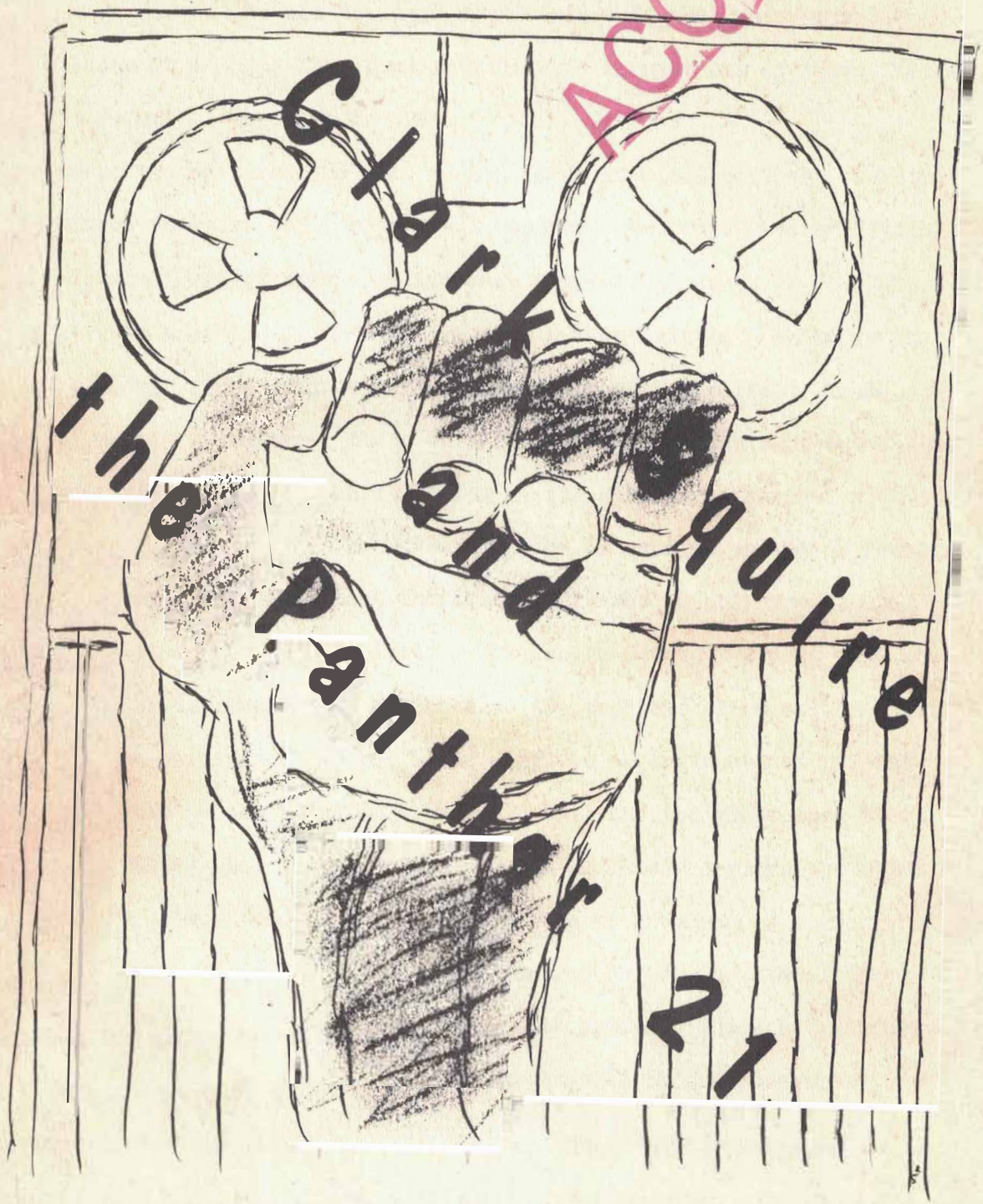

INTRODUCTION

Computer People for Peace became involved with raising bail money for Clark Squire in the summer of 1970. Clark had many friends and contacts in the computer field, and he asked some of them to help raise his $50,000 bail. Although nothing developed from Clark's request one of these initial contacts referred the issue to CPP.

Confronted with this request we had three possible choices. We could have refused to raise bail for a Black Panther. We could have unofficially helped Squire to raise money but not make a political issue of it. Or we could have made it an important part of out activities. We chose the third, although there was not full agreement on such a policy. Among steering committee members, there were at least four schools of thought regarding raising Squire's bail. A few people strongly disagreed with raising money at all either because they were opposed to the Black Panther Party or because they felt that the role of CPP was to organize around computer-related issues exclusively. The second tendency was to take an exclusively civil libertarian approach to the problem: Innocent or guilty Clark and his co-defendants were being deprived of their constitutional guarantees such as the right to reasonable bail and the right to a speedy trial. The third line of thinking held that we should support the Black Panther Party itself because it has a positive program and is a progressive force for social change. A fourth position recognized the Black Panther Party as one group in the continuum of "left" groups. These people felt that left groups must stand together when attacked by the government, despite tactical or political differences. These tendencies were not resolved as a result of debate within CPP, but the group as a whole did

accept the simple civil liberties position and started out to raise the money, united on the necessity to get Clark Squire out of jail.

Bail was $50,000 but because of the depression in the bond market we could purchase municipal bonds with a face value of $50,000 for only $20,000. On the surface it seemed like a relatively easy task, what with the relative affluence of computer people. However, the recession which was spreading its misery across the country hit the computer field especially hard and many of the people who were potential sources of money were in no position to contribute. Finally after four months of hard effort we raised $20,000. For a few more impatient days we waited to purchase the proper bonds. Finally everything was ready. Many who had worked on the project who had never met Clark Squire developed a feeling of comeraderie with him. Accompanied by a lawyer, a few CPP members travelled to the prison on Rikers Island to present the bonds to the warden. Everybody was tense with the anticipation of finally meeting Clark.

But luck and the United States government were not favoring Black Panthers that year. A "clerical" error registered Clark's bail as $100,000 although it had been reduced to $50,000 along with Michael tabor's by Judge Shapiro in Queens. (At the time of their arrest, the defendants were housed in seven different jails. Squire and Tabor happened to be placed in Queens where they pleaded for bail reduction before Judge Shapiro who was apparently more lenient than his colleagues). Ironically Tabor was released in late July without any trouble.

Not entirely discouraged, we decided to bring the "error" to the attention of Judge Murtagh, the presiding judge in the trial. The motion to release Squire was presented by Charles McKinney, Clark's lawyer. Without any hesitation whatsoever, Murtagh launched into a 15 minute tirade in which he not only denounced the defendants and their lawyers, he revoked bail for each and every defendant not already bailed out. Effectively the fruit of months of political work within the legal system was turned into just the oppositie of what was intended.

WHO IS CLARK SQUIRE?

Clark Squire was born 34 years ago in Decatur, Texas, and grew up in a small west Texas town called Vernon. His mother was a domestic, and his stepfather a railroad section hand.

His mother, "convinced that education was the way for Blacks to raise themselves 'by their bootstraps' " taught her children to count and read the alphabet. Later she encouraged them to go to college. The school system, however, "was like thousands of others, a monument to the way of keeping blacks, Mexicans or any oppressed minority ignorant, uneducated, unskilled and, in fact, almost miseducated."

"In our town this was deliberate process to insure availability of a large labor pool which could supply cheap labor for pulling cotton. As a rule only Blacks and Mexicans pulled cotton. Most Mexicans were migrant workers who started in Texas, Oklahoma, and Arkansas at the beginning of the cotton season, worked their way west as the crops opened up in New Mexico and Arizona, and finally moved on to California. There were no schools for the Mexicans who stayed in town for the winter, and many did not speak English."

Black children were given "released time" from their segregated schools during the cotton pulling season. From September through November, they worked daily with their parents in the fields. This plus summer vacation meant that Clark and other Black children attended school only six months during the year.

Despite this, though, real education went on in the community. At home, in the fields, and from other young people Clark learned the rudiments of survival for a Black in southern Texas. Contact with Whites taught him the meaning of discrimination and injustice.

Then at fifteen, after finishing high school, Clark and his older sister left for college. They were the first in the family to do so. Clark wanted to go to school in the big city, but his mother insisted that he and his sister go to Prairie View College, a rural school 45 miles from Houston.

He decided to major in math: "My sister filled out the forms for both of us, and when she asked me about a major course of study I didn't have the slightest idea what to choose. Once I had fleeting thoughts of becoming a doctor. But I knew it took a long time and was very expensive. And Prairie View didn't have a school of medicine. So I squashed that. My sister said she was majoring in English. I thought that sounded like it was for girls, and chose math off the top of my head."

After graduating Clark had a difficult time finding a job. Since he vowed never to become a teacher after the experience of his own grade school days, his only other choices were Federal jobs, where he received offers of employment as an arc welder, aircraft mechanic, sheetmental molding instructor and other positions not related to mathematics.

Finally an interview with Western Electric brought him to New York City, expenses paid. Although he didn't get the job, Clark settled in Harlem where he got his first taste of northern ghetto life. Since he was 19 years old, Black, draftable, with no experience, Clark couldn't find a mathematics related job in New York either. So he took a number of temporary factory positions, and kept applying for Federal positions.

Six months later, he received an offer from NASA to analyze the results of test flights of experimental planes in California. Squire was the only black employee on the Mojave Desert site. After much initial difficulty, he mastered the job, working and studying with many like Neil Armstrong who became active in the astronaut program. Here he also got experience working in the new computer field.

After a few years, tired of the desert environment, he found jobs in military industries in Upstate New York, and received a draft deferrment as a result.

At 26, he moved to New York City to work for a number of commercial computer firms. Here, as always in his life, Clark experienced some of the racism endemic to American society: "Comparison of black experience showed that most of us were overqualified for the positions we held, that we were almost never promoted to leadership or supervisory positions."

SQUIRE'S POLITICAL ACTIVITIES

An awareness of black oppression had been developing in Squire for many years. although he had never been active in any political organization. However, the murder of three civil rights workers in the summer of 1964, affected him profoundly, and he went to Mississippi to work on voter registration.

When he returned to New York, Clark began reading seriously about the black experience in this country and throughout the world. He was particularly influenced by Malcolm X and his ideas on black self defense. Then in 1965, Clark spent a year travelling in the Caribbean, Europe and Africa "to check out other countries and other governments". He talked about revolution with students in Mexico and Paris.

Upon returning to the United States, Clark was arrested by customs agents for carrying a .38 revolver on his person.

He received 3 years probation as a result. He then returned to work, but not without misgivings:

> "By now I was making 'big bucks', and I began to realize that by staying in the system and looking successful I was misleading a lot of other black people unwillingly. I was being used as a pawn in a game in which I did not care to participate. I was not free, but I possessed many of the symbols and appearances of freedom. I felt I was leading brothers to mistake Brooks Brothers suits for freedom, attache cases, American Express cards, first class flights, sports cars and lunching at exclusive mid-town restaurants -- for freedom -- and that was a lie!"

> "All I had done was survive. But I couldn't be proud of survival under the system in America, because too many of my brothers hadn't survived--a lot of them were much more talented than I, but they just had never had a chance. I had seen too many of my brothers cut down along the way--smashed, broken and castrated, by racism, oppression, exploitation, poverty, ignorance, and disease--to be proud of my own survival. I was also becoming increasingly schizoid from maintaining two sets of friends,

I didn't dig racism, oppression and exploitation. I loved being black - the black mentality, black mores, habits and associations. I couldn't go on compromising. But there seemed to be no serious black organization around. After Malcomb's OAAU folded, the rest of the organizations were just a bunch of jive fund-raising and pacification programs. By now I had read Franz Fanon's "Wretched of the Earth" and that for me legit - imized revolution. I was convinced, lock, stock and barrel that revolution was the only path."

Clark soon became interested in the activities of the Black Panther Party in Oakland. Impressed by their militant spirit, and inspired by Bobby Seale's speech at the Fillmore East, he joined the newly formed Harlem branch of the Party and became the Lieutenant Of Finance.

Soon afterwards, he was approached by the FBI and asked to become a paid informer. He refused and the reign of FBI and police terror began with harrassing phone calls on the job. Then at 5:30 AM on January 18, 1969, after he had been in the Party for less than three months, seven policemen broke down his front door, drew their guns, "Stuck them to my head, pinned me against the wall, and commenced to beat me almost into unconsciousness'.

He was charged with conspiracy to murder because people in his car (he was not present) were allegedly involved in a shoot-out with the police. After two weeks in jail, he was brought to court and the charges against him dismissed.

But before he could leave the courtroom, he was re-arrested on the spot and charged with the armed robbery of a subway token booth, which had occurred two months earlier. "This was absurd," Squire said, "because at that time my annual salary exceeded $17,000 per year."

In addition, Clark testified that he was at work at the time of the robbery. He remained in jail for two more weeks until he was bailed out. This case is still pending in the courts.

After his release, Clark returned to his activities in the Panther Party. As arrests and attachs on Panther Party members spread across the country, he and other members in New York awaited the next step:

"Then on April 2, 1969, they sprung the Hitchcock Hollywood Bonanza production of 'the conspiracy' replete with bizarre Hollywood script-written plot and mass Gestapo styled pre-dawn pig raids on the homes of 21 Panthers."

INDICTMENT and ARREST

"The Grand Jury of the County of New York, by this indictment accuse the defendants of the crime of CONSPIRACY IN THE FIRST DEGREE..."

"During the course of the conspiracy the defendants were members of the Black Panther Party which utilized a para-military structure and dicipline in pursuit of its objectives in the City of New York. The members of this party were required to wear uniforms and carry weapons."

"As part of an overall plan to harrass and destroy those elements of society which the defendants regarded as part of the 'power structure' the defendants agreed to assassinate police officers by means of bombs and guns..."

"...It was also the plan of the defendants that the attacks on the precinct and railroad line would be coordinated with the bombing of a number of depart - ment stores during the Easter shopping season."

"It was the plan of the defendants that they would survey and conduct 'reconnaissances' of a number of sites including police stations and de - partment stores that would become targets of their bombing activities. These preliminary 'recons' would enable the leaders of the group to establish priorities so that a bombing could be ordered and carried out immediately. Accordingly, the defendants agreed that police stations and railroad installments would be bombed first, the department stores would be bombed second and the Bronx Botanical Gardens last."

At 1 AM on April 2, 1969, the New York County Grand Jury handed down an in- dictment against 21 members of the Black Panther Party, charging them with con - spiracy to kill policemen; dynamite Macy's, Alexander's, Bloomingdale's, Korvette's and Abercrombie & Fitch departments stores at the height of Easter shopping: and bomb police stations, the New Haven railroad, and the Bronx Botanical Gardens. (A superseding indictment handed down on November 17, 1969 replaced the original 12-count indictment with 30 counts. One defendant and some additional charges were added. Judge Murtagh later cited the second in - dictment as reason for refusing to release Clark when the $50,000 bail was

dictment as reason for refusing to release Clark when the $50,000 bail was raised, under the pretext that the bail set for the first indictment was not valid for the superseding indictment). In the pre-dawn raids of April 3, 1969, the police arrested Clark and eleven other defendants. The twelve were arraigned before New York Supreme Court Justice Charles Mark. They were represented by William Kunstler, acting as chief counsel, along with Gerald Lefcourt and Arthur F. Turco Jr. Two defendants were in jail pending a trial in Newark, New Jersey. Five defendants remained at large. (Two of the five, William King and Lee Roper were apprehended on November 14, 1969 in Columbus Ohio).

DENIAL OF BAIL

Bail for each of the defendants was initially set at $100,000 by Judge Murtagh. This bail, so enormous that it was essentially no bail at all, belies the government's assertion that this is just another criminal case. In most criminal cases, defendants who have no criminal record or who come from a middle or upper class background are given only such bail as is necessary to guarentee their appearance in court. This procedure was simply ignored in the Panther case.

Here the defendants were treated as a single undifferentiated group. Despite the spectrum of personal circumstances faced by the defendants, as well as the variety of charges against them, Judge Murtagh would not lower the excessive bail against them.

After great effort, groups in New York were able to raise enough money to free four defendants on bail. Later in the trial, when two of the freed defendants did not appear in court, bail for the other two was revoked and both were remanded to jail. At the same time, Judge Murtagh revoked bail for all defendants for the rest of the trial and publically expressed regrets that he had ever set bail for any of the defendants. Thus for the action of two individuals, every other defendant was punished.

It should also be noted that there is precedent for granting bail in cases like the present one, except that in the other cases the defendants were white. For example, in New York City two white radicals, accused of bombing buildings at about the same time the Panthers were arrested, were each released on $25,000 bail. This was a large sum but only one quarter of that set for the Panthers. Furthermore, in 1966, a New York judge granted $20,000 bail each to a group of white Minute Men charged with conspiracy to murder 260 civil rights workers.

What effect does denial of bail have on an individual's ability to conduct his or her defense? Clark Squire discussed this in an August 21, 1970 letter to CPP:

> "Political prisoners who were active in changing society, particularly those prisoners faced with vague and flimsy conspiracy charges, but also those prisoners faced with deadly serious charges carrying long prison terms, are still innocent until proven guilty. They still have a sonstitutional right to equal protection of the law, still have a right to reasonable bail and to prepare a proper defense; otherwise let us snatch away the last veil and usher in full scale Fascism, complete with swastikas and goose steps. The issue of bail becomes paramount here if for no other reason than under the 'American System of Justice' it is a well established fact that prisoners who make bail stand at least four time the chance of an acquittal than the poor and indigent prisoners who cannot raise bail. Another reason is that persons out on bail have a chance to gather witnesses and other evidence in their behalf which are crucial to their defense. And Especially in a highly publicized controversial trial, persons out on bail also have a chance to pubically expose and counteract much of the slanderous and prejudicial propaganda of the prosecution. It is no accident that the prosecution has unprecedentedly and repeatedly refused to lower the astronomically high 'ransoms' on the jailed Panthers. Since high bails are simply a more subtle method of repressing political prisoners, it is here I suggest that many of you make your initial commitment." 3

Furthermore, what does it mean to conduct a trial in which the defendants have been denied bail? It means that the question to be decided at the trial is not the guilt or innocence of the defendants, for that has already been determinded effectively, by denial of bail. If the jury should find any or all of defendants innocent, the defendants will have served sentences equal to the time taken to bring the case to trial, plus the time taken by the trial itself. In

the present case the defendants were areested April 3, 1969; they have been in jail over two years! If the jury finds any or all defendants guilty, a longer sentence may be added to that already served. At present in New York City, defendants who do not have access to bail often serve more time in jail before trial than they would normally have expected to serve if found guilty. Under these circumstances, the District Attorney's office usually offers a deal to the accused that if he or she will please guilty, the time served in jail already will be deemed sufficient, so that the defendant will be freed immediately upon pleading guilty in court. As a result, many defendants are in effect coerced into pleading guilty in order to gain their freedom. It is clear, then, that in the absence of a fair bail system there cannot be a fair court system.

WHAT IS THE NATURE OF THE CHARGES?

While some of the defendants are accused of overt acts such as illegal possession of weapons and placing dynamite in two police stations (three months before the indictment), the major charges placed against all defendants are those of conspiracy, not charges related to crimes actually committed. Conspiracy is known as the "prosecutor's darling" because it is not necessary for the prosecution to prove that anything illegal happened. Any overt acts (legal or illegal) that are "shown" to be in furtherance of the conspiracy may constitute evidence of a conspiracy. For example, if two people are charged with conspiracy to rob a bank and they drive in front of the bank (a legal act) during the time the "conspiracy" was in progress, then can be convicted of conspiracy.

The indictment specifically mentions Clark in connection with three overt acts. Two of the references are counts for weapons possession. The other is for being the Lieutenant for Finance of the Black Panther Party (a legal act). During the course of the trial the prosecution has attempted to draw Clark into the "plot" by referring back to the alleged shootout in January, 1969, for which Clark and co-defendant Joan Bird had been arrested and charges already dismissed. Although the prosecution's delivery lasted more than 5 months, no new evidence concerning Clark Squire was presented.

JUDGE MURTAGH

Although the jury is ultimately responsible for the decision in a criminal case, the Judge is in a position to influence the entire proceedings, and therefore his personality and biases can significantly affect the jury's verdict. In New York County (Manhattan), trial judges are chosen for a case by the District Attorney; the defense is not consulted in the choice. Such a

process of decision is of course inherently biased against the defense. Based on this contention, the defense appealed to higher courts to have Judge Murtagh removed as trial judge. The Appelate Division did not deny that Murtagh was handpicked by the prosecution, but it felt that there was "...no showing of bias or prejudice and consequently petitioners have no standing to object to the procedures."[4] In two separate motions, the defense also appealed to United States Supreme Court Justices John M. Harlan and William O. Douglas to disqualify Murtagh. Both appeals were rejected.[5]

John Murtagh, born February 26, 1911, graduated CCNY in 1933, and Harvard Law School in 1938. In 1946, after practising law for eight years, Murtagh was appointed Commissioner of Investigations by Mayor William O'-Dwyer. In May, 1950, Murtagh was arrested and charged with "willful and unlawful ... neglect of duty"[6] for failing to report evidence of graft and corruption in the Police Department found by his investigators. In October, 1951, the Court of Appeals invalidated the case on jurisdictional grounds, i.e., the alleged crime was committed in New York County and the indictment came from Kings County (Brooklyn). The case was transferred to New York County, but after a $2\frac{1}{2}$ month investigation, the Grand Jury failed to hand down an indictment, although it issued a 40-page report which was critical of Murtagh. It stated in part "...our conclusion, that there was no concealment of information by the defendant from the Mayor and that his manner of oral reporting fulfilled the statutory requirements by no means imports a belief on our part that the police investigation conducted by the defendant (Murtagh) was satisfactory or that his failure to submit written reports to the Mayor should not be criticized..."[7] Interestingly enough, Frank Hogan, the same District Attorney who failed to obtain an indictment against Murtagh in 1951, handpicked him to judge the Panther 21 trial in 1969.

PRE-TRIAL HEARINGS

After numerous delays the pre-trial heraings began on February 2, 1970, nine months after the defendants were indicted. The defendants were represented by six lawyers, including William Crain, Robert Bloom, Charles T. McKinney, Carol Lefcourt, Sanford Katz, and Gerald Lefcourt acting as chief counsel. At the outset, several defendants were severed from the trial. Among them was Lee Berry, an epileptic who was on the brink of death due to the treatment he received in prison.

After a series of courtroom demonstrations and disturbances, punctuated by continual warnings to spectators, Judge Murtagh issued three summary contempt citations. From the beginning Murtagh exhibited hostility toward defense lawyers. On February 3, only one day after the trial opened, Murtagh warned the lawyers that they would be held personally responsible for their defendants' conduct. After one altercation between defendants and guards, Murtagh blamed defense lawyer William Crain for the disturbance: "The record will reflect that Mr. Crain's failure to conduct this examination (of witness Detective Joseph Coffee) is making it possible for this disturbance to take place. He can not but be aiding and abbetting it." In addition, Murtagh frequently held out the possibility of unspecified future punishment for the attorneys, presumably meaning contempt citations. On February 25, Murtagh postponed the trial indefinitely, demanding a written promise from each defendant guaranteeing "proper" courtroom conduct. The trial resumed on April 7 after the defendants stated they were ready to stand trial. Michael Tabor and Afeni Shakur were granted the right to defend themselves.

During the course of the hearings, the defense presented a series of motions relating to the suppression of evidence (mostly weapons) obtained

through illegal searches, illegally obtained confessions, and illegal wire-taps. In most of these motions testimony related to the possession of properly obtained search warrants which the defense argues were missing when the defendants were arrested and the evidence seized. Motions were also introduced charging inadequate minority representation on the Grand Jury, and challenging the selection of Judge Murtagh as presiding judge. Except for suppressing evidence of two firearms and a box of ammunition, Murtagh ruled against every defense motion.

JURY SELECTION

Jury selection began on September 8, 1970. In six weeks, twelve jurors and four alternates were selected from more than five panels of about 40 prospective jurors each, a total of 212 men and women. Although the jurors selected were far from a jury of peers, they were more representative than the panels from which they were chosen. There are five Blacks, including one woman, one Puerto Rican, and six Whites. Two alternates are Black. The average age of the jurors is almost twice that of the defendants, but lower than that of the panels from which they were selected. Most of the Black jurors are civil servants,while most of the Whites are middle class professionals. One juror is a student.

The mechanism by which the defense can influence the selection of jury is the voir dire or questioning of prospective jurors to determine their prejudices or biases. Although the Black Panther Party is mentioned unfavorably in the indictment, Murtagh refused to allow questions about a juror's attitude toward the Party. Murtagh often refused to disqualify an unsuitable juror for cause until long after defense demonstrated his unsuitability. At the same time

he frequently attacked the defense for wasting time. (Elimination of panel members for cause was essential for the defense because it had only 20 peremptory or automatic challenges.) In addition, Murtagh intervened frequently on behalf of prosecutor Phillips, prodding him to object to defense questions. At other times, Murtagh even objected and sustained objections by himself.[9] Following jury selection, Murtagh made the following statement, summarizing his opinion of the jury selection process: "At a time when the Court's calendar is congested, six weeks have expended to accomplish what could have been achieved in a matter of hours."[10]

THE TRIAL

The trial began October 19, 1970, with the prosecution's opening statement to the jury. Filling a front row of seats were six undercover police agents scheduled to testify later against the defents. D.A. Phillips told the judge that he wished to introduce his witnesses to the jury. Although all accepted courtroom procedure prohibits witnesses from listening to evidence or argument until they testify, Murtagh overruled the defense objection to their presence during the prosecution's opening statement.[11] In grandiose terms, the Assistant District Attorney described the alleged plot and the undercover agents' skill in foiling it. Referring to Detective Ralph White, Phillips described his work as "... one of the most imaginative, daringly executed feats of undercover work."[12] Nevertheless, the assistant D.A. failed to outline any case at all with regard to a majority of charges in the indictment, a legal requirement for the prosecution. Accordingly, the defense moved to dismiss the unmentioned counts in the indictment. While admitting that the defense contention was correct, Murtagh declared the omission a mere technicality and directed

Phillips to make his opening statement again. Defense attorneys, on the other hand, ran into strong opposition from the judge when they attempted to put the trial into a political framework in their opening statements to the jury. Although the Black Panther Party is mentioned by name in the indictment, the defense was not permitted to mention the party, its program, or the relationship between it and the defendants. Murtagh continually asserted that any mention of the Black Panther Party is irrelevant, since the defendants, not the Party, are on trial. Despite admonishment from the bench, the defense did inject some political substance to their remarks. Michael Tabor stated that "... this is indeed a conspiracy by the State to victimize and persecute the individuals on trial."[13] Afeni Shakur was more blunt: "...The district attorney and his agents used a dash of truth and cup of lies to concoct the most imaginative Hollywood scripts in the history of America."[14] Discussing the alleged conspiracy to blow up department stores during the height of Easter shopping, Mrs. Shakur said, "...there has never been a holiday in the calendar year that did not catch poor people unawares... so that the days leading up to Easter, Christmas, and Thanksgiving find the department stores in the downtown area crowded with nobody but poor people, and to accuse any of us, any member of the Black community, of planning to annihilate those people, those people whom we have sworn to protect, shows the crazed, fanatical mind of the state."[15]

Although by this time four Panthers were out on bail, and two were defending themselves, each defendant was carefully and <u>individually</u> guarded. The inescapable impression that the defendants must by guilty of something was nurtured by the atmosphere. Even the New York Times was forced to state some months before the opening of the trial, "...when jurors finally are chosen, what will they think when they walk into the courtroom and see 30 or 40 uniformed guards? How likely will they be to acquit?"[16]

Since its opening, the prosecution's presentation has been a long series of FBI, police, and undercover witnesses. Although some civilian witnesses were called upon to give "expert" testimony on ballistics, bombs, or other technical subjects, no civilians were called to testify about the defendants' actual activities. Various policemen have taken the stand, testifying on the arrest and seizure of weapons, books, and posters from the homes of the defendants. But the text of the conspiracy was delivered by the most spectacular witnesses of all, the undercover agents who infiltrated the Black Panther Party before even most of the defendants were members.

These agents, standing on the thinly marked line between provocateur and observer, testified about various conversations, meetings, defense drills, and occasional concrete acts. The two star undercover agents were Ralph White and Gene Roberts. Bureau ofSpecial Services Agent Ralph White was initially place on the stand to testify that the film, "Battle of Algiers," (which depicts the Arab guerilla struggle against the French in Algeria) was used as a training film for all Panthers, and that various tactics in the film were to be used by the defendants in the course of the conspiracy (e.g., placing of bombs in women's pocketbooks in department stores). On the basis of this testimony, the film was shown to the jury. Several weeks later, White returned to the stand to testify that he replaced dynamite belonging to the Panthers with a mixture of oatmeal and a tracing substance which was allegedly found later at two police precincts which had been bombed. The other star witness for the prosecution was B.O.S.S. agent Gene Roberts. Roberts, a body-guard for Malcolm X on the day of his assassination, joined the Black Panther Party early in its existence. His testimony concerned meetings in which plans to blow up department stores were allegedly discussed. Roberts, wearing electronic equipment on his chest, monitored two meetings. Because of inaudibility of the tapes which

Roberts produced, Murtagh originally ruled them inadmissible as evidence, then reversed himself after Phillips pleaded that he listen to them again. Transcripts of the tapes written by Roberts with the assistance of an employee from the District Attorney's office were given to the jury in order to "clarify" the tapes. Many contradictions and much implausible testimony followed. For example, one policeman claimed a bullet passed through his summons pouch and then admitted that the summons book inside was not harmed. He could not explain how this strange state of affairs came about.

The prosecution closed its case at the end of April, 1971, two years after they ordered the arrest and incarceration of the defendants on trial here.

EPILOGUE 1

At the time of this writing (May 10, 1971), Clark Squire and most of the other defendants have been in jail 25 months, more than 2 years. The jury is deliberating on the verdict. No matter what they decide, the defendants have already been sentenced to 25 months in jail. From this sentence there is no appeal.

E P I L O G U E 2

4:30 PM, MAY 13, 1971. ALL PANTHER DEFENDANTS ACQUITTED ON ALL COUNTS. THE JURY TOOK ONE HOUR AND 40 MINUTES TO REACH ITS DECISION IN A CASE THAT TOOK THE GOVERNMENT TWO YEARS TO PREPARE, MILLIONS OF DOLLARS TO PROSCECUTE, AND SIX MONTHS TO PRESENT.

The outcome of the trial offers more credence to the charge brought by the Panthers against the government; that the state itself is guilty of conspiracy, a conspiracy to destroy the Black Panther Party; to suppress dissent; to give lip service to democracy while destroying the aspirations of those people struggling for their freedom; and to forment racism. The evidence is there. The overt are glaring. What is needed is a trial.

1. All the quotes in this and the following section are from Clark Squire's Autobiography (in manuscript form).
2. Quoted from the indictment.
3. Interrupt 12 October 1970 pages 8-10.
4. New York Times January 29, 1970 page 34, col 7.
5. New York Times September 5, 1970 page 6, col 6; December 8, 1970 page 43 col 3.
6. New York Times February 6, 1970 page 22, col 2.
7. New York Times March 3, 1970 page 31, col 4.
8. New York Times February 4, 1970 page 1, col 2.
9. The preceding information was taken from Annette Rubenstein's article in the Guardian January 9, 1971, and corroborated by the author in her visits to the trial during that period.
10. New York Times October 16, 1970 page 43, col 8.
11. See footnote 19.
12. New York Times October 20, 1970 page 1, col 6.
13. New York Times October 21, 1970 page 53, col 3.
14. Ibid.
15. Guardian January 16, 1971. Panther Trial: Prejudiced from the Start, by Annette T. Rubenstein.
16. New York Times February 8, 1970 Section IV page 6, col 2.