

# Conspiracy Cases: Blend of

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When the Federal grand jury in Chicago last week framed its riot charges against eight Yippies and other demonstrators in terms of "conspiracy," it blended the practical needs of prosecution with an element of the national mood.

Conspiracy long has been a prosecutor's crutch, vastly simplifying the job of getting a conviction.

But conspiracy also is one of the current preoccupations of American society. In the minds of many, nothing so cataclysmic as the murders of national leaders, widespread violation of Federal draft laws, or the riotous disaster of last summer's Democratic convention can be the products of individual men committing individual crimes.

In the James Earl Ray case, many black and white Americans were outraged that theories of conspiracy to assassinate the Rev. Dr. Martin Luther King Jr. had been brushed aside.

Said the Rev. Jesse L. Jackson, a close friend of Dr. King: "We are told justice was done by giving a puny, sick white man a 99-year sentence in exchange for the assassination of our black prophet."

Nothing seems to keep conspiracy theories down, not even the jury's summary acquittal of businessman Clay Shaw in New Orleans on a charge of conspiring to assassinate President Kennedy. It has taken week after week of trial in Los Angeles to exercise the conspiracy theories that have haunted the assassination of Robert F. Kennedy.

Dr. Benjamin Spock and his co-defendants could have been charged with the ordinary criminal offense of aiding and abetting the breaking of Selective Service laws after they carried a satchel of draft cards into the Jus-

tice Department and left them there. Instead they were indicted, and four of them were convicted, of spearheading a "nationwide program of resistance" to the war and the draft.

Conspiracies — criminal agreements—do exist and they are against the law. It may be that the jury will find that Jerry Rubin, Abbie Hoffman, Rennie Davis, Tom Hayden and their friends did conspire to travel across state lines with the intention of fomenting the convention rioting.

Still, the sweep of the indictment, which goes well beyond the convention week roughhouse, shows the extent to which any concept of free-enterprise criminality has been abandoned in favor of plots and schemes.

"It was a further part of said conspiracy," the grand jury charged, that the eight defendants "would make statements and speeches to assemblages of persons encouraging them . . . to shout obscenities at . . . policemen and National Guard troops."

Anyone who has been near Rubin and Hoffman for five minutes knows that no conspiracy is necessary to induce them to curse a policeman or to commit many other acts considered reprehensible and peace-disturbing by most of society.

Even the denial of parade permits by official Chicago

## Practicality,

## U.S. Mood

is considered part of the plot, according to the indictment. The charge says the defendants planned, among other things, to stay in Lincoln Park and the International Amphitheater after permits had been denied. The implication is that Mayor Richard J. Daley and other officials played into the schemers' hands by refusing to give them a place to demonstrate.

Conspiracy theories do not recognize political party lines. Former Attorney General Ramsey Clark, who spent considerable time put-

ting down conspiracy claims in the assassination cases, heartily approved of the conspiracy charge in the Spock case.

Attorney General John N. Mitchell appears to have concluded that a conspiracy indictment was appropriate in the Chicago case against the demonstrators, though not against the eight policemen who were indicted for brutality.

Mitchell has indicated in interviews that he sees campus disorders in much the same way. "These are the acts of militants who are entering upon a conspiracy,"

he said on television the other night.

The conspiracy mood dovetails conveniently with the use of the conspiracy doctrine as a prosecutor's tool. When conspiracy is the charge, the Government has a wider choice of where the trial shall be held—it chose Boston over Washington for the Spock trial—and a much easier time proving its case.

All eight demonstrators are charged with separate counts of actually violating the anti-riot provision in the 1968 Civil Rights Act in addition to the count of con-

spiracy that binds them all. But the jury will be hard-pressed to isolate the evidence against each individual who is on trial.

If for any reason the evidence should be weak against Black Panther Bobby Seale, for example, the Government can introduce statements or actions of David Dellinger, chairman of the National Mobilization to End the War in Vietnam, who will be on trial with him.

The crucial proof of whether the defendants intended, when they planned their demonstrations in Chi-

cago, to create a holocaust, will be much simpler if the Government can introduce in evidence against all eight defendants the most inflammatory statements made by any one of them.

Defendants often do nothing to help quiet the conspiracy talk. One of Spock's co-defendants proclaims his far-ranging anti-draft associations as the case is pending on appeal. James Earl Ray insists he had help. And Jerry Rubin calls the indictment "an honor" and announces that defense counsel will be dubbed part of "the conspiracy."