

# Black Panthers See a Chance for Martyrdom in N.Y. Trial

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BY FLORA LEWIS 2/17/70

Although the reports tell of uproar and upheaval, the atmosphere in the courtroom where 13 New York Black Panthers are on trial is simply theatrical. It isn't the vaudeville of the Chicago trial, but a highly stylized performance with a sophisticated script, more ballet than brouhaha.

It is hard to remember that the lively, bright-eyed young men and women whose expanded prisoners' dock takes up a third of the courtroom are seriously being charged with planning what amounts to random murders. It is hard to remember that they face the serious possibility of spending their whole lives in jail—the maximum sentence if convicted on all counts could amount to 125 years each.

Nothing feels real. It is easier to suppose that when the curtain falls, everybody will go home and about their lives as usual. But as the hearings drag on, punctuated with their bursts of ritual defiance, it grows clear that isn't so. An important contest is taking place and the outcome will affect many more than can crowd into the courtroom.

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Already, the Panthers are becoming subtly trapped in their own strategy. Their evident plan is to make this a purely political trial like Chicago, a confrontation between two hostile visions of justice. They seek to use the courtroom to establish their claim to being revolutionaries, outside a system of laws they oppose. The essence of their argument is that the system is presumptuous to judge them.

But they claim their rights within the system, the right to reasonable bail which they were denied, the right to an impartial judge which they say was denied. Making claims on the established system implies acknowledging and accepting its validity, at least in part. Gradually, no doubt without realizing it, the Panthers are maneuvering themselves out of the would-be role of revolutionaries and into the role of defendants demanding a fair trial.

The same subtle trap has been working in reverse on the judicial system, however. The authorities' strategy is to ignore the Panthers' self-image as challengers to a whole society and to judge them straightforwardly by the criminal code. Fear, excitement and some muddled thinking have led the authorities to undermine their own effort. Excessive bail (\$100,000 each), so many guards that they stand hip-by-hip, vague threats about future sentencing from the judge—all this makes it quite unlike an ordinary criminal trial and so serves the Panthers' purpose.

Which side will subvert itself more, to the benefit of the other,

remains to be seen. No matter what their words, the Panthers cannot make themselves into revolutionary leaders instead of regular criminal suspects on their own. It takes the court and the society to do that, by taking them at their word and treating them differently from other citizens accused of lawbreaking.

If that happens, the Panthers will have won the contest and turned a case about conspiracy to bomb department stores, subway stations and a botanical garden into a show trial of lasting importance. It is a point which needs constant emphasis. To treat the Panthers as revolutionaries, a suspect organization, is to concede their prime goal.

It is ironic that the issue should be left open because the trials, not only the one in New York, are also influencing the Panthers' idea of what kind of group they are. As militant black separatists, they were a tiny clique with little influence.

Now they are abandoning the separatist idea—they didn't call out "Black Power" as they entered the courtroom, they intoned "All Power to the People." They seek and accept help and sympathy not only from white radicals, but from the very white liberals they had attacked so fiercely.

As would-be show trial defendants, they are attracting a support from and creating a solidarity among other blacks which they had never managed to achieve as a group of loud gunmen. Martyrdom offers them possibilities they had never reached with violence.

The contest in Justice Murtagh's courtroom is far more intricate than the elaborate legal procedure, and much more real than motions denied, dirty words, unseemly hassles. It has more fundamental meaning for America's future than street riots in Detroit and armored cars in Washington. Only the greatest care to focus on the central issue of rebellion versus plain crime, despite angers and fears, can keep the contest from being lost for the cause of reason and domestic peace.