Panther 21 trial: Another Chicago

New York (LNS) — Four days a week, Monday through Thursday, thirteen Black Panthers sit down together to face trial in the Supreme Court of New York. Ten months ago District Attorney Frank Hogan charged them with conspiring to blow up department stores, to murder policemen, to dynamite railroad lines, and to explode the Botanical Gardens. So New York City's Panther leadership has spent 10 months in jail without trial.

One of the defendants, Afeni Shakur, said that black people knew the plot was a frame-up. "Why would the Black Panther Party bomb the stores that people shop in?" she said.

Among the 13, it is suspected, there is a police informer, a Judas. In the course of the trial he will probably reveal his identity and testify about the conspiracy. Now, no one knows for sure who he is.

In the beginning there were 21 Panthers named in the indictment. Three of them — Nathaniel Burns (also known as Nathaniel Williams), Larry Mack, and Thomas Berry — have eluded the police. Someplace, somewhere, they are free. Two other men for whom arrest warrants were originally issued — Kwesi Balagoon (also known as Donald Weems) and Richard Harris — are being held on charges of robbery in Newark, New Jersey, where Mayor Addonizio faces charges of graft and corruption. A 22nd defendant, Fred Richardson, was tacked on to the list later on. He was released in $25,000 bail, and skipped a hearing last year. He has not been seen or heard from since, and the Panthers say he is not a member of the Black Panther Party.

Recently two other men have been added to the indictment — Kinshasa (also known as William King) and Shaba-Um (Lee Roper). That makes 13: Afeni Shakur, Joan Bird, Dr. Curtis Powell, Robert Collier, Dahruba (Richard Moore), Alex McKiever, Lumumba Abdul Shakur, Ali Bey Hassan (John J. Casson), Walter Johnson, Michael Tabor, Clark Squires, Shaba-Um, and Kinshasa.

Three Panthers have had their cases severed from the others. Two high school students, Lonnie Epps, 17, and Eddie Josephs, 17, were granted youthful offender status. Lee Berry, an epileptic who is in critical condition in Bellevue Hospital, has also been separated from the current trial.

For 10 months these Panthers have been held in jail. They were kept in solitary confinement with lights burning 24 hours a day. Several had no mattresses to sleep on. Joan Bird and Afeni Shakur were given four sheets of toilet tissue a day. They were denied reading material and recreational facilities. Their relatives were denied full visiting privileges; their lawyers were harassed by prison officials.

Sitting before them is Judge John M. Murtagh. Murtagh is a sly fox. He tries to maintain his cool. His fundamental point is that the trial isn't political. It's a criminal case, he contends; the defendants are not on trial for their ideas; they are not on trial for being members of the Black Panther Party, but for their criminal acts. But Murtagh has sustained the political atmosphere which has surrounded the trial from the start.

On April 2, 1969, D.A. Hogan appeared on television and outlined for the public a gruesome story of planned Panther atrocities. D.A. Phillips, who is prosecuting the case, calls the Panthers "a terrorist organization." Judge Murtagh, aiming to maintain the public image of the Panthers as a desperate terrorist group, has instructed the police to search the courtroom for bombs. Outside the courthouse at 100 Center Street a police closed-circuit television camera takes pictures of everyone who enters and leaves the building. Uniformed policemen surround the building; they line the corridors inside, and there are over 30 court attendants, each with a pistol under his blue uniform, in the courtroom itself. Murtagh has helped to create what Panther attorney Sanford Katz calls the atmosphere of "an armed camp."

On the fourth day of the trial, Phillips and Murtagh worked hand in glove to build the political hysteria against the Panthers. The witness for that day, Detective William Halloram, is a personal friend of the Judge. His wife is Murtagh's private secretary. When the defense asked Halloram to give his address, Phillips objected, saying that he had heard black people in the audience say they would "kill pigs," and that they would "settle this thing in the streets." Murtagh sustained Phillips' objection. He noted that these brave witnesses were taking their lives in their hands by appearing in court to testify. He said that the court was dealing with dangerous criminals. Phillips added that policemen all over the country had been killed by Panthers. When defense attorney William Crain reminded the court of the murder of Fred Hampton and Mark Clark by Chicago pigs, Murtagh pounded both his fists on the table, and said, "I refuse to make any comment on that statement." He had blown his cool.

The courtroom is a battleground. A war goes on every day. The first week of the trial, posters taken from the house of defendant Michael Tabor were shown to one of the state's witnesses, Detective Coffey. There were five posters, one of two black athletes raising clenched fists at the Olympics, another of Huey P. Newton smoking a cigarette, a third of Huey and Bobby G. Seale with guns, a fourth of a black mother and her child, and the last of Mao Tse-tung. The audience cheered when the posters of Huey and Bobby were held up. When asked why he had torn the posters off the walls, even though he did not have a search warrant, Detective Coffey, who has admitted he believes the "Panthers should be eliminated," said that the posters "provided evidence of conspiracy." Asked how a poster of two black athletes raising their fists gave evidence of conspiracy, he was unable to answer.

Murtagh has launched a three-fold attack. On the opening day, in a highly irregular procedure, he had the Panthers separated from their lawyers, lawyers on one side, Panthers on the other side of the court. These physical conditions made it impossible for most of the 13 defendants to consult with their attorneys.

From the start of this case the

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judges and the D.A.'s have tried to block communication between the Panthers and their lawyers — the Panthers were held in different prisons making it impossible for their lawyers to meet with them together as a group. Only after prolonged court battles were the Panthers placed together in the same jail.

For the first week of the trial Murtagh denied the defense a copy of the court transcript. Transcripts are essential to the defense's ability to show contradictions in the prosecution testimony. Defendants who are poor are

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ordinarily given the transcript free. Murtagh has insisted that the defendants prove they are indigent. When they were first arrested, April 2, they were poor. After 10 months in jail, they have become no richer, especially with any money they can raise going toward their bail; many of the Panther wives are on welfare. It took a week of battling with Murtagh to get a free copy of the transcript.

Since they are poor, the size of the bail is equivalent to no bail at all. Eleven of the 13 Panthers are held in $100,000 bail apiece, two others on $50,000 each. Three days before the trial began, Afeni Shakur was released from the woman's House of Detention; Episcopalian and Presbyterian Churches put up funds for her release.

When Afeni Shakur stepped out of jail she said that "not for one second did the 21 doubt the people." She told a group of Panthers and white revolutionaries that the "struggle is a lifetime thing," that "you're supposed to be tired. You're supposed to be dead tired from waging the struggle."

Judge Murtagh is also waging a war against the lawyers who are defending the Panthers. He has accused them of being incompetent, of inciting disorders and violence in the courtroom. Murtagh told the lawyers that he wanted an "overseer" from the appellate division of the judiciary to sit in the courtroom and rule on the ethics of their tactics. Since he has no power over the 13 Panthers, since they are in no way intimidated by his threats of long prison terms, Murtagh is intimidating the lawyers, using the threat of prison sentences for contempt in an attempt to force them to control their own clients.

Murtagh is concerned with appearing liberal. Three of the defendants are Muslims, and observe Friday as a high religious day. Murtagh granted their request to cancel court on Friday. So, while in fact he denies them a fair trial, Murtagh can say, "Look, I've respected their beliefs." Freedom of religion.

For all these reasons — because he has misrepresented the truth, and because the District Attorney saw to it that Murtagh was the judge in this case — the defense attorneys have asked that he step down. Gerald B. Lefcourt argued that Murtagh "sits at the D.A.'s table," noting that there is not even the "appearance of justice in this court."

It isn't really a courtroom. No one, except Murtagh and Phillips, is under that illusion. To the people, it is a meeting hall, a classroom, a political rally.

The 13 Panthers dominate that room. It isn't the Judge who presides, but Dahruba, Richard Moore. Dahruba is like a stick of dynamite. He's explosive. He's on top of the judge, ahead of the action every second of the way. Whenever there is a violation of the Panthers' constitutional rights, whenever there is evidence of the Judge's, or the D.A.'s racism, he speaks out. He raps in the courtroom to the people, and the people listen and applaud and rap back.

So far Murtagh has not had the Panthers bound and gagged. But that may yet happen. Dahruba told Murtagh, "We will overturn this pig pen every day." If he and the others continue to do so there may be 13 Panthers bound and gagged in the Supreme Court of New York before the trial is over. An education is going on. Amerika is on trial. When the D.A. talks about the Panther conspiracy, Dahruba gets up and says, yes, there is a conspiracy, that "black people have been conspiring for their freedom for 400 years." When the judge tells him he is out of order, he says, that's right judge. "Black people are out of order too. We'll be disorderly until there is a new order in Babylon." When Lumumba Shakur raises his fist and shouts, "Down with U.S. Imperialism," the audience goes wild.

In the first week there were two outbursts.

The first instance occurred when Michael Tabor tried to communicate with his lawyer. He got up out of his seat and proceeded to walk toward the lawyer. Immediately, a court attendant grabbed hold of him and pulled him down. The other Panthers jumped up to protest.

The second outbreak occurred when Murtagh refused to grant the defense a transcript until further evidence of their indigency was offered. He was also attacking attorney Crain. The tension in the courtroom was building up. Dr. Curtis Powell got up and called the judge a "Fascist Pig." Dahruba got up and told Murtagh "*You're* the criminal." Then Mary Ann Weissman, a member of Youth Against War and Fascism, stood up in the audience, and asked Murtagh "Who judges your conduct?" Dahruba shouted out, "The People. The People." Mrs. Weissman continued, "You would have been found in contempt long ago. I have as much right as anyone to speak when I see an injustice done." Murtagh ordered her removed from the courtroom. The black women sitting next to her pushed the court officials away. They protected her. The 13 Panthers stood and said, if she leaves, we leave too, and started to walk out. Lonnie Epps, one of the original 21, who was sitting in the audience, out on $10,000 bail, was caught in the middle of the fight. He was rearrested and charged with felonious assault against a policeman, felonious assault against a court officer, resisting arrest, and contempt of court. He has so far been denied bail.

Mary Ann Weissman was arrested, found guilty of contempt of court and sentenced to 30 days in jail. Before she was taken away she told the audience in the courtroom that she came to "protest this monstrous, totally incredible frame-up of the young Panther Party defendants." She said that she expressed "the solidarity of thousands of young white people in New York City who feel the same way and support the Black Panther Party in its heroic defense of its people."

One trial ends. Another begins. The Conspiracy trial is almost finished in Chicago. Judge Hoffman has declared that the defense has ended its case. Now another long case is beginning. And from the opening sessions it looks like it will be the toughest trial since the trial of Huey P. Newton.