Norman Mailer: A Prisoner At Lorton

Pulitzer Winning Author Was Arrested For Protesting Vietnam War at the Pentagon

By Irma Clifton - September 08, 2011 (first published in The Patch)

The 1960s were a tremulous time in our nation and never more so than in the Washington DC area, the epicenter for protests against the U.S.-led war in Vietnam. Protesters were from all walks of life: students, activists, the rich and famous and those who were sick and tired of the bloody conflict.

One protest in October 1967, brought the country’s discontent to the steps of the Pentagon and managed to raise the bar not only in terms of sheer numbers but in garnering a diverse grouping of individuals who came together to demand to be heard. Hundreds of protestors wound up at the Lorton prison.

A long weekend of anti-war activities began with a symbolic delivery to the Justice Department of more than 990 draft cards collected from across the country. This confrontation seemed to set the stage for larger and more aggressive tactics against the war over the next few days.

Writer Norman Mailer had been encouraged by his old friend, author and anti-draft protester, Mitch Goodman, to be part of a demonstration to invade the corridors of the Pentagon during office hours. On Thursday, October 19, 1967, the author of “Why Are We in Vietnam” was on a flight making his way from New York to Washington. He agreed to speak that night at the Ambassador Theater in Washington on the U.S. venture in Vietnam. Having arrived in the afternoon and spending several hours at a bar party in the hotel, Mailer’s and the other scheduled speakers’ performances were less than stellar.

Mailer, at the Department of Justice on Friday, Oct. 20, was joined by Dr. Benjamin Spock, a pediatrician and political activist, Pulitzer Prize winning poet, Robert Lowell, Goodman and Rev. William Coffin, peace activist and chaplain of Yale University.
The following day, Mailer and Lowell, along with tens of thousands of others, made their way a rally at the Lincoln Memorial. Speeches condemned President Lyndon Johnson, Secretary of Defense Robert McNamara and Secretary of State Dean Rusk as the “biggest war criminals in the country.”

The protestors shouted: “We must resist, we must resist, resist, resist and resist!” as they marched across the Memorial Bridge into Virginia and toward the Pentagon. It took nearly an hour-and-a-half to travel two miles to the north parking lot where they found the facility guarded by 2,500 federal troops and 200 U.S. marshals. Marchers who attempted to invade the building were thrown out bodily while those who rushed the steps were repulsed by rifle butts and tear gas.

During the demonstration, Abbie Hoffman, co-founder of the Youth International Party, or Yippies, attempted to levitate the Pentagon by means of meditation and chanting. Shouts of “Out, demons, out!” resonated as Hoffman’s group tried to exorcise the “evil” within the building.

Time To Get Arrested

The north parking lot of the Pentagon was located across a four-lane highway from the building and was contained by rope boundaries reinforced by Military Police. Mailer, Macdonald and Lowell, who decided it was time to be arrested, stepped over the rope and ignored commands go back. Mailer’s arms were quickly gripped by a U.S. marshal and he was under arrest.

A reporter asked: “Why were you arrested, Mr. Mailer?”

Mailer: “I was arrested for transgressing a police line. It was done as an act of protest to the war in Vietnam.”

Mailer was later questioned by marshals before being loaded into a military truck and then transferred to a prison bus. The bus drove away to shouts like: “Bring the boys home!”, “End the war in Vietnam!” and “Hell no, we won’t go!”

In Lorton, the protesters were processed and questioned about their health. They were assigned to a dormitory shaped like an airplane hangar. It was more than 100 feet long and 40 feet wide with a curved ceiling and four rows of beds. Books, apples, ham sandwiches and a coffee urn rested on a table in the center aisle. Mailer found a bunk and settled in on thin mattress with a clean pillowcase and dirty blanket.

The following morning, Mailer walked down the arcade along the quadrangle to the mess hall. Mailer thought the “architecture of the prison appeared even more agreeable than the average spanking new junior colleges.” In his dirty white shirt and jacket he was served breakfast by what he called “bona fide prisoners” in a chow line. He feasted on canned orange juice, raisin bread, corn flakes, milk, a slice of lemon cake and a mug of coffee. He had not been able to shave since razors were a hazard in prison.

At about 10:00 a.m., attorneys began to confer with the prisoners in groups of six. The prisoners were advised to plead Nolo Contendere, but Mailer objected. He wished to plead guilty. As his
compatriots pled as advised and received five-day suspended sentences, agreed to stay away from the Pentagon for six months and were released, he waited his turn.

An account in Mailer’s Pulitzer Prize winning book, “Armies of the Night”, about his experiences as a war protester tells of an escape attempt from his dormitory on Sunday afternoon. A prisoner climbed on a locker and slipped out of a window located high on the wall. No alarm was sounded, and it took the guards some time before they became aware but within minutes the prisoner was back in custody.

**Nolo Contendere**

Finally, the call came; Mailer was wanted in court. His friend, an attorney named Ed de Grazia, advised him to plead Nolo Contendere and when Mailer said he wanted to plead guilty, de Grazia looked uneasy and said that he didn’t want to make anything about Mailer’s case special.

De Grazia said that Mailer “was interested in entering a plea of guilty, but would like, if possible, to inquire if this would alter the treatment…consideration of his case.”

Appearing before Commissioner Scaife, de Grazia spoke for Mailer saying that Mailer “was interested in entering a plea of guilty but would like if possible, to inquire if this would alter the treatment…consideration of his case.”

Scaife: “I do not think I can answer your question, since that would offer a premature suggestion of the sentence which is obviously improper before hearing the plea.”

Mailer: “Your honor, I would like to plead Nolo Contendere.”

The Commissioner noted that Mailer was a mature man, responsible, well known and in a position to influence young people, and that he should not act as a bad example. He then imposed a $50 fine and 30 days in jail, of which 25 were suspended.

De Grazia quickly stepped forward and informed the Commissioner that he was not qualified to defend Mailer as he was only licensed in the District of Columbia, not Virginia and then requested assistance. The Commissioner answered that the plea had been entered and sentence passed but that he would listen to further argument on a motion that the defendant, Mailer, had not been properly represented.

Enter attorney Philip Hirschkop, a liberal civil rights attorney who would later help author a book on prisoner’s rights. Mailer sat down while the Commissioner and Hirschkop went head-to-head for 20 minutes.

Hirschkop pleaded that the sentence should be reduced since Mailer had offered no violence in his arrest and was a model prisoner.

Commissioner Scaife: Denied.
Hirschkop: “The sentence was untypical and more punitive than any other for similar cases so should be vacated.”

Commissioner Schaife: “Denied.”

Hirschkop: The initial plea of Nolo Contendere be withdrawn on the grounds of inadequate counsel.

Commissioner Schaife: “Denied.”

Hirschkop changed tactics, announced that he would appeal and asked for bail. The U.S. Attorney then advised the Commissioner that, being Sunday, there were not appeal forms available and that the defendant would have to be kept until the next day. Hirschkop countered with an open law book that stated when proper forms were not available, the same kind of papers in handwritten form were acceptable.

Commissioner Schaife: “All right, you may file notice of appeal.”

The U.S. Attorney asked for a bail of $500. Hirschkop then cited the Commissioner’s own words that Mailer was mature and responsible he argued that Mailer was eligible for release on personal recognizance under provisions of the Federal Bail Reform Act.

Commissioner Schaife (with a trace of a smile): “All right, pending appeal we will then release the Defendant on his own recognizance.”

Papers were signed and Norman Mailer’s two day stay in the Lorton Prison ended.

Several days later, Art Buchwald wrote in the Washington Post: “Gen. Norman Mailer of the 22d Heavy Obscenity Corps was captured as were 600 other Militant Peace Commandos. The attack started with a barrage of curse words followed by an assault across the demilitarized zone with clubs, pop bottles and tomatoes. In fierce hand-to-hand combat the government troops held their ground and by evening Army spokesmen were able to announce that the Pentagon was safe.

Quiet momentarily returned to the Prison.