

'Chicago 7' Seek Appeal Bond

CHICAGO, Feb. 25 (UPI)—Former Attorney General Ramsey Clark and four other attorneys of the American Civil Liberties Union asked a federal appeals court here to grant bail for the "Chicago Seven" pending appeal of their case.

The government filed a reply which asserted that the defendants and their two lawyers are "a danger and a threat to the community" and should not be released from jail.

The opposing briefs were filed with the Seventh U.S. Circuit Court of Appeals, which must decide whether to overrule U.S. District Court Judge Julius J. Hoffman's denial of bail.

Attorneys for the "Chicago Seven" and their trial lawyers, William M. Kunstler and Leonard I. Weinglass, asked the appeals court Saturday to grant the nine men their freedom pending their appeals.

Five of the seven were found guilty by a jury of crossing state lines with intent to incite a riot during the 1968 Democratic National Convention. Hoffman found all seven defendants, together with

Kunstler and Weinglass, guilty of contempt of court for actions during the tempestuous, 4½-month trial.

In a 39-page brief signed by U.S. Attorney Thomas A. Foran, the government said "evidence overwhelmingly demonstrates the defendants are a danger and a threat to the community and the record does not in any way establish that the appeal of the conviction is meritorious."

"The government submits that there is no policy to grant bail to all self-styled political militants . . .," the brief said.

The ACLU petition and 17-page supporting brief said, on the other hand, that "at the very least, the defendants are entitled to bail pending the outcome of the case." It said denial of bail violated the First, Fifth, Sixth and Eighth Amendments to the U.S. Constitution.

The ACLU argued there has been no showing that the convicted men are a danger to the community. They were not convicted on committing any violent act but of possessing a certain state of mind, the ACLU said.

The petition was signed by Clark, Burke Marshall, chief

of the Justice Department's Civil Rights Division under President John F. Kennedy, and three other lawyers.

Clark headed the Justice Department when the seven antiwar protest leaders came to Chicago to demonstrate during convention week. He was called as a defense witness in the trial but Hoffman refused to let him testify before the jury, ruling his testimony was "irrelevant."

'7' Could Have Won Acquittal, Lawyer Says

Edward Bennett Williams, the prominent criminal lawyer, expressed the opinion yesterday that, if the "Chicago Seven" defendants had behaved themselves, they would have won an acquittal.

During a Capitol Hill committee meeting, Williams joined Sen. George S. McGovern (D-S.D.) in "deploring" the Chicago conspiracy trial and the performance of Judge Julius Hoffman.

McGovern said the trial was "a disgrace to our judicial system" and the presiding judge's "unfair and injudicious conduct may have done more to alienate and radicalize many

of our young people than a of the defendants have succeeded in doing over a period of years."

Williams, a Washington attorney who has defended prominent clients from Jimm Hoffa to Bobby Baker, said he too was "embarrassed" by the judge and the trial. "I deplore what happened out there," Williams said. "I think the indictment itself was a mistake and it turned out to be counter-productive."

But Williams added that "Speaking as a father of seven children, I'm also embarrassed by the defendants . . . I think they desecrated the courtroom."

The attorney said, "I'm convinced that if those defendants had given the system a chance to work and behaved themselves, that jury would have acquitted them. But, because of their conduct, they gave credence to the charges against them."

The exchange between McGovern and Williams came at a hearing of the Democratic Policy Council's committee on national priorities. Williams is a member of the committee and McGovern was one of 11 Democratic senators who appeared before it.