

# Kunstler and Appleby at each other again

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An ethics inquiry into comments by Lennox Hinds at a January press conference sparked angry exchanges yesterday at the JoAnne Chesimard murder trial and a threat of new action in the federal courts.

Chief defense counsel William M. Kunstler declared that the inquiry by the Ethics and Grievances Committee of the Middlesex County Bar Association was "designed to affect this trial."

Hinds, executive director of the National Conference of Black Lawyers, revealed Monday that he had received a letter from David M. Foley, a committee member, advising him of the inquiry. And Hinds characterized this as harassment and intimidation.

At that press conference Hinds used such phrases as "legalized lynching" and "kangaroo court" in referring to Mrs. Chesimard's then approaching trial and he claimed that Superior Court Judge Theodore Appleby lacked the judicial temperament and racial sensitivity to preside.

When Kunstler demanded that Appleby take action to halt the proceed-

ing, the judge said he knew nothing until the defense counsel told him. But Appleby added:

"I think it's the greatest thing that ever happened."

Kunstler replied that the judge's remarks were "horrendous," that he was "laughing at the First Amendment" guaranteeing free speech and that such attitudes were intended to lessen Mrs. Chesimard's chances for a fair trial "which are small enough now."

At one point Kunstler quoted the famous remark of the French monarch Louis XIV, "L'Etat, c'est moi," or "I am the state."

When Appleby nodded from the bench, Kunstler shot back, "Well, I can see what century you come from."

Although Appleby declared he had "tolerated a lot of insults" by Kunstler and Lawrence Stern, another defense lawyer, since the trial began, the judge said he wanted to "get the trial moving again."

But he told Kunstler, "I get a kick out of you. I really enjoy you."

Appleby again insisted he had nothing to do with the ethics committee's action but would look into it. However, the judge made no promises about tak-

ing any action himself.

At a press conference during the luncheon recess, Lewis Myers, another of the defense team, said he intends representing Hinds before the ethics committee, if that is necessary.

And he said he would recommend taking action in federal court if Hinds is penalized in any way. "To speak out on any case" is part of Hinds' job with the National Conference of Black Lawyers, Myers said.

"He has a job to monitor trials with political overtones," particularly when black defendants are involved, said Myers.

Myers contended Appleby "created the climate" for the ethics proceeding and declared this would not silence the defense.

"We will become more vocal," he promised.

Hinds is not part of the defense team but represented Mrs. Chesimard in the federal court suit to have her transferred from her cell at the all-male Middlesex County Jail to the county workhouse, which has a section for women. That litigation is continuing.