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# Who, Mies?

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# Who, Mies?
## Interrogating the Federal Center Courthouse and the Trial of the Chicago Seven

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This essay interrogates Mies van der Rohe's Federal Center Courthouse vis-à-vis the events of the Trial of the Chicago Seven, which was held there beginning in 1969. In doing so, the essay reveals how Mies subverted the conventions of courtroom design and consequently disrupted the precise rituals and power relationships that comprise the performance of jurisprudence. Specifically, Mies removed "the bar" from the courtroom space, which typically divides spectators from trial participants, producing a Brechtian estrangement of the courtroom and of trial procedure that played out in the various forms of misconduct that marked the theatrical trial.

> I have no great admiration for special programs.
>
> —Ludwig Mies van der Rohe[1]

### Introduction

In September 1969, the trial of the Chicago Seven (*United States v. Dellinger, et al.*) began at the Dirksen Federal Courthouse, one of the three buildings designed by Ludwig Mies van der Rohe that comprise the Federal Center in downtown Chicago. At that time, the courthouse building was relatively new, having been completed in 1965, and the two other Federal Center buildings were still under construction. These, of course, were not the first buildings Mies had designed in Chicago, the architect having made that city his adopted home since his emigration from Germany decades earlier. Indeed, Mies was a household name at that time in Chicago, and his name was invoked several times during the trial of the Chicago Seven, by both the judge and the defendants. Over the course of that raucous and divisive trial, Mies was alternately referenced as "the great architect" (that is, a source of prestige) and "a Kraut" (in that context, meaning a megalomaniacal, oppressive figure).[2] Mies passed away in Chicago the month before the trial began, and the polarized political arguments for which Mies and his work were made proxy during the trial foreshadowed the broader debate over the architect's legacy that has continued since his death.

In his 1992 essay "The Postmodern Agenda," architect and critic Charles Jencks cited the events of the Chicago Seven trial as evidence to indict Mies and his brand of modernism. In the trial, seven (originally eight) young men with prominent roles in organizing the Festival of Life protests against the Vietnam War at the 1968 Democratic National Convention (DNC) in Chicago were charged with conspiracy to incite the violent riots that occurred there. The trial is notorious for the presiding judge, Julius Hoffman, whose bias against the defendants made their convictions a foregone conclusion. According to Jencks, Mies and his architecture were complicit in the perpetration of the unjust trial. The "reductivism, determinism, and mechanism" of Mies's "black, quasi-fascist" work at the Federal Center surfaced with an interaction between the judge and an unruly defendant, Abbie Hoffman, in which the former admonished the latter: "Get back in your place, where Mies van der Rohe designed you to stand!"[3] Jencks consequently used Mies's "univalent" Chicago Federal Center, and the persecution of the 1968 counterculture therein, as a straw man to topple in the name of architectural pluralism and playfulness.[4]

Beyond Jencks's cursory examination, the relationship between the trial of the Chicago Seven and the courthouse architecture that hosted it has not been studied in detail. In fact, despite its status as Mies's largest built work for the US government, the Federal Center itself has been the subject of little critical attention, compared

to the significant literature devoted to Mies's more renowned American work, including the Seagram Building, Farnsworth House, and Illinois Institute of Technology (IIT) campus. The purpose of this essay is therefore to interrogate Mies van der Rohe's designs at the Federal Center's courthouse vis-à-vis evidence from the trial of the Chicago Seven, determining if Mies's architecture affected the trial's events. In addition, if we understand a trial as a series of precisely defined rituals, I ask what role architecture plays in enacting those rituals, in encoding and reproducing the conventions of jurisprudence, or in enacting resistance to those conventions. Concurrently, I test Bernard Tschumi's assertion that "architecture is defined as much by the actions it witnesses as by the enclosure of its walls."[5] How is the Dirksen Federal Courthouse defined by a trial that it witnessed?

**Figure 1.** Ludwig Mies van der Rohe, courtroom interior, Dirksen Federal Courthouse, Chicago, 1964. (Library of Congress, Carol Highsmith, 2006, public domain.)

### A Neon Oven

The 1968 DNC occurred at the International Amphitheatre in Chicago at a time when the Democratic Party was internally conflicted about the Vietnam War. In an effort to have the party hear their antiwar message, several countercultural organizations, including the Youth International (Yippie) Party, the National Mobilization Committee to End the War in Vietnam (Mobe), Students for a Democratic Society (SDS), and the Black Panther Party, planned a week of protests—the Festival of Life—to coincide with the convention. Chicago mayor Richard Daley's administration rejected all permit applications for the Festival of Life rally except one, for a demonstration in Grant Park. When protestors attempted to march from Grant Park through the streets to demonstrate outside the International Amphitheatre, police moved to disperse the crowds, and then the protests devolved into violent clashes televised worldwide. Although a later investigation concluded that Mayor Daley and the Chicago Police largely instigated the violence, public opinion was as sharply divided on those events as it was on the war itself.

Eight young men with prominent roles in the organizations that coordinated the Festival of Life were charged under the anti-riot provisions of the 1968 Civil Rights Act. Although the eight men were only loosely connected, they were charged collectively for conspiracy to incite the riots that marked the DNC. The original eight defendants were Abbie Hoffman and Jerry Rubin of the Yippie Party; John Froines and Lee Weiner of the Mobe; Rennie Davis, David Dellinger, and Tom Hayden of SDS; and Bobby Seale of the Black Panther Party. Seale's case was severed from that of the other seven early in the trial for reasons that will be revisited later in this essay.

Judge Hoffman was seventy-four years old at that time, having served as a federal judge since the late 1940s, first in the original Federal Building and then in the modernist Dirksen Federal Courthouse that replaced its Beaux-Arts predecessor. With thirty-two-year-old defendant Abbie Hoffman, he shared both a surname and a common Jewish heritage. At the start of the trial, when Judge Hoffman read out the defendants' names and came to Hoffman's, he reminded the jury that Hoffman was not his son. In reaction, the younger Hoffman mockingly asked the judge, "Father, have you forsaken me?"[6] The two Hoffmans then sparred verbally throughout the trial: Hoffman loudly accused the judge of rampant bias against the defendants, and the judge admonished Hoffman to obey courtroom decorum. By the trial's end, the judge charged Hoffman with twenty-eight counts of contempt of court, which carried an eight-month jail sentence.[7]

Hoffman frequently referenced their shared Judaism to insult the judge, telling him, for example, "You are a disgrace to the Jews. You would have served [Adolf] Hitler better."[8] Hoffman also addressed the judge in Yiddish, "*Shanda fur de goyem*" ("Shame before the non-Jews"), claiming that the judge was an embarrassment to the Jewish people for his bias.[9] Hoffman routinely misbehaved throughout the trial, pulling pratfalls and turning acrobatics to antagonize the judge and to disrupt courtroom conduct. In the incident Jencks cited, the judge invoked the name of the courtroom's architect to restore order in the

court. Hoffman, in turn, seized on Mies's German background to further align the judge with the Third Reich, shouting "Mies van der Rohe was a Kraut too!"[10] In reference to the architecture itself, Hoffman claimed that "this isn't a court; it's a neon oven!" comparing the courtroom's gridded, illuminated ceiling to the cremation ovens of Bergen-Belsen and Auschwitz (Figure 1).[11]

**Figure 2.** Ludwig Mies van der Rohe, Chicago Federal Center, Chicago, 1974. (Hedrich Blessing, public domain.)

In this way, Mies and his work became proxies for the issues at stake in the conflict between the judge and Hoffman, a battle which was itself a microcosm of the broader generational strife that characterized the coming of age of the baby boomers in postwar America. For Judge Hoffman, Mies's courthouse represented progress, European sophistication, and modern authority. For Hoffman, the courthouse represented the fortification of an authoritarian state perpetrating an unjust colonial war, into which his generation was being sent to fight and die. The following analysis of the Dirksen Federal Courthouse architecture demonstrates that the courthouse simultaneously substantiated and undermined the Hoffmans' impressions. The courthouse is indeed strict and dour, but it is also, in subtle ways, unconventional and liberated. The architectural rigor of the building is self-reflexive, freed from the strictures of courthouse design conventions. Consequently, the trial's strange events are partly related to an atmosphere of estrangement that Mies produced in its courtroom. The trial actors—including the judge, defendants, attorneys, and spectators—deviated from conventional courtroom decorum much like the building itself deviates from the expectations of the established courthouse typology.

### A Universal Solution

Franz Kafka's novel *The Trial* is an extended allegory for the citizen's experience of the law under an opaque, totalitarian regime such as the one Hoffman imagined the Federal Center to represent. In the novel, the protagonist, Josef K., is summoned to an unknown but omnipotent court to be tried for an unspecified crime. He is given the court's address, but he finds himself strangely unable to identify the courthouse among the other buildings in the city: "He had thought that he would recognize the building from a distance by some kind of sign, without knowing exactly what the sign would look like... but when he stood at the street's entrance it consisted on each side of almost nothing but monotonous, grey constructions."[12] Kafka's description of the courthouse's anonymous presence in the city might substitute for a description of Mies's courthouse in Chicago. The Dirksen Federal Courthouse shows no outward sign of its function and does not clearly differentiate itself from the other Federal Center buildings or, indeed, from other modernist buildings in the city (Figure 2).

The 1905 Federal Building, unlike the Federal Center that replaced it, was clearly identifiable as a civic building in the city (Figure 3). Its Beaux-Arts mélange of neoclassical features, including a biaxially symmetrical Greek-cross plan, a gilt dome, and temple-front facades with gigantic-order Corinthian columns, communicated the conventions of American civic architecture based in Greco-Roman ideals of republican democracy. Mies's courthouse includes none of these conventional signifiers; instead, the building is primarily referential of Mies's own previous work. The architecture of the courthouse building follows the formula that Mies had established in previous tall building projects, including the offices at the Seagram Building in New York City and the Lake Shore Drive Apartments in Chicago. Despite their disparate functions, these high-rises all share common Miesian features, including similarly proportioned glass facades with expressed I-section window mullions, and double-height clear-glass entry lobbies inset from the towers above.

Early design studies that the Mies van der Rohe (MvdR) office produced for the Federal Center project in 1959 show some potential for outward articulation of the courthouse program. In one iteration of the courthouse building, the double-height courtrooms are located adjacent to the facade in the building's lower stories, and the spandrel is eliminated on the elevation where it overlaps with the courtrooms' location (Figure 4). In this way, the presence of the courtrooms—the specific program that makes the courthouse building unique compared to other building types—would have been apparent from the surrounding street level, and the courthouse program would have been communicated to the city. However, according to architect and historian Phyllis Lambert, with the completed Federal Center, "as with the IIT campus buildings, the principle of a universal rather than a specific solution was maintained, asserting Mies's desire to develop a common language rather than 'particular, individual

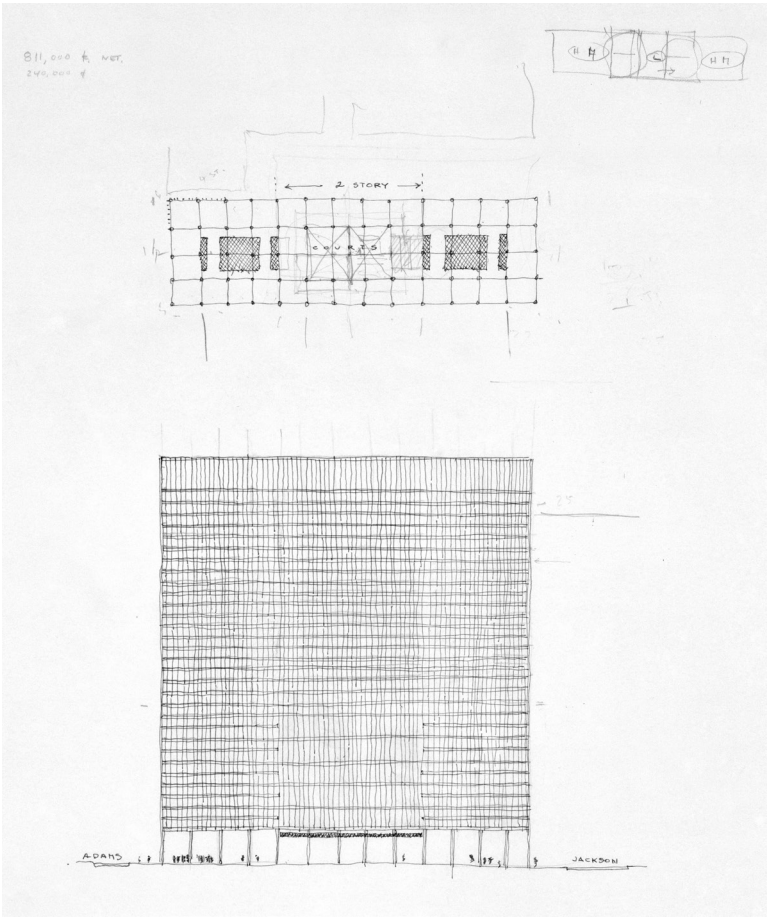
**Figure 3.** Henry Ives Cobb, Chicago Federal Building, Chicago, 1905. (Public domain.)

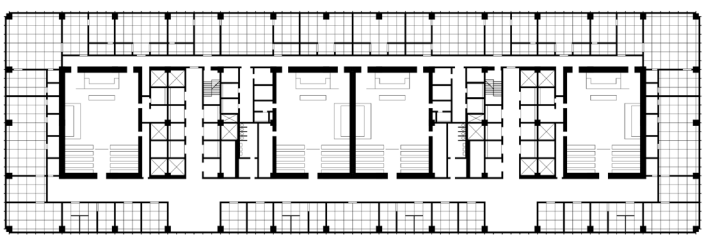
ideas.' 'I have no great regard for special programs,' he said. Thus, the facade of the courthouse building veils its program."[13] The Kluczynski Federal Building across Dearborn Street, which Mies also designed as part of the Federal Center project, is nearly indistinguishable from the courthouse except in height and massing. The courthouse building seems to keep its function secret from the city, camouflaging the presence of the courts in direct opposition to the commonly held ideal of "transparency" in the exercise of legal authority.

In its original condition, the Dirksen Federal Courthouse contained eighteen courtrooms for the Northern District of Illinois, as well as one ceremonial courtroom and one courtroom for the Seventh Circuit Court of Appeals. The courtrooms, all of which are still in use, are double-height spaces, held in the upper floors of the building, in the center of the plan, surrounded by offices in the spaces adjacent to the building facade (Figure 5). The disjunction between the building's use as a courthouse and its design typology as a high-rise office building is most apparent in the conflict between the large two-story courtrooms and the regular structural module of the building's steel frame.

The building program required a courtroom size that was larger than Mies's structural bays could accommodate without interruption, both horizontally and vertically. The MdvR office established this bay size—28 by 28 feet in plan and 12 feet from floor to floor—in previous steel-framed office buildings, such as Seagram.[14] At least two solutions were considered at the Dirksen Federal Courthouse to accommodate the courtrooms within the regular structure: one option was to maintain the structural grid throughout the space of the courtrooms, using the column and beam positions to locate the edges of upper-story mezzanine spaces for spectators (Figure 6); another option was to eliminate the columns and beams in the portions of the structural grid that overlapped the courtrooms, creating two-story voids in the structural frame.

Although the first option might have been more economical, the second was chosen. This required



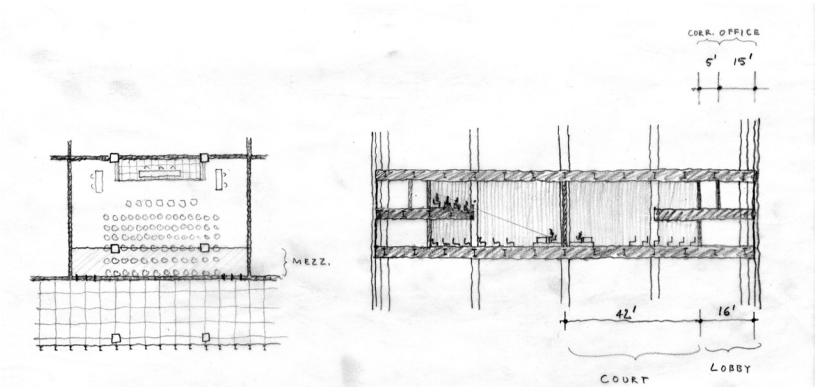


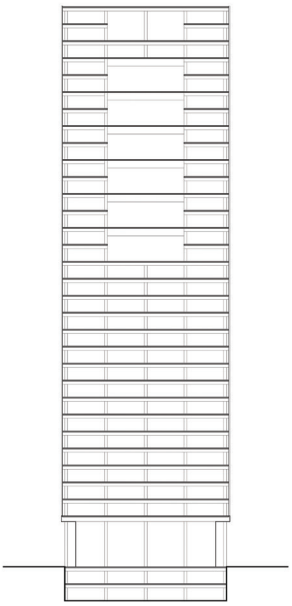

**Figure 4.** *Top:* Mies van der Rohe (MvdR) Office, plan and elevation study of the Dirksen Federal Courthouse, 1959. (Image © 2001, Museum of Modern Art.)

**Figure 5.** *Middle:* Plan of the Dirksen Federal Courthouse. (Drawing by author.)

**Figure 6.** *Bottom:* MvdR Office, plan and section study of a courtroom, 1959. (Image © 2001, Museum of Modern Art.)

deep beams to span two bays above every courtroom so that each could be a clear-span space (Figure 7). The decision also led to courtroom locations in the building's upper stories rather than in the lower stories, closer to the street.[15] If the courtrooms were located in the lower portion of the building, the accumulated loads of upper-story columns in positions that overlapped with the courtrooms below would have needed to be transferred across the clear-span spaces. Positioning the courtrooms in the upper stories limited the amount of load to be transferred across the courtrooms, but it also distanced the courtroom program further from the surrounding city.

Each courtroom occupies two full bays of the structure east to west, one-and-a-half bays of the structure north to south, and two full stories of the structure vertically. Columns and beams are concealed in the thickness of walls and ceilings between the courtrooms such that the courtrooms themselves are clear, uninterrupted units of space. These double-height voids are cladded with walnut paneling on the four interior walls, grey carpeting on the floor, and a translucent, gridded ceiling above, concealing artificial lighting that is consistent throughout the room. There are several entrances to each courtroom: one for the public, through double-doors on the west side; two for the judge and jury through single-doors on the east side; one for prisoners near the middle of the courtroom sidewall, connected to an elevator concealed in the thickness of the wall, leading to holding cells in the basement; and finally, one for attorneys, accessed



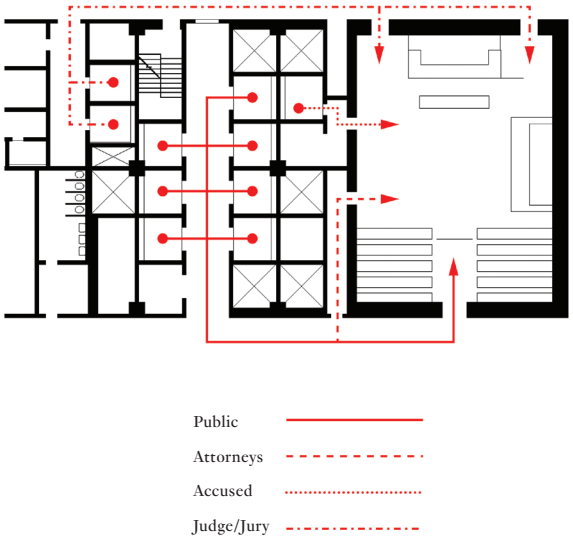



**Figure 7.** *Top, left:* Section of the Dirksen Federal Courthouse, showing double-height courtrooms. (Drawing by author.)

**Figure 8.** *Top, right:* Courtroom circulation diagram for the Dirksen Federal Courthouse. (Drawing by author.)

through a corridor in the thickness of the courtroom walls (Figure 8).

The complexity of this circulation pattern, with its varying degrees of security and control, is withheld on the interior of the courtroom. All access points are disguised by the door-sized module of the wood paneling, as well as by flush detailing with precise, equal reveal joints such that the courtroom reads on the interior as a six-sided prism with four plumb walls, a level floor, and a planar ceiling. The only expressed openings in the room are two slit windows at eye height in the leaves of the public entrance doors, which allow members of the public, without opening the doors, to see the illuminated courtroom from the public corridor, almost like looking into a toy viewfinder (Figure 9).

The design of the courtrooms minimizes the threshold between the audience and the trial proceedings within the space. There is no spatial subdivision within the courtrooms; the decisions to eliminate the structural grid, to exclude a mezzanine, and to conceal entry points are all in service of maintaining an indivisible unity. This organization is in blatant opposition to the longstanding tradition of courtroom design, which is predicated on the division of the space into two distinct zones: one for trial participants and one for spectators. The two spaces are usually divided by what is called "the bar," which typically takes the form of a low balustrade with a gate in it. This spatial division is often architecturally reinforced by a change in ceiling height, ceiling material, lighting, floor material, floor height, and so on. The courtroom in the 1905 Federal Building, for instance, contained the typical bar as well as many other architectural features that sharply differentiated the two zones of the court (Figure 10). The litigators were wrapped by an interior facade of paired Corinthian pilasters that faced the spectators' zone, and framed heavy curtains marked and dramatized the entrances for the judge and other trial officials from their private quarters beyond. The division between the zones was further emphasized by two arched entrances at either side of the courtroom in front of the bar, which formed a kind of transept across the primary axis of the space.

In law, the bar has major significance: it stands in metonymically for the legal profession as an institutional whole. A lawyer must be "admitted to the bar" to practice law. Indeed, the licensing examination for aspiring lawyers is known as the Bar Exam. Furthermore, a lawyer has been called a barrister, or "bar minister," in England since at least 1540.[16] Thus, the function of the bar in the courtroom is to establish the hierarchical distinction between those whose speech is vested with juridical authority and those whose speech is not. When a witness or juror is admitted past the bar into the zone of litigation, that person is required to say an oath to gain passage and have their speech thereby legally vested. Anyone who is physically past the bar is therefore authorized to speak before the law.

In Mies's courtrooms at the Dirksen Federal Courthouse, the "bar" is radically minimized, reduced to a pair of small polished metal stanchions, between which a rope can be slung (Figure 11). The bar is reduced to a removable piece of furniture, while the architecture

**Figure 9.** *Top:* Double entry doors to a courtroom, Dirksen Federal Courthouse. (Library of Congress, Carol Highsmith, 2006, public domain.)

**Figure 10.** *Middle:* Henry Ives Cobb, courtroom interior, Chicago Federal Building, 1905. (Historic American Buildings Survey, Harold Allen, 1964, public domain.)

**Figure 11.** *Bottom:* Courtroom interior showing stanchions and rope, Dirksen Federal Courthouse. (Library of Congress, Carol Highsmith, 2006, public domain.)

surrounding it denies any distinction between the trial and the audience. The MvdR office represented the bar in their plans as a single thin line in the central path of the courtrooms. Any other implication of a spatial subdivision, such as a change in lighting, material, or level, is eschewed. The gridded ceiling is flat and uniform throughout, as is the carpeted floor. The lighting is even across the entirety of the space. The module of the wood paneling stays consistent on all four walls and conceals the positions of the entry doors at the center of the courtroom. This is the "almost nothing" (Mies's *beinahe nichts*) of spatial division, minimizing the hierarchy that is essential to the mechanism of the law. Mies's minimization of the bar and consequent elision of the typically separate zones of litigators and spectators is both peculiar and consequential, as the following sections of the essay detail.

### Mies-en-Scène

The 1968 DNC protests and the trial that followed were notoriously theatrical. Indeed, in the lead-up to the Festival of Life, Hoffman had explicitly stated his theatrical intentions: "It's all conceived as total theater, with everyone becoming an actor."[17] Hoffman and his fellow Yippies intended to use absurd and unpredictable nonviolent behavior to provoke the police into actions that would embarrass and undermine the law. During the convention, for example, the Yippies introduced their own presidential "nominee," a pink farm pig affectionately named Pigasus, for whom Rubin read a satirical acceptance speech outside the Chicago Civic Center. As Norman Mailer stated in his account of the events at the DNC, "[the Yippies] understood that you didn't have to attack the fortress anymore. You could just surround it and make faces at the people inside and let them have nervous breakdowns and destroy themselves."[18]

Hoffman brought this strategy of "total theater" to the courtroom during his trial, performing cartwheels for the cameras outside the Dirksen Federal Courthouse, and dancing around and standing on his head inside the courtroom (Figure 12):

> Specification 21: On April 4, during the cross-examination of the witness [Richard] Phillips, Mr. [William] Kunstler [defense attorney] was examining the witness concerning the witness's concept of how hippies dress. During that incident, Mr. [Abbie] Hoffman got up and danced around, lifting his shirt and baring his body to the jury, and engaged in antics designed to make light of the testimony of the witness. The incident is reported as follows:
>
> MR. KUNSTLER: You are the first one that hasn't identified him. (Hoffman.) This is Mr. Hoffman over here.
>
> (There was laughter in the courtroom.)
>
> THE COURT: Let the record show that Mr. Hoffman stood up, lifted his shirt up, and bared his body in the presence of the jury...
>
> MR. KUNSTLER: Your Honor, that is Mr. Hoffman's way.
>
> THE COURT: ... dancing around.
>
> (There was laughter in the courtroom.)
>
> MR. KUNSTLER: Your Honor, that is Mr. Hoffman's way.
>
> THE COURT: It is a bad way in a courtroom.[19]

In another instance, Hoffman and fellow Yippie defendant Rubin appeared in court dressed in judge's robes. This had the intended effect of antagonizing Judge Hoffman, who forcefully demanded that the two remove the robes. They complied, only for Hoffman to reveal that, underneath the judge's robes, he was wearing a Chicago Police uniform (Figure 13). As Harry Kalven wrote in the introduction to his book *Contempt* (a transcript of contempt citations against the defendants), "the heightened sense of interruption that these tactics seem to have engendered is perhaps attributable to ... the presence of 'a studio audience' which often interacted with the defense, producing applause or occasions on which spectators were ordered removed from the courtroom."[20]

The defendants were not the only trial participants to engage in

**Figure 12.** Abbie Hoffman turns a somersault outside the courthouse. ( Image © Getty Images.)

courtroom theatrics. The judge was also known for his habitual theatricality during the trial proceedings (Figure 14). When the judge read the charges against the defendants aloud on the first day of the trial, Kunstler moved for a mistrial, claiming that the judge pronounced the indictment "like Orson Welles reading the Declaration of Independence."[21] Furthermore, throughout the trial, although judges are typically expected to read from the record in an even, unbiased tone, Judge Hoffman imitated the voices of the trial defendants when reading back their testimony from the record.[22]

It may therefore be valuable to examine the design of the courtrooms at the Dirksen Federal Courthouse following the conventions of the theater. The bar that typically separates spectators from trial participants in a courtroom, conspicuously missing in Mies's courtrooms, is analogous to the proscenium in a theater, a plane implied by the elevated stage and its surrounding frame that separates the play's actors from its audience. Indeed, as Fredric Jameson remarked in his book on playwright Bertolt Brecht, "from the Oresteia on down, the playhouse has much in common with the courtroom, and acts and acting seem to call out for that response we call judging and judgement."[23] The proscenium forms the so-called fourth wall of the theater, and this division maintains the separation between the fiction of the stage and the "real life" of the audience. An action that breaches this division is often called "breaking the fourth wall." In Brecht's "epic theater," this technique of breaking the fourth wall, uniting the audience with the scene, "with everyone becoming an actor," was essential to produce *Verfremdungseffekt* or an "estrangement effect." In this way, the audience is discouraged from suspending their disbelief, passively consuming the action of the play, and is instead encouraged to become aware of its artificiality, gaining a critical distance from the drama.

Brecht used a variety of tactics to break the fourth wall, including having actors speak directly to audience members, flooding the theater with harsh white light, and removing the stage curtain from behind the proscenium arch. Furthermore, many of Brecht's epic theater plays dramatize trials or include trial-like dialectical dramas, intending, in Brecht's own words, "to teach the spectator to reach a verdict."[24] Again following Jameson, the verdict audiences reach during Brecht's plays is not reserved to the specifics of the dramatic situation at hand; it expands to encompass the nature of judgment itself, "not [to] reaffirm the norm or the Law but, rather, [to challenge] it."[25]

Despite Hoffman's rhetorical gesture to conflate Mies's architecture with totalitarianism, Mies's designs for the courtrooms at the Dirksen Federal Courthouse are analogous to Brecht's epic theater techniques, and the theatrics of the trial of the Chicago Seven are analogous to the judgment these techniques produce. Mies degrades the fourth wall of the courtroom, which separates the trial spectator from the trial participant, thereby diminishing the hierarchy between viewers and viewed, between subject and object, between those whose have "passed the bar" and those who have not. Through Mies's techniques of minimization, omission, and erasure, the courtroom is made strange in comparison to the conventional model and, therefore, vulnerable to criticism. It is indeed not just the removal of the bar's division but the entire atmosphere of the courtroom that generates *Verfremdungseffekt* in Mies's courtrooms. By equalizing the light value of the floor and ceiling, Mies created an abstract effect whereby court procedures are projected in a suspended, weightless space that seems to flow over and beyond the thin wood divisions.

Such a projection of the court into an abstract, universal space can provoke the actors and spectators to feel the inhuman legal bureaucracy at work and, more powerfully, can create a distancing effect whereby the trial is seen as mere representation of reality rather than reality itself. Consequently, the space of

**Figure 13.** *Top:* Drawing of Abbie Hoffman in Chicago Police uniform. (Image © Verna Sadock.)

**Figure 14.** *Middle:* Drawing of Judge Hoffman. (Image © Verna Sadock.)

**Figure 15.** *Bottom*: Drawing of Bobby Seale bound and gagged. (Image © Verna Sadock.)

the trial and of judgment can expand beyond the conventional threshold that confines the trial proceeding to encompass questions about the validity of the trial structure itself. For the Chicago Seven, "the proceedings were an opportunity to put the system on trial," and the estranged Brechtian context of their courtroom was, in a way they could not have predicted, sympathetic to their aims.[26]

### Infelicities

Mies's estrangement of the courtroom is, however, double-edged. His avoidance of legal design conventions opened space to new kinds of trial performance but did not restrict those performances to any particular outcome. Early in the trial, in its most controversial episode, the eighth defendant, Black Panther chairman Bobby Seale, was bound and gagged in the courtroom, and his case was subsequently severed from that of the other seven. Although he attended the Festival of Life protests and made speeches there, Seale was otherwise unaffiliated with the other defendants in the trial. For this reason, Seale did not wish to take the same defense team as his fellow defendants, preferring his own attorney, Charles Garry, who was at that time unavailable due to a medical condition. Seale therefore invoked his constitutional right to act as his own attorney, but Judge Hoffman denied him this right, insisting that Seale accept the attorneys of the other seven defendants. Seale attempted to cross-examine witnesses and conduct the various other functions of an attorney, but each time Seale stood to address the court, the judge admonished him with orders to "be quiet ... You have a lawyer to speak for you."[27] Seale persisted in his effort to represent himself, refusing to be silent, and lambasted the judge for denying him his rights.

Ultimately, the judge became so enraged with Seale that he ordered the bailiff to handcuff the defendant to a chair and to put a gag in Seale's mouth (Figure 15). The incident led to tumultuous arguments in the courtroom, with the other seven defendants demanding Seale's unbinding, but Seale appeared in court for several days bound and gagged. The incident was widely reported in the news, and public demonstrations demanding Seale's release followed shortly thereafter in the streets around the courthouse. Finally, the judge severed Seale's case from that of the other seven defendants and sentenced him to four years in jail for contempt of court, a sentence that was ultimately overturned on appeal due to the judge's unconstitutional actions.

The rituals of trial procedure are dependent on the empowerment of speech. Hearings, questioning, testimony, sentencing, verdicts, etcetera all rely on the spoken word as their primary medium. In his book of lectures, *How to Do Things with Words*, philosopher of language J. L. Austin theorized what he called "performative speech," speech acts that do not merely represent actions but are themselves performative utterances that change reality (for example, when one pronounces marriage vows). Legally vested speech in the courtroom is performative speech. When a judge issues a verdict, when a witness takes an oath, and when a jury announces its decision, these acts of speech constitute not a representation of an action but the performance of a particular legal action that cannot otherwise be performed.

Acts of performative speech are, according to Austin's theory, not infallible; they are vulnerable to failure or what he calls "infelicity." Performative speech acts are especially sensitive to the context of their utterance. Speech made in a "non-serious" or "inappropriate" context may not produce its intended outcome. For Austin, "all ritual or ceremonial acts" are vulnerable to such failure, if the context of the ritual or ceremony is unconventional.[28] Seale's binding and gagging in the early part of the trial can be understood as a failure of performative speech; Seale attempted to exercise his constitutional right to act as his own attorney, to invoke the legal power of performative speech in the courtroom, but his invocation did not take effect.

For the purposes of this essay, infelicity might be attributed as one element in a perfect storm of what Austin called "special circumstances," due to the

"inappropriate" courtrooms that Mies designed. At the Dirksen Federal Courthouse, Mies voided the conventional spatial hierarchies of the courtroom but did not specify any particular replacement, any new convention to replace the old. In the case of Hoffman's absurdist performances, the void was occupied by behaviors resistive to the court's authority, but in the case of the judge's mistreatment of Seale, it provided a space in which that authority was overextended.

Subsequent renovations to the Dirksen Federal Courthouse hint that the General Services Administration (GSA), the federal agency that manages the Federal Center, was aware of the unconventionality of Mies's courtrooms. In the 1990s the GSA added courtrooms in the floors below those designed by Mies, each with the same overall size and shape as the originals, but they were otherwise very different. The architectural office of Dirk Lohan, Mies's grandson, designed the first group of four added courtrooms in 1993. The Chicago firm 4240 Architects designed the second additional group of four in 1999. While the new courtrooms bear some superficial resemblance to the originals, both sets architecturally assert the presence of a threshold between trial participants and spectators. In Lohan's courtrooms, the threshold between trial participants and spectators is defined by a change in the floor's carpet pattern, as well as by a change in ceiling lighting at the front of the courtroom, which frames the space of litigation (Figure 17; compare to Figure 16). In 4240's courtrooms, the bar is even more pronounced, defined by a change in ceiling height, lighting, carpet pattern, and wall paneling between the zones of litigation and spectatorship (Figure 18).

Recent GSA-led projects for federal courthouses in Eugene, Oregon, and Austin, Texas, designed by Morphosis and Mack Scogin Merrill Elam Architects, respectively, each include a clear and prominent bar in the courtrooms (Figures 19, 20). Thus, although the designs of these buildings are both adventurous and experimental, eschewing the neoclassical traditions of American civic architecture, they keep the conventional opaque wood barrier between the zones of trial participants and spectators. The GSA's apparent desire for a clearly defined spatial separation within the courtroom serves to underscore the degree to which Mies's original designs at the Dirksen Federal Courthouse are radical, not only in comparison to the 1905 Beaux-Arts Federal Building it replaced but also in comparison to subsequent courtroom designs.

**Figure 16.** *Top:* Dirk Lohan, courtroom interior, Dirksen Federal Courthouse, 1993. (Image © General Services Administration.)

**Figure 17.** *Middle:* 4240 Architects, courtroom interior, Dirksen Federal Courthouse, 1999. (Image © General Services Administration.)

**Figure 18.** *Middle:* Interior of a Mies-designed courtroom, Dirksen Federal Courthouse. (Image © General Services Administration.)

**Figure 19.** *Middle:* Morphosis, Wayne L. Morse Federal Courthouse, Eugene, Oregon, 2006. (Image © Tim Griffith.)

**Figure 20.** *Bottom:* MSME Architects, US Courthouse, Austin, Texas, 2012. (Image © Timothy Hursley.)

### A Stainless-Steel Cuckoo Nest

Near the end of the trial, during the contempt proceedings that followed his conviction for crossing state lines with the intent to incite a riot, Hoffman once again invoked Mies and his architecture when addressing the judge: "I called this place a neon oven. A neon oven in a stainless-steel cuckoo nest, designed by your friend Mies van der Rohe. I might add he died right after he built this; it kind of killed him, building a building in which he had to put men away in prison and perhaps into death houses."[29] As before, Hoffman aligned Mies with the judge and the prosecution of the trial. However, this time, he reserved some compunction for the architect himself. Hoffman supposed

**Figure 21.** *Opposite page, top:* Drawing of Abbie Hoffman jumping over the bar during the trial. (Image © Verna Sadock.)

**Figure 22.** *Opposite page, bottom:* Drawing of Abbie Hoffman doing a handstand during the trial. (Image © Verna Sadock.)

that Mies felt such guilt at creating a building to serve as the seat of an unjust power that the architect died as a result.

Looking closely at the courthouse design, we can locate this compunction in Mies's architecture. While we may typically expect architectural form to follow the pre-existing functions of the program it is built to contain—to formally, spatially, and materially encode the already expected norms and procedures of the established culture—Mies instead operated through refusal, elision, and intentional omission to strip away those conventions, making space for something else to emerge. By physically instantiating a seat of federal authority, Mies was inevitably complicit in the activities of that authority. However, the compunction that Mies demonstrated in this act of instantiation, minimizing the appearance of the seat of power and the hierarchies produced vis-à-vis that appearance, manifests a capacity for resistance to the authority instantiated therein.

With this understanding of Mies's courtrooms, it is difficult to support Jencks's argument for the Federal Center's "determinism," based on Judge Hoffman's command to Hoffman: "Get back in your place where Mies van der Rohe designed you to stand!" There is no particular place in the courtroom where Mies designed for a defendant to stand, only a singular, undivided unit of space. In this sense, perhaps the most appropriate response to the judge's command was found in the "bad way" that Hoffman behaved in the courtroom (Figures 21, 22).

Hoffman swung on the rope slung between the polished metal stanchions and turned a headstand on one of the solid walnut tables, orienting his feet toward the gridded ceiling of the "neon oven" and occupying, if only for a moment, Mies's "universal space" rather than a definite position prescribed by procedural norms.[30]


## Author Biography

David R. Shanks is an assistant professor at Syracuse University School of Architecture. He is currently the director of the Architecture Program at Syracuse's campus in Florence, Italy. Shanks holds a master of architecture from Harvard University Graduate School of Design and is a registered architect in New York State. His work has been exhibited at the Boston Society of Architects and the Museum of the City of New York, among other locations, and he has been a fellow at the MacDowell Colony and the Cape Cod Modern House Trust.


## Notes

1 Ludwig Mies van der Rohe, interview with John Peter, 1955, quoted in Phyllis Lambert, "Federal Center, Chicago," in *Mies in America* (Montreal: Canadian Center for Architecture, 2001), 409.

2 The article "Judge Interrupts Trial to Chew Out Attorney," *Desert Sun*, 19 November 1969, 3, quoted Judge Hoffman as scolding defense attorney William Kunstler for improperly standing at the lectern: "There's a great architect, Mr. Mies van der Rohe, who designed this building and that lectern. It is a lectern, not a leaning post. Now get behind it." For "Kraut," see United States v. Dellinger, et al., 472 F.2d 19, 803 (N.D. Ill. 1972).

3 Charles Jencks, *The Post-Modern Reader* (London: Academy Editions, 1992), 12.

4 Ibid.

5 Bernard Tschumi, *Architecture and Disjunction* (Cambridge, MA: MIT Press, 1996), 100.

6 Jim Martorano, "The 60s' Last Hurrah," TapInto.net, 2 November 2016, https://www.tapinto.net/columns/my-perspective/articles/the-60s-last-hurrah (accessed 2 November 2018).

7 Anthony Lukas, "US Judge Orders Contempt Terms in Chicago Trial," *New York Times*, 15 February 1970.

8 *Dellinger*, 472 F.2d at 622.

9 Ibid.

10 *Dellinger*, 472 F.2d at 803.

11 *Dellinger*, 472 F.2d at 847.

12 Franz Kafka, *The Trial*, trans. David Wyllie (New York: Dover Publications, 2009), 41.

13 Lambert, "Federal Center, Chicago," 409 (see n. 1).

14 According to Peter Carter, *Mies van der Rohe at Work* (Washington: Praeger Publishers, 1974), the structural module at the Seagram Building is precisely 27'9" by 27'9" by 12'0".

15 The organization of the building's elevators was another important factor in placing the courtrooms in the upper stories. Several elevator cores only serve the office spaces in the lower stories of the building; thus, the upper stories have more available space in the plan.

16 "The name originated in the ancient internal arrangements of the Inns of Court. ...But by 1600, it was currently associated with the bar of the courts of justice, at which utter-barristers had before that date secured the right to plead, formerly possessed only by sergeants and apprentices-at-law." *Oxford English Dictionary*, s.v. "barrister (*n.*)," http://www.oed.com.libezproxy2.syr.edu/view/Entry/15776?redirectedFrom=barrister& (accessed 22 July 2018).

17 "Chicago 10: The Yippies," Public Broadcasting Service, http://www.pbs.org/independentlens/chicago10/yippies.htm (accessed 22 July 2018).

18 Norman Mailer quoted in Douglas Linder, "The Chicago Eight Conspiracy Trial: An Account," University of Missouri Kansas City School of Law, http://www.famous-trials.com/chicago8/1366-home (accessed 17 October 2018).

19 *Dellinger*, 472 F.2d at 622–24.

20 Harry Kalven, *Contempt* (Chicago: Swallow Press, 1970), xxvii.

21 David Margolick, "Hoffman, Judge for Trial of Chicago 7, Inches Ungently Toward Retirement," *New York Times*, 24 June 1982.

22 "It is the Judge's formidable gift for impersonation, such as Dickens is said to have revealed when he read from his novels, which completes and enforces the illusion. On the afternoon of November 5 he was able not only to sustain the resonance of his voice through a wide range of modulations for an hour and thirty minutes but to convey an impression of the defendant Seale, as he read his remarks from the transcript, and of himself as he read his own replies, which raised the dialogue to an impressive theatrical level." Jason Epstein, "The Trial of Bobby Seale," *New York Review of Books*, 4 December 1969, https://www.nybooks.com/articles/1969/12/04/a-special-supplement-the-trial-of-bobby-seale/ (accessed 31 October 2018).

23 Frederic Jameson, *Brecht and Method* (New York: Verso, 1998), 119–20.

24 See Yasco Horsman, "Brecht on Trial," in *Theaters of Justice* (Stanford: Stanford University Press, 2011), 91–132.

25 Jameson, *Brecht and Method*, 121.

26 Adam Cohen and Elizabeth Taylor, *American Pharaoh: Mayor Richard J. Daley* (New York: Warner Books, 2000), Google Books, https://books.google.com/books/about/American_Pharaoh.html?id=nGem2g467GAC&redir_esc=y (accessed 31 October 2018).

27 Epstein, "Trial of Bobby Seale."

28 J. L. Austin, *How to Do Things with Words* (Cambridge, MA: Harvard University Press, 1955), 1–24.

29 Dellinger, 472 F.2d at 877.

30 I am indebted to Professors Terrance Goode and Timothy Hyde for these concluding observations.