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Clark Barred From Testifying to '7' Jury

By Tony Fuller

CHICAGO, Jan. 28 (UPI)—U.S. District Court Julius J. Hoffman refused to let former Attorney General Ramsey Clark testify before the jury in the trial of seven antiwar demonstration leaders.

Hoffman listened to defense questioning of Clark with the jury out of the courtroom and then ruled that Clark, who headed the Justice Department during the 1968 Democratic National Convention, "could not testify to anything material and relevant in this case."

The government asked the court to bar Clark from testifying before the jury on the grounds that the defense only wanted to "make a spectacle" of the former attorney general's appearance. Assistant U.S. Attorney Richard Schultz successfully argued that letting Clark testify would "prejudice . . . extremely" the prosecution's case.

Chief defense attorney William M. Kunstler objected that the court's action was "grossly unconstitutional" and

that the government and judge were "screening" the defense's witnesses.

The defendants are on trial on charges that they conspired to incite riots in Chicago during the convention that nominated Hubert H. Humphrey as the Democratic presidential candidate.

Questioning Clark under protest with the jury absent, Kunstler took the former attorney general through dealings he had with then President Johnson just before the convention.

Most of his questions were objected to by the government—and the objections sustained by the judge—on the grounds that national security was involved.

When Kunstler asked Clark if he received a call from Mr. Johnson on Aug. 20, 1968, Schultz objected, and the judge upheld the objection.

"A former Cabinet officer should not have to and does not have to relate a personal call he received from the President of the United States," Schultz said.

Kunstler attempted to estab-

lish whether the telephone call related to the calling of federal troops to Chicago to deal with threatened convention week demonstrations. No such testimony was permitted.

Clark was permitted to say that he met with the President, two presidential assistants and Defense Department representatives in the White House on Aug. 21. When Kunstler asked him what recommendations he made to Mr. Johnson regarding Chicago, the information was barred on grounds of security.

The former attorney general said Mr. Johnson made a decision at the meeting to "have troops prepositioned, as we say, in the Chicago area sometime during the week before the beginning of the convention." He said 5,000 eventually were sent to the Chicago area.

When Kunstler asked Clark if "in your opinion these troops were necessary," an answer was barred.

Clark waited in a witness room while attorneys haggled over whether he should testify.

Schultz told Hoffman that

Clark was interviewed Sunday in his Falls Church, Va., home by two representatives of the "Chicago seven" with two Justice Department officials sitting in.

He said that interview indicated the defense planned to question Clark about talks he had with President Johnson, White House discussions about sending troops to Chicago during the convention, electronic surveillance of the defendants and the constitutionality of the law under which the men are being tried.

All of these areas, Schultz said, are "clearly inadmissible."

Schultz cited a federal regulation, which he said was drawn up by Clark himself, prohibiting any employee or former employee of the Justice Department from disclosing any information gained in the course of his duties without the approval of the existing attorney general.

Kunstler told Hoffman if he barred Clark it would be the first time in U.S. history a judge had barred a witness who did not resist a subpoena.