

First Defense Witness in '7' Trial Barred From Testifying by Judge

12/9/69
By William Chapman
Washington Post Staff Writer

CHICAGO, Dec. 8—The first defense witness in the Chicago conspiracy trial was dismissed from the stand today without being allowed to testify.

The witness, Edward J. Sparling, had been called to testify about a citizen's report which found Chicago police guilty of "brutalizing" peace demonstrators in April, 1968, months before the violence during Democratic National Convention that led to the trial.

U.S. District Judge Julius Hoffman, without explanation, ruled that Sparling could not testify about the report. When defense lawyer William M. Kunster said he could not understand the reason for the ruling, the judge suggested, "Why don't you consult a lawyer?" The witness was dismissed.

Sparling, president emeritus of Roosevelt University, had been subpoenaed by the seven defendants, who are

charged with conspiring to use interstate commerce for the purposes of inciting a riot during the convention.

The government rested its case last Friday after 10 weeks of testimony. The defense began this afternoon after Hoffman had rejected a motion for a directed verdict of acquittal.

Sparling was chairman of a citizens committee which, in the summer of 1968, accused the police of "brutalizing some demonstrators without provocation" during a peace march held the previous April.

Some of the demonstrators had been clubbed needlessly by police whose superiors were standing nearby, the report said.

The defense claims that it was in reaction to those beatings that the defendants undertook protective measures before the convention began in August.

Those measures including holding karate practice sessions and instructing convention-week protesters to bring helmets.

Many government witnesses testified about those measures and claimed they showed that the defendants had intended to cause violence at the convention.

Later today, the jury was shown a film of police clubbing antiwar protesters in Grant Park during convention week.