

Shouts, Judge's Warning Open

N.Y. Panther Trial

2/3/70

By Karl E. Meyer

Washington Post Staff Writer

NEW YORK, Feb. 2—The trial of 16 Black Panthers on bombing conspiracy charges opened today with an angry exchange between the presiding judge and the defendants. The judge warned the Panthers' lawyers that they would be held accountable for their clients' actions.

An obviously upset state Supreme (Superior) Court Justice John M. Murtagh told defense lawyers they should have been "shocked" when the Panthers shouted slogans and obscenities, adding: "I do not intend to tolerate this misconduct."

Gerald Lefcourt, one of the defense lawyers, retorted that he did not incite his clients and was able to advise the Panthers how to behave but could not order them around. The "mere fact there was some noise," Lefcourt said, did not mean that defense attorneys should become scapegoats.

The opening exchanges, observers felt, appeared to presage a trial as long and turbulent as that of the so-called Chicago Seven, posing comparable problems of security. Reporters and spectators who entered the courtroom today were frisked for weapons, and police were deployed for blocks around the Criminal Court building to contain some 500 black and white demonstrators.

The actual trial will not begin until the selection of jurors, probably in two weeks, and until then the court will consider a series of defense motions. Judge Murtagh today rejected a defense motion that he disqualify himself on grounds of prejudice but acceded to another requesting that the status of two 17-year-old defendants be changed from adult to youthful offender.

Important Issues

Among the important issues that will be argued during the trial will be the amount of

bail set for most of the Panthers, which defense counsel argues was so high as to amount to preventive detention. Defense attorneys also maintain that scattering their clients among six city jails for much of the last 10 months has made it difficult to present an effective defense.

Most of the defendants face a lifetime in jail if found guilty on all of the counts in a grand jury indictment presented last April alleging that they conspired to bomb department stores, police stations, railway facilities and the New York Botanical Garden.

The group is known as the "Panther 21," though the total grew to 22 last November when another name was added to the list, at the same time the original 12-count indictment was superseded by a 30-count indictment.

Three of the 22 are still at large, two are in jail in Newark on unrelated bank robbery charges and all but one of the rest was in court today. The exception was Lee Berry, 25, an epileptic, now being treated at Bellevue Hospital. Murtagh formally severed Berry from the trial.

Total bail for those held in New York jails is well over \$1 million. Last Friday one of the two women in the group, Mrs. Afeni Shakur, 22, was released on bail when a group of Protestant clergymen helped to raise \$100,000.

Another World

Judge Murtagh, a bespectacled, grey-haired figure with a firm manner, seemed to be from another world than that inhabited by the leather-jacketed Panthers, who exuded defiance as they faced a bench with the inscription, "In God We Trust" above it.

The courtroom arrangements irritated the defendants because the press seats were between them and their relatives and well-wishers in the audience.

"If our families can't hear what happens to our lives,"

shouted one Panther, Richard Moore, "We won't listen to you. Our wives are in the back of the room and the press—half of them racist pigs—are sitting up front."

Judge Murtagh denied a motion objecting to courtroom arrangements on the grounds that it was not presented in writing, overruling a defense objection that the motion could not have been written up in advance since trial arrangements were evident only today.

The defendants jumped up and began shouting: "Power to the people. Off the pig. Right on." The judge called an early lunch recess and told the six defense lawyers they would be held responsible for the behavior of their clients.

A day-long duel developed between Judge Murtagh and Lefcourt, the most aggressive of the defense attorneys. Lefcourt vainly pressed a motion calling on the judge to disqualify himself, alleging that

the judge was hand-picked for this case by Manhattan District Attorney Frank S. Hogan.

At one point in the afternoon session Murtagh accused Lefcourt of encouraging by smiling the recurrent shouts of the defendants. When Lefcourt denied the charge, the judge asked that the record show that the lawyer was smiling: "It was a decided smile. He is smiling and laughing."

When the trial was recessed, Detective Joseph Coffey was still on the stand, testifying that four weapons, including

an M-14 Army rifle, had been discovered in the apartment of one of the defendants. The testimony bore on a pretrial motion concerning the alleged illegal search and seizure of evidence.

Supporters of the Panthers contend that the case is a political trial which is part of a nationwide campaign against the black militant movement. The prosecution denies this, and the trial is expected to involve the testimony of police informants within the movement.