

S-1 12-9-68

Top Court OK's Anarchy Case Hearing

WASHINGTON (AP) — Ten black militants charged in New York with advocating the overthrow of government through sabotage and assassination were granted a hearing today by the Supreme Court.

The 10 include suspended school administrator Herman B. Ferguson and young militant leader Arthur Harris, both convicted earlier this year of conspiring to slay two moderate civil rights leaders.

Attorneys for the 10 had asked the court for a hearing on the constitutionality of New York's 1902 law against criminal anarchy. They argued the 66-year-old law could not be reshaped by courts to conform with more recent legal safeguards.

Ferguson, 46, and Harris, 22, were found guilty last June of conspiring to kill civil rights leaders Roy Wilkins and Whitney Young Jr. after a Negro police detective testified he had infiltrated the Revolutionary Action Movement (RAM).

In a separate indictment under the anti-anarchy law, the 10 were charged with advocating the overthrow of New York's government "by force and violence" including the use of guns and fire bombs against transportation facilities and the assassination of public officials.

Prosecution has been postponed pending the appeal to the Supreme Court.