

Inability to Reach Verdict Seen

Chicago 7 Defense Moves for

By William Chapman
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CHICAGO, Feb. 17 — Defense lawyers in the Chicago conspiracy trial today sought to have the jury discharged on grounds that the panel apparently is unable to reach a verdict.

A motion to discharge the jury and declare a mistrial was filed as the jury deliberated late into its fourth straight day.

The motion was filed for a hearing before Judge Julius J. Hoffman.

Defense lawyer Leonard I. Weinglass said the move was a calculated risk on the defense's part. If the judge

agrees to hear the motion he could call in the jury, determine its current position, and possibly instruct it to bear down in its deliberations.

Weinglass said that if the hearing is held he would argue that the jury obviously is unable to reach a decision because it has deliberated so long.

Judge Hoffman was not in the building when the motion was filed and it was unclear whether he would come to the courtroom to consider the motion.

Weinglass said he wants the seven defendants present in the courtroom if a hearing is held. They are now confined

to the Cook County Jail after being sentenced for contempt of court.

A government source was quoted by United Press International as saying he had expected a verdict Monday night. He said that as time passes the chances increase for a hung jury or a verdict amounting to less than a guilty judgment against all seven defendants.

The jury, it was noted, had not asked for any new advice from Judge Hoffman no had it sought to have any evidence reviewed in open court. Lawyers here interpret that to mean the panel is not on the brink of a verdict.

The jury of 10 women and two men has been out since Saturday morning deliberating on charges that the seven men conspired to cross state lines with intent to incite a riot at the 1968 Democratic National Convention.

Amid the speculation, the tension around the federal building increased and physical security was stiffened.

Government sources said tonight that an around-the-clock guard has been provided for Judge Hoffman because of a "threat against his life." Chief U.S. Marshal John C. Meiszner said he learned of the threat from the FBI, but he gave no other details.

Mistrial

Monday night a rumor spread that a radical group from the Students for a Democratic Society was prepared to assault the Federal court building, which is in Chicago's loop. The glass-enclosed first floor was surrounded by police and heavily staffed inside by federal marshals.

But the only incident was a peaceful protest by about 80 pickets objecting to the contempt sentences meted out to the seven defendants and their counsel over the weekend.

Several hundred more protesters, including a group of lawyers and law students, picketed the building at noon today with signs denouncing the judge's contempt sentences. "Hoffman, Show Cause Why You Should Not Be Impeached," said one lawyer's sign.

A separate group of young students circled the building chanting, "Free the conspiracy, jail the judge."

The jury is unaware of the

fact that the seven defendants have been sentenced for contempt and confined to the Cook County Jail while the jury deliberates.

Six of the defendants occupy small cells on a top tier. They are able to meet together in a common room, according to Kunstler, who has met there for consultations with them. The seventh, David Dellinger, is lodged in a separate section for older prisoners. He is 54.

None has been shorn of his long hair or beard, as is the usual practice with prisoners committed to jail or prison.

Kunstler and the other defense attorney, Leonard I. Weinglass, also were found guilty of contempt by Judge Hoffman, but have been allowed to remain free to prepare appeals for their clients.

Kunstler, speaking to a sympathetic group outside the court building at noon today, defended his own courtroom behavior and that of the defendants, which led to their contempt sentences.

The experience, he said, "may show a whole new generation how they must stand and fight in courtrooms in political trials."

He has repeatedly insisted that the defendants were indicted and tried because of their political views.

Kunstler said that if the government insists on arraign-



Associated Press

Legal aide Sharon Avery, a friend of Lee Weiner, one of the "Chicago 7," and attorney William Kunstler (right) leave court building in company of another lawyer.

ing "political trials," it must do so in the "full knowledge that the people won't be supinely silent . . . they will react as free men have always done."

He told the applauding audience, "You must fight what's happening to the American system of jurisprudence whether you like the defendants or not."

Meanwhile, other lawyers were busy working on appeals of the contempt sentences lodged against Kunstler, Weinglass and the defendants.

A local attorney, Thomas Sullivan, said that later this week he will appeal Judge Hoffman's refusal to grant bail to the defendants. Appeals from the contempt sentences will be filed after that, he said.