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Fistfight Breaks Out At Panther Hearing

By EDITH EVANS ASBURY

Fists flew and bruises were inflicted yesterday when a melee broke out in the second day of pretrial hearings for 13 Black Panthers charged with plotting to bomb public places in New York City.

The altercations began in State Supreme Court after a noisy spectator was ordered ousted. The fighting continued as court officers dragged the defendants into a corridor between the courtroom and the detention pen.

Afterwards both prosecution and defense indignantly read into the record the injuries sustained, each accusing the other of doing the assaulting.

Richard Moore, a defendant who has kept up a running stream of commentary, criticism and speeches since the trial began, returned with a swollen left eye when the afternoon session began.

Mr. Moore shouted that he had been beaten to the floor in the corridor by an officer with a blackjack and then "had my head dribbled on the floor like a basketball."

"I must be superman if I'm guilty of assault after being beaten to the floor," he protested.

Assistant District Attorney Joseph A. Phillips reported that two court officers and a detective had been taken to the hospital after the battle, one with a lacerated lip, one with internal injuries and one with a bitten finger.

Judge Reacts Sternly

Gerald Lefcourt, a defense lawyer, asserted that the bitten finger probably had resulted from a fist in somebody's mouth.

Justice John M. Murtagh praised the officers, saying that "at the risk of their personal safety," they had been "subjected to insolence." He was booed by the numerous relatives and friends of the Panthers among the spectators.

Justice Murtagh, who has maintained rigid self-control as defendants and spectators have reviled him, lectured him and laughed at him, said in steely tones:

"I observed what went on. I also observed what part counsel played in bringing about that disturbance."

Mr. Lefcourt responded:

"The Court seems to be blaming counsel."

"We respectfully disagree with you," Mr. Moore shouted at the justice. "In fact, we disrespectfully disagree with you."

Another defendant called out: "Fascist pig!"

When the case opened in court on Monday, Justice Murtagh, announced that there would be no demonstrations. As his order has been continuously flouted, both by defendants and spectators, he has warned defense counsel that it is their responsibility, as officers of the court, to help maintain order.

Justice Murtagh reminded the defense attorneys again yesterday of that responsibility, and he took pains, when there were verbal outbursts, to have the record reflect the name of the speaker and his lawyer as often as he could.

William Crain, a defense lawyer, protested yesterday that Justice Murtagh was "building a record against us" for a contempt citation.

Without denying the assertion, Justice Murtagh, choosing his words with deliberation, coldly told Mr. Crain: "Your lack of skill is largely the cause of the disturbance this morning."

He added that if Mr. Crain had "proceeded as a lawyer, this would not have happened." Instead, Justice Murtagh went on, Mr. Crain's manner of cross-examination of a detective had "created an atmosphere conducive to the disorder that resulted."

The courtroom was in a mild state of disorder from the moment the defendants were escorted in. They raised their right hands and said to the spectators, "Power to the people." Many of the spectators echoed, "Power to the people."

Comments from the defendants and from spectators continued to ring out derisively as Detective Joseph Coffee was cross-examined by Mr. Crain concerning an arrest and raid he participated in at the home of one of the defendants early in the morning of April 2, 1969.

This is the date on which all the defendants were arrested and on which the prosecution alleges it found them in possession of dangerous weapons.

Mr. Crain confronted the detective with an apparent contradiction between a description in reports he had signed of an unloaded revolver, found at the residence, and his testimony the previous day that the pistol was loaded.

Detective Coffee replied that the errors in the reports were "typographical."

Mr. Crain turned to Justice Murtagh and reminded him that the defense lawyers had asked that the defendants be declared indigent and be provided at public expense with a daily transcript of the record.

"I told you I would hear those motions at 2 P.M.," Justice Murtagh replied. "Proceed."

The attorney continued to argue that he needed the record of the previous day's testimony. He pointed out that Assistant District Attorney Phillips had a copy and asked if he could borrow it. Mr. Phillips declined to lend it.

Mr. Lefcourt arose and said the defense had a "grave need for daily copy."

"You made a formal motion this morning which you could have made 10 months ago," Justice Murtagh replied.

"Did the D.A. make a formal motion or does he have to?" shouted Mr. Moore.

Justice Murtagh replied "no," and the rest of his answer was drowned out as Mr. Moore continued to shout: "Are you denying us our constitutional rights to defend ourselves, Mr. Murtagh, yes or no?"

Justice Murtagh said:

"The record will reflect that the attorney refuses to go on and gives his client the opportunity to be disorderly." The Justice then directed Mr. Crain to proceed.

Other defendants began to scream that their constitutional rights were being violated, and Mr. Moore's voice rising above the rest: "This is nothing but an electric circus."

"The record will reflect," Justice Murtagh said calmly, "that Mr. Crain's failure to conduct this examination is making it possible for this disturbance to take place. He cannot but be aiding and abetting it."

A white woman in the audience arose and screamed, "My name is Mary Anne Weisman, and I have as much right as anyone to speak when I see injustice done!"

Justice Murtagh told court officers: "That lady will be removed."

As court officers went toward her, defendants jumped up, crying, "If she goes out, we go out." They were surrounded by officers, there were anguished screams and an elderly woman ran forward, calling out: "They hit my boy. They hit my boy."

At the afternoon session quiet reigned, and several motions were argued on which the justice reserved decision. He granted one, made on behalf of three defendants who are Muslims, to recess the trial on all Fridays to enable them to observe their religious holiday.

An 18-year-old defendant, Lonnie Epps, who was granted youthful-offender treatment on Monday and a severance of trial, was arrested as a result of yesterday's courtroom outbreaks.

He is the only defendant who has been free in bail since the mass arrest last April. The test had been held in bail up to $100,000 until last Friday, when one of the two women defendants was released after bail raised by clergymen was posted.

Young Epps was arrested after he went to the aid of Miss Weisman as court officers dragged her, resisting, out of the courtroom. He had been sitting next to her as a spectator.

The youth was taken to the Elizabeth Street police station, where he was charged with felonious assault against a policeman, felonious assault against a court officer, resisting arrest and contempt of court.

More than 50 demonstrators marched in the rain for almost an hour yesterday in front of the Columbia Broadcasting System Building, supporting the Black Panthers and protesting Government subpoenas to obtain information from newsmen about the Panthers.