

## SPEED-UP IS SEEN IN PANTHER CASE

NY T 4/1/70

### Prosecutor Points to High Court Behavior Ruling

By EDITH EVANS ASBURY

Assistant District Attorney Joseph A. Phillips said yesterday that the United States Supreme Court decision on how judges may treat unruly defendants would no doubt expedite pre-trial hearings of 12 Black Panthers.

The hearings for the Black Panthers—who are accused of plotting to bomb public places, attempted murder, attempted arson and possession of dangerous weapons and ammunition—are scheduled to resume next Tuesday.

They began Feb. 2, but were halted indefinitely Feb. 25 by state Supreme Court Justice John M. Murtagh because of the defendants' unruly behavior. The 13 refused to accede to Justice Murtagh's demand for a written promise to behave, but finally petitioned Monday for resumption, saying they were ready to stand trial.

Justice Murtagh granted the petition after making it clear that so far as he was concerned, being "ready to stand trial" implied a promise to behave.

To stress his point, he read from section 750 of the New York State Judiciary Law, which empowers the court to punish for criminal contempt persons guilty of "disorderly, contemptuous, or insolent behavior committed during its sitting, in its immediate view and presence, and directly tending to interrupt its proceedings, or to impair the respect due to its authority."

"The Supreme Court's decision that a judge has a right to send unruly defendants from the courtroom and continue their trial without them if they

refuse to promise to behave confirms beyond any doubt that Justice Murtagh's action was constitutional in every way," said Mr. Phillips, the prosecutor in the Panther trial.

He added that plans were well under way for piping the trial proceedings to a room away from the courtroom by closed-circuit television if cases the defendants resume unruly behavior when the hearings begin again.

Mr. Phillips said he would continue those plans "unless a careful reading of the full decision indicates otherwise."

Justice Hugo Black, speaking for the Court, yesterday, said that one of the "constitutionally permissible ways for a trial judge to handle an obstreperous defendant" is to "take him out of the courtroom until he promises to conduct himself properly."

Nowhere in the decision do the judges say where the unruly defendant is to be taken, and nowhere do they ban the use of television.

Gerald Lefcourt, attorney for the defendants, was unavailable for comment yesterday.