

Contempt Convictions Are Upset In Chicago 7 Conspiracy Trial

NYTimes

By SETH S. KING MAY 12 1972

Special to The New York Times

CHICAGO, May 11 — Contempt-of-court convictions resulting from the Chicago trial on conspiracy to incite riots at the Democratic National Convention in 1968 were overturned today and remanded to the United States District Court for a new trial before a new judge.

The reversals involved contempt convictions of the Chicago Seven defendants: Bobby G. Seale, Black Panther party leader, and their two lawyers.

However, in its unanimous ruling, a three-judge panel of the United States Court of Appeals for the Seventh District did not rule on convictions of five of the Chicago Seven on charges that they had crossed a state line with intent to incite a riot and had delivered inflammatory speeches toward that end. Appeals on these convictions are still being considered.

The three-judge panel cited a Supreme Court decision that a judge who has been insulted in court may instantly impose a contempt sentence but if he waits until the end of the trial,

Continued on Page 11, Column 1

he should let another judge punish the offender.

The appellate judges also declared that those defendants who had received sentence of more than six months for contempt were entitled to a jury trial.

During the long and disorderly trial there were frequent verbal clashes between Federal District Judge Julius J.

Hoffman and the defendants and their lawyers.

But Judge Hoffman waited until the jury began its deliberations at the end of the trial, which began Sept. 24, 1969, and was completed Feb. 18, 1970, to impose contempt convictions on the two defense lawyers, William M. Kunstler and Leonard Weinglass. These ranged from 48 months and 13 days for Mr. Kunstler to 20 months and 16 days for Mr. Weinglass.

At the same time the seven defendants, David Dellinger, Rennie Davis, Thomas E. Hayden, Abbie Hoffman, Jerry Rubin, John Froines and Lee

Weiner, were sentenced for contempt. These sentences ranged from 29 months and 16 days for Mr. Dellinger to five months and 10 days for Mr. Froines and two months and 18 days for Mr. Weiner.

Mr. Seale, whose case was severed mid-way through the trial after repeated arguments with Judge Hoffman, was sentenced at that time to four years in prison for contempt.

New Trials Ordered

The appellate court ruling today left the contempt charges pending against the eight defendants and two attorneys. But it set aside the severe sentences imposed by Judge Hoff-

man, and directed that a different Federal judge conduct trials on the contempt charges.

After the tumultuous trial which cost the Government more than \$2-million, the jury acquitted seven defendants of charges of conspiracy. But it found all except Mr. Froines and Mr. Weiner guilty of crossing state lines to incite a riot. Judge Hoffman sentenced the five others to five years in prison and fined each \$5,000.

Conspiracy and incitement-to-riot charges against Mr. Seale were later dropped at the request of the United States Attorney.

Today's ruling directing a trial on the contempt charges was on a motion for a new

hearing filed in March, 1971, by the United States Attorney after the Supreme Court ruling of Jan. 20, 1971, requiring immediate imposition of contempt sentences or trial by another judge.

The United States Attorney's action may have averted an appellate court ruling dismissing the contempt charges entirely.

The appellate court, in today's ruling, dropped half of the contempt charges pending against Mr. Kunstler and Mr. Weinglass. Most of the dropped charges were for arguments with Judge Hoffman after he had ordered them to desist.