

Lawyers for '8' Are Cleared

By William Chapman
Washington Post Staff Writer

CHICAGO, Sept. 29—The threat of contempt of court charges was removed today from four defense lawyers in the "Chicago Eight" conspiracy trial.

U. S. District Judge Julius J. Hoffman lifted the order he issued last week citing them for contempt and he permitted them to withdraw from the case of eight men accused of conspiring to start a riot at the 1968 Democratic National Convention.

Later, Judge Hoffman denied a mistrial motion which accused him of intimidating and harassing defense counsel.

A relative calm settled over the courtroom today in contrast to the steady stream of angry shouting matches that marked the first week of the trial.

Cited Last Week

Hoffman last week cited the four defense lawyers for contempt after they sought to withdraw from the case by sending telegrams instead of appearing personally in his court.

But he encountered prompt reversals in two courts. A federal judge in San Francisco refused to enforce his arrest warrants against two of the lawyers because the warrants did not state an offense. And a U.S. court of appeals judge here promptly overruled Hoffman's order that the other two lawyers be jailed without bail over the weekend.

In a subdued mood today, Hoffman said that because they are "young attorneys from out of this district" he

would excuse them from the case and vacate the contempt order. "I have no desire to damage the professional careers of young lawyers," he said.

Meanwhile, the first witness in the trial, Chicago Corporation Counsel Raymond Simon, acknowledged that demonstrators coming to the convention to protest the war in Vietnam wanted to avoid violence.

But Simon said he considered that to be "self-serving statement" and doubted its authenticity because of other reports city officials received indicating that violence was expected by the demonstrators.

Simon was referring under cross-examination to remarks made by antiwar leader Rennie Davis. Davis and Simon, in the weeks before the convention started, had negotiated for parade and park permits.

It is a major defense argument that the city's refusal to grant a permit for a parade and the use of Lincoln Park for sleeping after 11 p.m. set the stage for the convention week disorders.

Simon quoted Davis as saying in a private hearing before a federal judge that the demonstrators, if denied legal use of Lincoln Park, would try to use the park for sleeping anyway and expected police action. The result would be violence in the streets, Simon quoted Davis as saying.

The city's counsel said he advised Davis to let the demonstrators rent hotel rooms instead of trying to sleep in the park. The city, he said, was determined to maintain "peaceful conditions" during the convention.

Simon said the city had other information indicating that the war protesters were coming to Chicago with helmets and "guerrilla" training as if they intended violence.

'Permissive' Stance

Large numbers of police and National Guardsmen were mobilized, he added, so that the city could be as "permissive" as it was toward the demonstrators. "We didn't want another assassination like Robert Kennedy," he testified.

Simon said he tried to meet Davis' request for a demonstration site near the convention hall on the South Side of Chicago, even to the point of asking a businessman to make his parking lot available three blocks away. But the lot could not be obtained for the demonstrators, he said, and there was no publicly owned land which the city could make available.

In asking Judge Hoffman today for a mistrial, defense lawyer William M. Kunstler read a motion accusing the judge of "groundless harassment and intimidation" of the defense attorneys.

The chief prosecutor, U.S. Attorney Thomas Foran, promptly counterattacked by accusing the defense lawyers of "unprofessional" conduct in discussing the trial publicly with the press. "This is appalling conduct on the part of the defense counsel," he said.

In numerous press conferences, the defendants or their lawyers have insisted the judge is prejudiced and that a fair trial is not possible in his courtroom.

In view of such comments Foran said today he considered it remarkable that Judge Hoffman "has remained a good-natured as he has."

Foran also criticized news coverage of the trial and accused some unidentified media of "assisting the defense outside the courtroom." He did not elaborate.

Hill Smoking Foe Urged to Light Up

United Press International

Sen. Frank E. Moss (D-Utah), Congress' leading anti-smoking crusader, was accidentally included yesterday in a sample cigarette mailing with a letter urging him to "enjoy the taste" and tell his friends about it.

"If I do, it will probably not be in the way they want," Moss, a non-smoker, said of the suggestion.

The letter was signed by Robert B. Walker, chairman of the American Tobacco Co. It promised Moss "a gift box of two packages of Carlton 70 mm. filter-tipped cigarettes."

Moss has called for a government clampdown on cigarette advertising. He was largely responsible for the government pressure that prompted the tobacco industry's offer to stop all broadcast cigarette advertising in September, 1970.



Associated Press

The four defense lawyers cleared of contempt charges in the trial of the "Chicago Eight" hold joint news con-

ference at Federal Building. From left, Dennis Roberts, Michael Tigar, Gerald Lefcourt and Michael Kennedy.