3 Judges Censure 'D.C. Nine' Lawyer

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A federal three-judge panel here formally censured activist attorney Philip J. Hirschkop yesterday for "professional misconduct" during the stormy "D.C. Nine" trial early in 1970.

The panel stopped short of disbarring or suspending Hirschkop, but found that he "went far beyond the bounds of zealous representation of a client and was guilty of professional misconduct and conduct prejudicial to the administration of justice . . ."

However, the U.S. District judges—Howard F. Corcoran, Aubrey Robinson and Joseph Waddy—wrote that the misconduct was "an isolated incident" and that "generally the respondent's behavior before the various courts in this area has been exemplary."

Hirschkop, who has said that the move to disbar him was part of a widespread effort on the part of U.S. attorneys and judges against "movement" lawyers, said yesterday that the decision would have "no effect at all."

He said, "I'm particularly unaffected by it . . . I'll probably frame it (the decision) and put it on my wall."

He added, however, that if he were found to have misbehaved again in the courtroom, "they could say it was a repeat."

Hirschkop was one of three lawyers who defended nine Roman Catholic clergymen and laymen charged with ransacking the Dow Chemical Co. office at 15th and L Streets NW on March 22, 1969.

The defendants admitted that they had acted as charged but were barred by U.S. District Judge John Pratt from presenting a defense based on what they said was the immorality of the Indochina war. All were found guilty.

After a tumultous trial, Pratt found Hirschkop in contempt and sentenced him to 30 days in jail. The sentence is now under appeal.

Judge Pratt also referred the matter to the court's committee on admissions and grievances which, after an investigation and hearing, found Hirschkop guilty of misconduct. Yesterday's decision by

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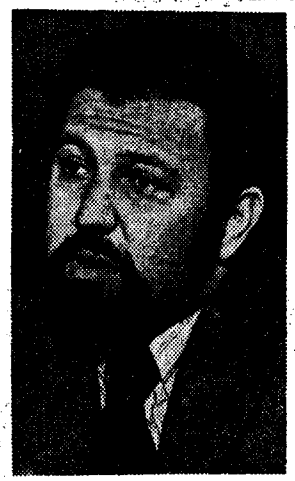

PHILIP J. HIRSCHKOP
. . . "probably frame it"

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the panel, convened to review the committee conclusion, is the final word on disbarment.

Hirschkop said yesterday that he did not believe the panel would have censured him except as "a face-saving device for Pratt."

The panel noted that there was "a basic conflict" between Judge Pratt and Hirschkop as to the manner in which the D.C. Nine trial should have been conducted and pointed to several incidents that, in the view of the panel, constituted professional misconduct. The panel said Hirschkop:

- "Persistently" refused to accept the rulings of the court, continuing to argue after Judge Pratt had ruled.
- Accused Judge Pratt of having made up his mind before entering the courtroom, repeatedly asserting to the court that, "I am wasting my time."
- Accused the judge of favoring the U.S. attorney.
- Accused the judge of "muzzling" witnesses for the defense.
- Persisted" in the request to be excused from the trial so the defendant, could represent themselves.
- Generally and persistently and impertinently exhibited an attitude that the trial was merely a vehicle for a quick conviction of the defendants and stated that the judge was actually participating in an attempt to quickly dispose of the case by way of a conviction."

Judge Pratt had no comment yesterday on the decision.