

Deny dropping '7' case to dodge anti-riot test

By Betty Washington

U.S. Atty. James R. Thompson said Thursday the Justice Department's decision not to retry the Conspiracy 7 case was not an attempt to avoid a Supreme Court review of the federal anti-riot statute.

The statute was used to convict five of the seven defendants in the 1969-70 trial growing out of the Democratic National Convention here in 1968.

U.S. Atty. Gen. Richard Kleindienst said in Washington Thursday that the government had decided not to retry the case. But he said the government would seek again to impose contempt penalties on defendants and attorneys for their conduct during the trial.

A U.S. COURT of Appeals on Nov. 21 reversed the convictions of the five defendants on charges of crossing state lines to incite rioting during the 1968 convention. Two other defendants were acquitted.

The five whose convictions were reversed were David T. Dellinger, Rennie Davis, Tom Hayden, Abbie Hoffman and Jerry Rubin.

In tossing out their convictions, the three-judge federal panel rebuked the trial judge, Julius J. Hoffman, and the federal prosecutors, led by then-U.S. Atty. Thomas A. Foran.

The panel held that the government could retry the defendants but that government

evidence obtained by wiretapping, withheld during the trial, must be disclosed to the defendants in any retrial.

EARLIER this year, the U.S. appeals court reversed contempt-of-court convictions against the five defendants who were convicted on the riot charge; the two who were acquitted, John Froines and Lee Weiner, and two defense lawyers, William Kunstler and Leonard I. Weinglass.

The panel remanded the case to the U.S. District Court, in effect leaving the group charged with contempt but not sentenced.

phone in New York, said the

Kunstler, reached by telephone, said the government decided not to retry the case to avoid a Supreme Court test of the anti-riot law. "The government does not want the law tested," Kunstler said.

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