

3 Panthers Arrested in New York; Police Say Pistol Pulled in Scuffle

NEW YORK, Jan. 13 (AP) — Three Black Panthers from out of town, were arrested today after police said one of them pulled a gun during a routine check of their automobile.

Theodore Smith, 40, of Oberlin, Ohio, was charged with illegal possession of the gun and reckless endangerment. His companions, Thomas P. Jolly, 28, and Robert L. Bay, 25, both of Oakland, Calif., were booked on charges of harassment and conspiracy to

commit reckless endangerment.

In San Francisco, a spokesman for the Panther organization said only that Bay and Jolly are "in the organizing cadre" but have no titles.

A lawyer for the men, Gerald Lefcourt, called the arrests part of a scheme by police to harass Panthers.

"As soon as they arrived on the scene they were under surveillance. They were arrested in Philadelphia on the highway, questioned about the

Panther Party and then released," the lawyer said.

Jolly, Day and Smith were in New York to step up organizational efforts, a Panther spokesman said.

Detectives said they became suspicious of the trio when they saw them sitting in a parked car, its motor running, near Panther headquarters in Corona, a Negro section of Queens.

Detective John Smithers said he asked Jolly, who was behind the wheel, for his driver's license, and was shown an expired California permit. Jolly was asked to get out of the car.

At this point, the officers said, Smith pulled a pistol, but was subdued.