

# '7' Defense Accuses Judge Of Setting Double Standard

12/10/69  
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CHICAGO, Dec. 10 — Defense lawyers accused Judge Julius J. Hoffman today of setting a double standard for testimony in the Chicago conspiracy trial.

They accused him of ruling out testimony of the same sort the government had presented, of attempting to speed up the trial unnecessarily and of rebuking their witnesses with sharp personal comments.

In turn, the government's lawyers accused the defense of trying to sway the jury into believing that the defendants are getting a raw deal in the courtroom.

The exchanges were the sharpest and the angriest since the trial's early days when daily shouting matches were the rule.

At one point, Hoffman cut off defense attorney William Kunstler with the admonition, "Don't shout at me. Don't shout at me. That will be all."

The defense opened on Monday with its side of the case for seven men accused of con-

spiring to cross state lines to incite a riot at the Democratic National Convention last year.

Hoffman has demonstrated several times this week that he wants the case to proceed more quickly. He holds the court in session a half hour longer each day than during the government's presentation, which lasted ten weeks.

Today, he refused a defense request for a 5-minute recess to prepare material for examining a new witness. "We've got to get along with this trial," the judge insisted.

The defense has been calling witnesses who testify at length about the beating and tear-gassing of demonstrators during the convention in August, 1968.

Today, they produced a young journalist, Fred Gardner, who put out a daily convention-week newspaper called the "Ramparts Wall Poster." He testified about a conversation with one of the defendants, Tom Hayden, who had been arrested early in the convention week.

Hayden said police told him they were out to kill him and that another defendant, Ren-

nie Davis, also was a "marked man," Gardner testified.

Assistant U.S. Attorney Richard G. Schultz called it hearsay evidence and asked that it be excluded. Defense lawyer Leonard I. Weinglass charged the government had been permitted to present testimony under identical circumstances and declared, "There seems to be two sets of rules operating here."

Schultz called the comments "disgraceful" and accused Weinglass of trying to create an "atmosphere" in which the jury would believe the defendants are not receiving a fair trial.

Hoffman ordered the testimony stricken.

At one point, Gardner had difficulty answering questions about his newspaper articles and complained of feeling "ill at ease" at being denied permission to spread one issue of it before him on the witness stand. Hoffman told him, "You didn't have to come here to testify."

Kunstler objected to the judge making "all kinds of asides" to defense witnesses.