

Kunstler Murder T

8/13/71
By Jim Mann

Washington Post Staff Writer

BALTIMORE, Aug. 12 — William L. Kunstler filed a \$1 million damage suit against four Baltimore prosecutors and police officials today and asked the U.S. District Court here to prevent further prosecution of Arthur F. Turco.

Then, in an unusual twist, Kunstler told a press conference that if Turco, a white lawyer had been black, he would have been acquitted of accessory to murder charges by a predominantly black jury at his trial here earlier this summer.

Turco, who has represented the Baltimore Black Panthers in past proceedings, was charged with ordering the murder of Eugene Leroy Anderson, who the prosecution said was suspected by the Baltimore Panthers of being a police informer.

The case ended in a mistrial when a jury of seven blacks and five whites failed to reach a verdict. Since then, the prosecution has said it will attempt to bring Turco to trial a second time on the same charges.

With Turco, now free on \$10,000 bond, standing alongside, Kunstler said the jury in Turco's trial was "caught up in the dynamic of black and white."

Anderson, the alleged murder victim, was a black man, Kunstler noted, and three key prosecution witnesses against Turco were also black.

At Turco's trial, Kunstler had rigorously challenged the testimony of the three witnesses. One of them was found to be illiterate and therefore unable to read a signed statement he was supposed to have given police. Another gave testimony so contradictory that the judge, in a rare move, ordered it stricken from the record.

Today, Kunstler said he "felt bad for doing what I did to the black witnesses." He added, "If Arthur Turco had been a black man, I think he would have been acquitted."

The statement was unusual in view of the common claim by radicals that black men, particularly black revolutionaries, cannot receive a fair trial in the United States because of prejudiced juries.

Asked whether he was now attributing a kind of reverse racism to the predominantly black jury in Turco's trial, Kunstler turned the question aside.

"I can't blame black people for feeling anything a white man does to a black man is persecution. It probably is," Kunstler declared.

The \$1 million lawsuit was filed on behalf of both Turco and the Black Panther Party.

Named as defendants were Baltimore State's Attorney Milton B. Allen; Assistant State's Attorney Hilary B. Caplan, who was chief prosecutor at Turco's trial; Baltimore Police Commissioner Donald D. Pomerleau, and Lt. Col. Maurice D. DuBois, chief of criminal investigations for the Baltimore police.

The suit says that criminal charges against Turco "have been instituted in bad faith and without reasonable expectation of eventual success in order to have a chilling effect on the exercise by him and his clients, including (the Black Panther) Party ... of their fundamental rights of expression."

Besides asking for an end to the prosecution of Turco, the suit asks federal court to order an end to infiltration and surveillance of the Black Panther Party.

Kunstler called the suit "a pioneer project for a whole barrage of legal counterattacks" against the prosecution of Black Panthers. He said similar suits will be filed in cities such as New Haven, New York, Detroit, Oakland and

New Orleans, where Panthers have been brought to trial.

Turco said he is now living in Rochester, N.Y., and working on a lawsuit challenging that city's prison officials. He said he expects to appear in Washington next month when Rennie Davis and John Froines, both former Chicago Eight defendants, come to trial on federal charges related to the Mayday protests last spring.