
In The
SUPREME COURT OF ILLINOIS

CITY OF CHICAGO,

Plaintiff-Appellee,

vs.

PETER WEISS, GEORGIANNA CESTERO,
RICHARD NEUHAUS, ROSE BROOKS,
DAVID BORDEN, ELLEN MILLER, SEMA
LEDERMAN(MOSS), ANDREW ROBINSON,
PATRICIA SALTONSTALL (ROSEMOND),
JAMES M. KEMPTON, JANE BUCHENHOLZ,
FRANKLIN MILLER and ELLIS BOAL,

Defendants-Appellants.

Appeal from the Circuit Court of Cook County,
Municipal Department, First District
Honorable Arthur L. Dunne, Presiding

BRIEF AND ARGUMENT FOR ALL DEFENDANTS-APPELLANTS,
EXCEPT PETER WEISS

Of Counsel:

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Oral Argument Requested

that permission to go further would be discussed later. This was before the march began. (R. 4575-6) He heard a total of five or six firecrackers and only one or two before his arrest. They did not come from the marchers but from the western sidewalk of Michigan Avenue or from the intersection south of the Guard line. (R. 4583-6) He heard the firecrackers explode very near to the intersection itself. He did not see them being thrown but knew that they could not have come from the marchers because the marchers could not have thrown them that far. (R. 4587-9)

Testimony of Ellis Boal

For the first ten minutes or so after Boal arrived at a position where he could see the Guard line, he did not see anyone go through it. Then he took his armband off and stood for about twenty minutes watching individuals go through the line at intervals of about thirty seconds to one minute. He spoke to a Guardsman about six feet south of the east curb line of Michigan who was making announcements to the crowd. The announcement was "The line of march is to the west. Anyone proceeding to the south will be arrested." Boal asked the Guardsman four or five times whether they could be allowed to march west one or two blocks and then south as a group, but the Guardsman did not reply. (R. 4620-5) A second Guardsman took the bullhorn, a white man, and made

the same announcement many times. Boal also asked him the same question he had asked the first Guardsman. The man with the bullhorn kept on making announcements, Boal kept asking the question and finally the Guardsman looked at him and said, "I can't answer that question." A few minutes later Boal went through the Guard line. He proceeded about five or six feet and two Guardsmen grabbed him by the arms and escorted him through the corridor to two policemen who also took him by the arms and escorted him in a line that curved around to the east to a waiting police van where one of the policemen frisked him and he got into the van.

(R. 4626-33) He did not see Commander Riordan, Chief Nygren or Deputy Rochford that evening. He did not see any stones or missiles thrown in the air or striking the ground at any time after leaving the Logan Statue, nor did he hear any firecrackers. (R. 4634-5)

Testimony of David Borden

David Borden was forty feet behind the head of the march when it halted at the intersection. (R. 3356) He was standing with Andrew Robinson, Mrs. Moss and others. He moved forward until he got to the Guard line. (R. 4365) The line parted and he went through. As he was going through a Guard colonel spoke to him and he continued walking south. He was