

# No Jail Terms for Kunstler, 3 Others

Chicago

The once rancorous Chicago "riot conspiracy" trial ended yesterday on sweet notes of civility, as U.S. District Judge Edward T. Gignoux declined to impose any penalty on the four defen-

dants he convicted Tuesday of contempt of court.

The four — David T. Dellinger Abbie Hoffman, Jerry Rubin and their lawyer William S. Kunstler — could have been sentenced to as much as six months in jail and fined \$500 for their con-

tempt conviction stemming from their original trial before Judge Julius J. Hoff-

But Gignoux argued that "the contumacious conduct of the defendants and their lawyers cannot be considered apart from the conduct of the trial judge and their prosecutors. Each reacted to provocations by

the other. . . ."

Gignoux upheld the opinion of the U.S. Court of Appeals which stated that Judge Hoffman had shown a "deprecatory and often antagonistic attitude toward the defendants."

The judge stated that the defendants' response to provocative behavior on the part of Judge Hoffman and the prosecutors had been "an excessive response" but said that "the contumacious conduct of the four remaining defendants can . . . reasonably be said to have been in response . . . to peremptory action of the judge."

"At this late date, four years after the events which gave rise to these charges, no warrant exists for imposition of jail sentences in addition to the period of imprisonment which have already been served . . ." Judge Gignoux said. He noted that, in connection with the original trial in 1969-70, Rubin had already served jail time of 14 days, Hoffman 15 days and Dellinger 24 days.

As for Kunstler, Gignoux said, "no purpose other than the impermissible purpose of vindictiveness would be served by sentencing him to prison at this time. The con-



AP Wirephoto

JERRY RUBIN AND WILLIAM KUNSTLER  
They celebrated the judge's decision

demnation of his conduct and the potentially grave consequences of a criminal contempt conviction to a member of the bar should

serve as an adequate deterrent to other lawyers who may be disposed to similar misbehavior."

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