

McCarthy Decides To Shun Riot Trial

Sen. Eugene J. McCarthy said Tuesday he will not testify at the trial of 13 persons arrested on disorderly conduct charges during the 1968 Democratic National Convention.

McCarthy announced in Washington his decision not to appear at the trial. Philip Moore, an attorney for the defendants, said Monday he hoped to have the Minnesota Democrat testify.

The city concluded its case Tuesday, the ninth day of the bench trial before Magistrate Arthur L. Dunne. Defense attorneys will begin their arguments Wednesday with a motion for a directed verdict of acquittal.

Gregory Case Recalled

Attorney Thomas P. Sullivan said the motion would cite two U.S. Supreme Court decisions handed down Monday in which convictions of two civil rights demonstrators were overturned.

Comedian Dick Gregory had been convicted of disorderly conduct for his part in a march in front of Mayor Daley's house in 1965, and the Rev. Fred L. Shuttlesworth had been found guilty of marching without a permit in Birmingham, Ala., in 1963.

The final prosecution witness was James M. Rochford, deputy Chicago police superintendent.

Rochford Questioned

Rochford, who testified on Monday that he had offered to let convention demonstrators march to the International Amphitheatre from 18th and Michigan by way of Evanston, was asked during cross-examination if this gave "an adequate opportunity for

demonstrators to exercise their right to dissent."

"I don't think so," said Rochford.

Asked at another point if police gave demonstrators a chance to voice their dissent, Rochford replied:

"I don't think there is a person in this city not interested in their constitutional rights to dissent. Every request (for parades and rallies) was considered, but the people with whom we dealt would accept nothing less than having it the way they wanted it.

Called Defiance

"They defied the police department, the courts and all the laws of this city and state."

The defendants include Murray Kempton, New York newspaper columnist, and Patricia Saltonstall of Washington, a cousin of former U.S. Sen. Leverett Saltonstall (R-Mass.).

The charges stem from alleged refusal to obey a police order not to walk south of 18th and Michigan during a mass march the night of Aug. 29.

In another convention-related incident trial, jury selection continued Tuesday in the trial of 10 persons arrested Aug. 28 near the International Amphitheatre, site of the convention.

The defendants, including Staughton Lynd, Columbia College professor, are among 29 persons charged with interfering with police in an incident at 43d and Halsted.

Magistrate Dwight McKay ruled earlier that the verdict reached for the 10 defendants would apply to all of the 29 arrested.