

PANTHERS FREED IN NEW ORLEANS

12 Are Not Guilty of Attempt
to Murder 5 Policemen

By ROY REED

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NEW ORLEANS, Aug. 6—Twelve Black Panthers were found not guilty today of attempted murder of five New Orleans policemen in a shoot-out last Sept. 15.

A jury of 10 black men and two white men deliberated 30 minutes. When Christopher Anderson, the black jury foreman, read the verdict, a crowd of mostly black spectators shouted for joy.

This was the nation's first Panther trial conducted by a black judge—Israel M. Augustine Jr.—before a predominantly black jury.

Judge Augustine had instructed the jury that to find the defendants guilty it must find that each had committed a criminal act or that one defendant by name had committed the act and had been aided by the others. The prosecution had made no attempt to prove that.

If convicted, the nine men and three women would have faced up to 20 years in prison on each of five counts.

The closing arguments of the opposing lawyers both relied heavily on their differing interpretations of the political roles of the Panthers and the police.

Numa Bertel Jr., the white Assistant District Attorney heading the prosecution, accused the Panthers of having decided, because of party ideology, to hold established law in contempt and to operate outside it.

The 12 young men and women captured after a gun battle Sept. 15 on the edge of the Desire public housing project had shown an "intent to do war on lawful authority," he said.

Ernest Jones, a young black lawyer for the defense, talked to the jury about "400 years of white racism" that he said still thrived in the New Orleans police department.

He said the police had raided the Panther headquarters to destroy the party. The Panthers shot back to protect their lives, Mr. Jones contended.

Defense Contention

Using the public words of Dr. Martin Luther King Jr., Mr. Jones said, "we are right between the eyes," and the words of

the New Orleans Police Superintendent, Clarence Giarrusso, "These people are not going to get a foothold in this community," in the faces of the attentive jurors.

The police, Mr. Jones said, seized the party's typewriter, cameras, files, radio and other equipment used in organizing. That showed the authorities' determination to destroy the Panthers in New Orleans, he said.

Mr. Bertel read a Louisiana statute saying a person could be found guilty of an attempted crime by merely aiding, abetting or counseling other principals who were actively trying to commit it.

That was important because the state made no effort to prove that any particular defendant among the 12 persons had actually fired on the police.

The police testified that they had found 48 spent shells and 12 shotguns in the old frame house used as Panther headquarters after the shoot-out. Only six guns showed evidence of having been fired they said.

Robert Glass, a young white lawyer with Mr. Jones and four other lawyers, said in a closing argument that the state had failed to prove that any one defendant had been the principal, or the person doing the shooting, which would be necessary to portray the others as accessories.

Specific Intent, Needed

"The state must prove specific intent to murder beyond reasonable doubt, and they just haven't done it," Mr. Glass said.

The police and black witnesses from the neighborhood gave conflicting testimony as to who had fired the first shot, the police or the Panthers.

Mr. Bertel derided the defense contention that the police had seemed to be intent on killing the Panthers.

To the contrary, he said, the Panthers had actively desired and worked for a confrontation with the police. They did so by stirring strife in Desire Project, he said.

"They were bent on destroying the good people of the Desire community," he said.

If the police had not intended to kill the defendants, Mr. Glass demanded, why did they go to the Panther headquarters with 204 guns, an armored vehicle, a helicopter, more than 100 officers, and hundreds of rounds of ammunition?

The trial began almost a month ago. Three weeks were required to select a jury.

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