

Judge Jails 2 Attorneys At Trial of '8'

By William Chapman
Washington Post Staff Writer

CHICAGO, Sept. 26—The conspiracy trial of eight anti-war demonstrators formally opened today with the apparently unprecedented scene of two arrested defense lawyers under guard in the courtroom and another held in contempt of court.

The two arrested lawyers, who had run afoul of Judge Julius J. Hoffman's strict rule-keeping, were led in and out of the courtroom by U.S. marshals as a legal skirmish was waged to let them go home.

Later, Hoffman accused both men—Michael Tigar, a former D.C. lawyer now living in Los Angeles, and Gerald Lefcourt of New York—of "flouting the authority of this court" and held them in contempt, too. He ordered both jailed over the weekend without bail and said he would fix the penalty on Monday.

Hoffman earlier this week had ordered the men arrested for declining to come to Chicago to withdraw formally as defense lawyers.

See TRIAL, A3, Col. 1

TRIAL, From A1

Today, their case became inextricably involved in a separate issue having to do with the defendants' right to counsel.

Hoffman at first simply said he was returning the men to the custody of marshals without setting any date for release. An astonished local lawyer, Thomas P. Sullivan, who was representing the two, asked, "Do you mean for the rest of their lives?" The judge accused Sullivan of making foolish statements and then set Monday as a day for determining punishment for the two.

2 Others Cited

Two other lawyers similarly cited by Judge Hoffman were arguing against his arrest warrants in a San Francisco court

during the day.

Meanwhile, the case against the eight political activists charged with conspiring to start a riot at last year's Democratic National Convention finally got under way.

Assistant U.S. Attorney Richard G. Schultz told the jury of ten women and two men that he would prove the eight men plotted to "create the situation" in which the convention disorders eventually occurred. With inflammatory speeches—one of them urging that blacks take up arms—and other acts, the eight men worked to carry out their conspiracy, Schultz asserted.

In his own opening statement, defense lawyer William M. Kunstler argued that the only real conspiracy was one of the U.S. government and Chicago officials to prevent a legitimate, meaningful protest of the Vietnam war during the convention.

But these opening exchanges were overshadowed by the legal wrangling and harsh accusations in and out of court.

In one bizarre scene, Tigar was led out of the courtroom, led out of the courtroom under guard at a recess while the defendants, who are free on bail, went their ways unhindered.

Put In Lock-Up

"Hey, Bill," Tigar shouted to Kunstler, "they're taking me away again." Kunstler sought to intervene but Tigar spent the recess in a Federal Building lock-up.

Tigar, Lefcourt and two other lawyers from California were ordered arrested by Hoffman this week for failing to appear in court and for trying to withdraw from the case



JUDGE JULIUS J. HOFFMAN

simply by sending telegrams. Hoffman held strictly to a rule that he says required them to appear formally in court to withdraw.

A local attorney said the rule is rarely enforced this strictly.

Tigar was apprehended by U.S. marshals in Los Angeles yesterday and flown here in custody overnight. Lefcourt was arrested in court this morning after he had argued for a stay in the U.S. Court of Appeals four floors above Judge Hoffman's District Court.

The issue of their withdrawals is not an academic one. It is involved in the defense's effort to argue that the eight defendants' right to be represented by counsel of their choice is being denied because still another lawyer, Charles Garry of San Francisco, is ill and cannot attend. Hoffman has refused requests to delay the trial until Garry has recovered from an operation.

This morning, the judge said he would release the four other lawyers from the case if each of the defendants would state that he would be adequately represented by remaining attorney.

They refused to do so at first, believing that it would invalidate their claim of a 6th Amendment right-to-counsel infringement. That claim, which will be the basis of an appeal in the event of a guilty verdict, rests on the assumption they are not fairly represented without Garry's presence.

"Blackmail" Charged

One defendant, David Dellinger, charged at a lunch-time news conference that Judge Hoffman's proposal amounted to a judicial "blackmail."

Hoffman's stand also brought him under attack by

the executive director of the American Civil Liberties Union of Illinois.

Jay Miller told newsmen the ACLU is "deeply concerned" over the arrest of the four lawyers. "It cast another pall over the whole trial," Miller said.

Another defense lawyer Leonard Weinglass, was held in contempt of court in the middle of his opening statement to the jury. Hoffman had sustained three objections to the way he was making the statement when Weinglass

began referring to the jury as "the highest authority in this case." Hoffman then sent the jury from the room and told Weinglass he was in contempt.

The angry words began earlier when Black Panther leader Bobby Seale, another of the defendants, read a statement saying he would assume the judge is a "blatant racist" if the trial proceeds without Garry, his lawyer.

Hoffman told him such language was "contumacious" (willful contempt).

The judge was further angered when other defendants greeted the jurors with a blown kiss, a raised fist salute and Seale's muttered comment of "power to the people."

Even Schultz, the mild-mannered Assistant U.S. Attorney, got into angry exchanges on the sidelines. When one defense lawyer asked for a settlement of the matter of lawyers being locked up, Schultz shot back, "you don't want it settled."

\$100,000 Said Sought

Schultz, in his opening statement, opened one new legal point by saying the government will prove that the defendants never really wanted to obtain city permits last year for a march on the convention hall and permission to sleep in Lincoln Park. Schultz said that in private negotiations the protest leaders indicated they hoped to be turned down.

Schultz claimed that one defendant, Abbie Hoffman, of the Yippies, offered at one point during negotiations with the city to get the demonstrators out of town if he was given \$100,000. Sitting at the defense table, Hoffman held up two fingers and said, "It was \$200,000."

Kunstler indicated that the main defense will be that whatever violence occurred was only a reaction to the suppression of dissent that the city exercised in refusing to grant parade and demonstration permits.

1,000 Stage Protest

CHICAGO, Sept. 26 (UPI) —More than 1,000 in site construction workers, wearing

their hard hats and work boots, marched to Chicago's Loop for the second consecutive day today from the site of a federal hearing into charges that Negroes are denied entrance into their unions.

The demonstration began at the U.S. customs house where Labor Department officials conducted the third day of hearings into the allegations of discrimination in construction jobs. When they were blocked from the hearing room, the "hard hats" began their one-mile trek, marching four abreast, to the Civic Center Plaza.

Helmeted policemen escorted the marchers. No arrests were reported. Most of the workers in good humor.

"No coalition," the marchers shouted, referring to the Coalition for United Community Action, a group of 60 black neighborhood organizations which is demanding more jobs

for Negroes in the building trades.

When the marchers got to the Civic Center, two of their number scaled two 7-story flag poles. They carried an American flag and a Chicago city flag to the top.

Several of the workers at the plaza said they were angered because they could not get into the Labor Department hearing.

After being denied admittance to the hearing, Joseph Duffy, a leader of the Electrical Workers Union, told the gathered workers, "We've demonstrated our concern here. Now let's go show the people."

En route to the Civic Cen-

March in Chicago

ter, they marched three times around the federal building, where eight leaders of demonstrations during last year's Democratic National Convention are on trial for inciting riots. The workers chanted "No more hippis, no more hippies" as they circled the building's plaza.



Associated Press

White construction workers perched atop the Picasso sculpture in Chicago's Civic Center Plaza, wave an American flag and protest signs during demonstrations over a Labor Department hearing on hiring practices.