

# **I Was Ready to Go to Prison for My Anti-War Beliefs. Then One Man Changed My Life.**

To protest the Vietnam War, I broke into a federal building. Half a century later, I finally got the chance to ask the judge why he made the shocking decision to let me walk.

## **Story by Jeremiah Horrigan**

On a warm spring morning 44 years ago, I stood before a federal judge who was about to sentence me and four friends for crimes we freely confessed to having committed. I was 22 years old, a draft card-burning, long-haired hippie, anti-war activist college dropout, and now, a convicted felon. We'd been arrested nine months earlier, in the dead of night, inside a federal office building in my hometown of Buffalo, New York, charged with crimes that could send us to prison for twelve years.

The five of us – three men and two women – weren't the first group of Vietnam War resisters to break into a federal office building to destroy draft records. We were only the latest band of activists who, since 1968, had committed more than a hundred break-ins of government and corporate offices responsible for conducting and fueling the Vietnam War. Destroying the paper that provided the human fodder for the war was our way of throwing some grit into the government's murderous works, of maybe even saving some lives in the process. Every other

federal judge who had ever tried a case like ours had given the defendants a stern lecture – not about the sanctity of human life but about the sanctity of the law. Then they'd sent the lawbreakers to prison.

The man we stood before that warm spring morning was U.S. District Court Judge John T. Curtin, a former Marine whose mild Irish-American countenance and soft-spoken, deferential manner belied the gung-ho Marine stereotype of John Wayne going up against merciless enemy fire.

Curtin had given us extraordinary leeway in presenting our case. But even though he seemed sympathetic to our arguments during trial, it was deeply evident that above all else, Curtin was a man of the law. That could only mean we'd soon be doing time.

I remember looking over my shoulder that morning at my parents, my siblings and my girlfriend, wondering if I'd be given the chance to say goodbye before being taken away.

His words at sentencing came to define my life, and I've thought many times over the years about contacting him. But I didn't hear Curtin's

voice again for nearly half a century, when he returned my request for a telephone interview four weeks ago.

I recognized his voice immediately, though it is now whispery, befitting a man of 94 years. He suffered a heart attack ten years ago but did not retire until a week or so before our conversation, ending 48 often-controversial years on the bench.

I beat Curtin to retirement by a year, having quit the daily newspaper where I worked for two decades. I live in New Paltz, New York, a small college town nearly four hundred miles from Buffalo, where Curtin, who attended the same Jesuit high school as me, still resides.

Curtin joined the Marines a few years out of Canisius High School, in 1942, ultimately achieving the rank of Lieutenant Colonel. I graduated from Canisius in 1968. The war was raging. Young men coming out of high school faced a choice: go to college or go to war. I went to college – Fordham University in the Bronx. Rebellion was in the air and I joined in the fun. I marched. I chanted. But nothing changed. Gradually the fun washed away, leaving a residue of anger and disgust in its wake.

In late 1969, I fell in with a band of people at a church rectory nicknamed Iron Mountain in the north Bronx. Ostensibly an anti-war mail-order bookstore, Iron Mountain was in fact the locus of a small, clandestine group of war resisters intent on carrying on the anti-war actions of the Catonsville Nine – nine religiously oriented men and women who walked into a suburban draft board during office in May 1968, emptied its files, dumped them on the lawn outside, and torched them with homemade napalm. People at Iron Mountain walked it like they talked it. I dropped out of Fordham after sophomore year and joined ranks with what the newspapers called the Catholic radical left.

In the summer of 1971, I learned that an action was being planned for Buffalo. I signed on. I relished the chance to destroy the draft records of all the guys I'd grown up with.

By this time, no one was practicing Catonsville-style "hit and stay" actions. Now, it was hit and run. Too many action groups had stood by, gotten arrested and been effectively shut down in court when trying to explain their motives.

By any ordinary measure, what came to be known as the "Buffalo Five" draft board raid of August 21, 1971 was an epic failure for us, and a

triumph for the FBI. We failed to destroy or steal a single record that night, failed to duck when two FBI agents, tipped to the possibility of the raid, all but stumbled on us in the act. Our arrest was only made sweeter for the Feds when, that same night, they nabbed 28 of our friends and fellow travelers as they attempted to hit the draft boards of Camden, New Jersey, where the informant had embedded himself.

Nine months later, standing before Judge Curtin, I was at peace with what I'd done. But it was an uneasy peace. My father, a well-known and well-liked executive with the NFL football team the Buffalo Bills, was suffering from leukemia and might die while I was in prison. His standing by me in the wake of my arrest was the most inspiring and happy result of the action. But that would be cold comfort in a prison cell.

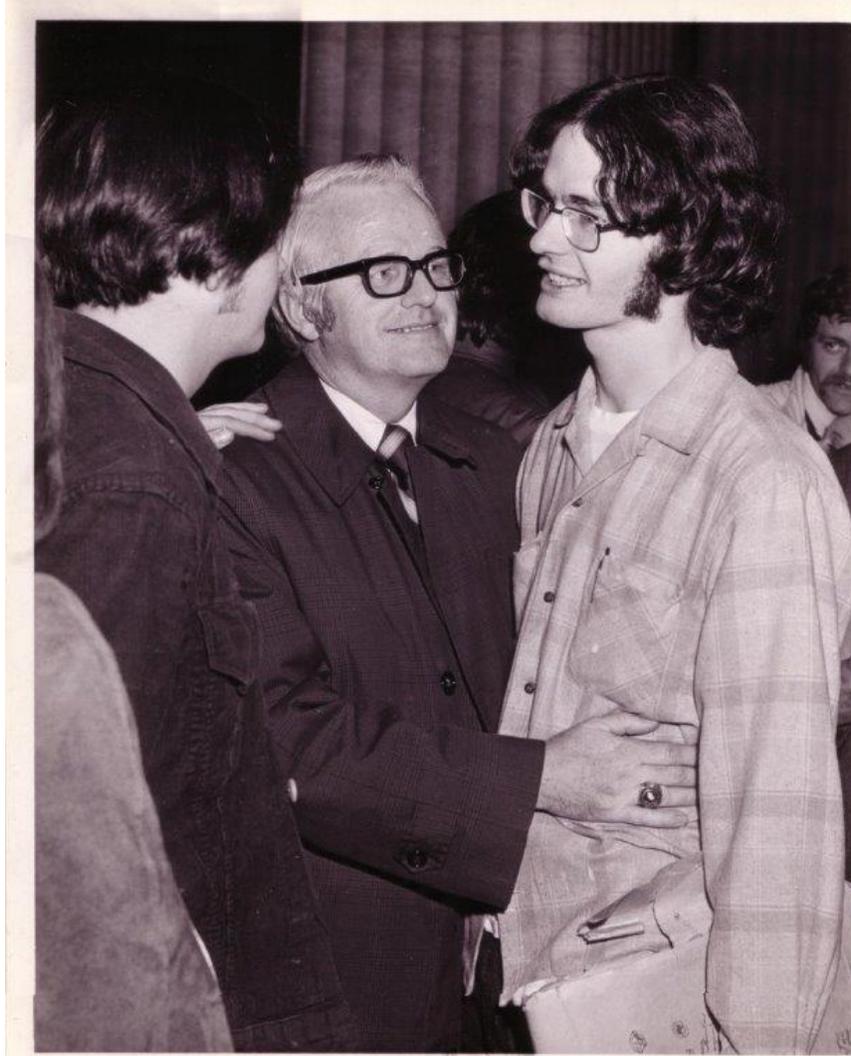


Photo: Buffalo Courier- Express, via Buffalo State College Archives and Special Collections  
**Jack Horrigan, left, greets his son Jeremiah following the jury's guilty verdict in the Buffalo Five case.**

Still, standing in that crowded courtroom, with my father, my long-suffering mother, my eight brothers and sisters and my girlfriend behind me, I felt vindicated. What we'd done was illegal, not wrong. Now it was time to face the music.

I was disappointed when Curtin was assigned our case. He had a reputation as a liberal jurist. I didn't want a liberal to hear our case. I wanted a villain, someone who, like the notorious Judge Julius Hoffman in the Chicago Seven trial, would embody all that was unjust and outrageous about the legal system.

So I was hardly happy when Curtin agreeably allowed us to represent ourselves, and to simultaneously rely on Buffalo's best criminal lawyer, Vincent Doyle, as our legal advisor.

This was a promising development to my parents, who only wanted to see me stay out of prison. And it only got more promising when the trial finally began in mid-April of 1972. Time and again, in large and small ways, Curtin refused to act the villain, though we gave him every opportunity.

At the beginning of the trial, we refused to stand when Curtin entered the courtroom. Showing such inordinate respect only for him, we contended, would show a lack of respect for everyone else in the courtroom. After hearing our argument, Curtin had the courtroom cleared. When we returned, we stood for him. We had no choice. In our

absence, he'd had the courtroom attendants remove our chairs. Later, he let us sit while everyone else stood.

We refused to address Curtin as "Your honor." By doing so, one of us explained to him, we'd be showing him more respect than everyone else in the courtroom.

"OK," he said. "How about "Mister Curtin?"

He was a sly one.

Curtin balked at allowing us to call President Richard Nixon to testify, as we'd requested, but he didn't prevent us from calling a surprising variety of men and women as expert and character witnesses. Among them were a Vietnamese woman whose village had been destroyed by American firepower, the man who blew the whistle on the notorious "tiger cage" torture chambers in Vietnam, a former Marine captain who testified he'd flown illegal air strikes in Laos, and an ex-FBI agent who testified to J. Edgar Hoover's obsession with spying on anti-war radicals and civil rights leaders, including Martin Luther King.

Curtin allowed them all to testify despite the repeated, incredulous objections of Assistant U.S. Attorney James Grable, who argued throughout the trial that the testimony of our witnesses was irrelevant.

The government wasn't on trial, Grable said at one point. Oh, but it was, in a way no one could deny. Or quite believe.

By the time we began presenting our case, I was no longer looking for a villain. We had a hero in our midst, a most unlikely one. Here we were, admitted lawbreakers caught red-handed in the act. We'd publicly admitted our crimes every chance we got. Our moral argument against the war was unassailable. Was it possible we might actually win our legal case as well?

We got our answer when Curtin gave his all-important instructions to the jury: "If you find the defendants committed the acts as charged, and if you further find that they had good motives...the acts committed would not be justified under the law. In that case, you must find them guilty."

I remember the look those words brought to our attorney's face – like he'd been punched in the gut.

The jury took seven and a half hours to convict us on two of the three counts.

Even though we felt we'd gotten our message across as no other draft board action group had ever been able to do, in the end, it was hard not to feel that Curtin had failed us with his by-the-book instructions to the jury.

Sentencing was set for mid-May. The waiting was tough. It was only made more so when my girlfriend, Patty, told me she was pregnant.

Neither of us knew what to do. We spent a week or so before sentencing at the wind-blown Cape Cod home of an elderly woman – a friend-of-a-friend. We painted her white picket fence in exchange for room and board. We told her about the pregnancy, which she had suspected. She counseled patience. This lovely old woman who we didn't know was the only person we told about being pregnant before the day of sentencing.

When that day finally arrived, the stifling air in the packed courtroom crackled with a mixture of anger and sorrow and maybe even relief that at last we'd finally have what's now commonly called "closure."

Sure enough, right off the bat, we got a lecture from the judge: "The people in this community are not going to permit post offices and other buildings to be broken into," Curtin said, according the Buffalo Evening News.

Then came the classic liberal plea for working within the system: "A strong argument could be made that, because of your effort, your love of country is above that of most citizens, because you had the moral outrage to put into action what you believed.

"But," he said – wasn't there always a "but?" – "the jeopardy you placed yourselves and others in far outweighed the good that resulted. If you had spent the same effort and time toward a constructive project, you would have done more good."

Then, at long last, Curtin lowered the boom. The stillness permeating the courtroom like a fog during his oration seemed to deepen as he sentenced each of us to a year in prison.

Then he suspended the sentence.

“Each of you,” he said over disbelieving shouts of joy. “Each of you is free to speak your mind, associate with your friends, attend meetings, travel, and continue your efforts in a peaceful manner.”

I walked out of his courtroom that day into a new life.

Nearly half a century later, Curtin granted me one more opportunity by returning my phone call: the chance to thank him for making that new life possible. I didn't believe I could.

Out of habit, I assumed a familiar role: the inquiring journalist. I told him all my questions boiled down to a single word: Why? Why did you give us the leeway you did?

“Under the circumstances, it seemed a fair thing to do,” he said. “You and your friends had a lot to say about the war.”

I reminded him of a speech he gave at a college commencement a few weeks after the trial in which he condemned the war, saying it had “turned all our best ideals to dust...Let us think less of losing a war and more about human life.”

At least one spectator, according to news reports, called Curtin’s speech that day a “Communistic lie.”

Did he ever regret taking a public stand against the war?

“Of course not!” he said with a new intensity. “Not at all. I think I did right then and I’d do it over again.”

Then, for me, the most important question: Why did he suspend our sentences?

“Putting a person on probation is always a gamble,” he said. “I just followed procedure. I took into account your background, the fact you had no criminal record, your family situation...”

This was the moment my journalist's pose fell away, the moment my voice grew whispery with backed-up emotion. Curtin knew that my father, whose battle with cancer was well known in the community, died a little more than a year after our sentencing.

But there was a lot that he didn't know, couldn't know, a lot that I wanted him to know. I tried to tell him how much I owed him the only way I knew how – by describing the barest outlines of a life of the luckiest man I know, a life he allowed to happen.

I told him that eight months after sentencing, Patty gave birth to our son Grady and a few years later our daughter Annie was born. I told him that Patty and I were still together, an old married couple living as happily as it was possible to live, grandparents of four grandsons.

It was an inadequate effort, as I'd feared it would be. We talked a while longer, while I cleared my throat and tried to steady my voice. He returned to the subject of the trial. It was he who reminded me of how he had handled our refusal to stand when he entered the courtroom. He sounded tickled by the memory.

When it came time to say goodbye, he called me “Jerry,” instead of the formal “Jeremiah.” In turn, I could only think of one name to call him in parting: “Your Honor.”

**This story was originally published on Narratively. [Click here to view the original story.](#)**