

PANTHERS' JUDGE CLEARS THE COURT

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Murtagh Acts After Warning
Against Uproar Is Ignored

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Within a few minutes after the opening of yesterday's session of pretrial hearings for 13 Black Panther members, the courtroom burst into an uproar again and had to be cleared.

Supreme Court Justice John M. Murtagh had warned spectators not to respond in any way when the defendants were brought in. He renewed his warning of the previous day that he would deal severely with spectators, lawyers and defendants who disrupted the proceedings.

When the defendants were brought in, some of them called out "Power to the people!" as they had done daily, and there was only a scattered, feeble response from spectators.

One of the defendants called out, "Right on, let me hear it!" Another cried, "Don't let him intimidate you!" Suddenly the spectators broke into a tumult of shouted Panther slogans and applause, and Justice Murtagh ordered the defendants and spectators removed from the room.

It was nearly an hour before the defendants, who are accused of conspiracy to bomb department stores and other public places here, were returned to the courtroom.

Silence This Time

This time two or three of them called out the "power to the people" slogan, but the spectators were silent. They had just been informed by Justice Murtagh that if there was another disturbance, he would have all those he could identify as participants brought forward for summary judgment of contempt of court.

"I implore you to recognize with me that there must be an orderly trial," he said.

Punishment for contempt of court can be 30 days in jail and a \$250 fine, and it could be meted out instantly. Two women spectators have already been cited for contempt by Justice Murtagh. He sentenced one to 30 days and released the other after she apologized.

All but one of the 13 defendants are in jail, where they have been held in lieu of bail ranging from \$50,000 to \$100,000 since their arrest April 2, 1969.

Mrs. Afeni Shakur, one of two women defendants, was freed three days before the pretrial hearings began Feb. 2 after her \$100,000 bail was posted by clergymen. They raised the money and securities after appealing to persons who do not necessarily support the Panther party—which is admittedly revolutionary — but who believe that the bail was excessive.

Questions About Raid

Michael Tabor, 23 years old, returned to the stand yesterday to answer questions about his arrest by a party of five policemen who allegedly found guns in his apartment during a pre-dawn raid.

Tabor admitted that the guns were in the apartment, but insisted that they were hidden from view, between the mattress and springs of two beds and behind a closet. He was testifying in connection with a motion to suppress the use of the guns as evidence at his trial on the ground that they were illegally seized. He has asserted that the raiders had no search warrant.

The witness, who spoke deliberately in a deep, resonant voice, replied to questions about his criminal record by proclaiming his view of the world and reasons for joining the Panther party.

An Addict at 13

As the spectators listened in silence, Tabor said he had become addicted to heroin at the age of 13 because at that time he "began to feel very depressed" and the drug "served the purpose of blurring certain ugly realities of ghetto existence."

Heroin helped "my nose not to smell the urine-soaked hallways," he said. "I didn't feel the garbage underfoot, I didn't hear the sound of police sirens tearing through the black jungle."

Around the age of 17, Tabor said, he realized that he was destroying himself. A turning point came, he went on, when he read a biography of the late Malcolm X, the black nationalist, which "uplifted me, sort of gave me a new outlook on life."

Three years later, he said, he became convinced that only a "radical, over-all change in the social system" could free black people from any kind of addiction—dope or alcohol—and he joined the Black Panther party.

The pretrial hearing will resume Monday.