

Seale Trial Prosecutor Says His Case Was Not Political

By Stan Simon

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NEW HAVEN, Conn., May 26—State's Attorney Arnold Markle, speaking out publicly today for the first time in two years about his case against Black Panthers Bobby G. Seale and Ericka Huggins, described as "utter hogwash" the contention that his prosecution was politically motivated.

Markle repeated today what he had made a point of saying several times in court: "There were no political overtones to his prosecution. We weren't prosecuting them for their beliefs . . ."

"My case against both defendants was excellent, in my opinion," said Markle after Superior Court Judge Harold M. Mulvey lifted a ban on statements by anyone involved in the case.

The defense attorneys "tried competent cases," he said, but in angry criticism of Seale's attorney Charles R. Garry, he added:

"When he complains about massive media coverage and he starts on his head on the middle of the Green and he can't understand why there's so much publicity, I find it hard to take."

Garry, a 62-year-old Yoga enthusiast, stood on his head for five minutes on the New Haven Green across from the courthouse while the jury was deliberating.

When that jury reported Monday that it could not

reach a verdict on any of the murder, kidnap and conspiracy charges against Seale and Mrs. Huggins, Judge Mulvey declared a mistrial.

Tuesday, Mulvey dismissed all charges against the defendants. Citing the massive publicity in the case, Mulvey said he found it "impossible to believe that an unbiased jury could be selected" to conduct a new trial.

After Mulvey's ruling, Markle asked for permission to appeal—required under Connecticut law. Mulvey refused.

Today, Markle described Mulvey's refusal as "one of the sadnesses of the administration of criminal justice. The state never really has a chance to appeal from that which it feels is adverse. There's nothing repressive about it. If there's a bad call, you just want an honest opportunity to correct it."

"There were a couple of rulings that unfortunately went against me that I don't necessarily agree with on the evidence that might have made a difference with the jury," he said.

"The judge called them as he saw them. I don't agree with him. There's absolutely no hard feelings in terms of judges or the system."

"This system," he continued, "will survive this minor breakdown in a major case."

But there was bitterness in the 44-year-old prosecutor's feeling about Seale, the national chairman of the Black

Panthers, and Seale's two courtroom outbursts during the 17 weeks it took to select a jury.

"Bobby Seale's outbursts were part of the whole scheme," he said. "They were calculated. It was obvious from what happened later on when people began to buy that he had changed."

Markle apparently was referring to Judge Mulvey, who in dismissing the charges against Seale and Mrs. Huggins said, "I have observed a rather remarkable change in attitude of these defendants during the time they have been before me, and I don't think it's feigned."

Asked about defense reports that a majority of the jury favored acquittal of both defendants, Markle said, "If the jurors so blithely disregarded their oath not to talk about their deliberations, what did the oath mean about fairly considering the evidence?"

On the charge made by Garry that one or two "racists" on the jury blocked Seale's acquittal, Markle said, "That's an absurdity."

Markle said the Black Panther party could be a danger to national security, but was not at present. "If this case is any example of their organization," he added, "they ought to resign."

Finally, Markle praised blacks in New Haven and in Connecticut generally. "They showed what they think of the Panther party," he said.