

Psychiatrist Finds Seale Witness Is Stable Enough to Testify About Murder

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NEW HAVEN, June 19 — A psychiatric report on George Sams Jr., a key prosecution witness against Bobby G. Seale in connection with the slaying of a fellow Black Panther, has found him to be stable and intelligent enough to give reliable testimony.

Sams, who has pleaded guilty to a second-degree murder in the killing last year of Alex Rackley, testified at a bail hearing on April 22 that Mr. Seale, the Black Panther party chairman, had ordered Mr. Rackley's execution after concluding that he was a police informer.

The Panthers have generally depicted Sams as the person most responsible for the murder, alleging he was the one who was working on behalf of law-enforcement agencies.

Mr. Seale's bail hearing was interrupted for the psychiatric examination of Sams after it was revealed in court that the witness had been classified as "a dangerous mental defective."

A report by Dr. Robert B. Miller, director of the Fairfield Hills Hospital in Newtown,

confirmed that New York authorities had placed Sams in the Wassatic State School in 1961, where he was classified as mentally defective and a "borderline" of "borderline intelligence."

Despite this background, Dr. Miller said he had found Sams, whom he had examined at the request of Judge Harold M. Muvey, to possess a general attitude of "warmth and cooperation" without any sign of "guardedness or hostility." He said he had found "no evidence of any disorder of feeling or mood" and stated that Sams

could no longer be classed as defective mentally. According to the psychiatrist, Sams is able to "report accurately, satisfactorily and completely events in which he was a participant or to which he has been a witness."

His report was filed at the Superior Court here yesterday. The state is expected to use the psychiatrist's evaluation to support its opposition to any granting of bail to Mr. Seale, whose trial is not expected to get under way before fall.

Today Judge Muvey denied two motions for a mistrial in the case of Lonnie McCluscas, the first of the eight Panthers charged in connection with the Rackley killing to stand trial. Mr. McCluscas's lawyer, Theo-

dore I. Koskoff, maintained that the wide publicity given in newspapers and newscasts this morning and yesterday afternoon to an alleged jailbreak attempt by the defendant on the eve of his trial was bound to prejudice a jury.

The lawyer said the lodging of the charge of attempted escape in the midst of a trial so sensitive to publicity was either "an incredibly stupid act or done deliberately" to make jurors think the defendant must be guilty. He said his client had assured him he had not taken part in the jail-break attempt.

State's Attorney Arnold Markle contended that the alleged attempt might prove to be admissible as evidence of "con-

sciousness of guilt," which led Mr. Koskoff to say he was now sure the state was deliberately trying to plant that idea in jurors' minds.

One Juror Seated
At the end of these arguments, the court returned to the task of picking a jury. Fifteen persons were called to the stand today, but only one was seated, a welder named Martin Flaherty.

That makes a total of six jurors seated out of the 53 examined in four days. Ten more are required so that the trial can begin with 12 regular jurors and 4 alternates.

Among those excused from serving this afternoon was a Yale theology professor, Don

E. Saliers, who has been bringing to court with him a book called "The New Orpheus—Essays Toward a Christian Poetic." The prosecutor used a pre-emptory challenge to keep him off the jury.

Just before the court convened this afternoon, Judge Muvey summoned reporters covering the trial to his chambers and asked them not to report the names, and addresses of jurors selected to hear the case. He said some of the jurors and their families had become nervous after their names appeared in local newspapers.

The judge indicated he was particularly concerned about papers published in or near New Haven.