

New Haven Case: Purge by

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Panthers or Police Frame-up?

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NEW HAVEN, April 30—
On a May day in 1969, the body of Alex Rackley, a New York member of the Black Panther Party, was discovered in a marshy swamp 25 miles north of here.

He had been shot twice, according to police reports, and his body bore bruises and marks of burns. Within a few hours, New Haven police began arresting the first of 14 black men and women charged with some degree of implication in his murder.

Since then, the Connecticut Panther case has been one of angry conflict and sharply disputed claims. Among its ingredients is a lurid account of a tape-recorded torture session, tales of Panther Party intrigue and accusations of prosecution tricks and violations of civil rights.

The case quickly attracted national attention—partly because Panther Party Chairman Bobby G. Seale was one of those arrested and partly because Panthers were being raided, shot and prosecuted throughout the country.

Stripped to its simplest emotional terms, the case presents this question: Did Seale order Rackley murdered as part of a Panther purge, as the police contend, or was Seale the victim of a massive and intricate police frame-up rigged by an agent or turncoat?

In the police version, as it has turned up in hearings and pretrial documents, Seale ordered Rackley killed because he was a "pig"—a police informer. The main evidence divulged so far is a statement given

to detectives by George Sams Jr., a former Panther who claims he came from San Francisco to New York last year with instructions to straighten out the East Coast chapters.

Sams has pleaded guilty to second-degree murder and has cooperated extensively with the prosecution.

His statement described a macabre scene in a New Haven apartment where Rackley allegedly was tortured with boiling water, beaten repeatedly, and then tied spread-eagle to a bed—all of it as a tape machine recorded the sounds.

Enter Seale who, according to Sams, asked Rackley if he was a "pig." No, said Rackley. Then, Sams said, another Panther, Landon Williams, began talking:

"Landon was asking what we thought about the pig and he asked Chairman Bobby Seale what did he think and Chairman Bobby said what we do with pigs, a pig is a pig. He said to do away with him and left."

"What did you take this to mean?" a detective asked.

"To kill him," answered Sams.

Sams' veracity and his entire role will be sharply attacked by the defense. Panthers contend Sams was not even a member in good standing, that he was in fact a police agent who engineered the plot primarily to implicate Seale.

Moreover, Seale's defense lawyer, Charles R. Garry, contends Sams is a "mental defective" whose account should not be admitted as evidence. It has been brought out in one hearing that Sams was once commit-

ted to a correctional institution as an "alleged dangerous mental defective." Judge Harold M. Mulvey has ordered Sams examined by a court-appointed psychiatrist.

Local lawyers and court observers believe the prosecution may try to extract other testimony against Seale from Warren Kimbro, one of those who allegedly shot Rackley. Kimbro changed his plea to guilty to second-degree murder after he was visited in his cell by his brother, a Dade County, Fla., policeman, and by a New Haven detective without his lawyer being present. There is speculation



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Carol Smith, sister of two defendants in New Haven Panther trial, prepares to read statement asking that protests

for the weekend remain peaceful. With her are Panther Chief of Staff David Hilliard, right, and Elbert Howard.

Kimbro will be put on the stand to corroborate Sams' account.

Of the original 14 persons arrested, only eight now are scheduled to be tried. Sams, Kimbro and a young woman have pleaded guilty and two

others were sent to juvenile court.

A sixth, Frances Carter, provided one of the major sources of objections among Panther supporters here. She was granted immunity from prosecution but re-

fused to testify and was promptly sentenced to six months in jail for contempt of court. It is legal to require testimony from a defendant granted immunity in Connecticut and many other states, but the tactic

aroused considerable animosity among the defendant's friends.

Throughout the pretrial hearings, Seale has remained quiet and respectful in the courtroom. When he was on trial last fall with

the "Chicago Seven," Seale raised repeated objections and denounced Federal judge Julius J. Hoffman as a "facist pig." Ultimately, his case was separated from that of the other seven because of repeated disruptions.

Seale maintained throughout the Chicago trial that his constitutional rights had been denied because the attorney of his choice, Garry, was not able to appear due to major surgery. Garry, for whom Seale has vast respect, has been active in the New Haven case from the beginning.

Although his friends insist that Seale cannot get a fair trial on what they say are trumped-up charges, he has taken a different tack in the New Haven courtroom.

In one statement to Judge Mulvey, he said recently, "I understand that you are trying to see that we defendants have a fair trial and to have a fair trial we also understand the necessity for peaceful decorum in the courtroom—very much so, because this is part in parcel of what we believe in, to have a fair trial in the courtroom."

One bizarre feature of the trial is the existence of tape recordings purportedly made of one lengthy session in which Rackley was doused repeatedly with boiling water. Sams has claimed he ordered the tapes made while he and other Panthers questioned Rackley, who, he asserted, was suspected of having been the police in-

formant who turned in the 21 Panthers now on trial or facing trial in New York City on bomb conspiracy charges.

Defense lawyers are arguing that the tapes were illegally seized from the Panther apartment. Police had no search warrant and are usually restricted in such a case as to what they may seize. Judge Mulvey has not ruled yet on a motion to suppress the tapes.

He has, however, ruled that the police legally arrested the defendants, although they had no warrants at the time. Under Connecticut law, police may arrest without warrants if they reasonably believe a felony is being committed or has been committed and that there was not sufficient time to obtain warrants. Police said they had a reliable informant's word that Wraackley had been taken out to be murdered the night before. "There was neither time nor necessity under our law that an arrest warrant be obtained," Judge Mulvey ruled.

The defense is also contending that the selection of the grand jury was improper and has drawn out testimony that 12 of the 20 jurors were either friends of Sheriff John E. Slavin or were recommended by his friends. Grand juries are picked here by the county sheriff, the only stipulation being that they must be registered voters. Slavin acknowledged that he had not checked to see if they were registered voters.

Black Militant Pleads Guilty

NEW YORK, April 30 (UPI)—Harlem Mau Mau leader Charles 37X Kenyatta pleaded guilty today to gun charges stemming from an attempt on his life last summer.

The former aide to the late Malcolm X could receive up to a year in jail. State Supreme Court Justice Abraham Gelinoff ordered him continued free in \$1,500 bail pending sentencing.

Kenyatta was charged with illegal possession of a .32-caliber pistol at the time he was shot in the back and left arm by an unknown trio of assailants June 7. Detectives discovered the pistol in Kenyatta's car.