

# Panthers Found Innocent In N.Y. Bomb Plot Trial

5/14/71

By David C. Berliner  
Special to The Washington Post

NEW YORK, May 13 — Thirteen Black Panthers were found not guilty today on all counts in an alleged plot to bomb police stations and department stores during the 1969 Easter shopping season.

A jury of 11 men and one woman, five of them black, brought the long and tumultuous trial to an abrupt and stunning conclusion when they took just two hours to reach their verdict on the 12-count indictment. At one time in the 15½-month proceedings, there had been as many as 30 counts against the defendants.

Although the trial had repeatedly drawn several hundred spectators, only some 20 Panther sympathizers were in the courtroom when the

State Supreme Court jury returned with its unexpectedly quick decision.

Within 10 seconds, while 45 uniformed court officers stood nearby, the tense silence was shattered by a cheer and the unabashed sobbing at the defense table as jury foreman Ingram Fox, a black, replied firmly, "not guilty" to the first count read by the bailiff.

Assistant District Attorney Joseph A. Phillips, who prosecuted the case, listened impassively as the verdict was announced.

The first-ballot decision surprised most jurors, who said later they had expected to deliberate at least three days.

See PANTHERS, A13, Col. 1

It was a trial that is estimated to have cost the state and city of New York more than \$2 million, while filling 15,000 pages of transcripts, and hearing almost 80 witnesses in nine months.

"It was no contest," explained juror Frederick Hills.

"There was just not enough evidence . . . the case was shoddy," added juror James Butters.

Several of the defendants,

most of whom had been in prison in lieu of high bail since their arrests April 2, 1969, picked up their belongings in the detention chamber and walked out waving a clenched fist salute.

Six defendants, including the two women who stood trial, were allowed to leave, but five others were remanded to custody in connection with other cases.

The status of two missing defendants, Michael Tabor and Robert Moore, was

jumped bail and fled to Algeria in February, was not clarified.

The alleged plot was first disclosed on April 2, 1969, when 14 of 21 persons named in an indictment were arrested in a series of pre-dawn police raids. Two days later, as several hundred supporters screamed and applauded their sympathy at the arraignment of one of the defendants, State Supreme Court Justice Charles Marks warned: "This is not a theater, this is a court

of law. In all my 22 years on the bench, I have never seen anything like this."

The incident proved to be a low-level preview of what was to come as courtroom name-calling, screaming, threats, and even violence became commonplace.

By February, 1970, as pre-trial hearings began, State Supreme Court Justice John M. Murtagh had severed nine defendants for a variety of reasons.

Later that month, an un-

successful attempt was made to bomb his suburban home. Finally, with decorum proving more the exception than the rule, Murtagh suspended the hearing six weeks until convinced the defendants would adhere to standard courtroom behavior.

In the trial, which began in September, the prosecution summoned some 70 witnesses to describe what it said was an elaborately planned scheme. Most crucial were four undercover agents, whom the de-

fense characterized as "Hare" and "Uncle Tom" being used in an alleged plan to destroy the Black Panther party.

The 12 counts that remained for the jury to ponder alleged that the defendants conspired to murder policemen by bombing police stations and by using sniper fire; that they accumulated various types of explosives and weapons to further their conspiracy and that they attempted arson. The latter allegations pertained primarily to an alleged scheme to

burn New York City's Botanical Gardens.