

# KLEINDIENST SEES MOVE TO RESTORE DEATH PENALTIES

Expects White House to Bid  
Congress Specify Certain  
Acts as Capital Crimes

5 OFFENSES ARE CITED

Attorney General Indicates  
Dropping of Main Charge  
in Case of Chicago 7

By ANTHONY RIPLEY

Special to The New York Times

WASHINGTON, Jan. 4 — Attorney General Richard G. Kleindienst said today that he expected the Nixon Administration to ask Congress to reinstate the death penalty, which was in effect struck down by the United States Supreme Court last June 29.

He said that the death sentence would probably be asked for in "specific areas" such as kidnapping, assassination, bombing of a public building, hijacking an airplane and killing a prison guard.

"It would be, generally, legislation that would make mandatory the death penalty in a restricted number and kinds of cases," the Attorney General told a news conference at the Department of Justice.

He said the Supreme Court decision suggested that, if Congress passed such a mandatory sentencing law with restrictions as to its use, it "would be a constitutional capital punishment statute."

### Shift on Chicago 7 Hinted

The Attorney General also indicated that the Justice Department would drop further prosecution of five of the so-called Chicago Seven defendants on charges of crossing state lines to incite riot in Chicago at the 168 Democratic National Convention but would continue to support criminal contempt charges stemming from the original trial.

Mr. Kleindienst indicated that he would fight any attempts by James R. Hoffa,

former president of the International Brotherhood of Teamsters, to change the conditions of President Nixon's order releasing him from prison. The order bars union management activity by Hoffa until 1980.

### Rights of Newsmen

The Attorney General rejected charges that his department had been "politicized," lavishly praised L. Patrick Gray 3d, acting director of the Federal Bureau of Investigation, and said that his office had "no indication" that any Federal laws had been violated by Donald H. Segretti, a figure in the alleged attempt to sabotage Democratic candidates last year.

Mr. Kleindienst said that his office was still investigating about 2,000 complaints about election law violations in the campaign.

Asked about threats to jail newsmen who refused to disclose information, the Attorney General said that he felt freedom of speech and the press was "vital to the preservation of our society."

He said that "99.9 per cent" of the time the press and its

Continued on Page 22, Column 1

### Continued From Page 1, Col. 8

sources "should be protected," but added, "None of the rights any of us have are absolute. From time to time, one of our rights may be more overriding than another."

In his discussion of capital punishment, the Attorney General began by saying that he thought the death penalty had little value.

"Generally speaking, I don't believe that the death penalty accomplishes an overriding social purpose," he said. "I don't believe, generally speaking, the death penalty acts as a deterrent to crime. And unless you can demonstrate to me that it acts as a deterrent, then I don't think it's justified in an enlightened society."

### Specific Areas Cited

"However, I do think there are some areas of possible criminal activity where the death penalty can be a deterrent and that is usually the kind of criminal activity that is of such a cold-blooded, premeditated, thought-out type — a kidnapping, an assassination, a bombing of a public building, a skyjacking, the killing of a prison guard.

"There are three or four or five specific areas where there is justification of a death penalty."

Last June the Supreme Court held, 5 to 4, that the death penalty was unconstitutional. Three justices held that it necessarily violated the prohibition against "cruel and unusual punishment" and the two others in the majority found it void because it was erratically administered, with judges and juries exercising discretion to decree life or death.

In a dissent, Chief Justice Warren E. Burger said that Congress and state legislatures might impose mandatory death sentences for those convicted of certain crimes. He added they would first have to "make a thorough re-evaluation of the entire subject of capital punishment," including a serious study of whether it served as a deterrent.

Mr. Kleindienst apparently had that dissenting opinion in mind when he said, "The Supreme Court has come down with a decision that requires action by the Congress and also by state legislatures."

In the stormy Chicago Seven trial, a Federal jury in February, 1970, found all seven defendants not guilty of criminal conspiracy charges but found

five guilty of crossing state lines to incite riot.

Those convicted were Rennie Davis, David T. Dellinger, Thomas E. Hayden, Abbie Hoffman and Jerry Rubin. The five were also found in contempt of court by Judge Julius J. Hoffman, along with two of their lawyers, William M. Kunstler and Leonard I. Weinglass; the two acquitted defendants, John Froines and Lee Weiner, as well as Bobby G. Seale, whose case had been severed.

Both the convictions and the contempt findings have been upset by the United States Court of Appeals for the Seventh Circuit.

Mr. Kleindienst said that the Government would no longer push the "substantive" charges but would back a new trial on the contempt charges.

The Attorney General gave his reason as "the best use of our resources."

### Comment by Kunstler

Mr. Kunstler and other attorneys of the Center for Constitutional Rights who represented the Chicago Seven said in New York that the Justice Department's action in dropping the charges was "an open confession that the charges should never have been brought." The Associated Press reported.