

Curses, Accusations Rock Chicago 8 Trial

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By William Chapman
Washington Post Staff Writer

CHICAGO, Oct. 30—More courtroom disruptions, including the muffled shouts of a bound and gagged defendant, brought the Chicago Eight conspiracy trial close to pandemonium today.

Gagged and strapped to his chair, Black Panther leader Bobby Seale cursed the judge while fellow defendants shouted and lawyers accused each other of unethical conduct.

After one scuffle in which his gag came off Seale shouted an obscenity at U.S. District Judge Julius J. Hoff-

man and called out: "You fascist dog—you rotten, low-life son of a gun."

Marshals reached down to restrain him and to strap down an arm that had come loose as other defendants began shouting that Seale was being attacked.

"They're beating Bobby," yelled David Dellinger, veteran leader of the antiwar movement. Another defendant, Yippie leader Jerry Rubin, claimed Seale was elbowed in the mouth and struck in the groin. Rubin was shoved back several feet by a marshal.

Defense attorney William Kunstler moved to the lectern to tell Judge Hoffman, "I just feel so ashamed to be an American lawyer at this point." Judge Hoffman replied, "You should feel ashamed—of your conduct in this trial."

Seale was taken from the room and a new gag applied. When he was returned, the judge told the jury to disregard the incidents and explained that he was trying "each day to discharge my obligations under the law ... to assure a fair trial."

Seale began grunting loudly. "I ask you to refrain from making those noises," said the judge. More muffled grunts. "I order you to stop those noises," Hoffman insisted.

See TRIAL, A14, Col. 1

TRIAL, From A1

With his gag partially off again, Seale began shouting, "The judge is lying." A luncheon recess followed.

The afternoon was relatively quiet after Judge Hoffman told Seale he would have to "deal appropriately" with further outbursts. Seale wrote a note in which he said he wanted to defend himself in court and argue motions "as any defendants or citizens of America may do".

But at the close of the day, Seale shouted again through his gag: "I want a chance to examine the witness. My constitutional rights have been violated."

Judge Hoffman warned him, "Time is running out. If you persist, the court will have to deal with it in an appropriate manner."

There was no indication what further measures the judge would—or could—take. He had ordered Seale shackled and gagged yesterday after the black leader repeatedly shouted demands to be allowed to conduct his own defense.

Seale has claimed he is not represented by the two defense lawyers, although one of them, Kunstler, formally filed a notice of appearing in his behalf before the trial started. The lawyer Seale prefers, Charles R. Garry of San Francisco, has been ill and unable to participate. Judge Hoffman has refused requests to delay the trial until Garry has recuperated from an operation.

The only alternative discipline available to the judge seemed to be an order excluding Seale from the courtroom. But the Seventh U.S. Court of Appeals here has ruled that exclusion of a defendant is unconstitutional, and told a trial judge he should have had an unruly defendant bound and gagged in court to preserve order.

There was some speculation that Judge Hoffman might order Seale kept in a cell anyway, having demonstrated that binding and gagging him did not prevent disruptions.

There is legal precedent for binding and gagging disruptive defendants. Two persons among 15 defendants in a narcotics trial seven years ago

were ordered restrained in that manner by a U.S. District Supreme Court refused to re-

A U.S. Court of Appeals upheld their conviction and the Supreme Court refused to review it. The appellate court decision said: "There was no abuse of discretion in the trial judge's action, taken to preserve security of the courtroom, ordering two defendants gagged and shackled after one had climbed into the jury box and pushed jurors and another had thrown a chair at an assistant United States Attorney."

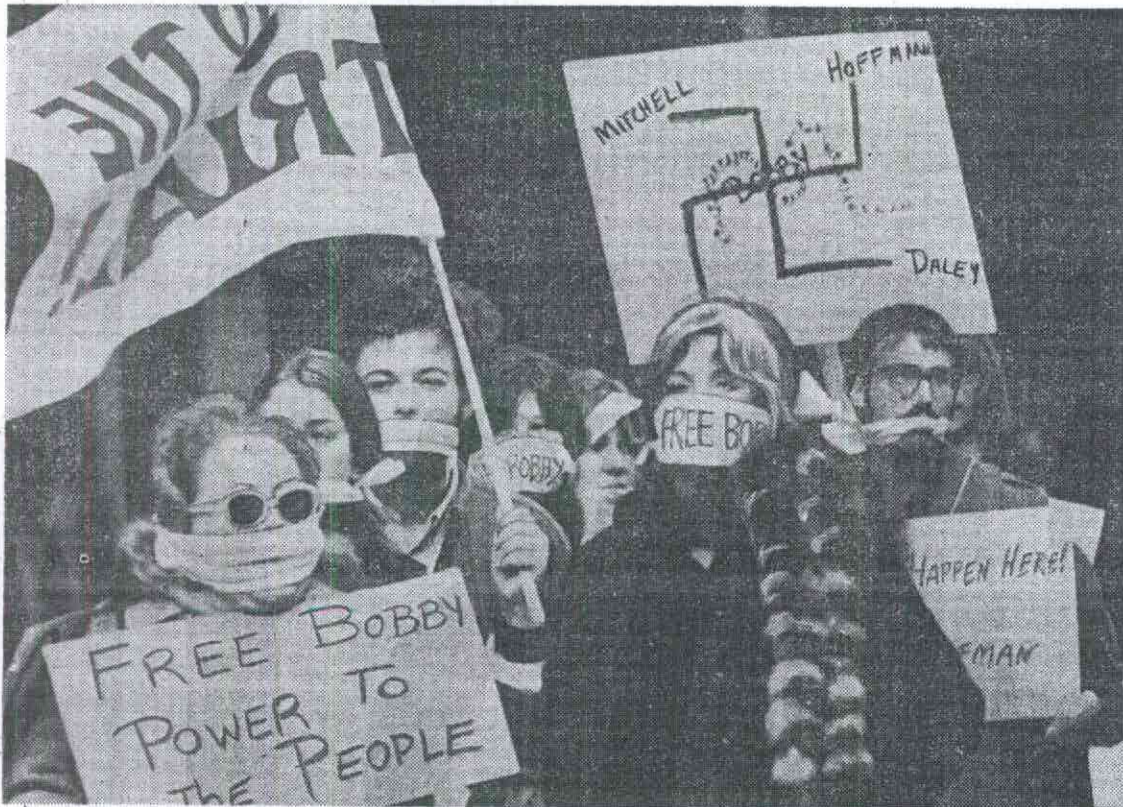
At one point yesterday,

Kunstler, the chief defense attorney, asked Judge Hoffman to refer the behavior of the marshals and the binding and gagging of Seale to the U.S. Judicial Conference, the administrative arm of federal courts.

"If you don't, we will," Kunstler told Hoffman.

"Don't you threaten this court and a district judge who has practiced law and been on state and federal benches" for many years, Hoffman shot back.

"When a judge with all that experience has to sit here and have a defendant call him 'pig'!



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Self-gagged demonstrators carrying flags and signs parade near Chicago's federal building where Black Panther

leader Bobby Seale, one of eight conspiracy trial defendants, created an uproar despite his gags and straps.

... Hoffman continued, but Seale interrupted again with muffled protests.

"Listen to him now," Hoffman said. "You take that to the Judicial Conference or anywhere you choose."

At another point, the other defense lawyer, Leonard I.

Weinglass, asked Judge Hoffman to poll the jurors on whether they felt they could continue "orderly deliberation" while one defendant sits before them bound and gagged.

Assistant U.S. Attorney Richard Schultz called Weing-

lass' request "one of the grossest attempts" to influence the jury, which was present when the request was made. Hoffman refused to poll the jury.

The 10 female and two male jurors were led in and out of the courtroom repeatedly as the judge sought to prevent them from hearing the out-

bursts and arguments this morning. But several incidents took place in the jury's presence.

Several jurors seemed visibly upset by the scenes. They occasionally cast quick glances in Seale's direction, but for the most part appeared reluctant to look at him.