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Judge in Panther Case

John Martin Murtagh

By McCANDLISH PHILLIPS

THOUGH he comes out of a tradition in which personal relationships are the warp of politics, State Supreme Court Justice John Murtagh has earned a reputation among his friends as a man with whom a first-name familiarity has a negotiable value of exactly nothing.

In the Man News in the market. He is, as one of them put it, "the completely unapproachable man" in whose blue eyes the twinkle turns to frost the instant anyone tries to edge a friendly toe over the line of propriety.

In three decades of public life—as prosecutor, investigator, magistrate, administrative judge and justice—he has often been a center of attention because of the force of his statements and his acts.

Now, as the judge presiding in the bomb-conspiracy trial of 13 Black Panthers in Supreme Court, Justice Murtagh is thrust forward again, this time in an atmosphere of fervid tempers that seems likely to test his judicial forbearance.

"I certainly regard him as a man who will not be shoved around," a former prosecutor said. "He wouldn't allow himself to be shoved around by law enforcement people, or anyone else."

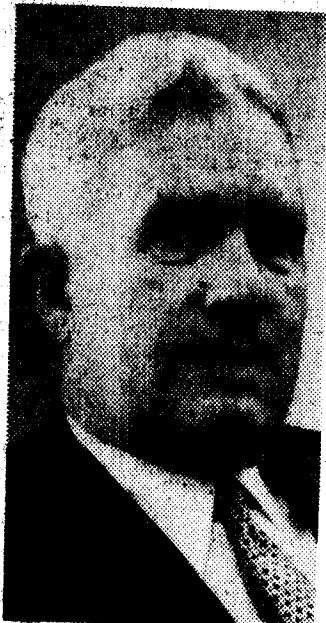
Low Boiling Point'

"He's not a guy who is going to do any shouting at anybody," another man said. "But I do know that he's got a fairly low boiling point. He's pretty mad, and you can see it in his eyes. You can tell it all right."

Observers in court have found him usually very solemn and sober-faced, expressionless, unsmiling, controlled.

As the city's Commissioner of Investigation, he was described by observers as "releagious," "stern," tenacious, and filled with investigatory zeal.

It has long been John Martin Murtagh's bent to carry over into his personal life concerns that have stirred him in his working hours. Thus, when he saw that many of those brought before him in Night Court were alcoholics, he became absorbed in a study of the matter.



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"A man who will not be shoved around."

the Court of Appeals in Albany unanimously invalidated the action against him.

As a magistrate, he became the scourge of traffic scofflaws, once imposing a fine of more than \$6,000 on a man who had ignored a stack of summonses.

He and his wife, the former Mary B. Maguire, were wed in 1947. They have two boys and two girls, including a 9-year-old son, John Jr., who has followed his father as a Yankee fan, and a daughter, Joan, who has followed him in the study of law.

In 1953, he went to Yale to take a summer course on the problem of alcoholism. He later told a fellow Harvard Law School graduate: "My boast now is that I got my law at Harvard and my alcoholism at Yale."

In fact, Justice Murtagh, a former Scotch drinker who has switched to rye, lifts an occasional glass at home or before meals.

His spare-time pursuit made him an expert in the matter, and he served as chairman of the board of the National Council on Alcoholism in 1968 and 1969. He is a member of Alcoholics Anonymous's general services board, half of whose members are not alcoholics.

Favors Social Actions

"As tough as Murtagh can be, he has a real conscience about the person who comes before him," a former prosecutor said. "If he finds that the charge arises from a social problem, he is very outspoken in calling attention to that problem. He makes it known that he does not think the solution lies in legal exactions but in social actions."

Justice Murtagh is the son of Thomas B. Murtagh, a battalion chief in the Fire Department, and the first-born of a set of identical twins. He and his brother, James P. Murtagh, were born here on Feb. 26, 1911, and they fell into an educational and vocational lockstep. Both went to City College, both graduated cum laude with Phi Beta Kappa keys in 1931, and both went to Harvard Law School, graduating in 1934. James

Murtagh practices law here.

From Harvard, John Murtagh was welcomed into the law firm of Evarts, Choate, Curtin and Leon. The first two names stood for William M. Evarts, former Secretary of State, and Joseph H. Choate, Ambassador to the Court of St. James's.

Appointed by O'Dwyer

Mayor William O'Dwyer appointed him Commissioner of Investigation in 1946 at a salary of \$10,000 a year.

He led a staff of 80 investigators who occupied seven floors at 50 Pine Street. One day, recalling an antitrust action in the milk industry, Mr. Murtagh told several of his men to begin checking into the milk industry here.

They uncovered such a web of price-fixing and collusion that the price of milk slipped as the disclosures became public. In a period of a few weeks, the price tumbled from 22 cents to 17 cents a quart.

In February, 1950, he became the Chief Magistrate here. Three months later, he was arrested and charged with a "willful and unlawful neglect of duty." It was alleged that he had failed to report evidence his investigators had found of graft and corruption in the Police Department when he was Commissioner of Investigation.

Exactly five months later,