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Black Panther Pretrial Hearing Delayed After Student Court Disturbance

By EDITH EVANS ASBURY
Pretrial hearings of 13 Black Panthers accused of conspiring to bomb public places were delayed yesterday by a disturbance caused largely by white college students.

One of the demonstrators, a 20-year-old former student at City College, was held in contempt of court and sent to jail immediately for 30 days. He was Alvin Katz, a long-haired, blue-denim jacket and jeans who gave his address as 840 West End Avenue.

The youth was the third spectator cited for contempt and second one jailed since the often stormy hearings began Feb. 2.

The uproar broke out a few minutes after the court session opened yesterday morning, and resulted in adjournment of the hearings until next Tuesday.

As the session opened in the Criminal Courts Building at 100 Centre Street, Justice John M. Murtagh, of the State Supreme Court, warned the spectators

that he would "tolerate no misconduct from anyone attending this trial." He has been doing this daily since a violent outburst that resulted in fist-fighting and injury to three officers and a defendant Feb. 3.

Almost before the words "power to the people" and shouting with clenched, raised fist fists in response to the first defendant to enter, La-mumba Shukur, also known as Anthony Caston, who called out: "Power to the people."

Peering out at the spectators, Justice Murtagh said to a court officer, "Have that lady, or is he — he's a man — step up," pointing out young Katz.

After the youth was escorted to the front of the courtroom, the judge asked whether Mr. Katz wished to "make any explanation, express any reason why" he should not be held in summary contempt of court.

"I don't recognize this court as representing the people," Mr. Katz replied, "I don't respect this court, I'll say what I feel like saying."

Speaking without emotion, Justice Murtagh then began reading into the record a formal statement that said:

"You who were a spectator committed contempt of this court in the view and presence of the court by raising your hand in response to statements of the defendants after you had been specifically advised that the court would not tolerate any such conduct . . . by your conduct you did break the peace of the court causing disruption and interruption of this court's proceedings, willfully resisting the court's mandate."

In a steeley voice, the white-haired judge, enunciating precisely and slowly, went on to pronounce the young man "guilty of contempt of court."

His voice trembled as he then directed that "you be confined in the county jail for 30 days."

For a moment the restless sounds of the courtroom were stilled. The silence was broken by Sanford Katz, one of the six defense attorneys, who said later that he was not related to the youth at the bench.

request that the defendant be given an opportunity to procure a lawyer." Justice Murtagh denied the request, and there were hisses among the spectators. Later, when John A. Phillips, assistant district attorney, returned to court with the typed order remanding young Katz to jail, the justice permitted Paul G. Chevigny to speak in behalf of Mr. Katz.

Mr. Chevigny said he had been summoned by Lewis Rosenberg, another long-haired, moustached spectator, who was later reported to have been a former student at City College. The lawyer asked Justice Murtagh whether young Katz had made "any response" when he had been sentenced.

"He can best tell you that," Justice Murtagh replied icily. After a hasty conference with his new client in front of the justice, Mr. Chevigny said, "I would have advised my client to remain mute," and requested an adjournment to Tuesday "in order to prepare an adequate defense."

Spectators hissed as Justice Murtagh denied the request,

offering instead a 10-minute recess. Mr. Chevigny argued for more time, declaring that "merely the raising of one hand" was too vague an offense to merit 30 days in jail.

"The only thing to be said in mitigation," Justice Murtagh told the lawyer, "is that my selection of him was to a degree arbitrary, because a number of others" also raised their hands and cried out. However, he went on, "He was the one who went on."

Justice Murtagh added that young Katz's verbal response at the bench "only aggravated his previous offense."

Mr. Katz stood silent, his long, curly black hair falling over his forehead, an olive drab court-duroy jacket draped across one shoulder, watching through large rimmed spectacles, as Justice Murtagh ended the argument with a comment on his "arrogant, disrespectful tone," and sent him to "the county jail for 30 days."

More hisses arose among spectators, which prompted the judge to remark that yesterday's session, unlike others, was composed "largely of young people." "The Court has been informed," he went on, "that they attended Hunter College Assembly Hall last night to hear speakers denounce the trial." Justice Murtagh said he had also been advised that one of the defense lawyers, Gerald E. Letcourt had addressed the meeting, making statements about "the case pending before this court."

"The Court inquired," the justice asked acidly, "whether this is an example of cooperation promised by defense lawyers."

Mr. Letcourt sprang up and denied having referred to the case at the Hunter meeting. He said he had discussed the "verdict just received from the Chicago conspiracy case with which I had some connection in the past year and I had a view about it and I expressed that view."

He declared that the First Amendment protected his right to free speech, even though he was a lawyer.