

Amnesty Asked by 2 Panthers

By RALPH BLUMENFELD

Acquitted Black Panther fugitives Michael Tabor and Richard Moore today demanded that District Attorney Hogan offer them amnesty on bail-jumping charges so they can come home from Algeria.

Their lawyers, Gerald Lefcourt and William E. Crain, said Hogan should act because he was responsible for the high \$100,000 and \$50,000 bail set for all 13 Panthers acquitted Thursday in an alleged bomb-and-murder conspiracy.

"Hogan called a big press conference on April 2, 1969, the day they were arrested," Lefcourt said. "He went on TV and scared the city and scared the country with the idea that the Panthers were running around with bombs and guns. That's how he got \$100,000 bail.

"He should call another press conference now. He should tell Moore and Tabor they can come back and he won't indict them."

Want to Return

A federal warrant was issued on the bail-jumping charges, but any prosecution of the two must be made by Hogan's office. The maximum prison sentences is four years.

One Panther lawyer considers it unlikely that Hogan will agree to amnesty for the four fugitives in Algeria, but speculates that the DA would dismiss charges against the co-conspirators who weren't

indicted, on one condition. That would be if the four in Algeria return to Hogan's jurisdiction voluntarily, to face the bail-jumping charge or have it dropped and permit him to close the case once and for all.

Tabor and Moore fled last Feb. 8, jumping bail of \$50,000 and \$100,000 respectively.

Crain said amnesty also would be sought for two other Panthers in Algeria, Nathaniel (Sekou Odinga) Burns and Larry Mack, named as co-conspirators in the original 30-count indictment. Both eluded a pre-dawn police dragnet here 25 months ago.

Despite their warm welcome in socialist Algeria, with Panther philosopher Eldridge Cleaver and a dozen or so other Panthers, Crain said there is no question that the New York foursome

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Panthers

Want to Return

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want to return to the U. S. "It's their country," the lawyer said. "It's no fun living in Algeria. It's living in exile."

Tabor may have extra homesickness. He has half-written a book, and would like to see it published here.

Another book, the autobiography of the Panther 21, will be in print within three weeks, Crain said. Random House is publishing the work, titled "Look for Me in the Whirlwind," with chapters by 16 of the indicted Panthers, including all the defendants. Five of the 21 could not meet their deadline.

The mood at the Lawyers Commune, at 640 Broadway, Lefcourt's headquarters, remained euphoric the day after the mass acquittal and the celebration that followed—a champagne party graced by 15 of the 16 jurors and alternates.

Only Mrs. Elita Yanes, Juror No. 8, was unable to attend the mixer of defendants, defense lawyers and jurors.

'Conspiracy Was Convicted'

Lefcourt said there was no way the defense could properly thank the jurors—"they were the only thing that decided this trial"—except by inviting them to the party.

It might have been the last jury of its kind, he said, if current efforts succeed in the Legislature to limit defense lawyers' roles in selecting a jury, by turning over most of that function to judges.

But there's no doubt, Lefcourt said, that the Panther 13 acquittal has heartened the radical community nationally. He waved a sheaf of congratulatory telegrams, and estimated he had gotten 500 phone calls.

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"I think it's a big up," he said. "Conspiracy [as an idea] was convicted and the defendants were acquitted. And we're not a fluke, either. Look what's happened. . . ."

He cited the "mini-Panther" conspiracy case defended by Paul Chevigny here a few months ago, which resulted in acquittal, and the Harlem Five case, which ended in acquittal on conspiracy charges four hours after the Panther 21 verdict.

Some Still Jailed

Prosecutions of black revolutionaries are at low tide.

Charges against David Hillard, chief of staff of the national Black Panther Party, were dismissed last week. The New Haven murder cases against party chairman Bobby Seale and Ericka Huggins goes to the jury momentarily, and murder charges against former Panther 21 lawyer Arthur Turco are still pending in Baltimore.

Lefcourt said the five Panther defendants sent back to Rikers Island while awaiting trial on other, unrelated, charges would probably be bailed out within a week—free for the first time in over two years.

One, Clark Squire, was released yesterday in \$7500

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bail. He faces an attempted robbery charge. So does Lumumba Shakur, who is also charged with possession of a deadly weapon.

Same Gun, Another Charge

Shakur and William Kinshasa King are both charged with kidnaping in the inmates' rebellion at the Queens House of Detention last fall. Their bail hearing is Tuesday.

Alli Bey Hassan has a gun possession charge pending in the Bronx—the same gun, said Lefcourt, which was withdrawn from the jury's consideration in the conspiracy trial early this week by Justice John M. Murtagh, along with six other gun counts.

Robert Collier, on parole when arrested in the conspiracy case, will seek reinstatement of parole to avoid having to finish the last half of a five-year sentence in a conspiracy to bomb the Statue of Liberty.

Of the 21 Panthers originally indicted, eight still could be prosecuted on the same charges, in theory. But that would mean unlikely in view of the conspiracy jury's total repudiation of the prosecution case—156 counts, 156 "not guilty" verdicts.

The only alleged co-conspirator apparently open to prosecution now is Donald Weems, 24, also known as Kwesi Balagoon. He allegedly fired shots at Patrolman Roland McKenzie in the Harlem River Dr. incident, with one bullet penetrating McKenzie's summons pouch. That trial, if it took place, would deal with a tangible charge, assault, rather than an intangible conspiracy.

Where They Are

Weems has been in jail throughout the conspiracy trial, facing a separate charge of assault in New Jersey. Now that there is bail money available, Crain hopes to meet Weems' \$25,000 bond.

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Thomas (Mshina) Berry is a fugitive, his whereabouts unknown. Lonnie Epps, a juvenile when indicted, will have his case heard June 2. Crain also hopes the same hearing will be attended by another Panther teenager, Eddie Joseph, who jumped \$5000 bail and fled.

Lee Berry's case was severed due to illness. Richard Harris awaits trial on another charge in a New Jersey jail.