BAIL ON PANTHERS PUT TO HIGH COURT

Memo by 17 Lawyers Asks for Immediate Ruling

By EDITH EVANS ASBURY

The United States Supreme Court was asked yesterday to act immediately on a petition pending since December, 1969, for requests for "drastic reduction" in the bail of 13 Black Panthers held on charges of plotting to bomb public places.

The Panthers, who are also accused of attempted murder of policemen, attempted arson and possession of dangerous weapons, have been, with one exception, in prison since their arrest April 2, 1969, for lack of bail ranging from $50,000 to $100,000.

In a "supplemental memorandum," six lawyers for the defendants and 11 other lawyers, including two law professors and representatives of civil rights organizations, urged the high court to act immediately.

The memorandum, filed yesterday in Washington, and released in New York by Gerald B. Lefcourt, a defense lawyer, said a prompt decision was urgently needed because of the recent indefinite suspension of pre trial hearings. 8

Te hearings, which are on motions for suppression as evidence of guns and ammunition allegedly fround in the defendants' homes, were suspende last week by asupreme Court Justice John M. Murtagh. Since they began Feb. 2, the hearings had been characterized by unruly behavior among spectators and defendants, culminating in violence and physical injuries on one day.

Spectators Jailed

Justice Mutagh had succeede in imposing order among the spectators, after sending two to jail for 30 days each for contempt.

The defendants, however, flouting Justice Murtagh's repeated admonitions to behave, maintained a stream of invective. Finally, last week Justice Murtagh declared the hearings recessed "indefinitely" until the defendants submitted written, signed promises to behave.

In the supplemental memorandum, the lawyers argue that Justice Murtagh's demand violates the constitutional rights of the defendants and renders them "victims of judicial tyranny."

The "root source of the present courtroom tensions and crisis" is that the defendants are being held in excessive bail, according to the memorandum.

The Supreme Court "has a grave and solemn obligation as the court of last resort" to guarantee immediate correction of the "unjust and discriminatory denial of reasonable bail," the memorandum states.

Indefinite Imprisonment

"At this very moment the petitioners face indefinite imprisonment prior to trial unless they comply with flagrantly unconstitutional conditions placed upon their fundamental right to trial by jury," it adds.

In addition to the six defense lawyers, the petition is signed by Arthur Kinoy and Herbert Hill, law professors at Rutgers and Howard Universities, respectively; Burt Neuborne and Allan H. Levine of the New York Civil Liberties Union; Melvin L. Wulf, executive director and Eleanor Holmes Norton of the American Civil Liberties Union; Jonathan Lubell of the National Lawyers Guild, New York City chapter; Jeffrey Glen of the National Council on Crime and Delinquency; Leonard B. Boudin of the National Emergency Civil Liberties Committee and William M. Kunstler, one of the defense lawyers in the Chicago conspiracy trial.

Haywood Burns, national director of the National Conference of Black lawyers, also signed the petition. Thirteen members of his organization joined defense lawyers in filing a petition Thursday for a writ of habeas corpus in Queens, where the nine male defendants are imprisoned.

The petition will be argued in State Supreme Court, 125-01 Queens Boulevard, Kew Gardens, Queens, before Justice John J. Leahy.