

PANTHER HEARING RESUMES IN PEACE

Murtagh Presides on First
Day Without Disorders

By EDITH EVANS ASBURY

Pretrial hearings for 13 Black Panthers accused of plotting to bomb public places here resumed yesterday and continued quietly all day, with consistently dignified behavior among defendants and spectators.

It was the first day since the hearings began that a session was not interrupted by disorder in the courtroom.

The hearings, which began Feb. 2, were halted Feb. 25 because the defendants had refused to abstain from making loud comments and indulging in disruptive behavior in court.

Disorders among them and spectators had prevailed during the hearings previously, culminating in violence one day and resulting in the sentencing of two spectators to

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Panther Hearing Resumes Here Without Disorders

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jail for contempt of court.

Justice John M. Murtagh opened the hearing yesterday by deferring consideration of a prosecution motion for installation of a closed-circuit television system to relay the proceedings to the defendants should they become unruly and be sent from the courtroom.

Advice on Behavior Given

Justice Murtagh said he hoped, "and I hope I am not being naive," that there would be no necessity for closed circuit TV. Therefore, he said that "notwithstanding the Court's previous experience," he was deferring consideration of the motion "until such time as it becomes necessary."

Before permitting the defendants to be brought in, Justice Murtagh asked their attorneys to advise them that they risk being tried in absentia if they misbehaved. He also stressed that two defendants out on

\$100,000 bail—Afeni Shakur and Richard Moore, also known as Analye Dahruba—risked being remanded to jail if they did not maintain courtroom decorum.

A recent decision by the United States Supreme Court in the case of Illinois v. Allen, Justice Murtagh told the lawyers, "has provided legal tools to maintain order." He said he intended to use the curbs "sparingly, intelligently and in moderation." But he noted that the decision said the defendants "waive, by misbehavior," the right to remain in the courtroom as their trial goes on.

'Ready to Stand Trial'

After a recess, the lawyers reported that their clients had refused to promise to behave, in so many words, but had promised that they were "ready to stand trial."

Justice Murtagh, who accepted this message instead of a promise to behave last week,

when he agreed to resume the hearings, accepted it again. He reminded the lawyers, however, that "ready to stand trial" implied an agreement to behave in court.

Justice Murtagh also granted the request of Michael Tabor that he represent himself in court. However, he warned Mr. Tabor that he was electing a dangerous course. He designated Prof. Leroy Clark of New York University and William E. Crain, Mr. Tabor's former lawyer, to be available at all sessions to advise the defendant.

Evidence at Issue

Professor Clark, who represented the defendants in a habeas corpus proceeding in Queens Supreme Court during the recess in the hearings, and William M. Kunstler, attorney for the "Chicago Seven," had come to the hearing as observers. Justice Murtagh directed them to sign in as "of counsel" if they wished to remain seated at the defense table.

The hearings, which are exploring defense motions to suppress evidence on the ground that it was illegally seized, resumed with testimony from detectives who participated in the predawn arrests of the defendants on April 2, 1969.

Detective James McDDonnel testified that he went with other policemen to arrest Robert Collier at his home at 336 East Eighth Street.

Collier, 32-year-old former staff director of the Tompkins Square Community Center, was convicted June 15, 1965 of conspiracy to blow up national monuments, including the Statue of Liberty, and of smuggling dynamite from Canada. He served 21 months of a five-year sentence.

Detective McDonnell testified that he had found "the makings" of bombs—capped lengths of pipe and a gallon can of Hercules Bullseye smokeless pistol powder—in Collier's apartment.