13 PANTHERS BAR PROMISE TO JUDGE

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Decline to Guarantee Their Conduct in Court—They Attack Murtagh Record

By EDITH EVANS ASBURY

Thirteen Black Panthers whose pretrial hearings were halted last week because of their disorderly behavior, bitterly criticized the judge, the court and American justice yesterday, instead of promising to behave.

A memorandum containing their criticisms was offered by their six lawyers to Supreme Court Justice John M. Murtagh, who refused to accept it.

Last night, lawyers for the defendants said they were undecided on what their next move would be.

The memorandum denounced Justice Murtagh as "a hanging judge," declared he had been accused and arrested in the past, and asserted that his court "is in contempt of our constitutional rights."

Expressing mistrust of "your appeal courts," too, the memorandum declared: "When we have our constitutional guarantees redressed, we will give the court the respect it claims to deserve — precisely the respect it deserves.

Justice Murtagh had directed the Black Panthers to submit written promises to behave, as a condition of resuming their pretrial hearings. They are accused of plotting to bomb public places, possession of illegal weapons, attempted murder an attempted arson.

All but one of the defendants have been in jail since their arrest April 2, 1969, in lieu of bail ranging from $50,000 to $100,000.

Justice Murtagh said yesterday that what the Plack Panthers' lawyers had offered was "plain gobbledy gook, handwritten on yellow paper — a political statement, instead of the written motion accompanied by the defendants' signed promise to conduct themselves in accordance with proper courtroom procedure, which I asked for."

After failing to obtain acceptance of the memorandum, the six lawyers for the defendants distributed to newsmen 24-page, typewritten, mimeographed copies, marked: "Copyright, 1970, Committee to Defend the Panther 21." They also played a recording of the voice of Michael Tabor, one of the defendants, reading the statement.

Counterproposal Madd

In addition to a critical review of the treatment of blacks here from Colonial days to the present, the statement contained a personal attack on Justice Murtagh and a counterproposal for continuance of the pretrial hearings.

The counterproposal included demands for "reasonable bail," a "jury of our peers, or people from our own community," both for the trial and for "all pretrial hearings, to judge all motions and evidence submitted."

The pretrial hearings, which have been suspended pending compliance with Justice Murtagh' sdirection that the defendants promise to behave, were considering motions by the defendants for the suppression as evidence of guns and ammunition seized in their homes when they were arrested.

In their counterproposal the defendants also demanded "to have a constitutional and legal indictment, or be released, for we are being held illegally by malicious and racist unethical laws."

Indictment Called Illegal

The present indictment, the memorandum asserted, is unconstitutional because the grand jury that returned it was selected in a manner that "systematically excludes poor black people." Therefore, the memorandum continued, the jury was not representative "of a cross-section of the community from which we come."

Originally 21 Black Panthers were indicted, and this figure has been retained in the name of the committee formed to raise money for the defense. Later, in a superceding indictment, a 22d defendant was added.

Subsequently two defendants were granted youthful-offender treatment because they were under 21; one jumped bail; two are in prison in Newark on burglary charges; one obtained severance of trial because of illness, and three are still at large.

Murtagh Is Attacked

Attacks on Justice Murtagh were scattered through the memorandum presented in court yesterday. In one place the defendants asserted that "you are known in the ghetto as a 'hanging judge.'"

Elsewhere they declared: "We are confronted with a 'judge' who has admitted, in fact, been indicted and arrested for ignoring 'police' graft and corruption . . . a 'judge' who by his record shows an unblemished career of 'police' favoritism and All-American racism. In your previous dealings with black people, you have shown yourself to be totally unjust, bloodthirsty, pitiless and inhuman."

The hearings, which began Feb. 2, were characterized by disturbances among spectators and defendants. The latter kept up a stream of invective despite frequent admonitions from the bench and the sentencing of two spectators to jail for contempt.

3 Jersey Panthers Go on Trial

Special to The New York Times

JERSEY CITY, N.J., March 2—The trial of three members of the Black Panther party, accused of the Nov. 29, 1968, attack on the Greenville police station here, got under way today in an atmosphere of calm security.

The scene at the eighth-floor courtroom in the Hudson Coun Courthouse, 595 Newark Avenue, was in sharp contrast to the scenes in previous trials involving Black Panther members.

Approximately 20 detectives, badges very much in evidence, patroled the halls outside the courtroom. Inside the small courtroom, 36 spectators, mainly of them relatives of the three accused men, sat in silence as defense lawyers presented motions prior to the selection of a jury. There were seven uniformed sheriff's deputies inside the courtroom.

At 11:30 A. . the three prisoners—Isaiah Rowley, 26 yea old: Charles Hicks, 35, and Victor Perez, 20—were brought into the courtroom, handcuffed together. They have been in jail since they were indicted on Dec. 18, 1968, unable to ra a total of $85,000 in bail.

Both Mr. Perez and Mr. Rowlwy, who calls himself the Panther's minister of defense for New Jersey, have bails set at $30,000. Mr. Hicks's bail is $25,000.

Raymond A. Brown, a Jersey trial lawyer who will defend Mr. Rowley, told reporters before the proceedings began that he did not expect any trouble during the trial.

Defense lawyers instructed the defendants to wear jackets and ties during the trial. They had appearerd in sweatshirts and polo shirts for today's proceedings.

IIIn addition defense lawyers were reportedly asking members of the Black Panther party to stay away from the courtroom or to refrain from making remarks that could be prejudicial to their case.

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