

Face Possible U.S. Charges

Panthers Remain in Jail

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By WARREN BROWN

Twelve Black Panthers remained in jail today, despite their acquittal yesterday, on charges of attempted murder.

The Panthers are being held by the federal government, pending the possible filing of charges of federal firearms violations against them. The federal hold order was issued yesterday.

The jury, which took three weeks to select, deliberated 31 minutes before returning with a unanimous not guilty verdict in favor of the defendants. Testimony in the case began last week.

THE NINE men and three women were accused of attempting to murder five policemen last Sept. 15, in a confrontation at the militants' headquarters,

3542 Piety St., in the Desire Housing Project.

Found innocent were Leah Bernadette Hodges, 19; Catherine Bourne, 20; Elaine L. Young, 22; Tyrone Edwards, 19; Alton Edwards, 21; Milton O. Martin, 27; Isaac Edwards III, 28; Charles Scott, 20; William Cloud, 38; Donald T. Guyton, 22; Ronald Aitworth, 21, and Leroy Jones, 23.

The defense contended throughout the trial the Panthers were acting in self-defense during the shootout.

Criminal Court Judge Israel M. Augustine began charging the jury at 4:55 p.m. The jury went out of the courtroom at 5:31 p.m. to deliberate and returned with a verdict at 6:02 p.m.

THE POSSIBLE verdicts were guilty of attempted murder, guilty of attempted manslaughter, or not guilty as charged. The foreman of the jury — which consisted of 10 blacks and two whites — was Christopher Anderson. Conviction could have brought sentences of up to 20 years.

The key points of law in the case on which Judge Augustine instructed the jurors were:

—If the jury found the defendants genuinely acted on the assumption the police were the aggressors in the con-

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frontation, the jury was to regard the defendants' actions as being "reasonable."

—If the jury found the defendants were the aggressors, then the defendants could not "shield themselves" from a verdict of guilty by pleading self-defense.

—In order to find the defendants guilty, it must have been proved beyond a reasonable doubt that each defendant in the case "committed some element of the crime," or that one of the defendants committed the crime and was aided in doing so by his co-defendants.

—One or more of the defendants could not be found guilty unless it has been proved beyond a reasonable doubt that at least one of them committed the crime.

Nine votes were needed to convict the defendants.

CLOSING STATEMENTS in the trial were made by assistant district attorneys Numa Bertel and William Ary, for the prosecution, and attorneys Ernest Jones and Robert Glass for the defense.

Bertel, at the beginning of a summation which lasted 83 minutes, thanked the jury for serving and praised them for "exhibiting in the highest degree what citizenship should be in this country." He asked them not to lose sight of the seriousness of the trial because of any levity which may have occurred during the proceedings.

"Disabuse your minds from any little jocular statements we may have made, or any attacks we may have made on each other," Bertel told the jury. He was referring to the friendly sparring which had occurred between himself and defense attorney Alvin Bronstein.

IN SPEAKING ABOUT Police Supt. Clarence B. Giarrusso, Bertel said:

"I want you to remember when the superintendent took this (witness) stand, I want you to recall what he looked like. Did he look like a man who would venture into a slaughter?" he asked, referring to the defense's contention the Panthers believed the police converged on their headquarters to kill them.

Bertel then spoke about officers Israel Fields and Melvin Howard, the

two undercover policemen who allegedly were beaten by the Panthers the night of Sept. 14 at Panther headquarters.

"Remember, undercover work is not work to be ashamed of. It's something to be proud of. It takes a man of extreme courage and integrity to do such work."

BERTEL ALSO ASKED the jury to remember "that the two undercover agents were 'born' in Desire to do narcotics work." He said Fields and Howard "were doing their duty" when they were "brutally beaten by the 12 defendants whom the defense attorneys have characterized as 'brave and courageous.'"

Glass, in his closing statement, said "the prosecution simply did not prove its case" for attempted murder. He

contended the state in no way proved the defendants used the 14 weapons, which police say they took from Panther headquarters after the confrontation.

Glass continued: "Where was the single citizen from the Desire area who supported the state's case? Where was the single citizen from the Desire area who could say, 'I saw the Panthers fire first?'"

He was followed by Jones, who delivered the most dramatic closing statement of the summation proceedings.

"A TRIAL IS a very human thing," Jones said. "It involves human beings, it involves many human problems."

The defense attorney said two things greatly impressed him during the trial. These were Gov. John J. McKeithen's statement that the Panthers should be "hit right between the eyes," and Giarrusso's statement that the Panthers "would not get a foothold in this community."

The statements were made by the two officials at separate times in separate press conferences. Jones reiterated the two statements in his closing speech.

"This country once fought a great war in which six million Jews were killed," Jones continued. "History tells me that since the beginning of the slave trade in America, 50 million blacks were killed... eliminated."

He then quoted Giarrusso's statement: "These people (Panthers) will not get a foothold in this

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community."

Jones said the defendants had a historical knowledge of what he called police brutality towards blacks. Much of that knowledge, he said, was accumulated during the civil rights struggles of the 1960s.

"THEY DID not have to look back 400 years," he said.

About police contentions that officers raided Panther headquarters with search warrants to find implements used in the alleged beatings of the two undercover agents, Jones said:

"With hundreds and hundreds of guns with thousands and thousands of rounds of ammunition, they (police) came to search for a pot."

FIELDS AND Howard testified in the trial that Tyrone Edwards, one of the acquitted militants, hit them in the head with an aluminum pot during the mock trial at Panther headquarters in which the two policemen said they were "found guilty of being pigs."

In one of his final remarks about the defendants, Jones countered the prosecution's contentions that the militants had "terrorized" the residents of Desire.

"These people are the sons and daughters of the Desire Housing project," he said. "The project doesn't fear its children, because its children will become its men and women."

Besides Anderson, jurors who served in the trial were two brothers, Elliot and Errol Glapion; Everett W. Granderson Jr., Ennis Antoine, Rodney P. Gates, Robert A. Serino, Percy J. Gathin Jr., K. L. Weaver, James Lloyd Green and Dennis Merrick.

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