. In my family my dad was a chemist and he geared all of us boys towards the academic life. No generation in my family had ever gone beyond college nor into the professions. Resisters seem to come from that group for whom college was a possibility and a necessity. Change through the realization of the American dream plus hard work was our goal.

When we went to trial our families came out in force. Don's mother lives in the Southwest and has been ill, so she did not attend the trials, and I do not know how she felt. As for the other families, they all came, with my Mom and Mrs. Tilton being widows, and Mary Simmons being divorced. Most of my sources, then, are the thoughts of our mothers, though I have been in many meetings where all our families have gotten together to plan and party.

After Brad's trial Bob Lundegaard wrote an article on the Benekes headlined as "Draft Trial Changes Life of 'Establishment' Family." This is the headline for all of our families. What Bob covered in that article were the facts that both Millie and Arnold Beneke were involved in Republican politics, and that, "They seemed to be fulfilling the American dream. Now that dream like so many of the dreams of a more innocent America have been rudely shattered." Arnold is quoted as saying, "I've become more aware of the questions and problems of youth, aware of their side. For one thing, getting to know some of Brad's friends sure changed my opinions about long hair and beards. It was different in my day. When your country called, you went. But I think these young people are going to make the country do a lot more thinking. As a result of their trial, I've changed and I'll never change back again." Millie has reservations about draft raids, yet says, "I'm proud that he has the compassion, the guts to stand up for his convictions. What concerns me is that he feels it's necessary to go so far because he gets no response from the Establishment. We 'good people' are radicalizing these kids. We can't see beyond their long hair and beards." What changed Arnold more than anything was his own trial within our trials. He and his son Bruce were legal advisors to Brad. More, at the sentencing Arnold rose to plead in a voice and a heart which, I'm sure, expressed the hopes and ideals of our parents.

{The French film-maker, Louis Malle, produced a short documentary on the Benekes called, "God's Country," in 1985}

ARNOLD BENEKE: {addressing Devitt}

I don't want to take a lot of your time. As the Court knows, this is pretty close to me and if I may have your time I'd like to tell you that throughout my lifetime it has been a great fortune of mine to be able to work with young men.

When I went into the service in '42, in January, I was at the age then, as many of the young men, the agents, the Marshall are, 26, and so that the men that were with me were young, 19 years old, 20 years old, and I worked with them many years and many different men -- and I can state because of the act of a young man -- I can only say that he was killed when he took my place in the tanks when I was ordered up to Division Headquarters -- a very young lieutenant, and he moved my tanks out -- and there but for the grace of God would have been I in that tank instead of him.

I can understand the resentment of these young men and I hope you can too, Your Honor. We older persons must look at it this way, that they do have anger in them and resentment and I hope you will overlook this.

There are many accusations, of course, by people saying what kind of parent are you that you raised young men like this and I say to you, Your Honor, I am proud of both my boys and I am proud of these other young men, from knowing them, and I say to their parents you should be proud of them too.

When you raised them you didn't raise them to be wheeler-dealers. You didn't raise them to make a fast buck. I am proud of the way these young men think along the lines of decency and honesty because, believe me, life isn't very long at times and if you could live with this kind of philosophy and this thoughtfulness and honesty, and this these young men have. They have anger, they have tempers, I suppose this is a good thing for young men to have these days. I hated to see it beaten out of the young men in my day and many of the things that they say is from this resentment and I hope that you will consider that, Your Honor, because putting these young men in prison, I feel at the bottom of my heart, will not do society one bit of good. It will tear the hearts out of their parents and their loved ones.

I was told you are a compassionate person and the men that told me this I believe and I am calling upon that, Your Honor."

Devitt answered not a word, not a gesture or a response. In the harsh quiet of Arnold's sitting down, Devitt picked up his prepared text and droned out our sentences.

(Footnote: from the *Minneapolis Tribune*, Sunday, Dec. 13, 1970)

In an interview with Earl Craig, a black professor of Black Studies at the University of Minnesota (and the person who ran an independent campaign against Hubert Horatio Humphrey for his Senate seat) three of our mothers answered direct questions about prisons and the trials.

They all spoke about how the trial had made them more aware, and how, "Overnight I was a millionaire with awareness, knowledge." Despite this benefit of insight, Mary Simmons expressed a shared concern. "My son wasn't raised to go to prison. I worry about physical dangers. I have read enough about what can happen to young people in prison. And my son is one of those blond, baby faces -- if you shave off his beard and everything -- big but, I don't know, young. We have heard now from people who have been in prison that these 'Youthful Offenders' places are the worst place you can go to. That this is where the young hoods are, working on their masculinity images ... this is where they do all those strange things to prove that they are men ... they have warped ideas about what a man is ... and many of their problems are emotional ... my son isn't that kind of person and I don't know how he'll be able to live with that kind of person." True to her optimistic Irishness my mother Marie buffered Mary's concern with: "I'm just not worrying about anything. And it just strikes me funny that I should feel this way. But maybe some of the idealism has rubbed off on me, from living with a man who was very idealistic and my son. I don't worry about the future. I don't worry about prison. I guess that I still have so much faith in humanity though that even if I am shattered for a while at a trial where I was looking for a man-role and where I had to put up with a judge role. I still feel that someone cannot in their heart do something that is good and right and not have good come out of it."

"You cannot make me believe that anyone who works for good, good can't come of it. No matter what the price will be, I don't know. The price may be high but you cannot be unhappy if you really feel the ultimate result ... I don't want him to go to prison ... they're not Rehabilitation Centers. That's the last thing I want to see happen ... but I can't worry." Joan Tilton expressed feelings intermediate to my Mom's and Mary Simmons. "It's as if the police understand the criminals. They do, they understand each other. They're playing a game with each other. And they don't understand people like our sons. Neither the police nor the courts ... I don't worry about his long term future. I worry about his immediate future when he is locked up ... all the young men have a great potential which will be fulfilled in one way or another." (Excerpts from "Dialogue" produced by Connie Goldman, a program of KDWB, St. Paul radio.)

The Turchicks appear to be temperamental and political polar opposites of their son Chuck. Mr. Turchick is a Torah teacher and an exacting Jew in respect to his traditions and religious observances. Chuck is strengthened more by non-violence and a temperamental anarchism than by his religious heritage. The Turchicks do not relate to the draft raids at all, but they continue to give unfailing personal support to Chuck through his peace struggles.

At a party given by Rachel and Ken Tilsen for The Eight, their families and friend, Jose Barreiro reported part of a conversation between Mr. Turchick and Bill Tilton. "I reread the sentencing part of the court transcript a couple of days ago," Mr. Turchick continues; his lips tighten, "I tell you, that Mr. Devitt, does he have any feeling? Really, I mean, if you put a pin in his skin, in his arm -- do you think he would feel it? Is he capable of feeling?" "Sure," Bill smiles, "He can feel that kind of feeling. Physical feelings." Mr. Turchick shakes his head. His eyes are red and watery, "I don't know," he says, "I don't know. For a goddamn 10 minutes in a building." Later he sits on a couch. He talks in short angry bursts, "I tell you: ask any of these boys what they accomplished. I'll tell you. Nothing ... nothing. Now they go to jail and who knows what happens to them. Ha. Take a look around. Ask any 60 people here: "Would you do the same thing? No, they wouldn't." ( Jose Barreiro, "Five years in prison for ten minutes in an office," *Minnesota Daily*, November 30, 1971.)

The year of waiting to go to prison has been one filled with the strengthening of family bonds. Some of our close friends occasionally call all the families together to party and talk about how we

are doing in prison. Amidst all the fragmentation such men as Devitt and Neville effect, stands the warming glow of people ever widening their family circles. A common struggle has brought forth many shared strengths.

It is fitting to close this short piece with a poem by Millie Beneke. This is one of a series of poems which she wrote during the trials. This one gathers the broad emotions of a family watching their son on trial for peace.

#### THE TRIAL OF THE MINNESOTA 8

I watched a public hanging  
 It was called a trial.  
 Freedom was hanged.  
 And I watched Faith slain.  
 Truth was assaulted  
 And the rope around Hope's neck  
 Grew tightly taut  
 As God's name was fouled  
 In a lethal complaint.

Youth was on trial.  
 Allegiance to a higher Being  
 Avowed.  
 Youth ... versus the Sage  
 Callous Age.

Tyranny sat behind closed eyes and ears  
 And urged Justice  
 Black-robed and blind  
 To try Youth for a double crime  
 Yours ...and mine ...

But this is why I really cried  
 Deception masked by Patriotism  
 Was the Advocate  
 On Age's side ...

*Millie Stong Beneke*

(Note: The *Minnesota Eight* buttons read "Higher Allegiance")

#### FILTER 4: DUSTY YELLOW: Media As Tool For Social Control

Amidst much table quipping about the qualities of the *Green Parrot's* chocolate malts, Karen Clark, Marcia Alvar and I gently hammered away at *Minneapolis Tribune's* ace court reporter, Bob Lundegaard. Bob was in Rochester covering the Connie Trimble murder trial. We were there as supporters of Connie, a young black woman, whom we felt was a "political prisoner." Bob didn't see it that way. He felt that she was accused of murdering a St. Paul policeman and that was that. When we tried to talk about the "white-male justice system," and about the function of cops within a ghetto, he was sympathetic to those problems but didn't see how they fit into a trial about murder. Bob granted that our trial -- of the *Minnesota 8* -- was political, and that as things go in the press world, he had given us excellent coverage. We didn't resolve much that day, but I feel that something about the press and our trial must be said. You should know that shortly after our conversation Connie Trimble was acquitted.

What is the function of the media in respect to social change? Your answer to that question will determine whether my thoughts are helpful or not. Some see the media as a "third person," someone with an "objective" eye, a reporter from the "neutral" zone where passions are banished, and clear and distinct ideas are the order of the day. In criticism of this position, others say that there is no such person as a "third" person, that even an observer is a participant in that he or she *interprets* what is seen or felt. "Objectivity" and "neutrality" are figments of the imagination. More, they are the tools of a ruling class. What is meant by the latter remark is that the media is an instrument of *social control*. How the news is reported determines how and why people perceive everyday truths. The media can keep people calm by reporting lies, "white lies," i.e., not challenging the classification system which hides the embarrassing faults and foibles -- as well as outright evils -- of the war under "top secret" or "in the interest of National Defense" grab all phrases. Also, the moral dizziness and numbness of our country in respect to the Indochinese War is a result of the media's "inoculation of violence" approach. This means that media viewers and readers are given *violence without* human passion, bit by bit until they are immune to hearing that "300 Americans were wiped out today ..."

With the Resistance community the media has worked either overtly or through silent neglect, to allow the public to see us as "mindless vandals" and "misguided men." Much of the impact of the dissent in the Sixties was lessened by the media's interpretation of what was happening. The media turns everything, every action and human event into a freakish spectacular. Possibly media people will admit that they are just space fillers between advertisements and commercials. But if they think that they have a nobler task, then why do they strive to print the freakish and the bizarre? Media people would defend themselves: "Well that's what the people want." But that is a two-way street, people learn to want what they always get. The media is responsible, I feel to a greater degree for turning itself into an "idiot box," and a breakfast "idiot sheet."

A simple but always telling analysis is to note that the media producers are in Big Business. The media bigwigs are part of the ruling elite, and they do feel responsible for *social control*. During our trial we could not get into print nor on the air (except in a few short radio spots) a coherent, and clear presentation of our views. Now you might say, "Everybody thinks *their* activities are *the news*." Yes, and I'll grant a portion of that criticism. However, these are anything but normal times. Is it too much to ask the media people to recognize that there is an undeclared war ... a total war going on? That there is a decade long Civil Rights/Peace Movement marching in the streets? That the Government has taken to handing down wild-eyed conspiracy indictments in an attempt to

round up and lynch the leaders in the Black, Indian, Chicano and anti-war movements? See, the media would not use my word "lynch." They'd say it is "too emotional." It's about a 99 to 1 chance that they'd even print or say *that I said* "lynch." The clear point is that the media is a vehicle, and an interpretive filter, for one class: the white male, rich elite.

In our case it was only after our trial was over, that we began to get some fair media coverage. Right before five of the fellows went to prison Al Austin on WCCO-TV gave some editorials questioning the wisdom and benefit to society of sending people like us to prison. Even the *Minneapolis Tribune*, which had immediately after our arrests come out strong on the "mindless vandal" theory and then, for quite some time, slunk back into the shadow of silence, ran a, "Where in History for the *Minnesota 8*?" editorial. However, these were after we left for prison and were after-the-horse-left-the-barn comments and editorials. Certainly, we appreciate their human concern, but as representatives of a public image making media they seemed to have more responsibility than they are willing to assume. The fact is that they weren't fair in presenting our version of what was happening. Of course to do so would have been to make the media an open political forum. Heaven forbid!

Media people who have become friends of ours like Al Austin and Bob Lundegaard ... and especially "left-leaners" like Debbie Howell of the *Minneapolis Star* ... say that they have a rough time with censorship from high-up. So, as common sense would indicate, it is not always the individual reporter or commentator who is at fault. The problem is, like so many, an institutional one. The right of free speech does not guarantee the right to public vehicles for that free speech. History is full of "underground" presses which try to balance out the biases of the daily press. During our trial the Committee put out "Trial News" which along with two local papers: one counter-culture, "Hundred Flowers," and one aimed at working-class consciousness, "North Country Press", would report fuller stories about every incident of our trials. It was interesting, and a telling fact, to watch some of my *straight* friends read identical storylines in say the *Tribune* and underground papers, and tend to believe only what they read in the *Tribune*. When the *Tribune* left something out which "Hundred Flowers" kept in, they'd doubt the significance of the event!

The media made us out to be young idealists who were frustrated and impatient about the war, and who, under the great emotional pressures of the late Sixties, did a "rash" act. No one who follows just the media knows of us as the non-violent, morally motivated, aspiring patriots which we are. I'm not saying that we are heroes ... we *are* ordinary people who find it necessary to become outlaws, in order to survive. That is precisely the point and reason why the media, on its own rule of thumb, should have probed the significance of our raids.

The problem of the media is similar to that of obtaining justice in the courtroom. The media people and the judges are sustained by the economic and political processes which we attack at the roots. They have their professional sets of Rules and Regulations by which they convince themselves that they are being fair, just and impartial. Their institutions are so entrenched in the System that they are in effect beyond the influence and power of the public. The powerless and the dissenters are either exploited for sensations and titillations, e.g., drugs and "free sex," or become the pet project of some sugary Paternalism. As within the courtroom so within the media, it is not that the *Minnesota Eight* were allowed, and helped, to develop a public image, which was then rejected by the people. It is that we were not allowed to be heard or seen. Just as Neville played his games of telling us that we were like burglars, so likewise the media molded us to their desired likeness and stamped us "irrelevant and immaterial." Someday this country will have a publicly responsible and responsive media which will be an agent for social change and not for social control.

As a last word, let me say that it seems obvious that the media is a male agent. Unless you have sensitized yourself to the human meaning of statistics, the media will leave your heart undisturbed. The tone of most media presentations is a humming, bass pitched drone. Otherwise it is shot out in a clipped, psuedo-militaristic fashion and at dictation speed. The media is notorious for being a "downer," that is, conveying only bad news, or the worst possible side to any event. In the media business there is a really warped idea of what is "newsworthy" If it is super-male: brutal, violent, sadistic, painful, ugly, grotesquely bizarre, absurd, or freaked-out, then its "newsworthy." What isn't that way is then reduced to pabulum and spiced up with misleading headlines. The state of our media is really incredible when you stop to think about it: When have you ever read or seen or hear a really *human* account of the war? With all the emotion, compassion, suffering, and struggles of the everyday person? Either you are given one isolated story of some napalmed child now receiving special care in a Minneapolis Hospital, or you hear only spiritless statistics on body *counts*. Think for a minute, Isn't your life generally filled with good times and pleasant experiences? I mean, even amidst the tremendous oppressions and repressions of the day, most people want to enjoy life. *Has the media ever helped you enjoy your day?* At times, indeed, the only relief is the "funnies"! ... which is, itself, often violent and sexist, but at least it doesn't pretend to be something else. It is a sad state of affairs when the comics more honestly convey the human truths than do the rest of the paper. As Pogo says, "I've met the enemy, and it is us!"

Media, then, in its general character is white-male ... an instrument of social control. As we build a new human culture, let us strive to nurture a media which will become a public servant ... an institution and a people will who listen to and serve equally, all segments of our rainbow people. Once again, the type of media you have depends upon the economic and political system you build. Bob Lundegaard, *Why didn't you put my lunch on your Expense Account?*