

Judge Halts N.Y. Case Of Panthers

By Thomas Powers

NEW YORK, Feb. 25 (UPI)

—The presiding judge at pre-trial hearings for 13 Black Panthers charged with a bombing conspiracy recessed the proceedings indefinitely today after three weeks of disruptions by the defendants and spectators.

State Supreme Court Justice John M. Murtagh blamed the defendants' "contemptous behavior" for his unusual move. He said he would consider favorably a written motion to resume the hearings only if it is accompanied by "an unequivocal assurance that the defendants are now prepared to participate in a trial under the American system of criminal justice."

Murtagh had warned Tuesday that he had "a formula" which he would impose in a week or two if the defendants did not behave.

When the Panthers shook their fists and shouted "all power to the people" on being brought into court today, Murtagh announced "the continued misconduct persuades me to use the formula without further delay."

No Alternative

"The court declares the proceedings recessed indefinitely," he added. "The hearings are proceeding at snail's pace and are continually being interrupted. The defendants are unwilling to proceed . . . The court has no alternative."

Murtagh refused to hear any objections from the defense attorneys and warned them not to indicate to any other court "that you are actively engaged before this court."

Four of six defense attorneys later held a press conference at which they declared they had frequently admonished their clients "to conform to standard courtroom behavior" and speak only when asked questions. However, they said, the Panthers refused to be silent.

"This is probably a milestone in judicial history," said Charles T. Kinney, one of the attorneys. "We intend to be as careful in framing our response as Murtagh was in forming his little formula."

Twelve of the defendants have been jailed since their arrest last April 2 in lieu of bail ranging from \$50,000 to \$100,000 each. One of the two women defendants, Afani Shakur, posted \$100,000 bail three days before the pre-trial hearings began Feb. 2. The money and securities were raised by clergymen.

Often Encouraged

The defendants have repeatedly insisted on their right to speak out whenever they felt there was "injustice" in the courtroom, and they have been encouraged at times by shouts and applause from Panther-sympathizers among the spectators. Murtagh has cited two women spectators for contempt of court, sentencing one to 30 days in jail and releasing the other after she apologized.

The Panthers are charged with plotting to kill policemen and bomb public facilities including department stores, subways, and the Bronx botanical garden.

The pre-trial hearing is on motions to suppress evidence seized during the arrest of the defendants during a series of coordinated raids last April.