

Chicago 7 Prosecutor Criticized

3/1/70
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Washington Post Staff Writer

The past president of the American Bar Association said that remarks made Friday by Chicago Seven prosecutor Thomas Aquinas Foran were "in poor taste." Foran's remarks might result in a later reversal of the Seven's conviction, William T. Gussett said in a telephone interview.

Foran, the U.S. attorney in Chicago, told a high school boosters club luncheon in that city Friday that the Seven are part of a "freaking fag revolution" that threatens the nation's youth.

The prosecutor said that Black Panther Bobby Seale, a former defendant in the celebrated case, was the only defendant "I don't think was a fag."

Foran called Abbie Hoffman "scummy but clever," David Dellinger "a sneak," Jerry Rubin "a little jerk," Rennie Davis "a punk," and the defense attorneys "mouth-pieces."

Interviewed at his Detroit home, Gossett said it was "somewhat inappropriate for any attorney to comment on a case that is under appeal." He said that "a case could be made" before an appeals judge for a reversal of sentence on the strength of such remarks.

A Justice Department spokesman said there would be no comment. Foran himself was unavailable. A Chicago neighbor said she did not know his whereabouts and "wouldn't tell you if I did."

"Foran's comments are much to be regretted," said Phil Neal, dean of the University of Chicago Law School. "All lawyers have a duty to conduct themselves in a way as to promote dignity and impartiality. I don't think this qualifies."

"However, I deplore Mr. (William) Kunstler's (the Chief defense attorney) remarks as much as Mr. Foran's," Neal added.

The dean of a top eastern

Iowa school, who asked that neither he nor his school be identified, speculated that Foran's remarks represented "the same kind of emotional outburst that the defendants made during the trial."

But the dean said he "would never expect such a thing from a public prosecutor." He said that "in normal times and in a normal case, this would be cause for removal (from office)."



Associated Press

Six of the "Chicago Seven" are, from left, Jerry Rubin and John Froines. The seventh defendant, Lee Weiner, is not shown. They were freed on a total of \$155,000 bail.

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Court Frees 'Chicago 7' on \$155,000 Bail

CHICAGO, Feb. 28 (UPI)—The "Chicago Seven" were released from jail on \$155,000 bond by order of a federal appeals court today with a warning against "seditious speech."

The seven—all found in contempt in their riot conspiracy trial and five found guilty of coming to Chicago to incite a riot during the 1968 Democratic National Convention—walked free from the Federal Building after signing bonds.

The Seventh U.S. Circuit Court of Appeals, in a unanimous opinion by a five-judge panel, rejected the contention of the government and the judge who sentenced the seven that they were "dangerous men."

But the court had U.S. Commissioner James T. Balog warn them, as he released them pending outcome of their appeals, that the U.S. government "has the right to protect itself against seditious speech."

The warning obviously was intended to apply to speeches the men might make while they are free on appeal. It was accompanied by a warning that they could be remanded to custody if they misbehaved.

David Dellinger, the oldest of the convicted men, said he planned to return to work "doing the same thing." Jerry Rubin, a Yippie leader, ripped off and stomped on his jail identification bracelet and told a news conference:

"We're going to act just like we've always acted and we're going to say the things we feel."

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Court Frees 'Chicago 7,' Warns About 'Sedition'

CHICAGO, From A1

Abbie Hoffman recalled that after Samson's hair was cut "the temple came tumbling down."

Refers to Disturbances

"We want to thank the jury of our peers who took the struggle into the streets after we were sentenced," he said, referring to disturbances that followed the sentencing.

"They're going to have to cut a lot more than our hair to stop the revolution. They're going to have to cut our heads off."

The convicted men, whose long hair and beards were sheared off in jail, looked wan and thinner but happy as they signed bonds and rejoined their families or girl friends. "It seems like it's been two years," Rennie Davis said.

The appeals court ordered them freed on a total of \$155,000 bail.

The court also ruled that the defendants' trial lawyers, William M. Kunstler and Leonard I. Weinglass, could be free on bond pending appeal of the contempt of court sentences they were to start serving May 4.

The appeals court noted that the government said the defendants "pose a danger to the community" and that appeals on the contempt charges are "frivolous."

"We disagree," the court said in its brief opinion signed by Chief Judge Luther M. Swygert.

The formal release came in Balog's hearing room five hours after the appeals court handed down its ruling. Thomas P. Sullivan, a Chicago attorney acting for the defense, posted bonds promptly after the court ruled. An emissary from his office handed \$15,500 in cash—10 per cent of the total \$155,000 bond—to government authorities.

Most of the defendants answered "here" when their names were called. Dellinger said "right on" and Hoffman waved to the Commissioner. Hoffman wore the cowboy jacket that he had worn through most of the trial.

"Free at Last"

Several of the men chorused "free at last" as they skipped down the hall.

The appeals court assigned bail of \$25,000 each to Dellinger, Hoffman, Davis, Rubin and Thomas Hayden, all convicted last week on charges of violating the federal anti-riot act. They also had been sentenced for contempt.

Bonds of \$15,000 each were set for John Froines and Lee Weiner, who were acquitted on riot counts but were convicted of contempt in the five-month trial.