

Chicago 5 Receive 5-Year Jail Terms, Voice Defiance

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CHICAGO, Feb. 20—The five men convicted of crossing state lines to incite riots during the 1968 Democratic National Convention were given prison sentences of five years today by Judge Julius J. Hoffman.

They were led away to jail after making final statements filled with anger, defiance, bitter irony and warn-

ings of violent protests in the streets by their supporters.

They compared Judge Hoffman to King George III, trying to stop history from happening, and one of them, Jerry Rubin, charged: "Julius Hoffman, you've done more to destroy the court system in this country than anyone else."

Hoffman sentenced them one by one and denied bail on ground they are too dangerous to be at large.

The sentences could have been stiffer—though the prison terms were the maximum for the offense.

He fined them \$5,000, although the maximum is \$10,000, and ruled that their prison terms should run concurrently with the sentences—ranging up to 2½ years—they are serving for contempt of court. He could have ordered consecutive terms.

However, he also ordered them to pay court costs of the prosecution. A spokesman for the government said those costs, consisting of witness fees, travel expenses and other items, could be "very high."

The five men—Rubin, David T. Dellinger, Rennie Davis, Thomas Hayden and Abbie Hoffman—were found guilty Wednesday. Two others were acquitted but are in jail serving contempt sentences.

The friends and families of the five were excluded from the courtroom today on Judge Hoffman's orders. He said one of them had made a threat on his life.

"She said she would dance on my grave," the judge said, referring to a comment shouted by Abbie Hoffman's wife, Anita, when she was led

from the courtroom Wednesday.

"Are you serious?" asked defense lawyer William M. Kunstler incredulously.

"Yes, I am," said Judge Hoffman emphatically.

Earlier, the judge had cleared up the last legal issue with a precedent-setting ruling on government wiretapping. He ruled that most of the electronic surveillance of the defendants was legal under a new doctrine urged in advance of this trial by Attorney General John N. Mitchell.

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Judge Hoffman ruled that the government may use wiretaps at the executive branch's discretion when the "existence and structure" of the government is involved. That considerably broadened the permitted scope of wiretapping. It undoubtedly will be a major issue in appealing the case.

The convicted men's final statements before sentencing were largely impromptu because it was not known whether Judge Hoffman would pass sentence today.

But they vented their emotions, one by one, with a curious blend of vitriol, wistfulness and occasional humor.

"My jury will be in the streets tomorrow," warned Davis, referring to an expected large demonstration at the Federal Building here Saturday. He would serve his time, Davis said, but eventually, "we're going to turn the sons and daughters of the ruling classes in this country into Vietcong."

Each sought to describe what imprisonment meant by telling of conditions in the Cook County jail, where they have been held pending sentencing.

"There are bedbugs that bite and the food stinks," said Abbie Hoffman. "It's not a nice place to be for a Jewish boy with a good education—I'm sure my mother would say that."

Throughout the speeches, Judge Hoffman gazed down at his desk, looking up only occasionally at the men.

The trial, said Abbie Hoffman, had been like "Alice In Wonderland" in 1984.

"I think," he added, "it was only fitting that a guy like me who worked on civil rights down South, got beaten (in jails) 11 or 12 times, and walked down those dusty roads with no bread, that I would go to jail under a civil rights act."

The antiriot law which the five were convicted of violating was passed in 1968 as an amendment to a civil rights bill.

"I don't know what's happening in 'Amerika' — and that's with a 'k,'" Hoffman said. "At one point, I had a great urge to confess guilt. They said I was an enemy of the state — and I am. But I've been convicted of making

three speeches (during the convention), one of which I never made."

Dellinger, at 54 the oldest of the five, told the judge that sending them to jail would not solve the problems of racism and the war in Vietnam which they had come to Chicago to protest.

"The government can put us away thinking we are some magical leaders of the antiwar movement . . . but the movement will continue," he said.

That movement, Dellinger said, is not well organized and usually is confused about its tactics. "But there has been an awakening in this country in the past 15 years that cannot be denied." He compared the judge to George III, King of England during the American Revolution, "trying to hold back the tides of history."

Rubin, the bearded Yippie leader, used his new autobiographical book, titled "Do It," to explain to Judge Hoffman the changes that have come over him in the past few years.

He held the book open to a page showing a picture of himself at age 21, with his hair cut short and his clothes conventional.

"We all looked like this at one time, Judge," Rubin said. But he explained he had abandoned a life of respectable journalism to become an activist, because "it's immoral if you're just accepting what's going on."

"I did nothing in Chicago," Rubin added. "I'm going to jail because I'm part of a historical movement . . . We don't want just a piece of the pie and college degrees and to live in the suburbs."

Then Rubin offered the judge a copy of his book, inscribed to him with this message: "You radicalized more young people in this country than anyone else. You are the country's top Yippie."

A federal marshal took the volume, but the judge did not look at it and it was later returned to Rubin.

Hayden accused the government of selecting all five for prosecution as "scapegoats" for all that had gone wrong in the 1960s.

"I don't say that out of arrogance," Hayden added, "but because there had to be an explanation of why the United States has gone wrong."



Associated Press

Defense attorney William Kunstler holds news conference at Chicago church.