

KUNSTLER GIVEN FOUR-YEAR TERM BY CHICAGO JUDGE

Weinglass, Other Attorney,
and 3 More Defendants
Sentenced for Contempt

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CHICAGO, Feb. 15—The two defense attorneys and three of the defendants in the Chicago conspiracy trial were sentenced to prison for contempt of court today.

Judge Julius J. Hoffman convicted William M. Kunstler, one of the attorneys, on 24 counts of contempt and sentenced him to 4 years 13 days in a Federal prison.

Legal sources consulted today could not recall a longer sentence for contempt of court ever given a lawyer in an American court.

Leonard I. Weinglass, the other defense attorney in the trial, was found guilty on 14 counts of contempt and sentenced to 1 year 8 months 3 days.

3 More in Contempt

Judge Hoffman also gave contempt terms to three defendants. Jerry C. Rubin received 2 years 1 month 23 days on 15 counts; John Froines received 6 months 15 days on 10 counts, and Lee Weiner received 2 months 18 days on 7 counts.

One after another, the defendants were led off to prison by Federal marshals. They joined the four defendants who were sentenced for contempt yesterday—David T. Dellinger, Rennie Davis, Abbie Hoffman and Thomas Hayden.

The seven defendants on trial have been charged with conspiracy to incite a riot at the 1968 Democratic National Convention in Chicago.

Judge Hoffman stayed the two lawyers' contempt sentences until May 4 so they could work on any possible

appeals by their clients.

Meanwhile, the jury of 10 women and 2 men, which began deliberating yesterday morning, continued to meet in a room just behind the courtroom in the Federal District Court.

Seven-Count Indictment

The jurors were attempting to reach a verdict on the seven-count indictment that charges the defendants with conspiracy to incite a riot during the convention and "substantive acts" related to the alleged conspiracy.

As this was happening on the 23d floor of the Federal Building, hundreds of demonstrators gathered on the plaza below. They chanted, "Two four six eight, jail Hoffman, smash the state" and carried placards reading "You Can't Jail the Truth" and "Impeach Judge Hoffman."

Around noon, they were joined by more than 100 members of the New Democratic Coalition, a group of liberal reformers within the Democratic party that has been meeting in Chicago.

Security was unusually tight both inside and outside the Federal Building. At one point, 18 Federal marshals were stationed in the courtroom, but there was no repetition of yesterday's melee during which marshals, defendants, and defense staff members wrestled one another around the defense table.

The only incident today occurred as Judge Hoffman was admonishing Mr. Weinglass, the defense attorney, for his behavior during the trial.

At this point, Mrs. Anne Froines, the wife of one of the defendants, jumped to her feet and said: "There is no man in this courtroom I respect more than Leonard Weinglass."

A moment later, Marie

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Leaner, a Negro member of the defense staff, jumped up and told the judge: "You are a racist, a fascist and a pig." She was using the epithets hurled at the judge last fall by Bobby G. Seale, originally the eighth defendant at the trial, before he too was sentenced for contempt of court by Judge Hoffman.

The two young women were taken from the courtroom by Federal marshals but were later released.

Drama Not Lacking

While there was no violence in the courtroom today, there was no lack of drama—particularly during the sentencing of Mr. Kunstler.

The attorney sat in his chair chewing on the bow of his spectacles as the judge read from the official transcript to document the 24-separate "contemptuous acts" for which the lawyer was found guilty.

The 74-year-old judge said that "such misconduct—especially in a lawyer—is of so grave a character as to continuously disrupt the administration of justice and sabotage the functioning of the Federal judicial system."

When the judge finished, he asked Mr. Kunstler whether he had anything to say. The lawyer read a prepared statement.

22 Years of Practice

Citing his practice for 22 years before the Supreme Court, United States Courts of Appeals and Federal District Courts, he said. "Until today, I



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Leonard I. Weinglass, left, a defense attorney in conspiracy case in Chicago, with Jerry C. Rubin, a defendant, were photographed through window of Federal Building in Chicago yesterday. Both got contempt of court sentences.

have never once been disciplined by any judge—Federal or state—although a large part of my practice for the last decade has taken place in hostile

Southern courts where I was representing black and white clients in highly controversial civil rights cases."

But he said he was not

ashamed of the conduct for which he was being punished. "I have tried with all of my heart faithfully to represent my clients in the face of what I considered and still consider repressive and unjust conduct toward them," Mr. Kunstlech said. "If I have to pay with my liberty for such representation, then that is the price of my beliefs and sensibilities.

"I can only hope that my fate does not deter other lawyers throughout the country who, in the difficult days that lie ahead, will be asked to defend clients against a steadily increasing governmental encroachment upon their most fundamental liberties.

"If they are so deterred, then my punishment will have effects of such terrifying consequences that I dread to contemplate the future domestic and foreign course of this country."

"I may not be the greatest lawyer in the world," Mr. Kunstler said, "but I think I am, at this moment, along with my colleague Len Weinglass, the most privileged—being punished for what we believe in."

As he ended, a spattering of applause swept the benches where the defense staff sits. Federal marshals removed four persons from the courtroom.

In response, Judge Hoffman told Mr. Kunstler that he had never convicted a lawyer for

contempt before. "So I approach what I perceive to be my responsibility just as unhappily as you indicate you do," the judge said, adding:

"I too have been at the bar for a long time—many years longer than you. But I have never heard a lawyer say to a judge the things you have said to me during this trial."

The judge then said that he wanted to express some "unorthodox thoughts" on the causes of crime.

"If crime is, in fact, on the increase today," he said, "it is due in large part to the fact that waiting in the wings are lawyers who are willing to go beyond professional responsibilities, professional obligations, professional duty in their defense.

He said the knowledge that such lawyers were available had a "stimulating effect" on potential criminals.

Judge Hoffman rebuked Mr. Kunstler for quoting a New York Times editorial that criticized the judge for banning Ramsey Clark, the former Attorney General, from appearing before the jury as a defense witness.

"I don't try my cases in the newspapers," he said. "But since you have relied on editorial comment, I think you should know that I have literally hundreds of editorials back there in my chambers

complimenting me on decisions I have made over the year."

When the judge finished, Mr. Kunstler looked up at him and said: "I am glad Your Honor mentioned those things. Suddenly I feel nothing but compassion for you. Everything else has dropped away."

And Mr. Weinglass said he welcomed the judge's punishment "because it will enable me to rejoin the defendants and Bill Kunstler in what has been for me the warmest and the richest association of my life."

Mr. Kunstler then rose and embraced Mr. Weinglass.