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Activists buoyed by acquittal

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NORTHAMPTON, Mass. — It seemed a perfect scene from the '60s: Triumphant defendants, their fists clenched skyward. Blue-jean-clad supporters, their placards now discarded. Cars honking. Bullhorn chanting. And the defeated? No less a mighty force than the U.S. government.

But Wednesday afternoon in Northampton was definitely an event of the '80s. Led by 19-year-old Amy Carter and 50-year-old Abbie Hoffman — a celebrity duo that bridged the two incongruous decades — 15 defendants were acquitted of misdemeanor charges arising from a protest in November against recruitment by the Central Intelligence Agency at the University of Massachusetts at Amherst.

The defendants declared that their civil disobedience and success, though reminiscent of the past, held the greatest import for the future. "This is just the beginning!" Hoffman crowed.

Those involved in today's burgeoning activism enthusiastically agree.

Whether the issue is the CIA or South Africa, nuclear arms or nuclear plants, the people doing the demonstrating and the lawyers defending them in court say the highly publicized Carter-Hoffman victory will breathe new life and power into their causes.

"It legitimizes dissent, and it legitimizes protest," said Cambridge, Mass., lawyer Lee Goldstein, who does much work in these sorts of cases.

"I think it's a tremendous inspiration for people," said Marc Kenan, a U-Mass graduate student who helped coordinate the defense for the Northampton case, dubbed the "Put the CIA on Trial" project.

The impact is already being felt, according to organizers of a national rally planned for next weekend in Washington.

The Mobilization for Justice & Peace in Central America and Southern Africa will call attention to the "covert and illegal actions" of the CIA and U.S. government in those two regions of the world, its sponsors say. Tens of thousands of people are expected to gather Saturday on the Washington Mall.

The following Monday, hundreds of protesters will move to Langley, Va., where they will attempt to block the entrance roads to the CIA headquarters there.

Ned Greenberg, one of the organizers of the Washington demonstration, said the Carter-Hoffman case was sparking "a lot of interest. It's prominent in everyone's mind."

More than 1,000 busloads of people are expected from throughout the country, Greenberg said, including 50 from the Philadelphia area. A 17-car train has been reserved for demonstrators from the Boston area. And more than 300 people are going from western Massachusetts, where the Carter-Hoffman trial was held.

Local organizer Lisa Bohne said, "A lot of people were sort of on the edge. This has pushed them over. Everyone's ecstatic."

A major reason for the jubilation is the way that the former President's daughter and her compatriots won their case.

The defendants, most of them students at area colleges, were among 60 people arrested after an hours-long occupation of a building at the campus on Nov. 24. Those in court last week included 12 charged with trespassing and three, including Carter, who were charged with disorderly conduct after they linked arms and sat in front of buses that would transport those arrested.

The facts were not in dispute. Instead, the students argued a "necessity defense." This defense contends that individuals may commit a lesser crime to prevent a larger one — in this case, what the students called the CIA's covert work to overthrow the government in Nicaragua.

Activists are increasingly embracing this or parallel defenses, such as "clear and present danger," a classic example of which is the person who breaks into a burning building to alert and rescue the people inside.

They contend that their nonviolent protests are, in fact, upholding the law, both national and international. It is the other side that should be branded criminal, they say.

Not everyone, particularly judges, buys this reasoning. In one of the first cases of its kind this decade, an anti-nuclear protester arrested as he prayed on a missile test site was sentenced to a year in a federal penitentiary.

And in reaction to the verdict Wednesday, U-Mass chancellor Joseph Duffey was quoted in a Northampton newspaper as saying it "could leave the university and other institutions vulnerable to students and others who are moved by a higher moral authority."

Although the record is spasmodic from state to state, the win-loss ratio in cases where such defenses are used has improved steadily in recent

years. In 1985, protesters from a Chicago rally against nuclear weapons and apartheid used the necessity defense and were acquitted.

And that year in Vermont, a group of defendants known as the "Winooski 44" also was found not guilty. They had been charged with occupying Sen. Robert Stafford's Winooski office to protest his support of the administration's policy in Central America.

"Most states have a defense of this kind, either by statute or through case law," said Andy Lichterman, a lawyer with the Western States Legal Foundation in Oakland, Calif. "The big question is always how much range will it be given and what kind of testimony will you be permitted to put on for the defense."

The federal courts present a greater challenge, though. Lawyers say that the federal judiciary remains hostile to necessity and related defenses, which makes protests in the capital an especially risky undertaking.

Washington lawyer Nina Kraut expressed undisguised frustration. "They take these kinds of cases so seriously here, you wouldn't believe it. It's as if these people are the Boston strangler."

Still, surprises occur. Early this month in Philadelphia, the trial of two Catholic priests and two peace activists accused of damaging government aircraft at the Willow Grove Naval Air Station ended in a hung jury despite U.S. District Judge Raymond J. Broderick's instructions to the jury that an individual's motives were no defense.

"I think what it's doing is seeping into the public consciousness," said Rich Archambault, a coordinator with the Clamshell Alliance, an activist group that opposes the Seabrook nuclear plant in New Hampshire.

"It's an exciting new trend," said Susan Davidoff with the Pledge of Resistance, a group committed to changing U.S. policy in Central America. "It shows that if we do get a chance to explain our work to the people ... many of them agree."

One of the witnesses to testify in Northampton was Francis Boyle, an international law scholar who teaches at the University of Illinois and who wrote the forthcoming book, *Defending Civil Resistance Under International Law*.

In a telephone interview last week, Boyle said publicity from the acquit-

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tals of Carter and Hoffman "will help us win more."

Boyle predicted that today's activists, no matter what their issues, could coalesce into a broad-based movement that would affect the 1988 election. "I think that this movement could produce a new generation of leaders that see the world in different terms," he said.

Attorney Thomas Lesser of North-

ampton, a member of the team of lawyers that defended Carter and the 14 others, agreed.

That is why he used a quote from Robert F. Kennedy in his closing arguments Wednesday: "You know how each act of a person of conscience sends out a ripple, and those ripples form a current, and those currents change politics."

"This was a big ripple," he said after the acquittal.