

Panther Confession to FBI Agent Cited

By William Chapman
Washington Post Staff Writer

NEW HAVEN, July 21—An FBI agent testified today that Lonnie McClucas admitted firing the second shot into a suspected Black Panther party infiltrator who was killed here last year.

McClucas was acting under orders of a third Panther and shot Alex Rackley because he feared that his own life would be in danger if he disobeyed, the agent said McClucas told him.

The first testimony linking McClucas directly to the murder scene, Agent Lynn G. Twede's account was admitted over strong objections from McClucas's lawyers. They claimed it was illegal because the defendant's attorney had not been present at the interrogation.

It added nothing to the state's case against Panther National Chairman Bobby Seale, who is to be tried later on a first-degree murder charge.

When Seale first came to the New Haven Panther headquarters, the victim had already been killed, McClucas was quoted as saying. Seale

has been accused of ordering the slaying.

The confession also buttressed somewhat the defense contention that other Panthers were following the orders of George Sams in carrying out the alleged torture-murder of Rackley.

This was the account of Rackley's murder as Twede described it from notes taken during a three-to-four-hour interview with McClucas in a Salt Lake City jail last summer.

McClucas had watched Sams pour boiling water on Rackley, the suspected informer, in a basement of the New Haven apartment in May, 1969. After the fourth pot of boiling water, Rackley admitted being an informer, but later he denied it. He also was beaten with a stick by Warren Kimbro, a founder of the New Haven party.

Later, Sams ordered Kimbro and McClucas to join him in taking the captive for a ride in a borrowed car. They were "going to take the brother out of town—to a bus station," Sams said. He did not mention any plan to kill Rackley.

The trio drove with Rackley to a secluded wooded area where Sams indicated he

would be turned loose. Instead, he handed a .45 caliber pistol to Kimbro and said, "I'll give you the gun, but you'll have to take care of it." Kimbro pointed the gun at him quick-like and fired.

The three men ran back toward the car, the FBI agent's testimony continued, but Sams stopped, gave McClucas the gun, and told him to make sure Rackley was dead. "McClucas went back with a flashlight and gun and fired one shot into the body," Twede continued.

(According to a Connecticut medical examiner's earlier testimony, Rackley could have lived as long as four hours after the first shot was fired into his head.)

Under cross examination the FBI agent acknowledged one item that had not been in his original version. He said McClucas told him he fired the second shot into Rackley because he feared Sams would kill him if he disobeyed. "Yes, that's what McClucas told me," Twede said.

McClucas was arrested on June 6, 1969, in Western Union's Salt Lake City office by FBI agents. His confession was made two days later in a

local jail where Twede took notes while two New Haven Police Department detectives asked the questions. He had signed a standard waiver declaring that he did not want his lawyer present during the interview.

Under questioning, Twede said the interview was held without the knowledge of an attorney appointed to represent McClucas.

McClucas's chief trial lawyer, Theodore I. Koskoff, argued that the absence of his appointed attorney had invalidated the confession and urged that Twede not be allowed to testify.

"The FBI went behind his lawyer's back . . . in an attempt to get information from him, in order to convict him," Koskoff said. "This is the most outrageous thing, going behind the counsel; it's an outrage."

Superior Court Judge Harold M. Mulvey ruled that the confession was voluntarily given and that McClucas had been informed of his rights during the interview, at his arraignment, and at a previous questioning in the FBI office. Before the interview, Twede

testified, McClucas indicated he had information about Rackley's murder but did not want to testify because he feared a reprisal. Twede said he told him he could offer no assurances.

McClucas had been passing through Salt Lake City on his way to California, where he expected to be appointed field director for the Panthers in the area "from Boston to the Mason-Dixon Line," Twede said the prisoner told him.

"He said he had become disenchanted with the party because of all the violence," Twede went on, "but that he couldn't leave (the party) because he had learned too much."

Under cross-examination, the agent said he did not know if the FBI's knowledge of McClucas's whereabouts had been obtained through electronic eavesdropping. McClucas reportedly had called the New Jersey Black Panther headquarters asking that money be wired to him in Salt Lake City.

The state's attorney, Arnold Markle, has stated that to his knowledge none of the evidence was obtained as a result of wiretapping.