

## Panthers Differ On Key Point

Conflicting testimony clouded Connecticut's murder case against Bobby G. Seale, national head of the Black Panther Party. It occurred at the New Haven trial of another Panther accused in the slaying of a suspected police informer.

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# Panther's Testimony Discloses Inconsistency in Murder Case

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NEW HAVEN, July 23—A major inconsistency unfolded today in the state's murder case against Bobby G. Seale, national chairman of the Black Panther Party.

A key witness, Warren Kimbro, testified that he

was asleep during the night when Seale allegedly ordered a suspected police informant killed. That conflicted with a statement given police by another prosecution witness who said Kimbro heard Seale give the order.

The inconsistency emerged undramatically today in the trial of Lonnie McLucas, a Black Panther who is being tried separately for kidnaping the suspected informer, Alex Rackley.

Rackley was found murdered in an isolated swamp near here on May 21, 1969. Seale is to be tried later on a first-degree murder charge and is accused of ordering other Panthers to kill Rackley.

The only evidence on record so far against Seale has come from another Panther, George Sams Jr., who has pleaded guilty to second-degree murder and cooperated extensively with the prosecution.

In an affidavit Sams gave to New Haven police last August, he described a scene in which Seale allegedly came to an apartment bedroom where Rackley was held captive.

Seale was told that Rackley was a "pig" (police informant) and was asked what should be done with him, Sams told police. Seale then said "Do away with him" and left, Sams declared.

Sams also had listed Kimbro, today's witness, as one of those present at the time and said Kimbro "shook his head, meaning okay," after hearing Seale's orders.

Of those said to have been in the room, only Kimbro and Sams have agreed to testify for the state and a major question in Seale's case has been whether Kimbro would corroborate Sams' statement.

Today, however, Kimbro testified that he went to sleep after midnight and remained asleep during the time Seale's alleged order was given. Seale had made a speech at Yale University earlier in the evening.

Kimbro said he was awakened about 7 a.m. the next morning by another Panther, Ericka Huggins, who told him Seale had come to the apartment during the night to make a telephone call and had already left New Haven. Nothing was said about a visit to the captive's bedroom.

In other testimony today, Kimbro, 36, described in detail how he, Sams, and McLucas took Rackley to the swamp 25 miles from New Haven and killed him the day after Seale had left. He admitted firing

the first shot into Rackley's head and said McLucas fired the second shot into the victim's body.

His testimony considerably strengthened the case against McLucas. It coincided in every important detail with a version of the crime attributed to McLucas in a confession he gave to the FBI and police last summer. McLucas has since pleaded not guilty.

Kimbro said another Panther, Landon Williams, had ordered Sams to get Rackley ready to be taken out and had given them the .45-caliber pistol used in the killing.

"As we started driving along, Sams told Rackley that we had orders to kill him but we weren't going to do it," Kimbro testified. "He was trying, I believe, to make Rackley feel at ease. He told him that we were going to let him off in a swamp and he could go to New York or Florida or wherever he wanted to go but to stay away from the Panthers."

When they arrived at the wooded, swampy area, Kimbro continued, they walked the victim down to the edge of a river. Sams suddenly gave Kimbro the gun and told him, "Ice him—this is from national (headquarters)," he added. "We walked on a little way and George (Sams) said 'now' and I pulled the trigger."

Later, McLucas was sent back to make sure Rackley was dead and returned saying he had shot the victim "right in the chest," Kimbro said.

Earlier, the jury listened to two tape recordings of an interrogation of Rackley made while he was tied to a chair in the apartment basement. A few minutes before the tapes were made, it has been testified, Rackley was beaten and scalded with boiling water to make him talk about who might have informed on the 21 New York City Panthers charged in bomb plots.

On the recordings, Rackley is heard discussing a man known as "Chairman Brothers" and a girl named Janet who allegedly had been seen talking to police.

One tape opens with a voice identified as that of Ericka Huggins explaining the sequence of events leading up to Rackley's torture. The tapes purportedly were to be sent to Panther headquarters in Oakland, Calif.

It began, according to the woman's voice, with Rackley being accused of lying when he said he could not read. "So then the brother (Rackley) got some discipline, you know, in the areas of the nose and mouth and the brother began to show cowardly tendencies, began to whimper and moan." "A Fool or a Pig"

Later, the voice says Rackley admitted lying. It goes on, "So then we began to realize how phoney he was and that he was either an extreme fool or a pig so we began to ask questions with a little coercive force and the answers came after a few buckets of water."