

Dellinger Role a Riot Trial 'Confusion'

By William Chapman
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CHICAGO, Nov. 29.—Nearly nine weeks ago, a government lawyer characterized David T. Dellinger as the "principal architect" of a riot in Grant Park during the Democratic National Convention last year.

Last week, under cross-examination, a government witness described how Dellinger attempted to calm the crowd that day to prevent a confrontation with police.

"We won't allow police to provoke a disturbance here," Dellinger could be heard saying on a tape recording.

Later, the recorder picked up Dellinger urging the audience to line up for a peaceful march out of the park. Some in the throng, he also announced, would be gathering elsewhere for what he vaguely referred to as a "street movement."

It is from such ambiguous and confusing details as these that the jury in the Chicago conspiracy case must decide its verdict several weeks from now.

Was Dellinger encouraging only a peaceful demonstration? He had no permit for the march, but was that not Chi-

ago's fault for denying one? Was he simultaneously promoting a non-peaceful protest? Did he cause trouble or did he prevent it? Does it make any difference, considering the law under which he is indicted?

Similar questions are posed by much of the other testimony covering some 8,000 pages as the government hears the end of its case. The wind-up should come late next week and then the defense will begin its long and apparently unorthodox presentation.

So far, the government has produced 46 witnesses who have testified about militant speeches made coast to coast, about infiltrated meetings where demonstrations were planned, about plots to fire-bomb an underground garage, an entire hotel floor, elsewhere for what he vaguely referred to as a "street movement."

Tough and lengthy cross-examinations have raised doubts about some of that testimony.

For example, one undercover policeman testified he heard two defendants, Lee Weiner and John Froines, plan to fire-bomb the garage be-

neath Grant Park as a "diversionary tactic" to attract police away from other demonstrators in the Loop.

But later the agent admitted he had signed an affidavit swearing that he knew nothing of the incident and had never heard the defendants "suggest any criminal activity." Then he said that affidavit was untrue and that he signed it in front of a defense lawyer early this year only to protect his undercover status.

Another undercover policeman testified he heard Abbie Hoffman, one of two Yippie leaders on trial, suggest that a police deputy superintendent be seized in the park and held hostage. But no one actually tried to do it, he acknowledged.

There is abundant testimony that several defendants made extremely militant speeches in the parks, urging demonstrators to "kill the pigs" and "take to the streets."

But there is also abundant testimony, even from police undercover agents, to show that the chief planners, Dellinger and Rennie Davis, talked repeatedly of avoiding violence.

Defendant Jerry Rubin's "bodyguard," who turned out

to be a police agent, testified that the Yippie leader made an inflammatory speech in Lincoln Park. He admitted, on cross-examination, that the crowd was orderly and remained so after Rubin's speech.

The defendants' lawyers are arguing that such behavior is protected by the First Amendment unless it arouses listeners to illegal action.

Judge Julius J. Hoffman stopped one defense lawyer with this query about the speeches: "What if they said, 'Kill the constituted law enforcement officials of the community?'"

Defense lawyer Leonard Weinglass said they had the right to urge unlawful conduct if there was no "clear and present danger" of illegal action.

"The government has not once tried to show imminent danger from any of those speeches," he said.

In the type of conspiracy prosecution presented here, however, many peaceful, unriotous acts have legal significance. A militant speech, even if it produces no action, can be cited by the government as an act committed to further the conspiracy.

The government this week mentioned nearly two score incidents to show that it had proved a prima facie case of conspiracy. Six of those incidents involved nothing more than efforts by defendants to obtain march permits from the mayor's assistant. For the purposes of this case, those negotiations became acts of joint planning by the defendants.

When the defense takes over, it will make a determined attempt to dramatize the political nature of the trial. Already, it has indicated that it hopes to bring three imprisoned political organizers as witnesses.

The central theme of the defense will be that the Chicago riots resulted from the city's refusal to issue permits for lawful dissent and from provocations by police. It will rely extensively on the "Walker Report," an exhaustive study which found that the disruptions in large part amounted to a "police riot."

The high point will be the appearance on the witness stand of Mayor Richard J. Daley, who did not contest the defendants' subpoena bringing him to testify.



JUDGE JULIUS J. HOFFMAN

DAVID T. DELLINGER

Among principal figures in Chicago 7 trial.