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Some U.S. Lawyers Foresaw Chicago 7 Trial as Travesty

By Jean Heller
Associated Press

Some lawyers within the Justice Department's Criminal Division argued against federal prosecution of the "Chicago 7" on grounds that such a trial would be a travesty, a department source said yesterday.

The Justice Department lawyers, the source said, told Assistant Attorney General Will Wilson that one of the laws under which participants in the 1968 Chicago demonstrations were to be prosecuted was of dubious constitutionality. Furthermore, they said, there was serious question as to whether it could properly be applied to this case even if constitutional.

As it turned out, all five convictions resulting from the trial were for violations of this law.

The lawyers also told Wil-

son that the Chicago matter was not an ordinary criminal case and that if it came to court it would be a political trial, the source said. They reportedly warned that the defendants might try to turn the courtroom into a forum for their own political views and that the judge—whoever he might be—would be unable to cope with the situation.

The result, they said, would be a circus which would embarrass the government and a verdict which might not stand the test of appeal.

U.S. Attorney Thomas Foran, who prosecuted the case, was quoted in Chicago last week as saying Attorney General John N. Mitchell made the ultimate decision to proceed with the case.

A Justice Department spokesman said, however, that Wilson as head of the Criminal Division, was the man who de-

cidied to press for prosecution of those involved in the demonstrations surrounding the 1968 Democratic National Convention in Chicago. Wilson could not be reached for comment.

The grand jury, which indicted eight political activists, was impaneled in September 1968 and returned charges, among others of crossing state lines to incite a riot and conspiracy to organize a riot.

Last Wednesday, five of the defendants were acquitted of the conspiracy charge but convicted on the state-line charge. They were David Dellinger, Rennie Davis, Abbie Hoffman, Jerry Rubin and Tom Hayden.

Two other defendants, Lee Weiner and John Froines, charged with teaching the use of an incendiary device, were acquitted.

The eighth defendant, Bobby Seale, a Black Panther leader; is scheduled for separate trial in April.