

ABBIE HOFFMAN AND TREES IN CHICAGO:  
SOMEWHAT OF A GUIDE FOR OUR PERPLEXING TIMES

By

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On November 4, 1995, young Yigal Amir—according to acquaintances a "gentle person," "a normal guy," a guy who used to help a widowed neighbor carry her groceries home—shot and killed the Prime Minister of Israel, a man named Yitzhak Rabin. Amir explained that Rabin was not just a traitor to the State of Israel; Rabin was giving away to the Palestinians land that was the Jews' God-given birthright.

In the United States, back in the 1960s, the Jewish religion surfaced in connection with another violent act. Abbie Hoffman, a young man from New York, a Yippie, a member of something called the Youth International Party, kicked in a glass trophy case at the Ninth Precinct police station. In discussing his conduct, he made a point of identifying himself as Jewish.

The State of Israel is about 50 years old while the United States of America has been around for more than 200 years. Is it conceivable that Israel can learn something from Abbie Hoffman, the trophy case and the United States? For example, should Israel pay attention to our Bill of Rights that separates church from state?

Is it conceivable that the United States can learn something from Israel? We live in perilous times. The Bill of Rights

protects religion from the state, but is there anything that can protect the state and men like Rabin from religion?

They are not particularly Jewish, but the Temple of Queen Hatshepsut in Luxor, Egypt, and the Federal Building in Oklahoma City are cases in point.

In November, 1997, six Islamic militants—none of them still alive—disguised themselves as policemen and visited the Temple. Instead of buying entry tickets, they barged in, pulled out automatic weapons and killed at least 35 Swiss, nine Japanese, six Britons, four Germans, one Bulgarian, one Colombian and one French citizen, all of them tourists. The Islamic Group, which was the militants' organization, explained that the specific purpose of this activity was to encourage the United States of America to release from jail Sheik Omar Abdel Rahman, serving a life sentence for attempting to blow up the World Trade Center in New York.

Earlier, in April, 1995, when two tons of fertilizer explosive took down the Federal Building in Oklahoma City, Islamic religious fanaticism immediately came to mind, and Islamic fundamentalists were among the first suspects. These particular suspects never materialized as culprits. Soon, however, there were other suspects who were believed to be acting out of fundamentalist fervor, this time a political species of fundamentalist fervor. The first of them to be tried, Timothy McVeigh, was promptly convicted.

McVeigh was not trying to get anybody out of jail. Some believe that his specific purpose was to avenge an event that occurred in Waco, Texas, two years to the day before his Oklahoma blast. The Branch Davidian religious compound in Waco had burned down. The Branch Davidians, having previously been alerted by their leader, David Koresh, that the end of the world was at hand, were industriously stockpiling weapons. Our Federal government's Bureau of Alcohol, Tobacco and Firearms took exception and came to Waco and laid siege. Soon the fiery expectations were fulfilled for 77 of the Davidians, men, women and children alike. As for McVeigh's motive on that second anniversary, some believe that his motive was not just vengeance; that, rather, he was a patriot—like Yigal Amir; that he was simply convinced that our Federal government and its Bureau of Alcohol, Tobacco and Firearms—like Yitzhak Rabin in Israel—had become a traitor to our nation's founding principles.

#### **Abbie Hoffman's Religious Issue**

How did the Jewish religion become an issue in connection with the trophy case at the Ninth Precinct station? Hoffman wrote as follows about wide-ranging conversations that he had had with Captain Fink, a New York policeman at that station:

Captain Fink and I are old friends. . . . He had a copy of a poem I wrote. . . . Captain Fink is Jewish

sometimes, just like me. Once I said to him what my relatives always said to me: "What's a nice Jewish guy like you doing in a place like this." I like to talk Yiddish in front of him, especially if there are goy cops in hearing distance. He doesn't understand Yiddish. I speak only a few lines, he thinks I'm a Talmudic scholar.

It's a funny little game. This time, however, I am here on "business."

Although we do not know whether Captain Fink ever explained to Hoffman what he was doing "in a place like this," we can presume that he was discharging his duties in defense of law and order.

Law and order—when it comes to law and order, Hoffman is certainly no angel. It was in 1968 that he was one of the "Chicago Seven." Our government accused him and the other six of attacking the very institution of law and order by instigating the televised riots at the Democratic National Convention. Five of the seven were convicted, including Hoffman, but the convictions were overturned because of the judge's antagonism.

When it comes to law and order, or to the opposite of law and order, Hoffman and the Chicago Seven are not alone. The government itself and its instrumentalities are not always angels. According to a study by the Walker Commission, it was not the Chicago Seven who rioted in 1968 but rather the police force of the City of Chicago.

Sometimes the police in fact do that sort of thing. In Los Angeles in 1991 Rodney King was speeding along when several members of the local police department spotted him, got him out of his car and then proceeded to beat him up on camera. Down at Waco in 1993, when some rash person jumped the gun and abruptly brought about doomsday for the 77 Branch Davidians, there are those who say that that person was David Koresh, their leader; but then there are others who say, No, it was not Koresh; it was one or more hotheads from the Bureau of Alcohol, Tobacco and Firearms or from the FBI.

We do not know what Abbie Hoffman would reply whenever his relatives would ask him what he asked Captain Fink, What's a nice Jewish boy like you doing in a place like this? However he volunteered the following account of his own activities at the Ninth Precinct:

"What is this bullshit? Am I under arrest or not. Asshole cops, you don't know your job." I follow Fink into the main lobby of the station. Everybody's farting around.

"Am I under arrest or not?" I shout. Nobody answers.

I raise my cowboy boot and kick in Captain Fink's trophy case window. The glass flies all over the place and Fink, turning red in the face (he seemed to be losing his temper for some reason), shouts, "You're under arrest."

"It's about fuckin' time," I respond. Even the cops are laughing at the "Ol' Man," as they call him.

I'm led away and booked. The rest is anticlimax. A night in the Tombs. Court scene. Judge: "Do you realize that this leads to anarchy?" (That's as good a word as any, so I smile.)

People have asked me why I did what I did at the station house and I told them a story similar to the one I just told here, but it was all bullshit. I really did it because it was fun. That's what I tell my friends. To my brothers I tell the real truth, which is that I don't know why I did it. They smile because they know any explanation I give is made up.

In the case of Yigal Amir, he depicted himself as defending both God and Israel against a traitor. In the case of Abbie Hoffman, even though he made a point of identifying himself as Jewish, he set us adrift to figure out for ourselves what he was up to.

We get a clue about the trophy case if we follow up the Jewish angle and inquire into a particular aspect of the Jewish tradition.

We find that the tradition takes a double position on law and order, offering teachings not just about how individuals should behave but also about how the duly-constituted authorities should behave. Indeed, in March, 1996, the Tel Aviv-Jaffa District Court explicitly invoked this tradition in sentencing Amir to life in prison. It quoted Rabbi Shlomo Ben Aderet from the 13th Century. He said,

Revenge is not a factor in rendering the sentence and, heaven forbid, that it should be a consideration in

weighing the sentence. Therefore, when a court of law metes out a sentence, it must be calm and rational and remove anger from its heart lest a feeling of revenge cause it to stray from the right and just.

Perhaps the United States and the whole world should consider this Jewish tradition, because the situation in the 1990s is perplexing and indeed urgent. In the case of the Oklahoma City culprits, for example, we have had lynch-mob talk that there is a terrorist crisis in heartland America, such that we ought to bypass due process, bypass court-appointed defense lawyers, and just do to the culprits whatever they deserve.

Of course, the terrorism concern is well-grounded. Cultists of all kinds can employ both conventional and advanced technology to thrust themselves upon us anywhere and everywhere. We have the Unabomber, patiently distributing bombs from his cabin in the woods. We have the phony cops doing in the Luxor tourists. We have the blasts in Oklahoma, at the New York World Trade Center and in the Metro in Paris. We have the poison gas assaults on the Tokyo and Yokohama subways. We have murder by a right-to-life protestor in Pensacola, Florida. We have the Protestants and the Catholics, murdering each other and bystanders, too, in Ireland and elsewhere. We have the Palestinian suicide bombers and the persons who blew up Pan Am Flight 103 over Lockerbie, Scotland.

Can we possibly gain any useful knowledge by inquiring into Abbie Hoffman's Jewish tradition? Maybe the tradition will cast light on the situation in Israel and the assassination of Yitzhak Rabin. Maybe it will cast light on the trophy case. Maybe it also will illuminate other subjects which involve persons and their governments, such as Richard Nixon and Watergate, Adolf Hitler, Nazi Germany and the Nuremberg trials, Saddam Hussein and the Gulf War. Maybe it will even illuminate the kidnaping of Patty Hearst.

The sources of the Jewish tradition include not only the Old Testament and the Talmud but also rabbinic pronouncements, such as are set forth in the *Mishnah Torah*, which Maimonides, an Egyptian physician, compiled in the 12th Century A.D. To use the title of another of Maimonides's works, perhaps the tradition will provide a *Guide For the Perplexed*.

### **The Genius of the Jewish Tradition**

The genius of the Jewish tradition is that it presupposes a direct Covenant relationship between God and individual persons, including the likes of Hoffman and Amir. In this structure, society in general and governments are intermediate agencies.

Hoffman and Amir and all Jewish persons are deemed descendants of the Biblical patriarch Abraham, who first made the Covenant with God, as narrated in Genesis, or they are converts or descendants of converts. In a dramatic scene in Deuteronomy, the Covenant was

extended to "those who are standing here this day . . . and [to] those who are not here this day"—in other words, to converts and posterity. The organizing principle of the United States is strikingly similar. According to the Constitution, all persons born or naturalized in the United States are citizens, and the Preamble states that one of the Constitution's purposes is "to secure the blessings of liberty to ourselves and our posterity."

The Jewish tradition demands proper social behavior, not just theological commitment. The behavior of every member of posterity contributes for better or worse to all of posterity's performance of its Covenant obligations. For that reason Amir and Hoffman and all persons in all generations, such as ours, have to account to the intermediate authorities for their behavior. As the court said in convicting Amir,

It was not the accused's world-view regarding the sanctity of the Land of Israel which stood trial, nor was it the issue of whether the Government of Israel's steps since the signing of the Oslo Accords were correct. The sole question that we were asked to decide upon—which we did—was whether the accused perpetrated the crime of "murder" as it is defined in the 1977 Penal Code, and we answered this question in the affirmative.

In the case of Hoffman, his inquiring relatives are not mere kibitzers as he plays out his life. They are players, too. Like all Jews everywhere, they are teammates. They are not asking about Hoffman's world-view. They are inquiring about his social behavior: What is a nice Jewish boy like Abbie Hoffman doing with

Captain Fink's trophy case at the Ninth Precinct station? Yet, behind Hoffman's behavior, he does indeed have a world-view, one which may even be respectable philosophically, notwithstanding that the account he gave of it was vulgar. On the philosophical level, Hoffman is like the English philosopher Bishop Berkeley, who believed that the only reality is mental reality. From personal experience Hoffman knows that such reality is capricious, vulnerable to certain chemical and emotional processes. He wrote:

Revolution for the hell of it? Why not? It's all a bunch of phony words anyway. Once one has experienced LSD, existential revolution, fought the intellectual game-playing of the individual in society, of one's identity, one realizes that action is the only reality; not only reality but morality as well. One learns reality is a subjective experience. It exists in my head. I am the Revolution. . . .

So Amir, on trial for his behavior, expressed his world-view, which had to do with the Covenant. The court clearly understood him but responded simply that "the accused tried to find within the Torah grounds—which do not exist—to justify this terrible act." By contrast, Hoffman's court evidently did not acknowledge or understand Hoffman's chemically-influenced world-view. All the court could do was respond, "Do you realize that this leads to anarchy?"

In America, the gentlemen who put their John Hancocks on the Declaration of Independence were not anarchists, and they did not agree with Hoffman that reality was all in the mind. When they

took law and order into their own hands in 1776, they did not even wait to be asked about their behavior. They insisted upon telling their teammates in the world, and also recording for their posterity, exactly what they were doing. Their language is polite but somewhat pompous, the sort of thing that Hoffman spoke of as "phony words" or "bullshit":

When in the Course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

The Jewish tradition's Covenant provides a simple conceptual framework for comprehending the behavior of everybody who is dissatisfied with the intermediate government or with the way things are in intermediate society. First, such a person may have a higher world-view. Then the person may find that society or the government conflicts. And then the person may feel obliged to act in accordance with the world-view and in opposition to the prevailing behavioral norms.

### **God's Obligation Under Covenant Theology**

The Jewish Covenant concept is inherently political, for it establishes God as the suzerain.

This characterization permits God to relate to the Jewish and to each Jewish person at any place along a continuum that ranges

from one pole to another. That is, God is absolutely indifferent to everything that goes on, on the one hand; but also God is vitally interested in anything that goes on, on the other hand.

At the outer limit of the first pole, there may not even be any free will to explain behavior. In this view, God can be regarded as the Great Clockmaker. He or She simply has set the cosmic works in motion and now is just letting them run down. That which happened to Yitzhak Rabin and that which befell Captain Fink's trophy case were completely foreordained by the original distribution and momentum of the matter that comprises the cosmos.

At the other pole, as exemplified by the *Schulchan Aruch* in Orthodox Judaism, God knows everything and cares about it, too. It is under this aegis that the Jewish tradition has produced the most detailed regulation of personal behavior. In the Talmud, for example, pious but "dirty old men" have seen fit to legislate on How To Handle A Certain Bodily Member During Micturition; also they promulgated Rules For Pulling Off Acts Of Sexual Congress. At this Orthodox pole, He or She who watches over micturition and congress surely watches over Captain Fink's trophy case as well, and we are all accountable to Him or to Her for everything.

When we contemplate the idea of a Covenant, we find that there is one particular aspect that epitomizes Judaism. It is the fact that God Himself or Herself, God the suzerain, is not a free agent:

God is a contracting party; God is bound. Therefore He or She is accountable, too.

In Genesis Abraham had to bargain with God and straighten God out when God wanted to blast off half-cocked against Sodom and Gomorrah. And as the Psalmist complained, "Wherefore hidest Thou Thy face and forgettest our affliction and oppression?" And as Rabbi Abbahu said in the Talmud:

Were it not explicitly written, it would be impossible to say such a thing: this teaches that Moses took hold of the Holy One, blessed be He, like a man who seizes his fellow by his garment and said before Him: Sovereign of the Universe, I will not let thee go until Thou forgivest and pardonest them.

Hence it is implicit in the Covenant that God is not a mere kibitzer. In His or Her capacity as suzerain, He or She cannot hide His or Her face and forget affliction and oppression. In fact, all those who derive from the Old Testament are entitled to grab His or Her garment and to inquire: And just what was it that You Yourself were doing that night that Amir took down Yitzhak Rabin? and what were You Yourself doing that chilly night at the Ninth Precinct station in New York?

### **The Covenant and the Social Order**

If God is bound to behave toward His or Her people according to just standards, are not the City of Chicago police, and is not every sovereign, bound even more? And what about the Los Angeles Police Department? What about the Treasury Department's Bureau of Alcohol, Tobacco and Firearms? What about J. Edgar Hoover, systematically compiling FBI blackmail dossiers on Presidents and Congressmen alike?

The answer is not self-evident but depends on the underlying political premise. For example, in Marxism there is no covenant with the state. The state is an instrument which the dominant class uses to perpetuate itself, and it is expected that the state will oppress the subservient class. Likewise Fascism, according to Benito Mussolini, "accepts the individual only in so far as his interests coincide with those of the State . . ."

In Iraq Saddam Hussein is accountable to no one, but in America Richard Nixon had to resign. In Nazi Germany Adolf Hitler was accountable to no one, but Colonel Claus von Stauffenberg thought otherwise and committed "suicide" on July 20, 1944, by planting a bomb in a conference room in Hitler's Wolf's Lair Headquarters. Although Stauffenberg prudently left the room before the explosion, he was shot to death almost immediately afterwards. Hitler himself was hurt but survived. Later on, the United Nations were victorious and accomplished what Stauffenberg could not. They proceeded to impose the Nuremberg trials that held the

Nazi leaders accountable. In Iraq today, if the 100-hour Gulf War seems incomplete, it is because the United Nations subdued Saddam Hussein but did not bring him to book.

In America, the government, like God in Judaism, is accountable and in fact can be and is often sued. In America we are entitled to litigate such questions as, Was Captain Fink's behavior lawful when he put Abbie Hoffman under arrest? What does the requirement of due process entitle us to do about the Montana Freeman and all of the various private Militias and all of those others who hate the government? Furthermore, do we not have remedies against our overzealous policemen?

The specific reason that the Jewish tradition is relevant to the United States is that Judaism's Covenant premise is congruent with the American social contract premise. The Declaration of Independence is explicit about the social contract:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new

Government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. . . .

Judaism and American democracy tend to validate each other through their mutual viability under the banner of their mutual metaphors, the social contract and the Covenant. However, there are those who say that the social contract was Thomas Jefferson's metaphor and not the nation's. Also, although the idea of the social contract stems from such distinguished philosophers as Locke and Rousseau, there were major philosophical dissenters. Thus Staughton Lynd, an academic activist of the Viet Nam era, commented that "from the standpoint of the ethical relativism of a Montesquieu, Voltaire, or Hume [the social contract] seemed a piece of provincial propaganda, charming perhaps, but founded on fiction and unworthy of serious intellectual attention."

Whether fiction or fact, the social contract was present at the birth of our nation. When Abraham entered into the Covenant, God made certain promises to him. What He or She promised Abraham, He or She could equally well have promised the thirteen colonies: "I will make you exceedingly fertile, and make nations of you; and kings shall come forth from you."

### **Disobedient Behavior in a Contract or Covenant Society**

There are revolutions on the one hand, and then there are acts of lesser disruption, such as the rioting supposedly instigated by the Chicago Seven. In either case, the government's instrumentalities of law and order promptly rise up in opposition -- the Union Army during our Civil War, the Chicago police at the Democratic National Convention, the Bureau of Alcohol, Tobacco and Firearms at the Branch Davidian compound in Waco, Texas, the Los Angeles Police Department when they catch Rodney King in the act of speeding.

The Declaration of Independence succinctly states the rule that governs disobedience which goes to the extent of revolution: Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath [shown], that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. . . .

The Israeli court, in convicting Yigal Amir, agreed with the Declaration of Independence but stopped short of allowing revolution:

Another item which we feel must be emphasized, is Israel's multi-faceted society, which time and again has sinned by baseless hatred, and shown very little brotherly love. In a democratic regime, it is permitted—and, at times, even required—to disagree with the government's outlook and its political line. But we must all repeat—day and night—that those who treasure life do not change their leadership by an assassin's bullets, and that the only way to do so is via free, democratic elections, or no-confidence motions in the Knesset. For as long as such a decision has not been made, the elected government is the only one mandated to deal in political matters, and all are under its authority.

In both the Declaration of Independence and the Israeli decision on Yigal Amir, the essence of the pronouncements is that the sovereign is accountable. Rodney King sued the police and won \$3,800,000. When Colonel Stauffenberg disagreed with Hitler's behavior toward the conquered peoples of Eastern Europe, no doubt he believed that it was his right, it was his duty, to plant the bomb that he planted in Wolf's Lair. In the language of the Declaration of Independence, he staked his life, his fortune and

his sacred honor on his belief that Hitler was accountable. He almost won his bet except that Hitler was lucky that day.

Regarding disobedience that is of less than revolutionary magnitude, individuals are accountable, too. When our World Trade Center and Oklahoma Federal Building are bombed, our government rounds up suspects with commendable speed, reads them their rights and showers them with due process. We round up the Unabomber at much slower speed, but then we shower him, too, with due process.

Abe Fortas, a Jewish man who was once a Justice of the United States Supreme Court, stated the rule as follows:

Just as we expect the government to be bound by all laws, so each individual is bound by all of the laws under the Constitution, He cannot pick and choose. He cannot substitute his own judgment or passion, however noble, for the rules of law. Thoreau was an inspiring figure and a great writer; but his essay should not be read as a handbook on political science. A citizen cannot demand of his government or of some other people obedience to the law, and at the same time claim a right in himself to break it by lawless conduct, free of punishment or penalty.

The essence of this rule is the necessity of respect for the sovereign.

Following their Babylonian captivity from 586 B.C. to 538 B.C., the Jews became the people of the Diaspora. In the 3rd Century A.D. Rabbi Samuel formulated the original version of the Fortas rule. He announced the doctrine *dina d'malkhuta dina*, meaning the law of the kingdom is the law. If this principle were taken at its literal extreme, then, as Ibn Adret said in the 13th Century A.D., "all laws of the Torah would be uprooted. . . . We might just as well teach our children the laws of the Gentiles and build our high places in the sanctuaries of the non-Jews."

For the Jews the potential or actual conflict between civil and religious law has been a fact of life and death for two millennia. *Dina d'malkhuta dina*, as adapted from time to time, proved a sensible strategy for them, but we can appreciate the terrific tension under which they lived, their theological consciences telling them one thing and their intermediate governments another. Rabbi Everett Gendler illustrates the tension with a story of a rabbinic debate:

In the Talmud a discussion is recorded between Resh Lakish and R. Johanan concerning the respect which should be shown a king. At issue is a legend that Moses struck Pharaoh in contempt and anger just before stalking out. While one of the rabbis is of the opinion that no matter what the ruler's nature, respect must be accorded to him

because of his office, the other maintains that a ruler's wickedness should call forth contemptuous behavior in his presence! Thus, it is not at all certain that the man in the office is to be accorded the respect due the office if he, in that office, violates the dignity of the office itself.

The rabbis' debate stemmed from a study of the Torah. The court which convicted Yigal Amir quoted Exodus 22:27: "You shall not revile God, nor curse a ruler of your people."

What should Yigal Amir or Abbie Hoffman do today if he has contempt for the laws of society? Fortas gives this answer:

Let me elaborate this by reference to an article written by Dr. Martin Luther King, Jr. and published in September of 1961. In this article, Dr. King set forth the guiding principles of his approach to effective protest by civil disobedience. He said that many Negroes would disobey "unjust laws." These he defined as laws which a minority is compelled to observe but which are not binding on the majority. He said that this must be done openly and peacefully, and that those who do it must accept the penalty imposed by law for their conduct.

This is civil disobedience in a great tradition. It is peaceful, nonviolent disobedience of laws which are themselves unjust and which the protester challenges as invalid and unconstitutional.

*Talmud Sanhedrin* goes along with what Fortas says and with what Dr. Martin Luther King, Jr. says. Protest all you want, but do not ever murder anyone -- not to save your own life, not to save

the lives of unborn children, not even if you are standing outside an abortion clinic in Pensacola, Florida, and you have a gun and you spot an abortionist who is arriving for his day's work. In case you disobey, you will have to pay the price. *Talmud Sanhedrin* says:

Murder may not be practiced to save one's life. . . . Even as one who came before Raba and said to him, "The governor of my town ordered me, 'Go and kill so and so; if not I will slay thee.'" Raba answered him, "Let him rather slay you than that you should commit murder; who knows that your blood is redder? Perhaps his blood is redder."

The court that convicted Yigal Amir goes along with Fortas and Dr. Martin Luther King, Jr. and *Talmud Sanhedrin*. The court said, This commandment [i.e., Thou shalt not kill.] must beat in the heart of every civilized person. . . . The measure of this commandment's importance is such that it led our sages to add layer upon layer to it, in order to bolster its status and provide it with a double validity.

As Fortas tells it, non-murderous, non-violent civil disobedience, properly performed, sometimes changes society, and sometimes you even get away with it. Dr. Martin Luther King, Jr. was in and out of jails but always got away with it until James

Earle Ray, or somebody else, caught up with him in Memphis. Although Colonel Stauffenberg did not get away with it, the American revolutionaries did. They declared their independence in 1776 and thereby became criminals under British law, but then they were victorious. Many pregnant women and many physicians who performed abortions were criminals, but then they, too, were victorious. In *Roe v. Wade*, speaking for the sovereign, the Supreme Court announced that the sovereign had changed its mind. Now women and physicians are no longer criminals—at least they are not criminals pending a possible Constitutional amendment. In Chicago during the Viet Nam unrest there was an interesting phenomenon which no doubt flowed from acknowledging that the sovereign is the sovereign even though he or she is accountable. The idea was that the sovereign has obligations and ought to wise up and make reasonable concessions. That is, protesting students at the University of Chicago disrupted classes and seized campus buildings; they destroyed files; they poured ketchup into computers; and, simultaneously, they demanded amnesty.

So, in the genius of the Jewish and American traditions, unless you are actually engaged in an out-and-out revolution, you do not ever shoot anyone, and you do not ever bomb anyone. You do not ever assassinate Yitzhak Rabin. You do not ever mail out bombs to put a stop to technology.

Unless the sovereign is Adolf Hitler or King George III or someone else who will not listen to reason, if there is something you do not like, you simply keep on trying to change the sovereign's mind. For example, until *Roe v. Wade*, you continue performing or having illegal abortions by wire coat hangers or other surgical means in dirty back alley operating rooms. After the sovereign hands down his *Roe v. Wade* decision, you switch tactics. Now you and your children lobby your legislators and march along with your placards, and you lie down; you block the entrances to landscaped abortion clinics, and you stay put until the police haul you away and lock you in jail. Just as when you pour ketchup into computers, you hope for amnesty but take your lumps.

Flowing effortlessly and syllogistically from the Covenant and social contract premises, the general principles of civil disobedience are easy enough. The hard part is the doing of it. Therefore we admire the extraordinary person who actually stands up to the sovereign in a peaceful manner for a good cause that he or she fervently believes in: Abraham when he straightened out a half-cocked God; Moses when he grabbed God's lapels with one hand and smote Pharaoh in anger and contempt with the other; Rosa Parks when she was too tired to move and refused to get up to sit in the back of the bus; Dr. Martin Luther King, Jr. when he marched in

Birmingham in defiance of an injunction; Quakers when they stood on the steps of the Capitol and read off the names of the Viet Nam war dead; young men of Viet Nam draft age when they set fire not to somebody else's property but to their own draft cards.

Also there are other, more dubious confrontations with the sovereign. There are the young men who publicly burn their draft cards or else the American flag, but these particular young men, instead of going peacefully to jail as Dr. Martin Luther King, Jr. or Abe Fortas would have done, prudently flee to Canada or Sweden.

The Symbionese Liberation Army kidnaps a 20-year old girl, issues manifestos, demands a ransom of millions of dollars for food for the needy, and then dispatches Patty Hearst to rob a bank under surveillance by closed-circuit TV.

In more deadly confrontations, the man down in Pensacola whips out a gun and shoots the abortionist dead. Someone spreads poison gas through the Tokyo subway, but no one steps up to be responsible or to give a decent explanation of how the world will be better off. Persons dissatisfied with the United States of America try to topple the World Trade Center, and also they formulate plans for the United Nations buildings, for the Holland Tunnel and for the vehicles commuting under the Hudson River between Manhattan Island and New Jersey. A small bomb in an audiocassette player brings down Pan Am Flight 103. A larger bomb in a rented truck brings

down the Oklahoma City Federal Building. Six men in Luxor disrupt the Egyptian tourist industry on behalf of Sheik Omar Abdel Rahman.

It remains to be determined whether Abbie Hoffman's comparatively peaceful confrontation with Captain Fink was simply a piece of crackpot vandalism or another of the principled and daring encounters with the suzerain.

#### **What About That Trophy Case at the Ninth Precinct?**

Senator William Fulbright has warned about "the arrogance of power." The mere fact that a man has the ability to kick in Captain Fink's trophy case does not make it correct for him to do so. Yet the man who possesses the ability will often come to convince himself that he has not only the right but also the divine duty to exercise it. Fulbright cited President McKinley's explanation of our annexation of the Philippine Islands. McKinley said it was America's duty "to educate the Filipinos, and uplift and civilize and Christianize them, and by God's grace do the very best we could by them, as our fellowmen for whom Christ also died."

Fulbright commented:

Isn't it interesting that the voice was the voice of the Lord but the words were those of Theodore Roosevelt, Henry Cabot Lodge, and Admiral Mahan . . . who wanted America to have an empire just because a big, powerful

country like the United States ought to have an empire? .

. . .

Like President McKinley, Yigal Amir used the voice of the Lord. He cited the Torah. Abbie Hoffman was refreshingly modest. He said, "I don't know why I did it."

If Hoffman had wanted to use the voice of the Lord, he might have cited Deuteronomy: "Ye shall love the stranger, for ye were strangers in the land of Egypt." As it is, he gave a fairly factual account of the events that preceded the episode of the trophy case:

I got a call that there was "trouble" on the streets. . . . I got dressed in my cowboy clothes and walked three blocks down to the Ninth Precinct. The night air was chilly. . . .

Captain Fink and I are old friends. . . . This time, however, I am here on "business."

The fact that Fink is here on Saturday night is heavy information. . . . Lots of black people are running back and forth. I'm very interested in this because I'm trying to build links with people outside the system. . . . Cops bust black people; hippies won't get busted when they smoke pot in large groups because of racism . . .

Fink confronts me. "This isn't your business. They aren't hippies. Why don't you go home."

"What do you mean, 'Hippie'? I'm a nigger and I was smoking pot with them. Arrest me or let them go."

It had become inevitable that Captain Fink's trophy case would not last the night.

Conceivably Che Guevara, the medical man turned revolutionary, is speaking about persons like Abbie Hoffman when he accounts for insurrection as follows:

At the risk of seeming ridiculous, let me say that the true revolutionary is guided by a great feeling of love. It is impossible to think of a genuine revolutionary lacking this quality. Perhaps it is one of the great dramas of the leader that he must combine a passionate spirit with a cold intelligence and make painful decisions without contracting a muscle. Our vanguard revolutionaries must idealize this love of the people, the most sacred cause, and make it one and indivisible. They cannot descend, with small doses of daily affection, to the level where ordinary men put their love into practice.

Or perhaps there is a chemical explanation for Abbie Hoffman's insurrection. The Old Testament of the Jewish tradition features what the Encyclopedia Britannica calls "a distinct prophetic type of religion." The Encyclopedia says that the prophetic state may arise in an individual by various means, including "drumming, dancing, or the ingestion of intoxicants or narcotics."

The Jewish pamphleteer Ahad Ha-'Am regards the prophetic state not as a momentary, induced condition but as a way of life for

certain extraordinary individuals. Conceivably Hoffman is such an individual. Ha-'Am says:

The Prophet is essentially a one-sided man. A certain moral idea fills his whole being, masters his every feeling and sensation, engrosses his whole attention. . . . His whole life is spent in fighting for this ideal with all his strength; for its sake he lays waste his powers, unsparing of himself, regardless of the conditions of life and the demands of the general harmony. . . . [He] remains always a man apart, a narrow-minded extremist, zealous for his own ideal, and intolerant of every other . . . "a man of strife and a man of contention to the whole earth." Not only this: the other members of society, those many-sided dwarfs, creatures of the general harmony, cry out after him, "The Prophet is a fool, the spiritual man is mad;" and they look with lofty contempt on his narrowness and extremeness. They do not see that they themselves and their own many-sided lives are but as the soil which depends for its fertility on these narrow-minded giants.

**What Should the Sovereign Do About Violence?**

Because the world situation is perilous, we need to make sense of the violent encounters with the sovereign that arise from profound political or profound religious conviction.

Certainly we should demand that the sovereign train its intermediate agencies to do their law-and-order work effectively but justly and respectfully: no more Rodney Kings; no more Wacos; no more misguided police accusations at Olympics bombings in Atlanta; no more police riots at Democratic National Conventions in Chicago.

Also we should demand that the sovereign distinguish between revolution and protest, but it's a tough call. Is Timothy McVeigh to be revered as a patriot? David Koresh of the Branch Davidians—was he a bona fide prophet? What about Martin Luther King? What about Abbie Hoffman himself? Does kicking in Captain Fink's trophy case lead to anarchy? Was Yigal Amir really a normal guy? Is there any way to differentiate a man like Colonel Stauffenberg from John Wilkes Booth, Lee Harvey Oswald and Yigal Amir? The reverend James Jones, who administered poisoned Kool Aid to 900 of his followers in Jonestown, Guyana, in 1978—was he a fruit cake, or was he a legitimate religious leader?

In 1968 the City of Chicago suggested a standard. Like the Jewish tradition, the standard may be useful as we cope with violent behavior by individuals, by private groups and by the government itself.

To rehabilitate its reputation after the Democratic National Convention, the City produced a movie that declared the official version of the riots that Abbie Hoffman and the Chicago Seven supposedly had instigated: We're the sovereign here, the movie said; our police authorities had calls that there was trouble on the streets; we had to do something, so, hey! don't get mad at us.

Whatever the merits of Chicago's apology, the movie itself had a provocative title, a title that insinuates a standard, a title that sounds almost as if it derives from Ecclesiastes or some other part of the Jewish tradition: "*What Trees Do They Plant?*" Or perhaps it derives from Thomas Jefferson's dictum that in every generation the tree of liberty must be watered with the blood of patriots.

### **What Trees Shall We Plant?**

We're at the end of the perilous 20th Century, and we're all in this together. Each of us has got to figure out what to do. Yigal Amirs can lie patiently in wait for anyone in any parking lot anywhere. Unabombers can hole up in Montana or anywhere else and can mail bombs to anyone anywhere. Branch Davidians and anybody at all can buy automatic rifles, and—let's face it—it's not only Saddam Hussein who can get his hands on nuclear devices and bacteriological agents.

Abbie Hoffman preaches that "action is the only reality." If Hoffman and King are both action guys, if they're both one-sided prophets, the rest of us have a polar choice. Like Hoffman, we can do such violence as is necessary to arouse the authorities. Or, like King, we can orchestrating non-violent civil disobedience to persuade the authorities to change their minds.

Some of us will go the Hoffman route. When there's "trouble on the streets," we'll be putting on our cowboy boots, and we'll be heading on down to the Ninth Precinct station. Of course we'll encounter the police forces of the intermediate cities—Los Angeles, New York, Chicago, wherever—and we might have to spend a night in the Tombs.

Some of us will go the Martin Luther King route. If the authorities aren't doing right, we can encounter injunctions and water cannons and might have to spend a month in the Birmingham slammer. Or we might get shot in Memphis.

As for all the others of us, we'll be lounging in our easy chairs in our cozy homes in our affluent global village. We'll be watching the developments, live, on CNN.

What trees will we be planting?

The End