

Mistrial Declared For Seale

Panther Chief, Aide Face New Murder Trial

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By Stan Simon

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NEW HAVEN, Conn., May 24 — The six-month murder conspiracy trial of Black Panthers Bobby G. Seale and Ericka Huggins ended in a mistrial today when the jury said it saw no hope of reaching a verdict on any of the charges.

Seale's attorney, Charles R. Garry, asked for an immediate retrial.

State's Attorney Arnold Markle, asked if he would prosecute again, said: "Absolutely. I did my job. I'll do it again."

Superior Court Judge Harold M. Mulvey, who for the past 17 months has presided over this and other cases related to the May 1969 torture-murder of Panther Alex Rackley, scheduled a meeting with counsel for both sides at 2 p.m. Tuesday.

Mulvey declared a mistrial shortly before 3 p.m. when the jury of seven whites and five blacks, who deliberated 25 hours over six days reported for the second time today that it was deadlocked.

After the first deadlock, the judge asked jurors in the minority to consider carefully the majority opinions of "equally honest, equally intelligent" jurors who "have heard the same evidence, with the same attention, and with equal desire to arrive at the truth."

After less than two more hours of deliberations today, which at times involved loud and angry shouts, the jury reported, "We feel it is in vain to deliberate further."

Both defendants are charged with murder, kidnaping resulting in death, conspir-

acy to kidnap and conspiracy to murder. Mrs. Huggins, a 23-year old Connecticut Panther organizer, also is charged with binding with intent to commit a crime. Seale, the 34-year old national Panther chairman, is specifically accused of ordering Rackley's death.

Seated grimly in the jury box where they listened to 10 weeks of testimony, the jurors were asked by Judge Mulvey, "Are you telling me you cannot agree on a unanimous verdict on any of the charges?"

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Twice foreman Robert L. Gauthier, a 30-year old white telephone equipment installer, answered, "Yes," once for Seale's case and once for Mrs. Huggins'.

The judge then declared a mistrial. He then, emphasizing the danger of prejudicing another jury, admonished them repeatedly not to talk about their deliberations to anyone.

Seale, who has been in jail without bail for 21 months awaiting the outcome, looked at the crowded press section of the courtroom and shook his head in bewilderment. Mrs. Huggins kept her eyes down. After a moment both smiled at each other.

Last August a jury returned a guilty verdict on only the least serious of four charges against Panther Lonnie McLucas, who was also charged in the Rackley case.

That verdict came after six days of deliberation and one reported deadlock.

McLucas's lawyer, Theodore I. Koskoff, who was in the courthouse when today's mistrial was declared, said, "Any time the state can't sustain a verdict beyond a reasonable doubt, it should throw the case out. How many shots should the state have?"

Koskoff, who said after his case that McLucas was "one black revolutionary who got a fair trial," declined to comment on the fairness of the Seale-Huggins case.

The inconclusive result of the trial is expected to prompt an attempt at plea bargaining involving not only Seale and Mrs. Huggins, but Rory Hith and Landon Williams, the only other Panthers charged in Rackley's death whose cases have not yet been disposed of.