

Abernathy Declines To Testify at Chicago

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CHICAGO, Feb. 3 (UPD)—
The Rev. Ralph D. Abernathy passed up a chance to testify in the riot conspiracy today. A defense attorney read a purported message from the civil rights leader criticizing the court's refusal to hear him Monday and calling the defendants "brothers on trial."

U.S. District Court Judge Julius J. Hoffman called the statement "vilifying" and "a pretty horrible thing."

William M. Kunstler, the chief defense attorney, on Monday accused the judge of presiding at "a legal lynching" after the judge ruled the defense had to abide by an agreement reached with the prosecution Friday and rest its case.

Hoffman reversed that decision late Monday after the government protested its case had been prejudiced when Kunstler embraced and kissed the leader of the Southern Christian Leadership Conference in open court, with the jury present.

But Mr. Abernathy left Chicago Monday.

Kunstler quoted Mr. Abernathy today as saying he had traveled through "sleet and snow to tell what I knew, only to be refused the right to do so because I was 16 minutes late."

The statement said Mr. Abernathy had "just returned from abroad as an ambassador of goodwill for this country."

"When I was asked difficult questions about my country's system of justice and equality I groped for words to explain that both existed," the message said. "When foreigners said 'you have no democracy, no justice in America' I attempted to prove that we did."

"After my experience yesterday in this court, I can no longer defend my country against such attacks."

Hoffman deplored "such a letter of vilification from a minister of the Gospel, said by some to have succeeded to the mantle of Dr. Martin Luther King, condemning American institutions."

Rejecting a government suggestion, Hoffman said he would not discuss the Abernathy matter with the jury, "especially in the light of this vilifying letter purportedly written by Dr. Abernathy."

He slapped the bench with his open hand and said "I do not want to expose myself to another tirade."

Assistant U.S. Attorney Richard Schultz commented, "This is the first time I've seen a court forced into not doing what it thinks is right because it will be exposed to a tirade."