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Panthers Disrupt Proceedings As Case Against 16 Opens Here

By EDITH EVANS ASBURY

Shouts from 16 Black Panthers scheduled to go on trial disrupted arguments on pre-trial motions in Supreme Court here yesterday as hundreds of their supporters marched outside demanding their freedom.

The Panthers are accused of conspiring to bomb department stores, police stations, the New York Botanical Garden in the Bronx, subway switching stations and a Queens district school office, as well as of possessing dangerous weapons.

Their supporters contend that the Panthers are victims of a police frame-up because of their admittedly revolutionary political beliefs.

Supreme Court Justice John M. Murtagh frequently warned both the defendants and their lawyers that their behavior could bring disciplinary measures.

Twice, as the noisy defendants and their friends among the spectators almost got out of control, Justice Murtagh angrily cleared the courtroom and declared a recess.

Outside the Criminal Courts Building at 100 Center Street, about 300 demonstrators sang, chanted and marched in the rain. Some carried banners

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THE NEW YORK TIMES, TUESDAY, FEBRUARY 3, 1970



The New York Times by Jack Manning

BLACK PANTHER SUPPORTERS outside Supreme Court, 100 Centre Street, as the trial got under way yesterday

bearing such slogans as "Stop the trial." The demonstrators remained orderly as scores of policemen, some on horseback, watched.

The first interruption of the proceedings came within a half hour after the defendants filed into the courtroom.

Gerald B. Lefcourt, a defense lawyer, was arguing a motion that Justice Murtagh disqualify himself on the ground that he was too biased against the defendants to provide a fair trial.

One of the defendants shouted, "We want our families in the courtroom, so they can see what is being done to us." Other defendants took up the cry, demanding also that "press pigs" be ousted from front-row seats to make way for Panther families.

'There Will Be Blood'

Justice Murtagh, who had announced as court opened that "there will be no demonstrations," directed the defendants to be quiet.

"We are already in jail" was the shouted reply, and as another chorus arose, one voice cried: "There will be blood all over this courtroom."

Justice Murtagh declared an immediate recess until after lunch, and the defendants were taken back to the prison pen. They have been in prison since their arrest April 2, 1969, in lieu of bail ranging from \$25,000 up to \$100,000 for 10 of them.

After the recess, the demand that families be permitted in court was renewed, and Justice Murtagh directed that Mr. Lefcourt and Joseph A. Phillips, an assistant district attorney, see if there were family members among the 100 people lined up in the hall outside the courtroom. They returned and reported there were none outside.

Family members in the spectators benches inside frequently joined the chorus of comments kept up by the defendants the rest of the afternoon. They called out encouragement and echoed, "Black Power to the people?" when the defendants shouted the phrase.

Heavy Guard Posted

Hundreds of policemen had been assigned to the courthouse, inside and outside. A solid line of court officers was in a row behind the defendants in the courtroom, and other officers were posted around the walls.

Inside the courtroom, a scuffle developed that caused an uproar and brought about the second hasty recess.

Defendant's Action Disputed

Assistant District Attorney Phillips noted for the record that one of the defendants had struck a court officer.

Mr. Lefcourt declared that the record should read instead that "as a question was asked," the defendant had arisen to "attempt to approach his attorney at the counsel table and one of the officers put hands on him as he stood up."

Justice Murtagh declared that "the officer was acting properly" and stated for the record: "Defendants acted in a disorderly manner, a number of them rising, and even getting into a commotion with some of the officers."

Mr. Lefcourt told Justice Murtagh that he had admonished the defendants during the luncheon recess and "told them not to act up, but the canons of ethics do not call for physical restraint, and I will not physically restrain them."

Justice Murtagh responded that "the manner in which counsel addresses the Court has an inescapable effect on the defendants."

Before the defendants were escorted into the courtroom, Justice Murtagh heard arguments on motions to grant youthful-offender treatment to three of them who are under 21 years of age.

He granted the motion for two, but refused it in the third case.

Justice Murtagh also granted another motion to sever the trial of a defendant who is ill.

He is Lee Berry, a Vietnam war veteran who suffers from epilepsy and who has been confined to the Bellevue Hospital prison ward since Nov. 24.

The two defendants granted youthful-offender treatment were Lonnie Epps and Eddie Josephs, both 17 years old and both high school students.

This left 13 defendants to

stand trial, all but one of them held in jail in lieu of bail since April 2. The one at liberty is Mrs. Afeni Shakur, also known as Alice Williams, the 22-year-old wife of another defendant. She was freed Friday after clergymen raised money for her yesterday was Richard Moore, 24, self-employed painter, who frequently interrupted the pro-

ceedings to make speeches. He also shouted such comments as "you know you are lying" to a detective who testified concerning the arrest of one of the defendants.

At the conclusion of the detective's testimony, Mr. Moore clapped his hands, and shouted "You deserve applause, you deserve an Academy Award."