

H.W.

Black Panther Hearing Pauses As Defendants Assail Jail Food

By EDITH EVANS ASBURY

The pretrial hearing of motions brought by 13 Black Panthers accused of plotting to bomb public places was halted for a half hour yesterday as the defendants refused to leave their cells to return to the courtroom after the lunch recess.

Gerald B. Lefcourt, one of six defense lawyers, reported to Supreme Court Justice John M. Murtagh that "the defendants refuse to leave their cells unless they can be assured that they will receive the food the prison population gets from the Tombs or be allowed to have food sent in."

Mr. Lefcourt said they had received "nothing but a jam sandwich for lunch, and they had that for breakfast."

The defendants, all but one of whom have been in prison since April 2, 1969, in lieu of bail ranging from \$50,000 to \$100,000, made a similar complaint last week through another lawyer, Robert J. Bloom.

Justice to Relay Complaint

Yesterday Justice Murtagh said he had informed the "staff" of the Correction Department of the complaint, but he promised to "bring this to the direct attention of the Commissioner." Mr. Lefcourt left the courtroom, and after some delay, the defendants finally returned.

Before they arrived, Justice Murtagh renewed his "stern warning" to spectators not to react in any way, and they remained quiet, as they had at the opening of the morning session, when some of the defendants called out on entering: "Power to the people!"

Justice Murtagh informed

the defendants that they were entitled to a private hearing if they preferred.

Justice Murtagh said he was "concerned" lest the conduct of the defendants during the hearings "interfere with the possibility of assuring you a fair trial under the American system of justice."

Mild Laughter Erupts

A few snickers from the defendants and light laughter from the audience greeted the announcement, but the response was mild compared with outbursts that had disrupted previous sessions.

Justice Murtagh went on to say that he had received "not a single complaint" from the defendants about press coverage, "and the press is to be complimented in this regard."

"However," he continued, "the Court is concerned that you yourself may prejudice your right to a fair trial of the issues involved."

Justice Murtagh said he had discussed the matter with defense counsel, who had assured him that their clients wanted open public hearings. However, he asked each defendant to state, for the record, whether he preferred to continue the hearings in public.

As each defendant's name was called, he or she expressed a preference for public hearings, with the public and the press present.

Most replied that they did not believe it possible to get a fair trial but wanted the public and the press to see what was going on. One of the defendants, William King, said:

"This has to be an open trial. The American people have



The New York Times

"We're going to turn the legal system upside down."

to be educated about the true nature of this decadent society."

When Justice Murtagh declared court adjourned until the following day, several defendants jumped up and cried: "What?" The justice called the lawyers forward for a conference at the bench.

Last week the defendants asked to be excused from the hearing today, to enable them to commemorate the birthday of Huey P. Newton, a co-founder of the Black Panther party.

After the bench conference, Justice Murtagh announced that "both sides" had requested that special motions be heard in chambers today and that therefore the defendants, "with the consent of both sides," would be excused from being present.