

Seale Case Stirs Controversy

By William Chapman
Washington Post Staff Writer

On the evening of Aug. 19, 1969, Black Panther Party Chairman Bobby G. Seale and some friends were driving through downtown Berkeley, Calif., returning to party headquarters after the wedding of their Minister of Education, Ray (Masai) Hewitt.

Suddenly, a carload of FBI agents forced them to the curb and ordered them out. Seale was frisked, handcuffed, and taken to the city jail. He was charged with unlawful interstate flight from Connecticut where he was accused of murder and conspiracy in the death of a then obscure young man named Alex Rackley.

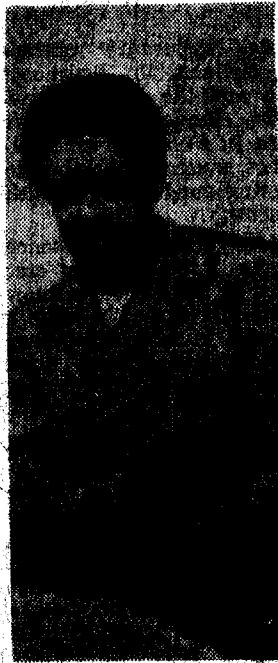
This began a 19-month odyssey through jails, courtrooms, and prisons that ranks among the most controversial episodes in legal history. It included a slow movement from jail to jail through Western states, an emotional trial in Chicago where Seale was bound and gagged in Judge Julius J. Hoffman's courtroom, and a period in a Connecticut prison where he was temporarily isolated for refusing to shave his goatee.

Symbol of Turmoil

The 19 months of incarceration have transformed Seale from a rather minor figure in the Panthers' early days to a legendary creature, idolized by the left, hated by lawmen, and a feared symbol of turmoil to most Americans.

FBI Director J. Edgar Hoover once testified that Seale was so valuable to the radical movement that it would hijack aircraft to force his release. Judge Hoffman denounced him as a "dangerous man." George Sams Jr., the one-time Panther who testified against Seale in New Haven, described him as frequently drunk on scotch.

But an Episcopal priest from California has said, "Mr. Seale is regarded as one of the foremost upholders of peace and quiet in the (San Francisco) Bay



BOBBY G. SEALE

... Chicago case next

area . . . If anyone can keep peace, Bobby Seale can." A Catholic priest called him truthful and honest.

Seale's violent eruptions are on the record in two court proceedings. In a Connecticut prison he set fire to a television stand and some furniture, then was separated as "an extreme danger" from other inmates. His psychiatrist explained once that Seale becomes violent when he feels he is being unjustly treated by "racists."

"May Happen Again"

"It's happened before," said Dr. Phillip Shapiro. "It may happen again. Bobby is not cowed by the bench."

Seale was an early activist in the Panther movement, drafting its manifestos in an Oakland antipoverty office and selling copies of Mao Tse-tung's Red Book to middle-class white protesters during an antiwar march. But he was usually overshadowed by Huey Newton and Eldridge Cleaver.

His troubles began when he was invited to represent the Panthers in the demon-

strations at the 1968 Democratic National Convention. The demonstrators had wanted a more prestigious Panther, but only Seale was free to come. He made two speeches during the demonstrations, talking of buying guns and suggesting to black followers it was time to "barbecue some pork."

No riots followed his remarks, and, although he never had met any of the other Chicago Eight defendants, he was indicted with them for conspiring to cross state lines with intent to incite a riot. The trial became the stage for his now historic confrontations with Judge Hoffman.

Lawyer Was Ill

Seale contended he was entitled to defend himself in the trial because his personal lawyer, Charles Garry, was ill. Hoffman ruled he already was represented by another lawyer, William M. Kunstler. Seale, claiming he had "fired" Kunstler, rose repeatedly to cross-examine witnesses, provoking shouted arguments with Judge Hoffman.

He called the judge a racist and likened him to slaveowners such as George Washington, whose portrait hung behind the judge's chair. Hoffman ordered him gagged and bound to his chair, and for three days the nation's television screens were filled with sketches of the chained defendant.

When Hoffman finally sentenced him for contempt, Seale emotionally compared his court to the ones that had handled Dred Scott's case.

"If a black man stands up and speaks, if a black man asks for his rights, if a black man demands his rights, if a black man requests and argues his rights, what do you do?" asked Seale at his sentencing. "You are talking about punishing."

Invited to Speak

Seale's involvement in the New Haven murder case also came about because of a speech he had been in-

vited to make, this one to a group of Yale University students in May, 1969. At the time, Panther members in New Haven were holding Alex Rackley, a young party applicant some suspected of being a police informant. Shortly after Seale left town, Rackley, who had been tortured and scalded with boiling water, was killed.

George Sams Jr., who had organized the torturing and interrogation of Rackley, claimed Seale had given the order to kill the victim. Sams became the major prosecution witness. The only other substantive testimony connecting Seale with the case came from a New Haven detective who said he twice saw Seale enter the apartment where Rackley was held captive.

No one but Sams testified that Seale ever confronted the victim or had anything to do with his slaying. Another defendant-turned-prosecution-witness said he was not present when Seale's order allegedly was given, a point which partially refuted Sams's testimony.

The New Haven trial found Seale more subdued than in Chicago, but he still produced two sudden outbursts, once sharply slapping the defense table when a prospective juror he disliked was accepted by his lawyer, Garry.

Scuffles With Deputies

On another occasion he scuffled with eight deputies, swore at the prosecutor, and called Superior Court Judge Harold M. Mulvey a "racist." Then he apologized, and promised it wouldn't happen again.

The focus of Seale's legal problems now will return to Chicago, where his lawyers are appealing Judge Hoffman's refusal to grant him bail on the contempt charge.

All of the other charges—the ones that brought him to Judge Hoffman's courtroom and national prominence in the first place and the ones in the Rackley murder case—have been dismissed.