

Kunstler and 3 Others Found in Contempt at 'Chicago 7' Trial

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CHICAGO, Dec. 4—Federal District Court Judge Edward J. Gignoux today found William M. Kunstler, David T. Dellinger, Jerry C. Rubin and Abbie Hoffman guilty of contempt of court resulting from their conduct during the tumultuous "Chicago Seven" conspiracy trial here four years ago.

At the same time Judge Gignoux acquitted Leonard Weinglass, Renard C. Davis and Thomas E. Hayden of all contempt charges in the case.

Sentencing of the four convicted was set for 2 P.M. Thursday.

The dejection today, handed down in a courtroom in the Dirksen Federal Building here, was the latest step—but doubtless not the last—in a long legal saga that began with riotous demonstrations and arrests here during the 1968 Democratic National Convention.

Rioting Intent Seen
The ruling came four years to the day after the Government called its 1st witness before Federal Judge Julius J. Hoffman in an attempt to prove that the defendants, the so-called "Chicago Seven," had crossed state lines with the intent of inciting a riot.

On Feb. 18, 1970, five of the present seven defendants were convicted of conspiracy.

They and two of their attorneys — Mr. Kunstler and Mr. Weinglass — were also cited for a total of 175 contempt-of-court charges for misbehavior during the trial. The contempt sentences handed down by Judge Hoffman ranged



David T. Dellinger, left, and William M. Kunstler at their news conference in the Federal Building in Chicago after they were convicted for contempt of court.

from four years and 13 days to two months and 18 days.

The United States Court of Appeals for the Seventh Circuit reperced the conspiracy convictions and ordered a new trial on the contempt charges.

Judge Gignoux of Portland, Me., was chosen to preside at the new trial, which began here Oct. 29.

The number of defendants and contempt citations was reduced several times at this trial through various agreements and judicial decisions.

In marked contrast to the sometimes bizarre courtroom activities of the earlier trial, which including shouting, chanting and one defendant being shackled in his chair, the second trial was a model of decorum.

The Government presented its case in minutes, submitting 23,000 pages of testimony from the first trial as evidence that the defendants' earlier tactics had represented "a fundamental assault on the ability of each a court to try a case on the

basis of evidence," as United States Attorney James R. Thompson put it.

The defense for it partasked Judge Gignoux to consider the passions of the time and what it termed the "trascibility and combativeness" of the prosecution and Judge Hoffman.

But today Judge Gignoux found Mr. Dellinger guilty on seven contempt charges and Messrs. Kunstler, Rubin and Hoffman guilty on two counts of each. Judge Gignoux began hear-

ing pre-sentencing arguments this afternoon. The Government has agreed that no new contempt sentences would exceed 177 days.

Richard Wagner, a spokesman for the defendants, said that they would appeal "every single one of the convictions all the way to the Supreme Court," which might take years. "Everybody's acquittal is the only satisfactory thing for us," he said.

In his decision, Judge Gignoux strongly reprimanded Mr. Dellinger for conduct before Judge Hoffman in which Mr. Dellinger called the prosecutor a "snake," the judge a liar and one witness's testimony an eight-letter barnyard epithet.

In discussing Mr. Kunstler, Judge Gignoux cited "the latitude and extreme liberality" afforded lawyers in defending clients. So, he said, he was dismissing four citations against Mr. Kunstler.

However, Judge Gignoux said, in two instances the lawyer's remarks constituted "a vicious personal attack on Judge Hoffman which could only serve to vent the speaker's spleen."

The incidents involved Mr. Kunstler's reference to the trial as a "legal lynching," which prompted an outburst from spectators, and his repeated insistence that the Rev. Ralph D. Abernathy be allowed to testify for the defense.

'Subversive and Outrageous'

Judge Gignoux also criticized Mr. Hoffman and Mr. Rubin for having worn judicial robes and then trampling on them in court. Such behavior, Judge

Gignoux ruled, was "so flagrant, subversive and outrageous" as to leave the court no choice but to cite them for contempt.

Mr. Weinglass was acquitted of the one contempt citation remaining against him, Judge Gignoux said, because he had leveled no insults at Judge Hoffman.

The defendants were unhappy with the decision. Mr. Rubin said that the proceedings were "total hypocrisy" at a time "when a President of this country is more guilty than anyone else."

Federal Attorney Thompson said that the outcome of the new trial was neither a victory nor a defeat but was an attempt "to assure that civility will prevail in the courtroom."