

FBI INFILTRATION WITHIN THE CHICAGO 8:
HOW FBI INVESTIGATIONS THROUGHOUT THE 1960S LEAD TO THE
UNWARRENED TRIAL OF THE CHICAGO 8

By

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Abstract

The 1968 Democratic Convention in Chicago contained a peaceful protest that turned into a riot – one that was unnecessary and accusatory. Eight people from different activist groups that were popular in the 1960s were arrested under the charge of crossing state lines to incite riots at the convention, a claim that was backed up with planted evidence by the FBI and police. Without this intervention, Abbie Hoffman, Jerry Rubin, Tom Hayden, Rennie Davis, David Dellinger, John Froines, Lee Weiner, and Bobby Seale would not have had reason to be arrested, nor would they have reason to go to trial. The FBI infiltrated both before the Democratic Convention and during the Chicago 8 trial itself. This paper will review FBI tactics used in attempt to incriminate the activists, which includes looking through the government website entitled the FBI Vault, where thousands of documents have been released detailing how agents went undercover to find or plant information that was meant to stop the “radical left.” Different newspaper articles that discovered how deep the FBI investigated the defendants, along with documentaries following the whole trial will also be analyzed. Along with other bits and pieces of sources and information such as evidence of police brutality, an argument will be constructed around the FBI’s involvement within student groups that led to the outcome of the trial of the Chicago 8.

Keywords: FBI, Chicago 8, Radical Left

The global sixties were marked by activist groups protesting for social and political justice under harsh and discriminatory conditions. The 1968 Democratic National Convention in Chicago protest was by no means different. The convention was meant to nominate Hubert Humphrey as the democratic candidate for the presidential election in 1970. Humphrey, along with two other nominees, debated over topics such as the Vietnam War, which was a major source of tension within the United States at the time. Activist groups sought out change any way they could, and most of the time that was through peaceful protest. The Chicago Convention protest set out to be peaceful. Each group individually attempted to get permits to protest in the area surrounding the convention, only to be denied multiple times for insignificant reasoning. For people such as Tom Hayden, Abbie Hoffman, David Dellinger, and Lee Weiner, this did not stop from attempting to achieve what was right. However, each group came with a different attitude on how this was to be done. The Students for a Democratic Society, or SDS, were led by Tom Hayden and Rennie Davis. Their main goals for the organization were to implement a new type of democracy, giving people more voice within government, and to end the Vietnam War. Tom Hayden took his role in the movement very seriously, never failing to stand up for exactly what he believed in. SDS did work on college campuses, with Hayden writing and speaking often about the Columbia protests among others. In Hayden's paper "Two, Three, Many Columbias" he states, "Columbia's problem is the American problem in miniature – the inability to provide answers to widespread social needs and the use of the military to protect the authorities against the people."¹ This foreshadows the events of 1968. The Yippies, AKA the Youth International Party, were led by Abbie Hoffman and Jerry Rubin. Hoffman was infamous

¹ Bloom, Alexander, and Wini Breines. *"Takin' It to the Streets": A Sixties Reader*. New York: Oxford University Press, 2015, 335.

for his comical speeches and casual protest, using a very relaxed, “hippie” style as a way to use his voice. The Yippies goals included ending the Vietnam War, but not without poking some fun at the government and society first. Tom Hayden and Abbie Hoffman were drastically different people, who lead their organizations in drastically different ways. David Dellinger was an anti-war activist, and spent his active years protesting multiple wars, including World War II. Lee Weiner and John Froines combined anti-war activism and chemistry, aiding in protests, especially when police brutality got involved. These men were the seven that were included in the “Chicago 7” trial, after the protests at the Chicago Convention became riots.

The FBI had already been undercover and infiltrating groups such as the SDS and the Black Panthers throughout the 1960s. The federal investigations upon the activist groups involved in the 1968 Democratic Convention in Chicago were a critical aspect of the arrests that occurred and led to the trial. The tactics that were used to exploit the Chicago defendants were purposely implemented through different programs created by the FBI, without which they would have never been arrested nor put on trial. The FBI Vault, an online database that provides released research on key personal who were a part of the Chicago Democratic Convention, contains thousands of documents showing the Bureau’s objectives against the “conspiracy” of the groups. The FBI purposely investigated key people and planted evidence to incriminate those on the left, in attempt to censor activists trying to make a political and social difference. This was done through programs such as COINTELPRO, the infiltration of undercover agents, and the planting of evidence in multiple environments. This can be analyzed through these released documents from the FBI Vault, newspaper articles, and using the transcript of the trial itself.

The FBI created a multitude of programs that were meant to track, investigate, and censor groups throughout the ‘60s, at the peak of social justice protests. One of these programs is the

infamous COINTELPRO, otherwise known as the Counterintelligence Program. COINTELPRO was an undercover operation recently exposed the public through the release of documents including the personal information and details of investigation for people that were considered “of interest.” It has been proven that the FBI targeted certain groups of people on purpose, in attempt to censor their voices that protested the current culture. Looking at a collection of documents collected for the purpose of exposing the COINTELPRO operation, there are multiple examples on the FBI’s goals through this program.

In one letter that was sent on October 23rd, 1968 from the director of the FBI regarding the Democratic National Convention states that “It is therefore imperative that the FBI do everything possible to provide the admissible evidence required by the department to proceed.”² This heavily implies that the FBI needed, and were required to, find some sort of evidence in order to indict the protest groups planning to go to Chicago for the convention in 1968. They went as far to place informants within activist groups to act as spies. The most famous example of this would be William O’Neal within the Black Panther Party, who was responsible for the murder of Fred Hampton in his home during the Democratic Convention trial. The Chicago trial itself was proven to have an FBI informant directly involved. A decade after the trial, the defendant lawyer William Kunstler, discovered documents received through the request of the Freedom of Information Act proving that another judge was aiding the FBI in attempt to sway the outcome of the trial.

The trend of the FBI being connected to the multitude of activists within the Chicago Convention was common. The SDS, as a major group that was making its mark across the

² Taylor, Flint, Margaret Van Houten, and Chip Berlet, “Counterintelligence.” Chicago, National Lawyer’s Guild. Task Force on Counterintelligence and the Secret Police. Vol. 1, 1978, 30.

United States not only as an anti-war group but also in attempt to reform the government, was an ideal target. The range of work the SDS did was considered dangerous, taking smaller events and bringing them to a national level. This national attention was once again seen within the trial.

Tom Hayden's experience in court reflects the FBI involvement that affected the outcome of the case. In Hayden's writing "The Trial" he states:

"Against our common sense the government kept insisting that the trial was not "political," not about the Vietnam war, not about the Black Panther Party, but simply the prosecution of a criminal indictment. It was, for the government, a question of whether we had conspired to cross state lines with the intention of organizing, promoting, or encouraging a riot. To prove its case it relied on evidence from Chicago policemen, undercover and FBI agents, Army and Navy personnel, two *Chicago Tribune* reporters, and only two civilians with no apparent police connections ..."³

This implies that Tom Hayden, during the trial, was fully aware of the FBI connections within the judicial system. The same could be said for Rennie Davis, Tom Hayden's counterpart in SDS. Even after the 1969 trial, Tom Hayden was followed by the FBI. A *Los Angeles Times* article from 1977 revealed that J. Edgar Hoover ordered the FBI to investigate Tom Hayden for a grand total of sixteen years, from 1960 to 1976.⁴ According to the article written by Narda Zacchino, "One memo in particular, dated Jan. 30, 1968, clearly details Hoover's negative sentiments toward Hayden and expresses the former director's desire to "neutralize" him."⁵

³ Bloom, Alexander, and Wini Breines. *"Takin' It to the Streets": A Sixties Reader*. New York: Oxford University Press, 2015, 376.

⁴ ZACCHINO, NARDA. 1977. FBI investigated Hayden for 16 years: Probe, ordered by Hoover to 'neutralize' activist, ended in '76. *Los Angeles Times (1923-1995)*, Nov 04, 1977. <http://ezproxy.library.arizona.edu/login?url=https://www.proquest.com/historical-newspapers/fbi-investigated-hayden-16-years/docview/158341420/se-2?accountid=8360> (accessed November 8, 2021).

⁵ ZACCHINO, NARDA. 1977. FBI investigated Hayden for 16 years: Probe, ordered by Hoover to 'neutralize' activist, ended in '76. *Los Angeles Times (1923-1995)*, Nov 04, 1977. <http://ezproxy.library.arizona.edu/login?url=https://www.proquest.com/historical-newspapers/fbi-investigated-hayden-16-years/docview/158341420/se-2?accountid=8360> (accessed November 8, 2021).

January 30th was before the Democratic Convention occurred, which could give motivation to find reason to arrest Hayden, with a perfect opportunity being in Chicago, later in 1968.

The Yippies, AKA the Youth International Party, were the other major group that was infiltrated before and during the Chicago trial. Led by Abbie Hoffman and Jerry Rubin, the Yippies focused mostly on anti-war protests. Within the midst of the Vietnam War, protest groups were at a high in attempt to take US troops out of Vietnam and end the war. The Yippies wanted to make change at the root of the problem, stemming from the US government. As Abbie Hoffman states in the *Chicago 10* documentary, they were “put on trial for [their] ideas.”⁶ Hoffman was investigated extensively by the FBI, and files between 1968 and 1973 show thousands of pages of information about Hoffman’s whereabouts and actions. In fact, through undercover agents talking to Hoffman, information was discovered about how he felt about the institution. According to the first part out of fifty files on Hoffman:

“FBI agents visit him every third day in New York City to obtain background info on people and want to know where finances come from for Yip activity and info re his own activity. States he has asked FBI agents why they do not investigate police brutality in Chicago and in all cities across the nation. All FBI agents do is laugh at these suggestions.”⁷

This shows the deep involvement that the FBI had on multiple levels in regard to Hoffman. In fact, many statements have either been crossed out or multiple pages have been removed from the FBI files, which begs the question on what other information could be hidden by the FBI still. The majority of the files from 1968 contained information of events that took place in Chicago, with Chicago law enforcement. This highlights Hoffman’s role in Chicago before the

⁶*Chicago 10*. Roadside Attractions, 2007. https://tubitv.com/movies/618447/chicago-10?start=true&utm_source=google-feed&tracking=google-feed.

⁷ “FBI Records: The Vault - Abbie Hoffman.” Accessed November 8, 2021. <https://vault.fbi.gov/abbie-hoffman>, 6.

convention even occurred. On top of this, it is stated multiple times throughout the files that Hoffman requested the FBI to “stop harassing him.”⁸

There are many different definitions of the trial in 1969, and one of the biggest debates is the number of people that were involved in the trial. The idea of the Chicago 7 is a more popular idea, where the seven men that were arrested at the Chicago Convention riots were the main defendants on trial. The term Chicago 8 comes from the addition of Bobby Seale, the Black Panther co-chair put on trial for the Chicago Convention even though he did not plan any part of the protests, but only spoke there. The term Chicago 10 comes from the addition of the defending lawyers, Leonard Weinglass and William Kunstler, included because of their treatment (including being held in contempt) at the hand of Judge Julius Hoffman. The “Chicago 8” identity is inclusive of Bobby Seale’s participation, while still keeping the core members of the convention protest relevant. The Chicago 8 group was charged with crossing state borders with intent to riot, along with charges against Weiner and Froines that included building incendiary devices. The inclusion of each activist group in this protest encouraged law enforcement to get involved, including state police and the Federal Bureau of Investigation.

While FBI intervention occurred before the convention at the peak of social and political protests in the 1960s, it continued through the events in Chicago and into the trial of the eight. After the convention, those who were accused of being a part of the riots were arrested: Abbie Hoffman and Jerry Rubin of the Yippies, Tom Hayden and Rennie Davis of SDS, David Dellinger of MOBE, and Lee Weiner and John Froines. Bobby Seale was also arrested and taken into custody. The trial exploded among activist groups everywhere, who came to the court to

⁸ “FBI Records: The Vault - Abbie Hoffman.” Accessed November 8, 2021. <https://vault.fbi.gov/abbie-hoffman>, 4.

show their support of the Chicago 8. The chant of the trial was “The whole world is watching.”⁹ This refers to the global sensation of political, social, and cultural activism that was taking the world by storm in the ‘60s. The supporters of the Chicago 8 were not exaggerating when they said, “The whole world is watching.” The whole world was. The trial itself was long, full of arguing between lawyers and judge than any other type of law. There were many witnesses coming in that were undercover police officers or FBI agents. The transcript of the Chicago trial showed testimonies of said undercover officers who discussed information they heard from the defendants during the protest. Mary Ellen Dahl, a Chicago police officer, claimed that Abbie Hoffman had said “We are going to meet in Grant Park, and we are going to storm the Hilton.”¹⁰ She is also quoted Hoffman to say “We can’t make it without weapons. We are going to need a lot of weapons so we should bring rocks, bottles, sticks, and another good weapon is a brick.”¹¹ In any case, it is possible that these words could mean something different than what Dahl was implying. Abbie Hoffman could have easily been referring to protesting himself and his group against the cops, who had already shown violence to them. The defendants, hated by the judge and distrusted by the jury created an environment that was ideal for a police officer to be considered the most credible source in the courtroom. Additionally, the type of reliability Dahl

⁹ Bloom, Alexander, and Wini Breines. *"Takin' It to the Streets": A Sixties Reader*. New York: Oxford University Press, 2015, 331.

¹⁰ Sorkin, Aaron. *The Trial of the Chicago 7: The Official Transcript*. Edited by Mark L. Levine, George C. McNamee, and Daniel Greenberg. Translated by J.K. Simmons, Jeff Daniels, Chris Jackson, John Hawkes, Chris Chalk, Luke Kirby, Corey Stoll, Norbert Leo Butz, and George Newbern. Simon & Schuster Audio, 2020.

¹¹ Sorkin, Aaron. *The Trial of the Chicago 7: The Official Transcript*. Edited by Mark L. Levine, George C. McNamee, and Daniel Greenberg. Translated by J.K. Simmons, Jeff Daniels, Chris Jackson, John Hawkes, Chris Chalk, Luke Kirby, Corey Stoll, Norbert Leo Butz, and George Newbern. Simon & Schuster Audio, 2020.

had as a cop made Hoffman look like the enemy in the situation. The distaste the judge and the jury had for Bobby Seale was also incredibly obvious during this trial. As a Black Panther, the FBI had been investigating Seale for some time, especially considering the timing of Fred Hampton's assassination as previously discussed. The information gathered by the FBI was in no way fully confidential, leading to greater fear of the "extremist" group. Bobby Seale was illegally taken to court without the presence of his lawyer, which is violating the 6th amendment of the Bill of Rights. Seale continuously tried to stand up for himself and protest his situation, only to be taken away, bound to a chair, and gagged before the entire court. Even as a black man in the late 1960s, Seale's treatment did not go unnoticed. This decision made by Judge Julius Hoffman changed the course of the case, as many people were appalled by the way Seale was treated. Later it was discovered that Judge Hoffman was known to be racially biased along with being biased against the defending lawyers, whom he never bothered to even get their names correct ("That's Weinglass, not Fineglass!")¹²

According to an article in the *Chicago Sun-Times*, Kunstler stated "The government ... 'knew what our strategy was going to be, who was going to do what and when.'" ¹³ This directly affected the outcome of the trial, taking credibility out of the prosecuting side and non-biases from the judge. The *Chicago Sun-Times* article also states that "Kunstler also said that he misplaced his address book during the trial, but a Jan. 5, 1970 FBI document indicates that the FBI had it

¹² Sorkin, Aaron. *The Trial of the Chicago 7: The Official Transcript*. Edited by Mark L. Levine, George C. McNamee, and Daniel Greenberg. Translated by J.K. Simmons, Jeff Daniels, Chris Jackson, John Hawkes, Chris Chalk, Luke Kirby, Corey Stoll, Norbert Leo Butz, and George Newbern. Simon & Schuster Audio, 2020.

¹³ Taylor, Flint, Margaret Van Houten, and Chip Berlet, "Counterintelligence." Chicago, National Lawyer's Guild. Task Force on Counterintelligence and the Secret Police. Vol. 1, 1978, 100.

and the names of witnesses, attorneys and others listed inside it.”¹⁴ The direct involvement of the FBI that was possible through the development of COINTELPRO made the indictment of the Chicago 8 a way for the FBI to meet their goal of censoring left-winged groups.

The Black Panther Party was seemingly targeted by the FBI more than anyone else. So much so that the original trial of the Chicago 7 turned into the Chicago 8 simply by the arrest of BPP co-founder Bobby Seale, though he was not part of the initial protest at the Chicago Democratic Convention. The Black Panther Party was seen as an “extremist” group, especially to a society that was not open to reform in regard to race and racism. The FBI kept a close eye on the BPP, again with thousands of documents surrounding the “Black Extremist” group. The involvement of the Black Panther Party became heightened when their chairman Fred Hampton was murdered by the FBI in the midst of the Chicago trial. This event elevated emotions even higher, and purposefully added to the tension of the courtroom. The assassination of Fred Hampton was orchestrated by the FBI, which then attempted to cover it up. Documents given to one of the lawyers on Fred Hampton’s case from a subcommittee researching other parts of COINTELPRO reveal that the FBI planted letters in attempt to cause issues within the black community. One letter that was meant to be sent was “believed the [letter] above may intensify the degree of animosity between the two groups and occasion FORT¹⁵ to take retaliatory notion which could disrupt the BPP or lead to reprisals against its leadership.”¹⁶ The FBI intentionally wanted to cause tensions within the community in attempt to have reason to take it down, or have

¹⁴ Taylor, Flint, Margaret Van Houten, and Chip Berlet, “Counterintelligence.” Chicago, National Lawyer’s Guild. Task Force on Counterintelligence and the Secret Police. Vol. 1, 1978, 100.

¹⁵ Jeff Fort was the leader of a different Chicago gang known as the Blackstone Rangers, and by sending a threatening letter the FBI wanted to try and have another group to accuse of Hampton’s death.

¹⁶ Haas, Jeffrey. *The Assassination of Fred Hampton: How the FBI and the Chicago Police Murdered a Black Panther*. Chicago: Lawrence Hill Books, 2019, 225.

the group disband themselves. They went as far as to plant an informant within the group, a man named William O'Neil. He provided the FBI with sketches of Hampton's apartment, along with months' worth of information about the Party. This, combined with the Chicago trial happening simultaneously, drastically changed the aura in the courtroom, one that was already tense to begin with. Additionally, treatment of Black Panther Bobby Seale in this trial is one that was unforgettable. The combination of the FBI involvement with Fred Hampton's assassination along with the treatment of Bobby Seale enhanced the unjustness of the trial, making obvious how FBI involvement altered the causation and the outcome of the Chicago 8 trial.

Police and other law enforcement were involved within these groups as well. When going to the Chicago convention in 1968, the SDS, Yippies, and other groups attempted to get permits to peacefully protest, however were denied multiple times. Police were therefore sent to the location, with orders to break up the protests. However, the police did more than attempt this. They teargassed and beat peaceful protestors, and started the riots that the Chicago 8 were later charged for. Undercover police officers, such as the previously discussed Mary Ellen Dahl took advantage of people such as Abbie Hoffman to find out information on what the activist groups planned on doing at the convention. Police officers made themselves unknown by taking off their badges before attacking peaceful people outside the Democratic Convention building that refused to leave.¹⁷ The footage of hundreds of officers partaking in this violence is enough to indicate how brutal the peaceful protest became. In a memoir that Jeremy Larner wrote about the McCarthy campaign, is it described in detail how the police treated protesters:

“It was worse than anything I later saw on television. Cops chased kids off into the park and out of sight among the trees, emerged with one cop dragging a boy or girl by the leg

¹⁷ *Chicago 10*. Roadside Attractions, 2007. https://tubitv.com/movies/618447/chicago-10?start=true&utm_source=google-feed&tracking=google-feed.

and another cop running along side clubbing in the groin. A man tried to carry a bleeding woman into the hotel and they were both clubbed and thrown into the wagon. People ran up to plead with cops beating kids on the ground and the cops turned around and clubbed them. They clubbed men in white who knelt to carry off the fallen and clubbed anyone with a camera on his neck. They charged people on the sidewalk and smashed them up against the building as we heard terrible screams. Very few were fighting back; I saw none with weapons. What I saw was blue helmets surging forward in waves, clubbing and clubbing and clubbing.”¹⁸

On top of this, when considering that most of the Chicago 8 were charged with intent to incite a riot, it is plain how Chicago police caused this. When looking at the general events that occurred before and during the convention, along with the trial, police affected, undercover or not, the indictment of the members of the Chicago trial, similar to the FBI.

The Chicago 7 were found guilty, but this was eventually reversed. Bobby Seale’s trial was eventually separated from the rest of the group, where his charges were soon dropped as well. Judge Hoffman sentenced hundreds of charges of contempt in court, all which were reverted once the Chicago 8 were retried, though Seale was separated once again. It took years before the trial was redone, and slowly more conspiracies were released about before, during, and after the arrests of the defendants. For example, during the trial, fake letters that were said to be written by the Black Panthers were sent to jury member’s homes, who addresses were printed in multiple newspapers.¹⁹ These letters were apparent threats by the Black Panthers, causing two jury members to be replaced, uncoincidentally two that were assumed to be on the defendant’s side. This event caused immediate accusations from the defending lawyers, only to be denied

¹⁸ Bloom, Alexander, and Wini Breines. *"Takin' It to the Streets": A Sixties Reader*. New York: Oxford University Press, 2015, 368.

¹⁹ Sorkin, Aaron. *The Trial of the Chicago 7: The Official Transcript*. Edited by Mark L. Levine, George C. McNamee, and Daniel Greenberg. Translated by J.K. Simmons, Jeff Daniels, Chris Jackson, John Hawkes, Chris Chalk, Luke Kirby, Corey Stoll, Norbert Leo Butz, and George Newbern. Simon & Schuster Audio, 2020.

that the prosecuting lawyers or the FBI had anything to do with the letters. On top of this, it was later discovered that the FBI bugged the defending lawyers' offices, gathering information about their side of the case.²⁰ These two events alone indicate that the FBI's intervention within the Chicago 8 was vital to the arrests and outcome of the case, one that was not necessary in the first place.

The FBI, along with police intervention, drastically affected the need for a trial after the Chicago Democratic Convention in 1968. Many factors combined in order to make a case against the defendants in the first place, which was premediated before the convention even occurred. The prior FBI investigations against certain activists such as Tom Hayden and Abbie Hoffman, combined with the hostility of police among protestors that caused violence in the name of self-defense, along with the undercover officers and agents that infiltrated parts of the trial all led to the acquisition of seven key people within the "radical" left movement. On top of this, the unnecessary addition of the Black Panthers within the case via Bobby Seale and the assassination of Fred Hampton that took place during the trial could be considered a way to "scare" the jurors into a right-winged decision. The government attempted to use different resources to sway the trial in a different direction, one that FBI director J. Edgar Hoover wanted desperately. To do this, the FBI went undercover, and the police officers removed their badges. The mission was to censor and control the "radical left," which was seen as a threat to the United States at the time. This was supposed to be patriotic, but instead caused an even deeper divide between political and social parties. Abbie Hoffman claimed multiple times that this was a

²⁰ CBS. *Chicago 7 / FBI Bugging Information*. Vanderbilt Television News Archive, 1978.

“political trial”²¹ where the verdict was made before the defendants walked into the courtroom. The crowd chanted “The whole world is watching,” and they were, in a variety of different ways. The FBI were watching on the inside, but activists around the globe were watching just as closely.

²¹ Sorkin, Aaron. *The Trial of the Chicago 7: The Official Transcript*. Edited by Mark L. Levine, George C. McNamee, and Daniel Greenberg. Translated by J.K. Simmons, Jeff Daniels, Chris Jackson, John Hawkes, Chris Chalk, Luke Kirby, Corey Stoll, Norbert Leo Butz, and George Newbern. Simon & Schuster Audio, 2020.

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