



Yale Review of Law and Social Action

Volume 1

Issue 2 *Yale Review of Law and Social Action*

Article 3

1971

The Events Leading Up to the Trial

No Listed Author

Follow this and additional works at: <https://digitalcommons.law.yale.edu/yrlsa>

 Part of the [Law Commons](#)

Recommended Citation

No Listed Author, *The Events Leading Up to the Trial*, 1 *YALE REV. L. & SOC. ACTION* (1971).

Available at: <https://digitalcommons.law.yale.edu/yrlsa/vol1/iss2/3>

This Article is brought to you for free and open access by Yale Law School Legal Scholarship Repository. It has been accepted for inclusion in *Yale Review of Law and Social Action* by an authorized editor of Yale Law School Legal Scholarship Repository. For more information, please contact julian.aiken@yale.edu.

A hearing was held in December, 1969, on a motion for bail on behalf of five defendants. Under the Connecticut Constitution, bail is to be set in all cases except those involving "capital offenses where the proof is evident or the presumption great." Judge Palmer denied bail for all, with the exception of Frances Carter. However, shortly after her release, she was jailed for contempt of court for refusing to testify against the other defendants after she had been offered a grant of immunity.

Defense attorneys moved to dismiss the indictments on numerous grounds. They claimed that publicity concerning this case and the Black Panther Party was so prejudicial that their clients could not receive a fair trial. They also maintained that Connecticut's jury selection procedures produced such unrepresentative juries that a fair trial was impossible. These motions to dismiss were denied by Judge Harold Mulvey, selected specially to sit on the Rackley case.

In April, 1970, nearly a year after their arrests, five defendants were ready for trial. State's Attorney Arnold Markle then moved to sever Lonnie McLucas from his co-defendants. Judge Mulvey overruled defense objections to severance and scheduled McLucas for the first trial. By this time, George Sams and Warren Kimbro, indicted for first degree murder, had pleaded guilty to second degree murder, and Loretta Luckes had pleaded guilty to conspiracy to kidnap.

Jury selection in Lonnie McLucas' trial took from June 17 to July 9. Three of the fifteen jurors (twelve regular jurors and three alternates) were black; two were under thirty years old. In their voir dire, defense attorneys Theodore and Michael Koskoff questioned prospective jurors about their knowledge of the case and their attitudes toward black people, the Black Panther Party and demonstrations. The jurors who were selected expressed few strong opinions and indicated a willingness to hear the case with an open mind.

During the two-and-a-half month trial, jurors heard several descriptions of the questioning and killing of Alex Rackley. Rackley had either come or been brought from New York to New Haven. At Black Panther headquarters in New Haven, he was interrogated by George Sams and Warren Kimbro about his knowledge of informers in the New York chapter. In the course of this questioning, which was led or compelled by Sams, Rackley was beaten and burned with hot water. At Sams' suggestion, a tape recording was made of the interrogation. Rackley was then taken upstairs and later bound to a bed in the apartment.

At his trial, Lonnie McLucas corroborated testimony by prosecution witnesses George Sams and Warren Kimbro that the three of them had later driven Rackley out to a country road and walked into the woods with him. Following Sams' order, Kimbro had shot Alex Rackley. A few minutes later, after Sams had given McLucas the gun and told him to go back to make sure that Rackley was dead, McLucas had fired a shot into the body.

The state argued that Lonnie McLucas was a trusted, well-trained functionary of the Black Panther Party who had participated willingly and knowingly in carrying out the torture and murder of an informer, as ordered by the national officers of the Party. The defense, on the other hand, contended that Lonnie McLucas had not known why they were driving off with Rackley until Sams ordered Kimbro to shoot and that McLucas had only fired a shot out of fear that Sams would kill him if he did not obey. Furthermore, the Koskoffs tried to show that the whole incident had been engineered by Sams, acting not on authority from the national hierarchy but on his own sadistic impulse.

On September 1, 1970, after six days of deliberations, the jury found Lonnie McLucas guilty of conspiracy to murder Alex Rackley. They acquitted him of charges of kidnapping, conspiracy to kidnap and binding. The jury did not know the penalties attached to each charge during their deliberations. Several days later, Judge Mulvey gave McLucas the maximum sentence for conspiracy to murder, fifteen years.

Widespread public debate over the nature of the courts, and the government in general, developed around the prosecution of the New Haven Panthers. Many labeled the case “political” and some used it as a base for radical political organizing. Others asserted that it was just a murder case and that the only question that needed to be asked was “Who did it?”

The Black Panther Party declared that it had been framed by the government. The Party and its supporters linked the New Haven case to a growing series of legal and extra-legal moves against the Panthers, including the Oakland, California, murder trial of Huey Newton, co-founder (along with Bobby Seale) of the Panther Party; the indictment of twenty-one Panthers in New York City for conspiracy to bomb and to commit murder and arson; the shooting of party officials Fred Hampton and Mark Clark by Chicago police; and the prosecution of national officer David Hilliard for threatening the life of the President in a public speech.

A massive demonstration was planned for May 1, 1970, to protest the trial. Spurred by the six-month sentences given to Panthers David Hilliard and Emory Douglas for contempt of court (they had been drawn into an argument with one of the sheriffs while attending pre-trial hearings), Yale students called a strike in support of the Panthers. Yale University President, Kingman Brewster, stated: “. . . I am skeptical of the ability of black revolutionaries to achieve a fair trial anywhere in the United States.”

When the trial of Lonnie McLucas finally began on June 17, 1970, it was closely observed—by some as a serious criminal case, by others as a “political” trial and by everyone as a potential verification or refutation of Brewster’s statement. At the end, McLucas’ attorney, Theodore Koskoff, told the press that he believed his client had received a fair trial. Others disagreed.

The interviews that follow are the result of our effort to find out what the terms “fair trial” and “political trial” meant to the defendant, the defense attorneys, the jurors, the reporters, and the organizers, and how the nature of this trial influenced their respective roles.

