

Obscuring the Issues

Serious, disturbing issues surround the trial of the Black Panthers. They include questions of excessive bail, involving judicial prejudice of the defendants, separation of the prisoners in seven different prisons, inhuman treatment of at least one—now severed from the case—who is an epileptic, the 10-month interval between arrest and the day in court for pretrial hearing. And perhaps overshadowing all these questions is growing concern over indications of a concerted national effort to use legal weapons for a war of extinction against the Panthers.

These and related matters have focused national attention on the case. The defendants are accused of conspiring to bomb subways and other public areas; there could hardly be graver charges. But they are also entitled to the traditional presumption of innocence. Some things that occurred in the pretrial period are an affront to that concept. Mass trials contain inherent dangers.

But the sad fact is that, as in the Chicago conspiracy trial of antiwar leaders,

great issues may be obscured by the courtroom tantrums of the defendants. In Chicago, Judge Hoffman's blatant bias has almost surely invited reversal by higher courts if a conviction is obtained. Yet even there the picture would be far clearer if there had been no exercises in absurdity by the defense.

Some of the Panthers seem determined to alienate public sympathy by their conduct during the opening scenes here. What purpose is served by cries of "Pig" and a transparent effort to convert the proceedings into a shambles? If men have been unjustly accused, this is the place to prove it; if they are persuaded of the judge's bias, let the record show it. Disruption and disorder can only strengthen the hand of those who have branded them outlaws before the trial. The Panthers cannot ask support for legitimate legal defense and simultaneously treat the courtroom as a playground for hell-raising. If there is a provocateur in the ranks, this would be his script. It is not too late to stop the exhibitionism and begin the case.

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