

## Judge to Remain

# Newton Defense Motions Denied

By Tim Findley

Alameda county Superior Court Judge Lionel Wilson yesterday denied motions to disqualify Judge Lyle Cook from presiding over the manslaughter trial of Huey Newton.

Judge Wilson rejected two defense motions that noted Judge Cook is a member of the all-white Elks Club and that charged the judge would be "intimidated" by Citizens for Law and Order, a private court-watchdog organization.

Newton's trial on charges of the 1967 slaying of Oakland policeman John Frey was set for Tuesday before Judge Cook.

### BIASED

There were more delays expected, however, in the Black Panther leader's third trial as Defense Attorney Charles Garry pursues his arguments that the legal community of Alameda County is biased against his client.

Garry was given at least

some support in his premise, if not his conclusion, yesterday by Judge Wilson.

Wilson, the only black Superior Court judge in Alameda county, took official judicial notice of some of the key facts Garry presented in his arguments to disqualify Judge Cook and indirectly all of the Alameda county bench.

### DISCUSSION

Judge Wilson recognized as fact that the Elks club does not allow blacks to become members, that the Citizens for Law and Order favor "maximum penalties" for convicted offenders, that that group has an "action program to replace unduly lenient or permissive judges," and that the law and order group has created "widespread discussion in Alameda county."

Those points were the basis of Garry's argument that the 25 Alameda county judges would be "intimidated" into giving Newton a tough time

in court and even an unfair trial.

Garry had subpoenaed 29 witnesses to testify yesterday that the Citizens for Law and Order is trying to influence judges. The group in turn moved to quash the subpoenas, but Judge Wilson made their appearance unnecessary by recognizing as fact most of Garry's points.

Nevertheless, Judge Wilson ruled, those points themselves did not support an argument that Newton cannot get a fair trial.

### ATMOSPHERE

Garry indicated he may appeal Wilson's rulings, and in any event will call some of the witnesses, including Citizens for Law and Order President Earl Hunting and retired Municipal Court Judge Charles Fisher, Thursday as part of another motion to prove the "atmosphere is poisoned" against his client.