

69CR1807

UNITED STATES DISTRICT COURT

NORTHERN District of ILLINOIS

EASTERN Division

THE UNITED STATES OF AMERICA

vs.

DAVID T. DELLINGER, et al.

INDICTMENT

VIOLATION; Title 18, United States Code, Sections 371, 231(a)(1) and 2101

A true bill,

Robert F. Lamping Foreman

Filed in open court this 20th day of March, A. D. 1969

Albert A. Wagner Jr Clerk

Bail, \$

FILED

1969 MAR 20 PM 2 47

CLERK U.S. DISTRICT COURT

DOCKETED

CHIEF JUDGE CAMPBELL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

UNITED STATES OF AMERICA

-vs-

DAVID T. DELLINGER,
RENNARD C. DAVIS,
THOMAS E. HAYDEN,
ABBOTT H. HOFFMAN,
JERRY C. RUBIN,
LEE WEINER,
JOHN R. FROINES and
BOBBY G. SEALE

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69CR180
NO.

Violation: Title 18, United
States Code, Sections 371,
231(a)(1) and 2101

The SEPTEMBER 1968 GRAND JURY charges:

1. Beginning on or about April 12, 1968, and continuing through on or about August 30, 1968, in the Northern District of Illinois, Eastern Division, and elsewhere,

DAVID T. DELLINGER,
RENNARD C. DAVIS,
THOMAS E. HAYDEN,
ABBOTT H. HOFFMAN,
JERRY C. RUBIN,
LEE WEINER,
JOHN R. FROINES and
BOBBY G. SEALE,

defendants herein, unlawfully, wilfully and knowingly did combine, conspire, confederate and agree together and with

WOLFE B. LOWENTHAL,
STEWART E. ALBERT,
SIDNEY M. PECK,
KATHIE BOUDIN,
SARA C. BROWN,
CORINA F. FALES,
BENJAMIN RADFORD,
BRADFORD FOX,
THOMAS W. NEUMANN,
CRAIG SHIMABUKURO,
BO TAYLOR and
DAVID A. BAKER

being co-conspirators not named as defendants herein, and with divers other persons, some known and others unknown to the Grand Jury, to commit offenses against the United States, that is:

a. to travel in interstate commerce and use the facilities of interstate commerce with the intent to incite, organize, promote, encourage, participate in, and carry on a riot, and to commit acts of violence in furtherance of a riot, and to aid and abet persons in inciting, participating in, and carrying on a riot, and committing acts of violence in furtherance of a riot, and during the course of such travel, and use, and thereafter, to perform overt acts for the purposes of inciting, organizing, promoting, encouraging, participating in, and carrying on a riot, and committing acts of violence in furtherance of a riot, and aiding and abetting persons in inciting, participating in, and carrying on a riot, and committing acts of violence in furtherance of a riot, in violation of Section 2101 of Title 18, United States Code; and

b. to teach and demonstrate to other persons the use, application, and making of incendiary devices, knowing, having reason to know, and intending that said incendiary devices would be unlawfully employed for use in and in furtherance of civil disorders which may obstruct, delay and adversely affect commerce and the movement of articles and commodities in commerce and the conduct and performance of federally protected functions, in violation of Section 231(a)(1) of Title 18, United States Code; and,

c. to commit acts to obstruct, impede, and interfere with firemen and law enforcement officers lawfully engaged in the lawful performance of their official duties incident to and during the commission of civil disorders which obstruct, delay, and adversely affect commerce and the movement of articles and commodities in commerce and the conduct and performance of federally protected functions, in violation of Section 231(a)(3) of Title 18, United States Code.

2. It was a part of said conspiracy that from on or about April 12, 1968, through on or about August 24, 1968, the defendants DAVID T. DELLINGER, RENNARD C. DAVIS, THOMAS E. HAYDEN, ABBOTT H. HOFFMAN and JERRY C. RUBIN, and other co-conspirators not named as defendants herein, would organize and attend various meetings, would publish and cause to be published articles, and would make and cause to be made long distance telephone calls for the purpose of encouraging persons to come to Chicago, Illinois to participate in massive demonstrations during the period of on or about August 25, 1968, through on or about August 29, 1968.

3. It was a further part of said conspiracy that the defendants DAVID T. DELLINGER, RENNARD C. DAVIS and THOMAS E. HAYDEN, and other co-conspirators not named as defendants herein, would maintain and cause to be maintained an office of the National Mobilization Committee to End the War in Vietnam at 407 South Dearborn Street, Chicago, Illinois, and other "movement centers," to be used for the planning and organizing of the activities to take place in Chicago during the period of on or about August 25, 1968, through on or about August 29, 1968.

4. It was a further part of said conspiracy that from on or about August 13, 1968, through on or about August 24, 1968, the defendants DAVID T. DELLINGER, RENNARD C. DAVIS, THOMAS E. HAYDEN, ABBOTT H. HOFFMAN, JERRY C. RUBIN, LEE WEINER and JOHN R. FROINES, and other co-conspirators not named as defendants herein, would select and cause to be selected persons designated as "marshals" and would conduct and cause to be conducted training sessions for such "marshals" at which instructions would be given in techniques of resisting and obstructing police action, including karate, Japanese snake dancing, methods of freeing persons being arrested, and counter kicks to knee and groin.

5. It was a further part of said conspiracy that from on or about August 1, 1968, through on or about August 29, 1968, the defendants DAVID T. DELLINGER, RENNARD C. DAVIS, THOMAS E. HAYDEN, ABBOTT H. HOFFMAN, JERRY C. RUBIN, LEE WEINER, JOHN R. FROINES and BOBBY G. SEALE, and other co-conspirators not named as defendants herein, would plan, carry into effect, and cause to be carried into effect actions and tactics to be employed by groups of persons in Chicago, Illinois, during the period of on or about August 25, 1968, through on or about August 29, 1968, which actions and tactics would include but would not be limited to the following:

a. large numbers of persons would march to the International Amphitheater, Chicago, Illinois, even if permits authorizing such marches were denied;

b. large numbers of persons would remain in Lincoln Park, Chicago, Illinois, after 11:00 p.m., even if permits authorizing such persons to remain were denied, and would set up defenses and would attempt to hold the Park against police efforts to clear it, were permits denied;

c. large numbers of persons would break windows, set off false fire alarms, set small fires, disable automobiles, create disturbances at various hotels in the Chicago Loop area, and throughout the City of Chicago, for the purpose of disrupting the City and causing the deployment of military forces;

d. on or about August 28, 1968, large numbers of persons would block, obstruct and impede pedestrian and vehicular traffic in the Chicago Loop area and would occupy forcibly and hold all or part of the Conrad Hilton Hotel in Chicago.

6. It was a further part of said conspiracy that from on or about August 25, 1968, through on or about August 29, 1968, the defendants DAVID T. DELLINGER, RENNARD C. DAVIS, THOMAS E. HAYDEN, ABBOTT H. HOFFMAN, JERRY C. RUBIN, LEE WEINER, JOHN R. FROINES and BOBBY G. SEALE, and other co-conspirators not named as defendants herein, would make statements and speeches to assemblages of persons encouraging them to remain in and hold Lincoln Park against police efforts to clear it after permits to remain therein had been denied; to march to the International Amphitheater after permits authorizing such march had been denied; to make weapons to be used against the police; to shout obscenities at, throw objects at, threaten and physically assault policemen and National Guard troops; and to obstruct traffic and damage and seize property in the City of Chicago.

7. It was a further part of said conspiracy that on or about August 27, 1968, BOBBY G. SEALE would travel to Chicago, Illinois where he would speak to assemblages of persons for the purpose of inciting, organizing, promoting and encouraging a riot.

8. It was a further part of said conspiracy that JOHN R. FROINES and LEE WEINER would teach and demonstrate to other persons the use, application and making of an incendiary device, intending that said incendiary device would be employed to damage the underground garage at Grant Park, Chicago, Illinois on the evening of August 29, 1968.

9. It was a further part of said conspiracy that the defendants and co-conspirators would misrepresent, conceal and hide and cause to be misrepresented, concealed and hidden, the purpose of and the acts done in furtherance of said conspiracy.

OVERT ACTS

At the times hereinafter mentioned the defendants committed, among others, the following overt acts in furtherance of the conspiracy and to effect the objects thereof:

1. The Grand Jury realleges and incorporates by reference the allegations contained in Counts II through VIII of this indictment, each of which count is alleged as a separate and distinct overt act.

2. On or about July 23, 1968, JERRY C. RUBIN spoke to an assemblage of persons at 48th Street and Park Avenue, New York, New York.

3. On or about July 25, 1968, THOMAS E. HAYDEN spoke to an assemblage of persons at the Diplomat Hotel, New York, New York.

4. On or about August 1, 1968, RENNARD C. DAVIS spoke to an assemblage of persons at 30 West Chicago Avenue, Chicago, Illinois.

5. On or about August 15, 1968, RENNARD C. DAVIS, THOMAS E. HAYDEN and JOHN R. FROINES participated in a meeting at Lincoln Park, Chicago, Illinois.

6. On or about August 18, 1968, RENNARD C. DAVIS, LEE WEINER and JOHN R. FROINES participated in a meeting at 1012 North Noble Street, Chicago, Illinois.

7. On or about August 20, 1968, RENNARD C. DAVIS, ABBOTT H. HOFFMAN, LEE WEINER and JOHN R. FROINES participated in a meeting at the National Mobilization Committee office at 407 South Dearborn Street, Chicago, Illinois.

8. On or about August 24, 1968, DAVID T. DELLINGER, RENNARD C. DAVIS, THOMAS E. HAYDEN, ABBOTT H. HOFFMAN, LEE WEINER and JOHN R. FROINES attended a "marshal" training session at Lincoln Park, Chicago, Illinois.

9. On or about August 25, 1968, DAVID T. DELLINGER, RENNARD C. DAVIS, THOMAS E. HAYDEN and ABBOTT H. HOFFMAN met at the National Mobilization Committee office at 407 South Dearborn Street, Chicago, Illinois.

10. On or about August 26, 1968, RENNARD C. DAVIS, JERRY C. RUBIN, LEE WEINER and JOHN R. FROINES met at Lincoln Park, Chicago, Illinois.

11. On or about August 27, 1968, JERRY C. RUBIN, BOBBY G. SEALE and others spoke to an assemblage of persons at Lincoln Park, Chicago, Illinois.

12. On or about August 28, 1968, DAVID T. DELLINGER, THOMAS E. HAYDEN, JERRY C. RUBIN and others spoke to an assemblage of persons at Grant Park, Chicago, Illinois.

13. On or about August 29, 1968, LEE WEINER and JOHN R. FROINES engaged in a conversation at Grant Park, Chicago, Illinois; all in violation of Section 371 of Title 18, United States Code.

COUNT II

The SEPTEMBER 1968 GRAND JURY further charges:

That during the period beginning on or about July 20, 1968 through on or about August 22, 1968,

DAVID T. DELLINGER,

defendant herein, did travel in interstate commerce from outside the State of Illinois to Chicago, Illinois, Northern District of Illinois, Eastern Division, with intent to incite, organize, promote and encourage a riot and, thereafter, on or about August 28, 1968, at Grant Park, Chicago, Illinois, he did speak to an assemblage of persons for the purposes of inciting, organizing, promoting and encouraging a riot; in violation of Title 18, United States Code, Section 2101.

COUNT III

The SEPTEMBER 1968 GRAND JURY further charges:

That during the period beginning on or about July 20, 1968 through on or about August 1, 1968,

RENNARD C. DAVIS,

defendant herein, did travel in interstate commerce from outside the State of Illinois to Chicago, Illinois, Northern District of Illinois, Eastern Division, with intent to incite, organize, promote and encourage a riot and, thereafter, on or about August 1, 1968, at 30 West Chicago Avenue, Chicago, Illinois, and on or about August 9, 1968, at 407 South Dearborn Street, Chicago, Illinois, and on or about August 18, 1968, at 1012 North Noble Street, Chicago, Illinois, and on or about August 26, 1968, at Grant Park, Chicago, Illinois, he did speak to assemblages of persons for the purposes of inciting, organizing, promoting and encouraging a riot; in violation of Title 18, United States Code, Section 2101.

COUNT IV

The SEPTEMBER 1968 GRAND JURY further charges:

That during the period beginning on or about July 20, 1968, through on or about August 22, 1968,

THOMAS E. HAYDEN,

defendant herein, did travel in interstate commerce from outside the State of Illinois to Chicago, Illinois, Northern District of Illinois, Eastern Division, with intent to incite, organize, promote and encourage a riot and, thereafter, on or about August 26, 1968, at Lincoln Park, Chicago, Illinois, and on or about August 28, 1968, at Grant Park, Chicago, Illinois, he did speak to assemblages of persons for the purposes of inciting, organizing, promoting and encouraging a riot; in violation of Title 18, United States Code, Section 2101.

COUNT V

The SEPTEMBER 1968 GRAND JURY further charges:

That during the period beginning on or about August 1, 1968 through on or about August 7, 1968,

ABBOTT H. HOFFMAN,

defendant herein, did travel in interstate commerce from outside the State of Illinois to Chicago, Illinois, Northern District of Illinois, Eastern Division, with intent to incite, organize, promote and encourage a riot and, thereafter, on or about August 26, 1968, at Lincoln Park, Chicago, Illinois, and on or about August 27, 1968, at Lincoln Park, Chicago, Illinois, and on or about August 29, 1968, at Grant Park, Chicago, Illinois, he did speak to assemblages of persons for the purposes of inciting, organizing, promoting and encouraging a riot; in violation of Title 18, United States Code, Section 2101.

COUNT VI

The SEPTEMBER 1968 GRAND JURY further charges:

That during the period beginning on or about July 23,
through on or about August 21, 1968,

JERRY C. RUBIN,

Defendant herein, did travel in interstate commerce from outside
the State of Illinois to Chicago, Illinois, Northern District
of Illinois, Eastern Division, with intent to incite, organize,
promote and encourage a riot and, thereafter, on or about
August 25, 1968, at Lincoln Park, Chicago, Illinois, and on
or about August 26, 1968, at Lincoln Park, Chicago, Illinois,
and on or about August 27, 1968, at Lincoln Park, Chicago,
Illinois, he did speak to assemblages of persons for the purposes
of inciting, organizing, promoting and encouraging a riot; in
violation of Title 18, United States Code, Section 2101.

COUNT VII

The SEPTEMBER 1968 GRAND JURY further charges:

That on or about August 29, 1968, at Chicago, Illinois,
in the Northern District of Illinois, Eastern Division,

JOHN R. FROINES and
LEE WEINER,

defendants herein, did teach and demonstrate to other persons
the use, application and making of an incendiary device knowing,
having reason to know and intending that said incendiary device
would be unlawfully employed for use in and in furtherance of
a civil disorder which may obstruct, delay and adversely affect
commerce and the movement of articles and commodities in commerce;
in violation of Title 18, United States Code, Section 231(a)(1).

COUNT VIII

The SEPTEMBER 1968 GRAND JURY further charges:

That on or about August 27, 1968,

BOBBY G. SEALE,

defendant herein, did travel in interstate commerce from outside the State of Illinois to Chicago, Illinois, Northern District of Illinois, Eastern Division, with intent to incite, organize, promote and encourage a riot and, thereafter, on or about August 27, 1968, at Lincoln Park, Chicago, Illinois, and on or about August 28, 1968, at Grant Park, Chicago, Illinois, he did speak to assemblages of persons for the purposes of inciting, organizing, promoting and encouraging a riot; in violation of Title 18, United States Code, Section 2101.

A TRUE BILL:

Robert F. Lamping
FOREMAN

Thomas A. Brennan
UNITED STATES ATTORNEY

RGS:lcm