

# 5 of Chicago 7 Appeal Riot Convictions

Post 2/19/71  
By F. Richard Ciccone

Associated Press

CHICAGO, Feb. 8—Attorneys for the Chicago Seven told a federal appeals court today that five riot convictions stemming from violence at the time of the 1968 Democratic National Convention should be overturned, arguing that the federal law was unconstitutional and the judge antagonistic.

The lawyers argued that the antiriot section of the Civil Rights Act of 1968, under which the defendants were indicted, violated their clients' First Amendment rights. They also accused U.S. District Court Judge Julius J. Hoffman, who presided at the tumultuous four-month trial, of "blatant antagonism" and favoring the prosecution over the defense.

The oral arguments touched only a fraction of the issues raised in the 547-page appeal brief before three judges of the 7th U.S. Circuit Court of Appeals.

Five of the seven defendants were convicted of crossing state lines with the intent to incite rioting, but all were acquitted of conspiracy to do so.

The five convicted defendants were David Dellinger, 56; Thomas C. Hayden, 32; Jerry C. Rubin, 32; Rennard C. Davis, 22, Abbie Hoffman, 33. They were sentenced to five years in prison and fined \$5,000 each.

Two other defendants, Lee Weiner and John R. Froines, both 33, were acquitted of all charges in the trial, which ended Feb. 18, 1970.

In addition, all seven defendants plus two defense lawyers were sentenced for contempt by Judge Hoffman at the trial's conclusion. The lawyers, William Kunstler and Leonard Weinglass, are among those arguing for reversal of the convictions.

Rubin and Davis attended the appeals court session. They were joined by Bobby G. Seale, chairman of the Black Panther party, an original defendant who also was held in contempt by Judge Hoffman after a mistrial was declared in his case.

Arthur Kinoy, professor of law at Rutgers University, opened the proceedings with an attack on the antiriot section of the 1968 Civil Rights Act. "It is literally impossible to look at the indictments in

this case under that law . . . and find that they comply with the First Amendment," he said.

Helene Schwartz, a New York City lawyer, presented the appellants' case citing Judge Hoffman for prejudicial conduct. She said that 23,000 pages "of trial record is the best evidence of the misconduct of the judge, but in particular the pretrial record shows his blatant antagonism . . ."

Kunstler, who was sentenced to four years for contempt, said Attorney General John N. Mitchell had ignored constitutional guarantees when authorizing electronic surveillance of the defendants "in the national interest."

## College Group Objects To Ban on Kunstler

ROCHESTER, Minn., Feb. 8—A student-faculty convocations committee at the state junior college here today branded "unsatisfactory" the college president's reason for banning attorney William Kunstler.

On Monday president Charles Hill overruled the commit-

tee and canceled Kunstler's April 4 lecture at the 2,000-student college. Hill said that Rochester (54,000 population) "leans to the conservative" and that he had received "numerous calls and letters from the community," all favorable to the ban.

Hill said Kunstler "tends to polarize feelings and elicit strong negative emotional responses." This is "inconsistent" with "educational experiences and the objective of better understanding of a particular problem," Hill said. He also said he feared loss of donations for scholarships if he had permitted Kunstler to speak.

Hill charged the convocations committee had failed to "balance" Kunstler with a conservative. Martha Fahrenz, the sophomore who heads the committee, said the panel fully intended to do so as part of a "political action week."

In its protest letter to Hill, the committee said he acted without consulting the committee and disregarded its balance plans. The committee selection. "The committee election."