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## THE LAW

### Too Prominent to Be Relevant

Over and over, the seven defendants on trial for conspiring to incite a riot during the 1968 Democratic Convention in Chicago have accused Judge Julius J. Hoffman of interpreting trial rules to favor the prosecution. Hoffman's rulings have earned him a sardonic New Left label: "Julius the Just." Last month he refused to let Chicago Mayor Richard Daley tell the jury much more than his name. Last week Hoffman kept another defense witness from testifying at all.

The witness was no less an expert than former U.S. Attorney General Ramsey Clark, who closely observed the security arrangements for the convention and tried to moderate the tactics of both radicals and police. De-

JIM MAHAN



RAMSEY CLARK

*Moderate to the end.*

fense Attorney William Kunstler had hoped that Clark's recollections would shed light on whether the riots were incited by the seven or by the tactics used to contain them. Judge Hoffman has made little secret of his opinion that police behavior is outside the scope of the present trial.

**Crucial Objection.** The jury never even knew Clark had arrived to testify. Before they could file into the courtroom, Judge Hoffman excluded them so that Clark could be examined on *voir dire*, a procedure that permits a judge to determine the admissibility of a potential witness's testimony before he takes the stand. In the examination that followed, Hoffman sustained the Government's objections and refused to let Clark say what his answers would be to 14 of the 38 questions that Kunstler posed. Then the judge sustained the most crucial objection. Accepting the prosecutor's argument that Clark had been summoned only to lend prestige to the defense and that he had "no relevant or material contribution to make," Hoffman sent him home.

Clark, reportedly furious, sounded moderate to the end. "No comment, gen-

tleman," he told reporters later. "I'm a man of the law and I follow the law." Kunstler had some reason to be glad as well as sad. At week's end the defense called their 113th and last witness. Even if the jury finds the defendants guilty, Kunstler is hopeful that an appeals court will eventually consider this and other Hoffman rulings sufficient errors to toss out the verdict.

The loquacious testimony of a defense witness who did testify last week sparked a rare flash of Hoffman humor. "You're too high-priced a writer to give us all that detail for free," the jurist told high-priced Writer Norman Mailer. The amateur boxer and ring buff later summed up Hoffman as a verbal sparring partner: "A fast-moving featherweight who never gets his left out of your face. But he'd never knock anybody out."