

# Chicago 7 Deadlock Ignored,

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CHICAGO, Nov. 19—The Chicago Seven conspiracy trial jury had sent messages to Judge Julius J. Hoffman to inform him it was deadlocked but received back private instructions to continue deliberating, four of the jurors testified today.

In a highly unusual hearing, two of the jurors also quoted a United States marshal as telling them that Judge Hoffman could keep them locked up for deliberations "as long as he wants to."

And the jury foreman, Edward Kratzke, testified that a written message—he did not say who wrote it—was brought to the jury room to urge continued deliberations. Kratzke also said that another jury request to examine some court documents had been denied during the four days of closed-door deliberations last February.

None of the communications described today was divulged

to defendants or their lawyers while the case was in the jury's hands, a fact which defense lawyers hope will lead to a reversal of the five guilty verdicts which the jury finally voted.

Legal authorities generally agree that significant communications between judge and jury must take place in the presence of the defendants.

Judge Hoffman, who presided over the chaotic four-and-a-half-month conspiracy trial, conducted today's hearing, which had been ordered by the Seventh Circuit Court of Appeals.

The judge said nothing today about receiving any communications from the jury. Under the circuit court's order, he can explain his version in a written memorandum after the other jurors and six United States marshals are heard.

Jean Fritz, one of the jurors who had favored acquitting all seven defendants, said a handwritten message had been sent from the jury room to Judge Hoffman via a marshal, Ron

Dobrowski, on the second day of the deliberations. The message said "we couldn't come to an agreement," she testified.

Dobrowski returned "and told us we had to keep on deliberating," Mrs. Fritz added.

"He said the trial had lasted a long time and we couldn't expect to get through in a hurry," she added. Mrs. Fritz also quoted the marshal as saying, "Judge Hoffman can keep you here as long as he sees fit."

Her testimony was corroborated in most essential points by two other jurors, Shirley Seaholm and Frieda H. Robins.

Mrs. Fritz said that a similar exchange of messages involving a deadlock on the jury took place the following day.

## Bitterly Divided

At that point in their deliberations, the jury was bitterly divided. Eight favored convicting all seven defendants of conspiring to cross state lines with intent to incite riots at the 1968 Democratic National

Convention in Chicago. Four jurors favored acquittal.

After more than four days of internal argument, the jury reached a compromise verdict, acquitting two defendants on all counts and finding five guilty of crossing state lines to incite a riot. All seven were found innocent of conspiring.

Had the deliberations stopped while deadlocked, a hung jury would have been declared and the case might have been tried all over again.

The defense learned of the alleged secret communications only after the trial and verdict when a Chicago author, John Schultz, interviewed two jurors and reported their recollections in a magazine article.

## Hearing Requested

The defense lawyers promptly asked the appeals court to order a hearing to determine whether any such communications took place. They contend that if they did occur the convictions should be reversed.

## Jurors Say

Several legal authorities said they regarded the Appeals Court's ordering of the hearing to be extraordinary. It is very rare, they said, for courts to pry into the workings of a jury. They said that the appellate judges apparently consider the reports of private communications to be of great importance.

The Appeals Court could order a new trial if it finds that the alleged private communications did take place, in violation of the defendants' rights.

In none of the testimony

today was a communication to the jury actually traced back to Judge Hoffman. The messages to and from the jury room were carried by Dobrowski, the marshal.

Two jurors said that the jury also sent out a message asking permission to see some court hearing transcripts containing speeches made by one or more of the defendants.

Kratzke said, however, that a marshal returned with a negative response. "He told us the judge said we had everything we need" already in the jury room, Kratzke added.