

Case of N.Y. Panthers Stirs Charge of Unfair Treatment

NEW YORK, Jan. 24—A dispute with wide legal and moral ramifications will come to a head in this city Feb. 2 when the case of 21 Black Panthers goes to trial exactly 10 months to the day after their arrest on charges of conspiring to murder police and to dynamite department stores and public buildings.

Mrs. Leonard Bernstein, the Rev. Ralph David Abernathy and others are insisting that the Panther case raises questions of fair judicial treatment.

The issues include high bail, which defense attorneys say subjects defendants to preventive detention, and the scattering of the accused in six jails.

Indicted in April

Here is a chronology of the case:

On April 2, 1969, a New York County grand jury returned a 12-count indictment accusing the 21 of conspiring to murder city policemen to dynamite five department stores, a police precinct, six railroad rights-of-way and the New York Botanical Gardens.

Twelve of the accused were arrested in a predawn roundup by about 200 detectives wearing bulletproof vests, a 13th was seized in a veterans hospital. Two others already were being held on unrelated charges in New Jersey, one more voluntarily surrendered and five remain at large.

Of those held in New

York, bail was set at \$100,000 each for 10 defendants, \$50,000 each for two others, and \$25,000 and \$10,000 for the remaining pair. Total bail is \$1,135,000.

Called Excessive

Lawyers for the Panthers assert that the bail totals are "exorbitant and excessive" and in effect subject their clients to preventive detention. In a petition to the U.S. District Court, the defense contends that the bail violates the U.S. Constitution by impairing the ability of the accused "to secure witnesses, consult effectively with counsel, prepare for trial," thereby casting a shadow on the presumption of innocence.

Defense attorneys also complained that the accused were scattered in six jails, complicating attempts to prepare their defense.

The chief defense counsel, Gerald B. Lefcourt, in a suit against Commissioner of Corrections George F. McGrath, protested that the defense could not prepare its case effectively while the accused were scattered throughout the city.

On Dec. 29, an agreement was reached whereby all of the male defendants, except one who is hospitalized, were put in the same jail.

In Unit by Themselves

In a telephone interview, Commissioner McGrath said that the Black Panthers are now in a unit by themselves and have the identical privileges granted to 8,000 others who are also being detained for want of bail.

Under New York City practice the press is not allowed to interview prisoners who are awaiting trial. Defense counsel maintains that this lack of access to the media is prejudicial because District Attorney Frank Hogan attacked the defendants in a television interview "calculated to terrorize and influence the public and the judiciary so as to ensure that bails would be set which the defendants could not meet."

It is also contended that the police leaked to the New York Daily News a story that alleged that Ogie ... aiding ...

story, published last April 4, was attributed to "high police sources."

The Panthers' case and their attorneys' allegations began to draw public notice after Mrs. Bernstein, the wife of the composer, organized a meeting to discuss the merits of the case.

Reaction to Meeting

The reaction to the meeting held in the Bernstein penthouse apartment on Jan. 14, underscored conflicting white emotion about the Panther case. In an editorial, the New York Times said that while the Panthers were entitled to their constitutional rights the Bernstein party "represents the sort of elegant slumming that degrades patrons and patronized alike."

According to The Times, "responsible black leadership is not likely to cheer as the Beautiful People create a new myth that Black Panthers beautiful."

In a brief letter of reply, Mrs. Bernstein, a founder of the Women's Division of the New York Civil Liberties Union, retorted that the party was not a "fashionable" event but an attempt to arouse concern about the legal issues in the Panther case.

And, the militants for the moment appear to have a united black community behind them in the conflict with police here and in other cities.

Support by Abernathy

This was illustrated on Friday when Mr. Abernathy for the first time publicly expressed support for the Panther defense in New York. Mr. Abernathy, the head of the Southern Christian Leadership Conference, said he was giving all possible moral and material support to the Panthers.

At the same time, black politicians like Charles Rangel, a Harlem assemblyman, joined the defense committee, dismissing as "vicious" the suggestion that responsible blacks were unwilling to associate with the Panthers.

"Only today," he said, "the Panthers have warned the dope peddlers to keep out of Harlem, and you ...