

Black Suspect in Murder of a Police Officer Alleged

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SAN FRANCISCO, Dec. 13—

A black man accused of participating in a politically motivated murder of a San Francisco policeman four years ago has moved to have charges against him dropped on the ground that the Deputy District Attorney "knowingly deceived the grand jury" that indicted him.

The move was made this week by Ruben Scott, supposedly a member of the Black Liberation Army, an underground organization that has

taken responsibility in communiques for killing several policemen. Mr. Scott was indicted for murder, assault and burglary in January.

Along with Harold Taylor and John Bowman, he was also indicted for the murder of Sgt. John Young, who was slain with a shotgun at the Ingleside Police Station on Aug. 29, 1971.

Mr. Scott's case has been severed from that of the two other men, because they are currently on trial on other charges in Los Angeles.

For two years the police

made no progress on their investigation of Sergeant Young's murder. But in June 1973, they sent out a circular with the names of 35 people who were allegedly B.L.A. members, including Mr. Bowman, Mr. Taylor and Mr. Scott.

'Torture' in New Orleans

The three were arrested in New Orleans on Aug. 25, 1973. According to court records they were held incommunicado for two days. The three men alleged that they were "tortured by police with cattle prods," a

charge that has been denied by the authorities.

However, on Aug. 27, Robert Collins, the magistrate judge who arraigned the three, ordered the police not to interrogate them any further without an attorney being present for them. This order was apparently disregarded and on Aug. 28, Mr. Scott confessed to being a lookout in the shooting.

In January 1974, Federal District Judge R. B. West in New Orleans suppressed the confession in a hearing on unrelated bank robbery charges, on the



...es That the Grand Jury Was 'Knowingly Deceived'

ground that it was not made "freely and voluntarily,"

Judge West also said it was clear that Mr. Scott had been intimidated by the police. He did allow, though, a confession Mr. Scott had made about the bank robbery on Aug. 26, before Judge Collins issued his order against further interrogation.

Mr. Scott was subsequently convicted of bank robbery charges. He has said here and in New Orleans and in Los Angeles that the confession was not made voluntarily.

In this week's legal action, Doron Weinberg, Mr. Scott's attorney, argued before Superior Court Judge Edward Cragen that the deputy district attorney, Thomas Norman, had failed to inform the grand jury here last January that Mr. Scott's Aug. 28, 1973, confession had been suppressed by Judge West, and that a confession made by Mr. Taylor at the same time, under the same circumstances, had been suppressed last year by a Los Angeles judge, in another case. The confessions are the basis

of the indictments against the three, since there was no eyewitness identification of the killers.

Mr. Norman told Judge Cragen that he had not deceived the grand jury. He said that a San Francisco policeman, Frank McCoy, who took the confession from Mr. Scott, said he was "unaware" that Mr. Scott had been beaten and was under the impression that the confession had been made voluntarily. Judge Cragen may make a ruling next week. The current status of the

Black Liberation Army is unclear. It occasionally sends communiqués to trials of political militants, but there is no clear indication as to how many members the group might have or what its current activities are.

Tanker Is Launched

QUINCY, Mass., Dec. 13 (AP)

—The first United States-built tanker capable of carrying 125,000 cubic meters of liquefied natural gas was launched today.

REMEMBER THE NEEDIEST

Police-Murder Witness Testifies He Was Tortured After Arrest

By MARCIA CHAMBERS

A prosecution witness in the retrial of five reputed members of the Black Liberation Army testified yesterday that he was tortured by the New Orleans city police shortly after he was arrested there in August 1973.

The witness, Rubin Boris Scott, 23 years old, testified in State Supreme Court that the police had beaten and tortured him with an electric cattle prod for four days following his arrest.

On Monday, Mr. Scott disclosed that he was present when one of the defendants on trial, Herman Bell, buried a service revolver belonging to police officer Joseph A. Piagentini. Officer Piagentini and Officer Waverly M. Jones were shot to death in East Harlem on May 21, 1971.

"Were you stuck with needles in various parts of your body?" asked William Mogulescu, a defense attorney, in cross-examination.

"Yes," Mr. Scott whispered. "And you screamed when you were tortured?"

"Yes," the witness replied. "And you begged them to stop?"

"Yes."
"But they just kept beating you?"

"Yes."
Lieut. Richard R. Hunter of the Armed Robbery Division of the New Orleans Police Department, was familiar with Mr. Scott's case and said yes-

terday that the defendant's charges were "completely unfounded."

The defense had sought to show the seven-man five-woman jury that as a result of Mr. Scott's torture and subsequent conviction and prison sentence in New Orleans he was desperate enough to do anything to obtain a lighter jail term.

Testimony at the trial showed that despite the alleged ordeal, Mr. Scott did not disclose his knowledge about the gun until after he was sentenced in Federal Court on Nov. 13, 1974, to 15 years in prison. Subsequently, Officer Piagentini's service revolver was found buried five feet deep in the mud at a farm in Louisiana, where Bell had lived.

Mr. Scott admitted that he had also recanted his statements implicating Mr. Bell at a meeting with Supreme Court Justice Edward J. Greenfield, to whom he had gone for assurance that he would be granted immunity concerning his gun testimony.

But in court yesterday, Mr. Scott returned to his original statement, hinting his retraction had been based on fear.

"You were there and you saw with your own eyes that Bell buried the gun," asked Justice Greenfield.

"Yes," said the witness, who then completed his testimony.

Slain Officer's Revolver Found on Farm in South

By PETER KIHSS

The long-missing service revolver of Police Officer Joseph A. Piagentini, who was shot to death in East Harlem in 1971, has been found buried five feet deep in the mud flats of a farm in Pochontas, Miss.

According to testimony in State Supreme Court here yesterday, the .38-caliber Colt Special, Serial No. 900486, was found after a former associate of one of the defendants in the murder trial, Herman Bell, told detectives he was present when Mr. Bell buried the weapon and explained, "It's hot."

The testimony was given by Rubin Boris Scott, who was in prison in New Orleans when he first made the disclosure last Oct. 24. He testified that he had done so in the hope of helping himself after having been sentenced to 15 years for bank robbery there and while awaiting trial in San Francisco on charges of acting with others in connection with the murder of policemen there.

Mr. Scott was the 30th witness called by Assistant District Attorney Robert K. Tanenbaum in a retrial of Mr. Bell, 27 years old; Anthony Bottom, 23; Albert Washington, 33, and two brothers, Francisco Torres, 26, and Gabriel Torres, 27. A first trial ended last May 15 with a deadlocked jury.

Officer Piagentini, who was white, and Officer Waverly M. Jones, who was black, were slain on May 21, 1971, outside

the Colonial Park Houses, where they had responded to a sick call. Mr. Jones's revolver is said to have been recovered during the arrest of Mr. Bottom and Mr. Washington in San Francisco Aug. 28, 1971, when a .45-caliber weapon was also seized.

Mr. Scott, who could barely be heard, was interrupted repeatedly by defense objections to lack of specific ties. He testified he was present in a San Francisco discussion with four defendants—all but Gabriel Torres—two or three weeks before the four left for New York in early May, 1971.

The discussion, he said, involved "scoping pigs," defined through questioning as carrying on surveillance of policemen with a view to possible shooting. Later, Mr. Scott said, he responded to a message by making two guns to New York—a Cayhond's pearl-handled .45, which he said he had seen in Mr. Bottom's possession, and a .38.

After the jury left following his direct testimony, his court-appointed lawyer, Herbert J. Adelsberg, said during a lawyer's conference on the record that Mr. Scott had been given immunity in the New York case but would claim a Constitutional privilege against self-incrimination to refuse to answer questions about other cases.