

TRIALS

The New Haven Eight

For a fleeting hour last week, it seemed more like a reunion and a radical talk-fest than a murder trial. In an empty New Haven, Conn., jury room, Black Panther Chairman Bobby Seale met and embraced his old friend, Panther Defense Minister Huey P. Newton. Court proceedings and stints in jail had kept them apart for nearly three years. Now Newton was present as a spectator, and Seale as a witness in the trial of Black Panther Lonnie McClucas. Said Newton of the encounter: "It was beautiful. I had heard Bobby was fasting, but he looked like he was putting on weight."

Newton's mood was a mixture of the chipper and the defiant. During the court session, he and Seale exchanged the clenched-fist salute. Later, at a press conference, Newton accused the trial judge, Harold Mulvey, of being biased in favor of the prosecution—though the jurist has impressed most disinterested observers as fair-minded. When pressed to talk about the plight of McClucas, Newton declaimed about conditions in Angola and the Panthers' communications with Hanoi. The real issue, however, was much closer to home. McClucas, 24, is the first of eight Panthers, Seale among them, to be tried on charges that include conspiracy to kidnap and murder Alex Rackley, a party member who was suspected of being a police informer.

Confession. Yet the presence of the nationally prominent Panther leaders almost obscured the McClucas case. It was ostensibly in McClucas' behalf that Seale, whose own trial will come later, voluntarily appeared as the last defense witness. "The Chairman," as Seale repeatedly referred to himself, was of little help to McClucas.

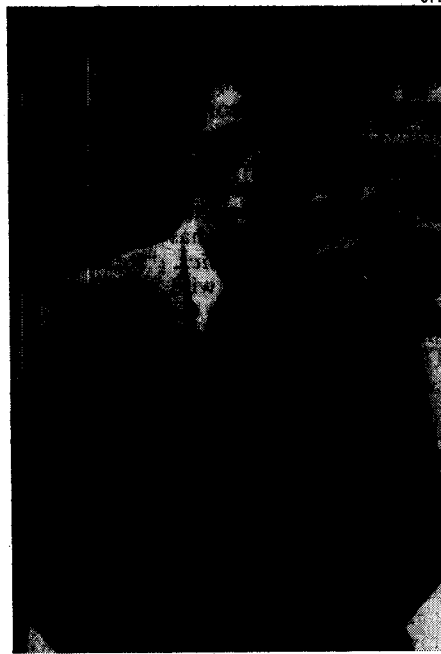
Prosecutor Arnold Markle has eye-witness statements from two participants in the crime, George Sams Jr. and Warren Kimbro, implicating McClucas in the torture and murder of Rackley. Markle also has a confession from McClucas made to an FBI agent that he fired the second shot into Rackley. Both Sams, a former bodyguard for Stokely Carmichael, and Kimbro, a Connecticut Panther leader, have pleaded guilty to second-degree murder. Sams' testimony named Seale as the man who gave the murder order in May 1969.

The crucial issue in the case is the credibility of Sams and, to a lesser degree, of Kimbro. Sams' claim that he was acting under orders from Seale conflicted with earlier testimony from Kimbro. Kimbro had said that the order to take care of Rackley came from Rory Hihe and Landon Williams, members of the party's national leadership who are currently fighting extradition from Colorado. Sams also contends that on the night of the torture, Seale visited Kimbro's house, where Rackley was being held, and gave Sams the order to "do away with him." In court testimony Kimbro

alleged that McClucas was a consenting member of the plot to kill Rackley.

Water Torture. McClucas' only real defense has been to maintain that he had no foreknowledge of the plan and that he was coerced by Sams. Defense Attorney Theodore Koskoff, a self-described member of the establishment who took the case to "see if the System works," has continually stressed Sams' history as a mental defective with sadistic tendencies. Witnesses, both for the defense and the prosecution, attested to Sams' violent nature.

McLucas, by comparison, has maintained a gentle dignity throughout the trial. Neatly dressed in jacket and tie, he was composed throughout the toughest prosecution questioning, and generally addressed Markle as "Sir" or "Mr. Markle." One of the defendants, Margaret Hudgins, testified earlier that McClucas



PANTHER DEFENDANT **McLUCAS**
The Chairman was little help.

had put his head on her lap and wept after Rackley's death. McClucas described how he was "shocked" when Sams poured boiling water on Rackley.

Still, McClucas' contention that he was an unwilling, unknowing accessory to the murder has not held up well under cross-examination. On the stand he admitted to having driven Sams, Kimbro and Rackley to a bog outside Middlefield, Conn., where the murder took place. He insisted that he thought that they were taking Rackley to the bus station, though Rackley was bound and barefoot and had a wire coat hanger around his neck. "George [Sams] did some very strange things," McClucas said by way of explanation. He also admitted that after Kimbro had shot Rackley the first time, "I fired into his body. Yes, sir." He fired the shot, he said, out of fear of Sams, who he thought had another gun. Then he conceded that he had seen no other weapon while in the car. He also said that

he thought Rackley was already dead before the second bullet. Throughout, McClucas insisted that it was Sams, not Seale, who delivered the fatal order.

Preamble. Seale took the stand on the final day of cross-examination. He testified that he had met Sams only once, and that was in 1968. He also maintained that he had stopped at Kimbro's house the morning before Rackley's death only to make a phone call, that he did not know of the brutality, and that if he had known, he would have expelled the guilty members from the party. Asked if he kept track of the rank and file, he replied: "I'm just the Chairman. I don't pay attention to everyone."

Unlike previous trials of Panthers and revolutionaries, the New Haven proceedings have been orderly. Seale, whose outbursts in the Chicago conspiracy trial led to his being gagged, behaved well last week. Much of the credit should go to Judge Mulvey and Defense Attorney Koskoff, who seemed determined to prevent the trial from developing into a judicial circus.

This week the prosecution and defense will make their concluding statements, and the jury, three members of which are black, will begin deliberation. Whatever the outcome, however, it is all preamble to the trial of Seale. Throughout the proceedings, Prosecutor Markle has been building his case with an eye toward proving that the murder was a conspiracy at the top, not an aberration perpetrated by nonentities.

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