

Post
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Jury On Black Panther Case Says It Is In Disagreement

NEW HAVEN Conn. (AP) — The jury considering kidnaping and conspiracy charges against Black Panther Lonnie McClucas reported Sunday it was "in disagreement," but the judge directed the jurors to return behind closed doors for further deliberation.

"We are in disagreement. Please advise. Thank you," said the brief note passed from the jury foreman to Judge Harold M. Mulvey of Superior Court. The jury is in its fifth day of deliberation.

Judge Mulvey read what is called the "Chip Smith charge" from a Connecticut case in the early 1800's which urges the jurors in the minority to "examine with candor... the opinions of each other."

He told the jury, which had deliberated for some 28 hours at that point, "to retire and give the matter further consideration."

After the jurors, looking tired and glum, went back to the jury room, defense attorney Theodore I. Kostoff objected to the judge's statement on the basis that the charge is "an invitation to a deal in the jury room." Mulvey said he would record the exception.

A crowd of about 30 persons — many of them McClucas supporters who have been in the courthouse daily — waited in the courthouse lobby in anticipation of a verdict. A small crowd of supporters also gathered on the New Haven Green across the street from the courthouse.

The panel of two black and 10 white jurors have emerged from the jury room once each day during its previous 26 hours of discussions which started Wednesday.

Each time the Superior Court

panel asked for clarification from Judge Harold M. Mulvey of the four complex charges against McClucas, a 24-year-old Panther organizer from North

Carolina charged in connection with the shooting death of a fellow Panther member more than 15 months ago. McClucas is charged with kid-

naping resulting in death in connection with the torture and fatal shooting in May 1969 of Alex Rackley, a New York City Panther.

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