The Demonstrators

Ann Froines
The Demonstrators

Demonstrations—Aims and Perceived Effects

Ann Froines

I wanted to work on the New Haven trial for a couple of reasons. First, I had witnessed the manner in which Bobby Seale had been treated in Chicago—the binding and the gagging—and I wanted to work for his political defense. Another thing, which outraged all of us in Chicago, was the murder of Fred Hampton. The fact that the Chicago pigs would go that far and knew nothing would ever happen to them made a great impression on many people. We knew that we could no longer talk loosely about organizing political support for the Panthers but that it was essential we do it. And third, I read a letter that Frances Carter wrote describing how she felt about having her baby in jail and then having it taken away from her. It touched me deeply.

After I came to New Haven, I spent much of my time attempting to organize the May Day demonstrations, speaking to local groups, making arrangements. I dealt mostly with movement groups. Other organizations were working in the liberal community. I felt strongly that the movement had to mobilize around the trial.

Even with the McLucas trial over, there are many reasons for continuing to hold demonstrations. We have to defend Bobby Seale and Ericka Huggins now because we are locked in a struggle with the people who want to put them in jail. It would be negligence on our part, and a defeat, if we were not able to show those forces that we will not stand for it.

The courts are political: they respond from the power structure and perhaps to pressure from the people. The sentencing of David Hilliard and Emory Douglas for contempt is a perfect example. Judge Mulvey responded to pressure, not a legal provision, in allowing those two men to go free after apologizing. He made a mistake, and the community, especially Yale University, did not approve of his overreaction to the small altercation in the courtroom. To me, it showed that if people protested the trial enough, it would affect the situation. That incident gave a considerable amount of impetus to my work and to the work of others in New Haven.

But the main reason for doing work around the Black Panthers is that it offers a chance to talk to whites about racism in our society, to explain how racism permeates the entire society—the courts, the prisons, the police, everything.

I think the May Day demonstration was very significant in that it was the biggest demonstration up until that time in support of the Black Panther Party. It was also important because the speakers tied together the issues that concern people now—war and repression. In the movement, to some extent, you can now see the effects of this new pulling together of the issues. You don’t see the war as one thing and the repression of the Black Panther Party as anything else.

Trying to have an effect on the courts is very delicate politically. Mobilizing a lot of young people around the trial, given the types of juries which are selected in New Haven County, could boomerang. People might feel that the Panthers are more of a threat and thus be less likely to give them a fair verdict—if such a thing is possible.

In Lonnie’s trial, the jurors, when interviewed afterwards, stated that they knew that the trial dealt with some very serious issues other than those which were presented in the courtroom because of the way people mobilized around the trial in May and during the summer. The presence of people had opened their eyes to things, forced them to look at the trial in a different light. Perhaps it resulted in the jury finding Lonnie guilty of only one of the counts.

The question of whether to organize demonstrations is increasingly a complicated one. If you think something is unjust, you protest it and try to mobilize more and more people to protest it. But people are very confused about what to do now. They no longer want to spend time either organizing or attending mass demonstrations because they have a sense that demonstrations don’t produce the effects which they want. As people become more and more politicized, they understand the limited importance that mass demonstrations do have, but they still take time out of their long-term organizing activities to attend them.

At present, there are two things which must be done. The most important is local organizing, mobilizing people to change their own situations. But it must be coupled with political education. People must understand how the fate of the Black Panther Party is tied in with their own struggle. Then they will take time out to participate in mass demonstrations protesting the repression of the Panthers. The emphasis has to be—even in this trial—on local action. People demonstrate their solidarity with the Panthers by launching new revolutionary programs in their own communities.
Peter Hughes

When I was in New Haven in the fall of 1969, not enough was being done around the trial. I was disturbed by that, so I decided to work on it, as a stopgap, until more people joined in. I helped start a coalition, a broad group which would include liberals, to talk about civil liberties and repression. We did general educational work for several months; I mostly worked on press releases and public relations. We spent our time trying to inform people about the complexity of the case. We began to talk about the judicial process—pre-trial detention, why the defendants couldn't get a fair trial. We told people that even if they didn't like the Panthers and what they stood for, they couldn't allow the state to railroad this one through.

Thus, my own organizing efforts were initially aimed at rallying liberal and broad community support. After a time, although I was glad that the coalition existed, I wanted to do more than just talk about civil liberties. I spent some time telling people about the Panthers—why they were being repressed, why they were a good group politically. I spent a lot of time with community college students. I wanted to talk to them about racism and how it worked against the Panthers, who were both black and revolutionary. To help them see that, I tried to make them feel that they were treated like the Panthers in some ways. I talked about the legal system and how they are screwed because they use drugs in the same way the Panthers are screwed because of their race and politics.

The necessity for such work was fairly clear. We knew that from the moment of the bust, the Panthers were in the jaws of the lion. We were working in the enemy's territory. The only power we had to help was in building up public pressure around the trial, informing people about the sham which the legal system was, talking about the case. I felt that the only thing which would benefit the Panthers was outside pressure.

The demonstrations were successful, I think. We did manage to get liberals to think about the trial; we made it an issue in their minds. But the effect of any demonstration is difficult to assess. Look at May Day—May Day was great. When the prospective jurors were interviewed, they were asked about their reaction to May Day. A number of them gave racist answers, but the jurors who were finally chosen were people who said that May Day was a demonstration by young people concerned about whether the Panthers would get a fair deal. It doesn't mean that they understood May Day; it doesn't mean that they weren't frightened by it, because they were. But it shook them up a little and made them realize that the Panther trial was a special case and was important to people. It started them thinking. It made them more careful than an ordinary jury would have been.

On the other hand, I was trying to reach community college students around May Day. But May Day and the weeks leading up to it totally closed off communications. You couldn't talk to anyone about the trial, because they were so freaked out by the boarded windows and the scare headlines. People no longer cared about the case. They only talked about the 10,000 Weathermen they thought were coming to New Haven. So May Day was great in some ways, but in terms of the people I was trying to talk to, it was not particularly useful.

The Lieutenant of Information for the Connecticut Chapter of the Black Panther Party

We had people engaged in a number of different activities. There was a Panther Defense Committee, made up primarily of white people, which did some organizing on the campus and in the white community. In the black community, we put out leaflets and talked to the people over the radio and face-to-face. We did a lot of organizing. We held a number of rallies; there was a rally almost every week of the trial. Some people organized the rallies. Others encouraged the people to go back to their communities and mobilize other people. I worked in the Panther Ministry of Information, wrote articles about the trial and helped disseminate the information to the people. If we didn't get the other side of the story out through our papers, then the people around the world would only have gotten the pigs' point of view.

Basically, our organizing and our publicity were not aimed at swaying the jury. We were concerned about educating and mobilizing the people out there, our peers. We got people interested in the trial, told them the truth about it.

The people in the black community really responded to the trial. They came down to the courtroom only to find that they couldn't get inside. If they got in the line, they were roped off like they were going to a museum. They were intimidated and harassed by the pigs at the door, searched and put through all sorts of embarrassments. The people who came saw that, and I think they were educated by it.
Whenever people were concerned about the trial, we explained it to them. Many saw behind the whole thing; even the press couldn't hide the fact that Sams had instigated the whole thing. Black people understood very clearly the position that Lonnie had been placed in. Everybody knew that the pigs had set up the thing and that Sams was a pig. Some white people with open minds were educated by the trial. But a lot of white people hung up about the Panthers were afraid that we would burn people alive or something. But we are not concerned about their opinions.

I don't think that the jury was swayed by our efforts. They were so tuned out that what we did probably didn't affect them one way or another. The people, the masses on the street—they are our motivating force. We have to hold rallies and mobilize people in order to educate them about a new constitution and changes in the political structure. We have found in New Haven that it is difficult to get people to come to the trial, but in talking with them, they understand what is going on.

“Merk”

During the summer, I worked with a lot of different people around New Haven, trying to contact people all over the country about the trial and trying to get out as much information as I could. I worked extensively with the New Haven Women’s Collective, which grew out of the Liberation School. Among other things, we held a demonstration of women in support of Lonnie McCucas. Women came from all over the East Coast for the two-day demonstration.

On the one hand, I think that mass demonstrations are held for the press and for the liberal community. They are going to respond and notice, and say, ‘Aha! Here are some people demonstrating; they must be doing it for some reason.’ On the other hand, we wanted to reach people like ourselves—students and other women—to talk to them about their own oppression and about racism. But I think that demonstrations, especially big demonstrations, are important mainly because of the influence they have on the press and on other people's consciousness.

One effect of the summer was a personal one. The concept that black liberation was my own struggle and was essential to me had been a very intellectual concept at the beginning of last year. After all of the talking and thinking that I did about it, I sort of woke up one day and discovered that it was really an emotional thing, that it was really part of me—just as much as women's liberation was part of me. I think that racism and sexism both stem from the same thing: chauvinism. The whole concept in this society is that one person has to be on top of another. Traditionally, both women and blacks have been on the bottom. Women were used to pump up a man's sexual conception of himself, while blacks were made to do his labor. Both were used so that he wouldn't have to do any dirty work. So both blacks and women are trained to hate each other and to hate themselves in very much the same way. If we destroy one—racism or sexism—we have to destroy the other because the two are so intertwined.

I think that the demonstrations helped the defense.

First, Lonnie was very, very alone, and I think that anything that went on had to improve his spirits. I know that when we had the women's demonstration, he was elated. Koskoff, on the other hand, is a very traditional lawyer; and at the beginning of the case, he didn't want to have any demonstrations whatsoever. We sort of politicized him in some ways, and that was good for the case.

I doubt if we made much impression on the judge, and I'm certain the only effect we had on the prosecutors was to make them angry. At the end of the summer, we had a vigil, which could have been more successful. But as it was, it probably did affect the jury. Having people outside on the Green did make a difference in the verdict.

Robert Abramovitz

After I heard about the arrests on May 22, I met with the people in AIM [American Independent Movement] to discuss the implications of the case and ways in which we could respond to it. Immediately following that, we distributed a leaflet which attempted to counteract all the sensationalist publicity which had rather racist overtones. We tried to present the Panther Party position—that they were not racist, that they were not all-out violent, that they were interested in building a new society, that they did positive things. Then, after a vacuum of about three months, we started working to rally people around the question of civil liberties. After the Panther leadership reorganized the New Haven chapter, we founded the People to Free the Panthers and worked to keep people informed and concerned about the trial.
It was obvious that what the Panthers needed was what you might call a 'political defense.' For example, in the Huey Newton case, the defense had hard facts, but it was necessary to organize people to come out in support of Huey. People were brave and said, 'We are not afraid to stand up to the state's charges. You are not scaring us; we are not going to follow your line.' That climate in the community—of not being scared off—had a tremendous effect on that trial. That is what we hoped to do in New Haven.

I realized that the state was using the trial as an opportunity to turn people away from the Panthers, to portray them as murderers and torturers. That was one of the reasons we had to act: to counteract the tendency of people to abandon the Panthers. So we tried to educate people. Once people accepted the fact that there were violations of basic civil liberties, they became personally involved. They understood that the state dealt unfairly with a political party which had an unpopular ideology. And once they saw that, we could try to develop their political understanding. We tried to make people look for the reason that the state treats such people so unfairly.

One indication that the organizing had some impact was the fact that Markle announced that he would not seek the death penalty, which was very unusual. He tried to take the edge off things by announcing it just prior to May Day.

As for Mulvey, I think he would have been much more hard-line if people hadn't protested early. The Hilliard-Douglas incident and the reaction it touched off from even the blue-ribbon establishment caused him to back off. He at least listened to defense objections during the trial before overruling them.

I am certain that the demonstrations encouraged Lonnie, kept his spirits up. I am convinced that one reason that Warren Kimbro caved in was that he felt isolated and alone, without any support for hanging in there.

In general, I think, the political organizing made it clear to people who were trying to get the Panthers that they could not have it their own way. The more blatant they were, the more static they knew they would get.

Jan von Flatern

After the May Day demonstrations, I decided that I was going to make a serious commitment to work on the trial. Before that, I had planned to do a little work and return to college in the fall a little wiser. My prior political involvement had been in activities just left of center—the McCarthy Campaign, the November Moratorium. But I decided that I had to act in this case.

If it weren't for this trial, I would have been in a much different place politically and personally. I'd probably have been on the way to where I am now but would not have gotten here rapidly. Political trials are useful in terms of organizing and educating people. At times, it seems as if the pigs are making our revolution for us. If they pull any more things like this, they will leave much less for us to do. The trial is very immediate, and the issue clear: Can the Black Panther Party exist in this country? People respond quickly to that kind of situation.

In general, I wrote and distributed the Panther Trial News, which was distributed through the churches. I wrote the articles very straight, using all the grammar that I had learned in Catholic schools, spelling things right and omitting movement jargon. I wanted to reach people and give them an idea of what was going on. The hope was to give a few people an alternative to the New Haven Register. More recently, I have been writing for Liberation News Service, trying to keep the white movement informed about what is happening.

I think that publicizing the trial was important. I don't think that it helped Lonnie in the courtroom, but I believe that it helped the cause for which he is in jail. I think that people got involved and began to understand the general inequities in the whole situation.
The Demonstrators

The Trial—Fairness and the Roles of the Participants

The Lieutenant of Information for the Connecticut Chapter of the Black Panther Party

I covered Lonnie’s trial for the Panther paper, and I saw it as just a judicial farce. From the day of the jury selection to the day of sentencing, the whole thing was extremely biased, extremely racist. All the things I know about the Constitution and read about it and have gone over trying to digest some of the legal things I saw going on—all these things made me see the trial as a total denial of Lonnie’s constitutional rights. It was a very dishonest trial, a very pushy trial in the sense of being railroaded through. Many things weren’t taken into consideration, and the whole trial was based on technicalities and motions. It was a big farce going through the maneuvers and playing out the traditional roles of a trial.

A good example of the bias comes from the pre-trial motions. A number of the pre-trial motions which the defense introduced were denied. For example, the defense moved that the case be thrown out because of the extensive and prejudicial pre-trial publicity. We even brought in psychiatrists and other so-called respectable professionals to testify. The judge didn’t even consider the motion. But I think it was an important motion, because the people who read their daily papers and believed them couldn’t have had an open mind about the trial.

Another example is the fact that the judge denied us the chance to have our witnesses testify. We had witnesses who knew George Sams personally, who had been brutalized by Sams. We had witnesses who could challenge the psychiatric reports relating to his sanity. The judge refused to allow them to testify. That was a violation of Lonnie’s constitutional rights; he had a right to have witnesses testify on his behalf for his defense.

None of the jurors were Lonnie’s peers, even if a couple were black. One of the black jurors openly admitted that he was a friend of one of the most vicious black pigs in this city. He was accepted as a juror, and the judge asked him to stay away from his friend. Then there was a black lady juror who said she had never heard of the Black Panther Party. Even the most unpolarized black person has heard about the Party at some point. So Lonnie didn’t have a trial by his peers. Racists are not his peers, nor are people who are not politically aware or who don’t see this as a political trial.

Mulvey was very liberal-looking, the suave type. But he turned out to have the personality of a fascist. He was a known racist. But he was subdued in his racism, relaxed in it; it didn’t show as he was sitting up there. But it showed when he wanted to cooperate with the prosecution. He wasn’t an ogre like Hoffman, but he had a subtle way of dealing with the case. In court, he sometimes wouldn’t even listen to what the defense had to say, but he was very attentive to the prosecution. One day, Markle was getting a little upset because the judge seemed to allow the defense to get by with too much. Mulvey waved over to Markle and said something like, ‘Don’t worry, Mr. Markle. You’re going to come home clean.’ It seemed like the whole thing was planned.

Our lawyers fought very hard for us, even though Koskoff admitted that he was an establishment lawyer. Our lawyers have to be educated, because the party is a political party and what goes on in the courtroom should relate to our politics. If our lawyers do not understand our Ten Point Program, or if they do not know what we are doing as a political party serving the people, relating to them and hoping to create a new society, then it is difficult for them to break away from traditional law and relate the law to the party’s activities.

Our lawyers sometimes did not do this. They did introduce the Ten Point Program and Platform, at one point, to educate the jury—that was a beautiful thing. But much more could have been pushed. People did not see us as a political party but as a terrorizing bunch of animals. I think our lawyers could have done more to break that down.

But our defense was good; they struggled very hard for us. There were some things our lawyer said at the end of the trial which we did not really appreciate. The stuff about the trial being fair—what a lot of shit that was. If we had educated him better, tried to politicize him to exactly what we were about, he would not have made those statements.

The defense gained a lot of publicity from the trial. Revolutionaries are always used in political ways. That is a sacrifice which we endure. But if I ever go—and I don’t plan to—I don’t want a lawyer unless he is a revolutionary lawyer. But they will all be in jail soon anyway.

Jan vonFlatern

Of course the trial was not fair. The only person who can get a fair trial is a local white Anglo-Saxon Protestant, but he never goes to trial. When most people talk about a fair trial, they ask if the rules of evidence were
followed or if the cops had enough proof. Very few people question the socio-political basis of the rules and the laws. We have to look beneath the rules and ask what is really happening. It is not really important how many motions are denied. The real question is who gets tried and why.

Another thing, the pre-trial publicity was incredible. I couldn't have been a fair juror: I read the newspaper, the New Haven Register. If I had been a resident of the city long enough to register and qualify as a juror, I would have been hopelessly polluted. Because of the paper, I personally felt threatened by the Panthers in the beginning.

A fair trial would require a trial by peers. If I were to go on trial, I would want to have a jury of young, radical people who were as confused by this society and as disillusioned by it as I am. Then perhaps they could deal with the specifics of what I had done.

I certainly wouldn't want to go on trial before the jury that Lonnie had: they wouldn't know where I was coming from or where I had been or where I wanted to go. And it's worse in the extreme for someone who calls himself a black revolutionary.

Markle once asked Lonnie with disbelief in his voice, 'You mean you didn't know that man's last name, but you were living in his house for a month?' Lonnie replied, 'Yeah, but he was a brother.' There is no way, no way at all that that could sink in, no way that Markle, Mulvey or those totally disoriented jurors could comprehend what it meant to have a brother whose name you didn't know or what it meant to live in five places a year. They must have thought it was degenerate. It couldn't have meant to them that that's what it is to be a revolutionary.

"Merk"

I went into the trial twice, and I had the only feeling that I ever have in a court—one of horror. First, they have the trial in a courtroom which seats twenty-five people when there are other courtrooms that are much bigger. The jury has two or three black people who are really old and can't understand what is going on.

A fair trial means being judged by a jury of your peers—that has become part of the rhetoric of the times. A black revolutionary can be judged by other black people—people who grew up the same way and suffered in the same way that he did. But people like me can't judge a black person in this country, because our experience is so different from his. Similarly, I don't think an old person can really judge a young person's morality these days. Lonnie's case was decided, prosecuted and defended by white people. Eventually, though, people will only be judged by people who share their experience.

As I watched the trial, I realized that 'guilty' and 'not guilty' mean different things in different cases. Morality isn't something that is universal; principles are not universal. People really have to be judged by what happened to them and how they grew up.

The judge and the prosecutor seemed to work arm-in-arm. For example, the judge wouldn't allow any character witnesses to testify about Sams' background. And once when Markle was speaking, the judge interrupted and said, 'Sit down, Mr. Markle, you're home free now.' Of course, Mulvey wasn't a buffoon like Hoffman. Mulvey is very cool and sort of passes over everything. He was just really being slick, to sort of show that Markle is an idiot, but he was still in cahoots with him.

Ann Froines

For me the most dramatic revelation of this trial was learning about the incredible power which the prosecutor has in a case. Fourteen people were originally arrested in the case. Some were juveniles and released on bail. Others were not granted bail because the charges involved capital crimes.

The State's Attorney argued in the bail hearings that he had substantial evidence of every defendant's guilt. But in the case of three of the defendants, after keeping them in jail for almost 18 months, he agreed to substitute the charge of aggravated assault for the heavy four-count indictment which included capital crimes. Why did he do this? We can only assume that he hoped those defendants would respond to the threat of a long jail sentence or worse and plead guilty to one of the four counts—or even agree to testify for the state against Ericka Huggins or Bobby Seale. But these defendants were strong and did not break, so Markle's 'evidence' apparently disappeared, and he was forced to let them go for time served. That was after 18 months without a trial. These actions demonstrate the incredible amount of arbitrary power which one man has. There is supposed to be rule of law. Where is the rule of law in this situation? It is rule by prosecutor.

Most people understand that blacks, much less black revolutionaries, do not get a fair shake in the court system. It is not just blacks. The law is made by a number of people in the ruling class; the laws themselves and the administration of the law serve those people. An example is landlord-tenant law. Much of the deplorable behavior of landlords is legal, whereas the tenants are always facing legal obstacles. Even so, the landlords are
violating housing codes as they stand right now—but they are rarely prosecuted. If you believe that the law is unequally constructed and unequally applied, it is clear that the outcome of Lonnie’s trial is irrelevant to the basic issue of fairness. Thus, a number of people who worked on Lonnie’s trial would disagree with Koskoff’s statement—that somehow the verdict vindicated the entire course of the law. It is true that, given the charges against Lonnie McLucas and the past experience of blacks in the courtroom, it is perhaps remarkable that he received a minimum sentence. He could have received a much heavier sentence. But that does not affect the basic conclusion that the law and the courts are part of an oppressive system in this country, especially oppressive for blacks.

Peter Hughes

I don’t think that the trial was fair; I don’t think it could have been fair. It is rather unfortunate that Koskoff made those statements about the trial and the verdict. I thought that his statements were a total sell-out of the Party. Koskoff was probably worried that he had gone out on a limb in defending Lonnie and attacking the FBI. I think he made his statement to get himself back in the good graces of the legal establishment. The fact that he could call a 15-year sentence a victory proved that Koskoff saw this mainly as a game between Markle and himself which he won three rounds to one.

I don’t think that such a trial could be fair until after the revolution, when the legal system is restructured. In capitalist America, of course there can be some trials which are less unfair than others. Lonnie would have had a better chance to get a fairer trial if he had not been a revolutionary and had been white and middle-class.

Lonnie should at least have had a jury of his peers. Only a jury of peers can understand the circumstances and thoughts that pass through a person’s mind and surround the events in question. I do not think that the jury had any way of understanding what went on at the Panther headquarters on Orchard Street. It is not a question of sympathy but of ability to determine the relevant facts.

I had never attended a trial before. The whole thing was treated completely as a game. What went on had very little to do with discovering what actually happened at Orchard Street or what the people concerned were like. The assumptions about the trial were shared by Mulvey, Markle, Koskoff and the liberal press. All seemed to assume that Lonnie was guilty and that the trial was a game to see if Koskoff could get Lonnie off. They were most interested in who was winning and losing in the three-way game between Mulvey, Markle, and Koskoff.

The establishment press, for example, thought Lonnie was basically a joke. The main thing they were interested in was how many points Koskoff could score against Markle and vice versa. They thought that the entire defense was untrue and that the trial was merely a test to see whether Koskoff could force the jury into believing his story. Koskoff, I felt, regarded the trial the same way. He had no respect for Lonnie. His basic strategy was to portray Lonnie as a dope who wasn’t responsible for the events. I think that is how he actually felt about Lonnie, too.

Koskoff was good at playing the game, however. He spent all his breaks talking to the establishment liberal press. He buttered up the jury; he smiled at them and joked around. In terms of appearing as if he were right all the time, he was great. But in terms of treating it as a political trial, a key thing seemed to be missing: there was no joint strategy between Koskoff and the Party. Ted Koskoff had no relationship with Lonnie. One of the things that seemed messed up was that Mike Koskoff was Lonnie’s friend, but Ted Koskoff planned the defense. The defense was prepared as for a legal trial. A lawyer in a political trial should be working for the Party and for the defendant. I didn’t notice that going on.

Koskoff did dump on the FBI for not appearing, and the pre-trial motions were excellent politically—as, for example, the motion for a jury of one’s peers and the one concerning pre-trial publicity. But I don’t think Koskoff went into Lonnie’s life enough—his childhood, why he joined the Party, that kind of thing.

Markle shared Koskoff’s assumptions about the trial. But Markle didn’t play the game very well; he blew it in every way that Koskoff succeeded. He seemed to take every opportunity to antagonize the jury and make himself look bad to the judge. He acted like a little terrier. Every chance he got, he would object to something; every chance he got, he would act sarcastic. I would have assumed that anyone who is a prosecutor would take something like acting lessons. I think that Markle was probably fooled by his own publicity: he felt that he did not have to go through any dramas to convict Lonnie on all charges. Also, I think he decided to take a low profile in order to avoid criticism that he was emotional or that he was framing the Panthers.
Mulvey played the legal game even better than Koskoff. His role was to appear impartial and keep the legal system working—that is, to insure that Lonnie was convicted. I think he did that cleverly. He would appear impartial; he would let Koskoff say extra things to the jury; he would allow extra time. He allowed a lot of leeway on personal but unimportant points. But when it came to the important rulings, bang, bang, every time, he ruled against the defense. I could count the number of victories for the defense on one hand. Mulvey had an aura of impartiality, making it look as if he were actually fair. But I don't think that he was. The most devastating ruling, for example, was not letting character witnesses testify about Sams' character.

Mulvey was very successful in courting the jury. They probably idolized him more than Koskoff. He played a father figure the whole time. He was very nice to the jurors, and I wouldn't criticize him for that, although he was benevolent in an almost condescending way. But he definitely transmitted his views about the case. For example, he made it clear what he thought of Seale and about the people who were testifying for the defense. And his charge was so biased that even the establishment reporters were surprised.

The main thing that Mulvey did was not to act like Julius Hoffman. He played it cool. He acted more friendly to Koskoff than to Markle. And the reporters gave him a passing grade because he didn't act like Hoffman—a pretty low standard of comparison for a judge.

I think that the jury essentially went along with the basic assumptions of Koskoff, Markle and Mulvey. Their view was probably that Koskoff was naughty but nice, and they enjoyed watching the game of what would be admitted into evidence and what would not. They must have been intrigued by what was really going on. When you think of what they heard and didn't hear, they must have wondered.

I don't know what they thought of Markle. In the end, the jurors came off as being sort of friendly, nice people. But that isn't enough in a trial like this. Being nice doesn't erase the fact that they are victims of racism.

The Demonstrators

Political Trials

Peter Hughes

Basically, I agree with what Tom Hayden said at May Day: The facts were irrelevant to the trial; the trial shouldn't have been held; it could not have been fair; and it was intensely political.

Markle was the one who seemed to resent most the implication that this was a political trial. But his statement that the New Haven Nine were criminals and not political prisoners is in itself a political statement. The agents of repression in this country have always said that there is no such thing as a political prisoner or a political trial. But in this, Markle was totally hypocritical. He tried to prove that Rackley was killed for political reasons, and yet wanted to claim that this was not a political case from the defense standpoint. In his summation he claimed that Rackley was killed so that the Panthers could boost their image of what they do to people who are their enemies. That is a political interpretation of why Rackley was killed.

Moreover, I think that the jury knew that this was a political trial. Markle failed to convince them that it was merely a normal prosecution. The jury seemed to realize that this trial was in some ways a trial of the American legal system. They wanted to vindicate the legal system, and thus they were willing to acquit Lonnie on three of the four charges.

Ann Froines

I look at the case as similar to most cases involving Black Panthers throughout the country. You have to place the case in the context of everything that has been happening to the Party in the last 18 months. Bobby Seale was indicted in Chicago for giving two speeches at the Convention. He went to Chicago at the last minute, gave two speeches and left again. He had no part in any of the plans for Chicago. The indictment demonstrated how badly the federal government wants Seale behind bars. There have been a number of other trumped-up
cases against the leaders of the Black Panther party recently. Then there has been the series of murders of Panther leaders culminating in the murder of Fred Hampton and Mark Clark. The Party has been treated that way because of what it stands for, because of the programs it has been attempting to implement in the community, because it believes in self-defense.

In this context, it is clear that the trial is political. It is in the interest of the State of Connecticut and the government in general to demonstrate that people who struggle around the liberation of their own people have a lot to lose, i.e. their lives or their freedom. These cases are designed to terrorize people and to prevent them from mobilizing against their oppression.

Robert Abramovitz

There is a fairly simple distinction between a political trial and a normal one. When the police or the courts attempt to use ordinary procedures to get somebody because of their point of view, that is a political trial.

There are a number of things which we could be busted for at any time. Loitering, disturbing the peace—a number of things open to interpretation. As long as we don’t make trouble, the police and prosecutor overlook it. A political trial occurs when they decide to get you for something, when they just do not like your point of view and want to shut you up.

Of course, this is more troublesome because there is a body involved. In this case, the political overtones became evident later. The police used the search for suspects as a rationale for raiding Panther offices around the country. After they rounded up all the people they wanted and raided all the offices, they suddenly found Sams. He came walking across the bridge without a fight and gave this whole long story implicating Seale. That made me incredibly suspicious. It wasn’t clear whether something took place or whether it was just an enormous frame-up. At the very least, however, the prosecutor used this as an opportunity to throw out a bigger net than the circumstances warranted.

Given Lonnie’s trial, it is clear that a small group of one or two did something, and the prosecutor is trying to translate that into a conspiracy. In my opinion, he is trying to say that everyone else is involved only because certain people do not like the Panthers and want to shut them up.
Reporters

Publicity and Public Pressure

Joseph Lelyveld—New York Times Reporter

If we weren’t conscious of the political overtones and the fact that many people regarded this as a political case—in relation to the Black Panthers and to the whole question of what the Panthers represent and what has been happening to them—we wouldn’t have covered it in the way we did. The New York Times would not send a staff reporter to cover just any murder case.

We went because it was related, in the minds of many people, to everything that has been happening to the Panthers in the last year. And there was the demonstration in May. It was a real issue: could a Panther receive a fair trial? Was this an ordinary murder case in the eyes of the authorities in New Haven, or was it part of some kind of special thing against the Panthers? The fact that these were questions that were openly debated by everyone made this an important news story. We, meaning the New York Times, didn’t have any position on that. It was newsworthy. And I think that I wrote with an open mind on those questions.

I don’t know what would have happened if the press had not been present. But if people had wanted to railroad Lonnie McLucas, it would have served as a kind of safeguard.

Sue Devlin — Daily World Reporter

I was there every day, so I was reporting on a day-to-day news basis. And to that extent, I was doing it like any newspaper reporter—just telling what events took place. My copy was often quite different from what the Times had, because their reporter didn’t see it as a political trial. I did. I believe that as he was writing, he felt that it was possible for this man to get a fair trial.

I think the function of the press is to write about trials for people who can't be there, so that they may participate—at least to a certain extent—in what is happening and be able to witness the events. It’s vitally important to give the public viewpoints of what is going on inside the courtroom other than those of the establishment press.
As an example, the thing that happened with Hilliard comes to mind. I saw that very differently from the way it was later reported in the Times. I saw Hilliard sitting there minding his own business. He picked up a piece of paper and opened it. A guard, who was standing by his side and looking over his shoulder, and who knew who he was, immediately seized upon this instance. A fight developed. The way it came out in the establishment press, Hilliard started a fight with a policeman in the middle of the courtroom.

As for the role of the demonstrations, I think that the jurors were aware that they were going on, though the court did everything it could to prevent them from seeing the demonstrators. But the demonstrations created the impression in the minds of the jurors, the people from New Haven and probably the rest of the country—people who were reading about the trial and seeing little bits of it on national TV—that people did care, that this guy was not going to be tried by himself and that the verdict of the jury was tremendously important. I think that the jurors took it very much to heart and felt that they had an enormous responsibility.

I thought May Day was a terrific triumph for the Panther supporters and for the Panther Party. It showed that the violence has not been on the part of the people but on the part of the government and that this was a national trial; the national government was tremendously interested in the results. Time and time again throughout pre-trial hearings, and again during the trial of McLucas, Attorney General Mitchell and F.B.I. Director Hoover issued statements about the Panthers as advocates of violence—statements which so prejudiced the trial that, in my opinion, it should have just been called off.

The fact that people were able to conduct themselves in such a disciplined manner during May Day and to demonstrate their support for the Panthers without allowing themselves to be provoked by the presence of armed troops foiled the government's attempt to create a situation similar to Kent State. We could have had exactly the same incident a few days earlier in New Haven.

Stan Simon—Hartford Courant Reporter

I'm not sure 'notoriety' is the word, but certainly there was more than usual interest in this case. In terms of procedures in the courtroom, with minor variations, it was no different from any other trial. However, this trial was different due to outside interest and public pressure. Pressures were exerted by people like Kingman Brewster, and I don't mean that as criticism. Of course, we in the public media contributed to the extra attention. We like to think that we are reflecting the interest generated by the public. But it is a chicken-and-egg argument as to whether we are reflecting or causing it. Just the presence of the press tends to keep public officials on their toes.

Demonstrations seem to me to be an extension of the same sort of pressure. The more people looking, the more careful the participants are. Any public official operating in secret would be prone to do things differently than if he were subject to scrutiny. In that way, I think the demonstrations were helpful. Yes, it was the public's interest—and an unusually good defense effort—that made this whole McLucas thing larger than the ordinary murder trial.

As a reporter, my job was to describe what was happening and what was said as accurately as I could—not to interpret, not to analyze. There are inevitably judgments that a reporter has to make as to what aspects of the day's activities are the most important; and in that sense, I have a certain amount of discretion.

I have found that the other reporters made basically the same choices. I have an obligation as a reporter to make the story that I write appeal to a reader who is confronted with perhaps sixty or seventy pages of news. I've got to get him to read my story. If he wants to know anything about the Panthers, I have to draw him into my story. That is the aspect of journalism that most people call sensationalism. I don't consider it that. I consider it putting the most interesting thing first. I know from letters to the editors and personal responses that there are people whose minds are just closed, and there is nothing that is going to change them. I'm not writing for them. I'm writing for those who want the information.

There were times at the beginning when I needed a question answered by someone associated with the trial, and the initial response would be, 'I can't talk because of the court order.' That was very frustrating at first. But over a period of time, I got to know people, and I was able to make clear to them that I needed information in order to write an accurate, intelligent story. When they realized that I was not necessarily interested in quoting them specifically, that barrier seemed to disappear. The end result was that there were no major participants in the trial who would not talk to me. I could get as much information as would have been possible under any other circumstances. The major difference was that I couldn't quote people. Also, the court order did have a tempering effect. It kept all sides involved from making rash statements just to create public impressions.
Reporters

Fair Trial

Joseph Lelyveld

I think McLucas was essentially tried for acts that clearly had something to do with him. Compared to what has been seen in other courtrooms, there was a minimum of political bantering by the prosecutor and the defense. There were a number of occasions when somebody would try to say that the state was doing what it was doing because McLucas was a black revolutionary, and there were a number of occasions when the state pressed the point that he was a revolutionary. These were sort of flash points; they weren’t really—to my surprise—the essence of the trial.

I’m left with the question in my mind of what a fair trial is. I suspect that Lonnie McLucas got about as fair a trial as anybody could hope to get in New Haven. And I don’t mean just any black revolutionary, but just about anyone. He had really top-flight legal defense. Every day, the proceedings were scrutinized in the press, and there were people outside demonstrating on his behalf. The climate in the courtroom was not what I have seen described in the radical press—a climate of fear. I don’t really think it was at all. On the contrary, there was an atmosphere of considerable tolerance in the courtroom. Until the very last day, the judge didn’t pay any attention to the ‘Power to the People’ slogan with which the audience saluted Lonnie whenever he entered or exited. And the Panthers and the kids who came to sit in the courtroom generally behaved as a judge would expect them to.

The judge was largely responsible for the low-keyed atmosphere in the courtroom. I think he did a fairly admirable job, particularly since I suspect he is not exactly in sympathy with the Panthers. His personal feelings did not come out in terms of his rulings on procedural points. He gave the defense a lot of leeway. In fact, some people thought he had better relations with the defense than with the prosecution.

Part of the psychology of what’s happening in the courtroom is that the judge and the prosecutor feel the pressure to prove themselves. When somebody’s been denounced as a racist and he doesn’t think he’s a racist, there’s a subtle pressure there to prove himself—not to the kids on the Green, who will call him a racist whatever he does, not to me, not even to the jurors, but to himself and to the ‘system.’
When everything is so confused and so many epithets are being hurled around, people really do have to figure out where they stand, who they are and why they are doing what they are doing. Arnold Markle thought of himself as a liberal. I don’t know what other liberals in New Haven think about that, but that’s a serious part of his self-image, and he gets very angry when people call him a racist. People like Markle and the judge really believe the system is great, and they want to show that it works. One of the ways of showing that it works is by showing that Lonnie McLucass can get a fair trial.

My private prejudice is that I’d like to see the institutions work. I’m not totally convinced that they can work all the time, but in general, the McLucas trial left me with the feeling that they can be made to work. Still, that doesn’t really leave me with a great deal of pride or assurance, because it seemed like such an enormous effort to make it work as well as it did.

Sue Devlin

I think that it is impossible, first of all, to try a revolutionary—a person who wants to change the system—fairly under the laws of that system which he is trying to change.

I think it is extremely difficult for a black person to get a fair trial in this country. I think it is extremely difficult for a poor person to get a fair trial in this country. From what I see, Lonnie may have been guilty of something; but I certainly don’t think he was guilty of the crimes alleged by the prosecution. I don’t think it was a fair trial, and moreover, I don’t think that he could have gotten a fair trial.

I think that the jury did the best it could given the situation. But I think that the fact that only two of them were black, that only two or maybe three of them were young—well, these people were not really McLucas’ peers at all. It was really one black man against an entire white superstructure, to say nothing of the fact that his political ideas were extremely unpopular and that he represented what the government believes to be a threat to its existence.

I think that a black person in a white court—where you have a white prosecutor and a white judge and a predominantly white jury—would probably not fare as well as a white in the same courtroom under the same charges. But the added fact that McLucas and Seale are political people who were challenging the system of law, the system of government, the whole structure of the United States—challenging it because they disagreed with it and fighting for something that they believed was better—represented a tremendous threat in the minds of the prosecutor, of the judge and of the powers that be. It was something they were totally unaccustomed to and unequipped to deal with.

I feel that it is impossible to have a fair trial when you have people who sincerely want to do what is right but who are absolutely unable to understand the technicalities of the case. When the jury said to Mulvey, ‘Look, we have a disagreement. We’ve been in here for days, and we can’t figure this out,’ and he said, ‘Go back there and come in with a verdict,’ I think that the jury must have said to themselves, ‘Well, he is guilty of something, so let’s give him the least serious charge and forget about it.’

I felt that Judge Mulvey tried to keep it as apolitical as possible. It was just something that he wanted to do and get over with as fast as he could. He wanted as little publicity as possible. He wanted people to be convinced that he was a fair and impartial judge.

I would say that the judge did as much as he could to create the appearance that he was acting with respect toward the defendant. He just didn’t want to give people an opportunity to say that he was a racist. I think that if there ever was any question about it during the trial, he convinced me that he was not unbiased with his maximum sentence at the end.

Stan Simon

I think this black man, Lonnie McLucas, got a fair trial. You have to make individual judgments on individual cases. I think the trial of Lonnie McLucas and the notoriety it created will help other black people get a fair trial. But I’m not so sure that they wouldn’t have before.

I’ve seen many people, regardless of race, hustled through the legal system because they have been unaware of their rights. I started covering courts before the Gideon decision, when not every­body was entitled to a lawyer. Since then, things have changed. The racial issue doesn’t stand out in my mind as greatly as it does in some people’s, because I’ve seen ignorant whites and non-English speaking Puerto Ricans hustled through the system—because of the pressure of expediency or because of lack of knowledge on the part of the defendant or because of a general lack of interest of the press or the public. There are inequities in the judicial system. People say you have to be able to afford a fair trial to get one. There are elements of truth in that, except that the Public Defender system in this state happens to be better than what I think it to be in other states.
WHAT IS A PIG?

"A law
nature
beast
that has
no
regard
for
law, justice,
or the rights
of people; a
creature that
bites the hand
that feeds it;
a foul
deprecated
traitor,
usually found
manquerad-
ing as the
victim of an
unprovoked
attack."

BATTLE FATIGUE

Reporters

Political Trial

Joseph Lelyveld

I have a very good idea of what a political trial is, because I have covered political trials in South Africa. It is something different from the Lonnie McLucas trial when you really see one. In the first place, the verdict is almost assured from the moment people enter court. The public is kept out of the courtroom. Often, the crime is one of membership in a forbidden organization or of supporting the ends of banned organizations. You could be sent to jail for three years for having attended a tea party at which people talked about the creation of a multi-racial state. That is a political trial.

I think it was different for Lonnie McLucas. He was tried for felonies that most of us would still recognize. I have to believe that there were some political motives—or a consciousness or sensitivity to political issues—connected with the prosecution. But one would expect the authorities of Connecticut to conduct such a prosecution even if there weren't.

I felt that there was a kind of ambiguity in everybody's position because, although the Panthers said this was a fascist frame-up, they had to acknowledge that the murder had been committed. And they couldn't very well say that no one should be prosecuted for the murder. As a matter of fact, they had to admit that the murder was done by people who, at one stage or another, had been Panthers. And they said that it had been wrong to trust those people. That is a little different from saying that it was a fascist frame-up.

Similarly, the authorities were trying to say that it was just an ordinary criminal prosecution. But it was plain that the amount of investigation that went into the prosecution was considerably more than what goes into a normal investigation of the murder of a barely identified 25-year-old Negro man. Yet, Mr. Markle would constantly say: 'We're not out to get the Panthers. This is not a political trial. It is a murder trial.' On the other hand, he would say—as a basis for part of his case against McLucas—that McLucas was a dyed-in-the-wool Black Panther and had been trained to follow orders automatically. The state was saying it was a political murder but not a political trial!
The paradox is that at the end of the case, you had the prosecution insisting that Lonnie McLucas was a disciplined revolutionary and the defense insisting that he was a schnook. It is at least ironical and slightly humorous that the essence of the defense was that the Panthers were just a group of scared kids who didn’t know what the hell they were doing, being terrorized by one nut. If you accepted the defense wholly, it would be hard to take the Panthers very seriously as a threat to anybody. So he had to get off—insofar as he got off—by lowering his revolutionary flag somewhat.

Few people would say that this was a murder that should not have been prosecuted. To my knowledge, the only people who have said that are people who take a strong revolutionary position: that black people in this country are colonized, that the courts are colonial courts and that, therefore, they have no right to try these colonial subjects. Well, that’s a consistent position, and I respect its consistency. But I’m not a revolutionary. I don’t work for a revolutionary newspaper, and I think most people who were at the trial were not revolutionaries. If you don’t accept the revolutionary position, it seems to me that you have no choice but to say that there should have been a trial.

I’m quite sure that Koskoff was aware of all the political angles of the case, but he apparently decided to defend Lonnie principally as a person rather than as a Panther. I don’t think that Koskoff understands the philosophy or the program of the Black Panther Party as well as Charles Garry, but he certainly was sympathetic to Lonnie as a person, and he seemed to empathize with the Panthers as a group.

**Sue Devlin**

I thought it was a political trial, very much so. I feel that they probably wouldn’t particularly care about this guy Rackley if he hadn’t been involved with the Panthers. Markle was particularly unconvincing when he wound up his case by saying that somebody had to give Rackley his first fair trial. I mean, I don’t think that ever entered into his thoughts at all.

It’s also a way of getting at Bobby Seale. I think that there has been a national campaign to decimate the Black Panther Party either in shoot-outs with the police or through the courts. The Justice Department would probably like very much to eliminate Seale and Ericka Huggins—and probably Rory Hithe and Landon Williams—because they are important in Party leadership.

As it has turned out now, the other defendants are entering pleas of aggravated assault, and they will all be out on the street again in a month. The authorities obviously don’t care as much about keeping them in as they do about getting Seale. The whole thing is harassment of the Panthers in general and an attempt on the part of the government to get the Party’s chairman, in particular, out of the way permanently.

**Stan Simon**

I certainly can’t say with any objectivity whether the McLucas trial was or was not political. I avoid using the term in print, since it’s really rather controversial. If somebody cares to say it is political, I will quote him. If somebody cares to deny it, I will quote him too. Whether or not I think it is, I don’t know. There are aspects of it that seem political; there are aspects of it that do not. Certainly the conduct of the trial was similar enough to apolitical murder trials I have covered.

To approach the question, I have to put myself in the position of the advocates. If I were a State’s Attorney operating under the laws that now exist, would I have prosecuted McLucas? The evidence at hand would have forced me into pursuing that prosecution. So in that sense, it was not political. But then the question arises: Well, would I have had as much information if there had not been so much national attention devoted to the Panthers? In this particular case, I tend to think I would have.

The testimony that was used was developed largely by the local police department. It was they who investigated, who made the arrests and who gathered most of the information. And in that sense, it does not seem to be particularly political. But then again, I don’t know what attention they devoted to the Panthers. Perhaps the local energy devoted to investigating the Panthers might have been devoted to crimes like breaking and entering if national attention had not been focused on the Black Panther Party. So there may be political overtones, but certainly not in a derogatory sense.

It seems to me that every crime ought to be investigated with the relative thoroughness that was involved here. I know from experience that this is not always the case. I’m sure I haven’t given a satisfactory answer as to whether the trial was political or not, but those are the thoughts I bounce around with. I can’t resolve it.
I think that those who call it a political trial in the derogatory sense believe that there would not have been a prosecution if it weren't for the political activities of the Black Panthers and their threatening relationship to American society as it now exists. I don't believe that. I think there would have been a prosecution. I don't know whether it would have been as involved; but then again, it wasn't really the prosecution that made this an involved case.

There is a man dead, and the hue and cry is for trial and punishment. How large that hue and cry ordinarily varies with the social status of the victim and the defendant. Usually, an insignificant black man does not warrant the uproar that this trial resulted in. But who created the atmosphere in which this trial was situated? The demonstrators, the State's Attorney, the defense attorneys and the defendants—all share an equal responsibility. Each reacted to the other; so that the end result was a larger-than-normal situation. I still hesitate to call that political.

The State's Attorney denied with vehemence that it was a political trial. He kept claiming that it was a straight murder case, and that was all. There was some evidence that that was largely true, but there are obviously other considerations, too. Because of greater public attention to this trial, things were done perhaps differently than they would have been at a trial with less tension. Whether that is political or not, I don't know.

The defense lawyers involved considered it political to an extent. I can't really answer the question without making judgments that I don't care to make, don't even try to make, as to the sincerity of various people involved. What their motives were, I don't know. I wonder sometimes whether even the people involved can be honest about what their motives are.

Reporters

The Jury

Joseph Lelyveld

During the jury selection, I was amazed at how little people understood about May Day. When prospective jurors were asked who called the May Day rally and why, they gave answers like: 'Kingman Brewster called it.' 'Yale called it.' 'It was about Vietnam.' 'It had something to do with the Black Panthers.' I think of the 250 or so people questioned, only two or three had heard of Huey Newton.

One of the striking things about the whole trial was how sympathetic the jury was to Lonnie. Maybe they just liked his appearance. He was a very likeable-looking person. He wasn't a scary guy. When the trial was over, a couple of the jurors wanted to convict on all the counts, and all the others were sympathetic to Lonnie. That shows two things: 1) the importance of the whole jury selection procedure; and 2) that the country is not as desperately polarized on racial and political lines as we may have believed.

These middle-class, middle-aged, mostly white people from small Connecticut towns were able to listen to a lot of gory details, described in a rather brutal manner and involving black revolutionaries, and come out with a measure of sympathy and solicitude for the particular black revolutionary whom they had to judge.

You have to give Mr. Markle a measure of credit for that, because he didn't ask them to convict him as a Black Panther. I think a lot of prosecutors in this country might have. He could have really raised the flag and sent them into the jury room to the tune of Yankee Doodle Dandy.

I think it was great for Markle and Mulvey that Ted Koskoff walked out of the courthouse the day the jury brought in the verdict and said in front of television cameras that his client got a fair trial and that the trial showed that a black revolutionary can get one. In some ways, this was as good for the prosecution as having McLucas convicted on all four counts.
Reporters

Lonnie

The absolute dignity of Lonnie was amazing throughout the whole thing. He never seemed frightened or intimidated, and he never expressed any hostility toward the prosecution or the judge or the jury. I was tremendously impressed, and I think that same kind of feeling came across to the jury. Many of them later said that the reason they wouldn't want to see him convicted was because they liked him as a person.

Lonnie had absolutely no one. His family was down South, and they only visited him once. His friends were either in jail or weren't able to see him. He was separated from everybody, and he was able to bear up under it. I think it was because he truly believed in what he was doing. He saw himself as a victim of political persecution. He believed in the Panthers; he believed in what they were all fighting for; and more than that, he was a very, very strong person.
The Attorneys

Theodore Koskoff

Even though I didn’t agree with Lonnie’s beliefs, they may have been a vital factor in my making the decision to take the case. He was in an unpopular cause, and I always have a feeling for the down-trodden and the underdog. It was essentially that McLucas was a political non-conformist; his views were totally unpopular. And I think that’s always a great challenge for a lawyer and one a lawyer should accept. I think that a lawyer in the criminal court—one who puts the state and the government to the test—is in the highest tradition of lawyers. It makes you feel like a lawyer, I guess that’s why I’m in it.

I must say that I don’t totally agree with the Panthers. In fact, I think I’m more in disagreement with them than I am in agreement. But one thing I can say they have contributed to is the feeling of dignity that black people have. You begin to see black people walk down the street with their heads up, not stepping aside, not being subservient but behaving like human beings with dignity. You want to do everything you can to encourage that. I thought it would help black people in general if someone like McLucas, with all he had to lose, stood up and put the state to the test. Of course, I also felt that I could help McLucas.

Lonnie could have taken the plea, and at one time, he considered it. But he didn’t do it, because of the responsibility he felt to black people. I don’t even think it was a tremendous feeling of responsibility as a Panther; I think it was more his feeling of responsibility as a black man. He felt that he would be letting his people down if he took a plea, particularly when they wanted him to testify against others.

Once we get into a case, the defendant has nothing to do with how we behave. I treated Lonnie as I would any other person I represented. You take a case as a lawyer, you see it through—always. You use all the skills and resources that you have to do the best job you can.

I have the ‘hired gun’ philosophy of the role of lawyers. I have the feeling that the important thing in any trial—even a trial with political overtones, although I must say this was essentially a criminal trial—is to do the best you can to get your client off. I don’t think the conflict arose in this trial, but if it ever comes to a decision between trying to make a political point or trying
to get my client off, I'm going to try to get my client off. I have the responsibility for the case. I'm representing him; and if he doesn't think I'm doing a good job, I ought to be fired. I have no feeling of identification with the Panthers as Panthers. I have a feeling about the Panthers as black people, because I can relate to black people. But my own view is a totally apolitical view. I really had to treat this as a criminal trial, although there were, as I say, political overtones.

We did do things like introduce the ten-point program of the Panthers, but we did them only in the context of the trial. We made no effort to make political points per se, because I'm not a political lawyer; I don't consider that to be my function. At one point, for example, George Sams began to use political rhetoric. He talked about the ten-point program, but he was all confused. I thought it was important that the jury—because of whatever subconscious bias they may have had—know at least what the Panther catechism was. I introduced the ten-point program and other literature during the trial to show the jury at least what the Panthers say they stand for—to negate some of the jurors' subconscious or subliminal impressions of the Panthers, even though they said they had none.

I think that if the name of the game is to get your client off, then you've got to play that game. It's the only game in town. We had to get the jury to hate Sams and like Lonnie. That was the technique, that was the name of the game.

We got enough out of the first statement on cross-examination to give the jury the feeling—right from the beginning—that George Sams was a monster. And that continued throughout the trial, so that by the time George Sams took the stand, the jury must have been a little bit disappointed. They expected to see a guy with horns and seven heads. But I think the strategy worked.

The jury also had to like Lonnie. It's not easy to get a jury to identify with a guy who's accused of torturing somebody with boiling water and firing a bullet into the guy's body even though the guy was dead. We had a little more difficulty selling him, because he's black. So, we dressed Lonnie up—throughout that trial Lonnie McLucas wore better clothes than I did. And I think the jury liked the way he sat there quietly. And they liked the way he testified. They liked him. And they were out to do something for him if they could. They did.

My feeling is that the demonstrations may have had a positive effect in this case. I don't say this for the purpose of advocating protesting during trials, but the sea of black faces in the courtroom—watching the system of government work—may have made people realize their responsibility, as jurors, as lawyers, etc. Maybe the judge, too; I don't know. He would probably say he wasn't affected at all. The jury said they weren't affected by them, but I wouldn't be surprised if some of them were affected adversely and some positively. Others may have been intimidated, but I don't think so. They didn't affect the verdict itself; I think they affected the atmosphere of the trial, just as I think Kingman Brewster's remark helped create the proper atmosphere for the trial. They made everybody conscious of the fact that they should at least attempt to insure that this was a fair trial.

And I think it was a fair trial. The elements that go into making a fair trial are very interesting. For example, I had the feeling that by the end of the trial, the jury was more sympathetic to Lonnie McLucas than they were to Alex Rackley. Would it have been a fair trial if the victim was a blond, flaxen haired, blue-eyed child instead of Alex Rackley? So the victim becomes part of whether you get a fair trial. It shouldn't be, should it? Or, if McLucas were dead and Rackley on trial, he probably would have been convicted on all four counts—just on the basis of the way he came over. Personal factors entered into whether or not a person gets a fair trial.

I think a white Anglo-Saxon Protestant probably gets a fairer trial than a black revolutionary does. It isn't that the system doesn't try to give you a fair trial, because it does. But it's not capable because of the human factors.

So you've got to start with the assumption that a fair trial is relative. So then you ask me, 'Well, why do I think that this trial is a fair trial?" We had a very, very extensive voir dire, which is, I think, the basis of a fair trial. I don't believe that a jury of one's peers means a black jury. I don't think you can determine what a jury of one's peers is with scientific accuracy. I think if the statute is generally fair—which I don't think the Connecticut statute is, because it discriminates against urban society—you get the proportion. You can see the reduction ad absurdum of "a jury of one's peers" to require a totally black jury: If a Swede is on trial, he's going to want a Swedish jury; if a Jew is on trial, he's going to want a Jewish jury.

We had technical competence in the lawyers. We had temperamental competence in the lawyers. But it doesn't always work that way. We live in a society where there aren't enough well trained advocates. The middle class can't afford good lawyers, and they're not poor or unpopular enough to get them for free.

We had technical competence in the judge. I think we had temperamental competence in the judge. His demeanor was judicious; I think he made every effort to be fair. He permitted me to try the case the way I wanted to try it, without interfering. He didn't harangue me, he didn't create an Inquisition atmosphere in the courtroom. I have the feeling that the judge was not part of the prosecution, even though most of his decisions were favorable to the state. I think that the trial had certain deficiencies, but I would characterize it as a fair trial.
As I said, I think this was a criminal trial with political overtones. At least Lonnie McLucas's trial was. The Seale trial is more political. The further away you get from the guy that pulled the trigger, the more political the motivation seems to be. I think that a self-respecting prosecutor with a case like Markle has against Seale wouldn't bring the case. Although I can understand the community pressures that there are on Arnold Markle to bring this kind of a case.

I think the Chicago trial was essentially a political trial. Ultimately the system will show that it was a political trial—in other words, I think the system will correct its errors, the convictions. The government was very ill-advised to bring together people of such totally divergent views—Abbie Hoffman and Delliger, for example. The thought of them conspiring to do anything is absurd. The conspiracy charge was made for political purposes. I think there's a concerted effort in the United States to stifle unpopular, revolutionary views. We saw it in the forties. We saw it in the fifties. We saw it in the sixties. We're going to see it in the seventies. I think it takes a very vigilant bar to really go out and do what it can to try to safeguard the Constitution.

Michael Koskoff

My own political orientation has always been in civil-rights and more-than-liberal-left directions, but I really didn't know too much about the Panthers when I got into the case. For a lawyer, there's no more exciting challenge than a case of this magnitude, a case that we knew would be one of the important trials of the decade. It would have been an enormous trial—even if it didn't have the political overtones—because of the serious and sensational nature of the charges. And, it did have the political overtones—even more than overtones, a kind of political essence. We knew it was going to be viewed as the Black Panthers on trial.

I don't think it ever became political in the way the Panthers originally wanted to make it political. Their original statement—that it was the police who killed Alex Rackley and that this was part of an organized attempt on the part of the law enforcement agencies to wipe out the Panthers—was never proven, and we didn't even attempt to prove it.

I would say that there are several grades of political trial. There is a trial which originates for the purpose of political harassment—like the Chicago 7 trial, which was really designed to discredit a political point of view. Then there are trials with political overtones, and the McLucas trial was of this type. It had a lot of political qualities, but its origin was non-political. In one sense, it was just a murder trial. Alex Rackley was killed; there was a dead body.

I think that there is a federal plot to get the Panthers, but I don't think that what has happened in New Haven began with the federal or state authorities. I think part of the federal plot involves exploiting incidents which would tend to discredit the Panthers, so in that sense the trial was part of the plot. Another part is to cooperate in every detail with local law enforcement, heighten public attention and do things like that. And I think they did all of these things.

I think Markle was trying this as a political trial all the way. He was out to get the Panthers; he wanted to show the black community that the Black Panthers were a bad organization and that they shouldn't associate with it.

In addition, I think that in one sense the whole business has been organized and mobilized as a mechanism for getting Seale. That was one of the reasons they split off Lonnie. If it were anyone other than Bobby Seale, he wouldn't have been brought in. For example, they could have brought in a couple of other people for the same reason they brought Bobby Seale in. But they didn't. So in that sense it was political. But they had something to go on in bringing him in, so it wasn't all political.
What makes cases political is what forces are at work. For instance, we have a case of a guy who allegedly walked into a police station with a rifle—an auxiliary police station in one of the housing projects—and fired the rifle at a couple of policemen and then ran. And that case is a political case because it’s been cast in that light. The community is aware of the case and concerned don’t want a lot of hoopla about the trial.’ He didn’t want demonstrations in front of the courthouse. I with the forces that are at work—the antagonism of the police against the citizen. He was a member of the Panthers too.

In most trials, you don’t ever have to make any decisions regarding political issues. In our trial, we did. And both my father and I grew tremendously through the trial—and in ways that we had never expected. When we first got into the case, for example, he said, ‘I’ll get into the case, but there’s one condition; and that’s that I don’t want demonstrations in front of the courthouse. I don’t want a lot of hoopla about the trial.’ He didn’t want people putting in and saying things that were going to hurt. He also felt that demonstrations would antagonize jurors. He wanted to try it as a standard criminal case. But he found, and I found, that you just couldn’t do it. By the end, our whole conception of how to try the case had changed. We began to feel, ‘It’s nice that there are five thousand people out there today, because everyone’s going to stay on his toes when they’re out there.’

As lawyers for a political defendant, you’re cast in a little bit of a different role. I think that you’ve got to give a lot more decision-making power to the defendant. The only issue in a normal case—for both the lawyer and the defendant—is, ‘Are we going to win the case? What can we do to win the case?’ As a lawyer, I’m in a much better position to judge what’s going to get him off than he is as a client. But when there are political issues involved, he’s in as good a position to judge what the political results of something will be as I am. And in a trial of black people, when we’re dealing with jurors who are black, we would consult the client, because in human terms he knows what’s going to appeal to these people, with their background and culture.

To a large extent, the Black Panther Party and the image of poor black people were on trial in this case. One of the things we spent most time on in the voir dire was the presumption of innocence. We would tell a prospective juror, ‘The judge has told you that a man is presumed innocent till proven guilty.’ Then we’d ask, ‘What’s your opinion of his guilt or innocence as he sits here in court today?’ Every now and then, someone would say, ‘I suppose that if he’s innocent until proven guilty, then I guess I believe that he’s innocent as he sits there.’ And it would just suddenly dawn on him that that’s what it meant, as it dawned on all of us at one point or another. That’s how we began an educational thing.

The jurors were basically people who claimed to have no prejudices against the Panthers, not to know very much about them. They were basically people who didn’t read too much. We were just trying to heighten their consciousness of themselves and their role, and at the same time, to bring out those failings in the system that we felt were related to our case. And that, I suppose, is political. We weren’t out to educate the community, as some defense attorneys in political trials have tried to do. We left that to the Panthers, because they wanted to handle that.

In a regular criminal case, all we have to overcome is the jury’s normal bias against someone who’s been arrested—which is considerable. In this case, we had the bias against the political minority, the militant. We were trying to make Lonnie as much of a human being to them as possible. It was very important for people to realize that a Black Panther is not an animal. We wanted to get the jury to understand that he is a human being, and is emotional, and could relate to them if they would get to like him. So, we did things like bring his father into court and put him on the stand to show that Lonnie was once a little boy and played baseball and did the things that all other little children do.

At the same time, by portraying a certain kind of dignity, we tried to make Lonnie someone that black people could be proud of. We were trying to tread a very narrow path between making Lonnie appear to the jury as an Uncle Tom and making him appear to the black community as a rebellious culture hero. One of the things that we thought about was, ‘How is it going to be for black people to see him cop out?’ Kids in Bridgeport were running around saying ‘Free Lonnie.’ This man has become a hero to a lot of people. It was also important for Lonnie that the jury know that Seale wasn’t head of a madman organization or a fringe organization.

The most valuable lesson that we learned from the trial wasn’t that a black militant can get a fair trial. It was that only if the community is conscious of what’s going on can a man have a chance of getting a fair trial. It takes community supervision. I think the people have to be there in court, both to see what’s happening and to keep everybody honest. As soon as people stop caring, the system breaks down again.
There’s no doubt in my mind that, to some extent, black revolutionaries get better trials than the normal black man does. In general, poor blacks do not get justice in this country, because they are in a system which discriminates in all of its institutions against poor people and black people. Why should the courts be any exception? I don’t think that the courts are particularly to blame. They’re just part of the system and happen to be a part with which poor people come in contact fairly frequently. Normally, a black man wouldn’t have money to hire a private lawyer and he’d have to go get a public defender. The public defender would be over-worked and wouldn’t have the time to deal with the case as an individual case. The client would be told that there’s no point to trying out a case like this and that they’ve got him cold. So he would accept a deal.

The problem, as far as I’m concerned, doesn’t lie in the judicial system. I think it’s basically a very good system and a very radical system. If we were starting off to build a system of justice, I think we’d build one that was something like the one we have. It’s the other institutions of the government that are going to have to change. The police, the poverty level in the country, race discrimination: all of these things are what make it difficult to operate our system. We wouldn’t have to be worried so much about selecting a jury if there weren’t so much race hatred in the country. People wouldn’t commit political crimes if the other institutions were working properly.

One thing has to be established, and that is that a fair trial is a relative thing. It’s relative because there are human beings making decisions, human beings who’ve been molded by their various institutions. We could expect in this society that a white Protestant—maybe in Connecticut, a white Catholic—would receive the fairest possible trial. A white Italian probably would have more trouble receiving a fair trial because of national stereotypes about Italians. And then maybe Puerto Ricans, and then maybe blacks, and then there’d be black militants. So that I think you could anticipate that it would be more difficult for a black to receive a fair trial.

When we say ‘a fair trial,’ are we asking if the system is working as well as it can work? If we’re asking that question, then I think you have to conclude that Lonnie McLucas did receive a fair trial, because the system worked just about as well as it can work. Within the framework of their capabilities, people tried to be fair. If we’re asking whether the system itself can be fair, that’s another question—and I don’t know the answer. One of the things that we did, which was political in nature, was to point out a lot of the failings of the system. This wasn’t done with the idea of humiliating the system or arguing that it is totally unfair and that we need a new system. It was a form of constructive criticism. We brought out certain things about the system which can be remedied. For example, selection of the jury panel is one of the most important issues we raised in the whole trial. We found that, in terms of representation, the towns were favored over the cities, by enormous proportions. With the defects that we pointed out—that is, the defects which can be changed—the system couldn’t be considered fair.

If you go even one step further, you might ask whether a black man can ever receive a fair trial simply because of the definition of him in the society. You could ask whether any trial by the British of colonial subjects in India could have been fair, simply because it was a British trial. I think that’s a pretty good analogy. Thinking of the blacks as colonial people, I don’t see how they can possibly receive a fair trial.

If we accept the analogy of the Black Panthers, that blacks are colonial people, I don’t really know what next step that leads us to. I don’t know if that leads us to saying that there should be separate courts. That’s certainly not something which I’m in favor of, at least right now. Maybe if I thought logically, then I would be.

Another Attorney Involved in Political Trials

I think that if you have any respect for your clients at all, you don’t assume that you know so much more than they do, that you can make basic decisions that affect their lives. My concept of the role of the lawyer is that he provides a description of the alternatives that are available from a legal point of view. But the final decisions on numerous questions are for the client to make. The ultimate issue has never arisen, but if a client does say, ‘I think so-and-so should be done,’ I’ll say, ‘As an attorney I do not think so, and I cannot in good conscience do so. Therefore, I do not think I should represent you.’ If the client comprehends where you’re at and still wants to go on a different way, you get out of the case. You don’t just make the decision for the client if you disagree on what is best.

I’m not sure that a lawyer’s role is anything more than just to sort of help a client get through a bad situation. Certainly, the lawyer is not going to be able to accomplish positive things in terms of social change. At least I don’t believe that a lawyer can realistically look forward to being a force for real change in our society.
A lawyer may be able to point up the contradictions in the society. I think that whenever you prepare a case for trial, you have to know as much as you can about your client and as many of the facts as you can, and attempt to prepare the case in the context of what the real facts are and what has to be brought out in the courtroom. At times, you owe it to your client to say more than would be required in a straight legal argument. And sometimes, even the legal side of the case has to be presented in a way which will make its relevance to current political facts understandable. You also owe it to your client to have a court proceeding make sense to him.

How do you explain your client or your client's actions? How do you illuminate the evidence that's going to go in, if you don't at least get into the problems of race and politics? Take the phrase 'off the pig.' You really can't understand those words—certainly the court or a jury won't be able to understand them—unless you understand Panther philosophy. The approach which you take to evidence and whether it is relevant or not, and how you explain the events that have occurred, is conditioned by the need to explain what some words mean.

In cases involving Panthers, the whole philosophy of the Panther party with regard to people who are shown to be informers, or the tradition of the Party to expel such persons, or the whole program of the Party and its points of discipline and so forth, have to be explained to the jury and to the court, or you just can't get across a defense. So you're really talking about politics, and maybe race.

I think any trial involving a black person has overtones of being a political trial. As far as the Panthers themselves are concerned, I think that the significant thing in political terms is that they represent a true Marxist, revolutionary proletariat. They use the term 'lumpenproletariat.' They relate far more to the lowest classes in the United States, and they teach militant Marxist doctrine. I must say that although I don't like the repression against the Panthers, it's reasonable to me in purely political terms.

I think that the onslaught of repression is probably more vicious because of what the Panthers represent and because they are an out-group in society, because they are easier to attack. It's easy for the forces of repression to just go banging down the doors of somebody who lives in the ghettos. The police have been doing it for years, and there's nothing to stop them from doing it now.

In addition to the group of people involved, I think there's a basic distinction between the current cases involving concrete, criminal-type charges—in this case, murder—and those of a period of repression against the Communists, the early fifties, when the charges were really aimed at speech and at thoughts and ideas. Here, you're representing someone who is charged with murder; you've got a potential death penalty hanging over the client's head. There are no clear free-speech or political issues, as in prior cases, except on a very sophisticated level. All these cases are, by my standards, political cases, but of a quite different nature.

It's disconcerting to have to try a case with a lot of members of the press sitting in the courtroom and constant discussion outside the courtroom and so forth. It sort of intrudes upon the way you plan and upon your procedure. You're standing up asking questions, and all of a sudden, you see six reporters busily writing something down. Suddenly you begin to think, 'Gee, what was I asking that was so important? But over-all, the hoopla seems healthy to me, because it keeps you on your toes. You don't want to give a sloppy performance in front of all those people.

Where you have a case like this, where you have obvious groups in town that are very much concerned about the level of justice that the client is getting in the courtroom, and about who the client is, you're almost on better behavior.

Even under good circumstances, though, I don't think a black person can get a fair trial in our political system. When you sit in a courtroom with white judges, white sheriffs, white clerks, white prosecutors, white defense counsel, white jurors—it's a world of the white person and the white Establishment. It's an impossibility for that to be the context in which a black person, especially a black person of a lower economic class, gets a fair trial.
The Jurors

Juror I

People have said, long before Lonnie McLucas was brought to trial, that the jury system in the United States is no longer a valid way of trying a case. My approach to that was that if I were on trial, who would I want to determine my fate? Anyone selected for a jury who doesn’t feel a sense of responsibility or who goes into it with a completely nonchalant attitude about it—I think he is a fool for one thing, and a detriment to the judicial system. If you don’t assume a sense of responsibility in these matters, then you shouldn’t be sitting on a jury. In this case, were we determining the fate of another human being. It is a responsibility, no doubt about it.

When I went into this trial, the evidence had to show that Lonnie McLucas was guilty of the crimes that he was charged with. As far as I was concerned, he wasn’t black, white, pink, green or what have you. He was a human being who was on trial for certain crimes that the state thought he had committed. The fact that the state thought he had committed them does not make him guilty. What it does do is say to the jury: ‘OK, we think he’s committed these crimes. We want you to determine from that and from the evidence that the defense produces what you think happened.’

The fact that Lonnie McLucas was a Black Panther didn’t enter into my mind as far as his guilt or innocence was concerned. We have good people and bad people in every organization I can think of. I don’t have a vast knowledge of the Panthers. I have read about them in the paper and heard about them on television. I do feel that Black Panthers tend to be a picked-on organization. I think that people such as Hoover and John Mitchell are a bit frightened of any organization which takes some of the drastic steps that have been taken by the Black Panthers. For instance, I don’t agree with the shoot-outs that they have with the police. I don’t think that if the police are coming to a Black Panther headquarters to search the premises or to arrest one of their members, they all should barricade themselves inside and shoot it out with the police. The laws in this country are made to regulate and to aid the majority rather than the minority. Unfortunately, the Black Panthers do feel put-upon, and any time there is a confrontation with the police, the outcome, nine times out of ten, is a shooting. No matter what the problems are in the system of law enforcement, I don’t feel that an organization should take arms against police officials or FBI agents. It’s a very strange thing to me: I know that all police forces are not out to eliminate the Black Panther organization, but they give a fairly good impression that they are.

On the other hand, even though people consider it a radical organization, the Black Panthers have done some things for the black community which the federal, state and local governments have been unable to accomplish. The breakfast program for children, which I know of in a minor way, is something that should have been done on a federal level, throughout the country rather than just in certain cities. I believe that what the Black Panthers are trying to accomplish is a unity of black people.

Unfortunately, the radical element, which you have in most organizations, alienates the large majority of black people themselves. There are black people who are afraid of Black Panthers, and this should not be if the Black Panthers want to succeed. They have to have a platform that appeals to the majority of black people. The militancy of the Black Panthers is totally against them as far as their acceptance as a political entity is concerned. But without militancy the Black Panthers would not be as well known today as they are.

Getting back to the trial, I did not see Lonnie McLucas in that trial as a Black Panther. I think you have to give someone the benefit of the doubt as far as his political beliefs are concerned. If his political beliefs don’t agree with mine, that’s a matter of personal preference. Unfortunately, in this country there are people who think that because someone is a Black Panther he is all bad. We have too many labels in this country. If people didn’t use as many labels and call people by as many names as they do, we’d get along a little bit better, I think.

I was impressed by everyone who had a part in the case. They were all real professionals. Arnold Markle, State’s Attorney, was very competent. He’s trying to do a job, and I commend him for that. You’ve got to have people like him to try to stop some of the actions that are going on now. You have to have someone who cares. Now, whether I believe him to be right or wrong is immaterial. In this trial, I felt that Markle cared about justice. I never got the impression that he personally was against Lonnie McLucas. It was a job he had, and it was a job he was going to do to the best of his ability. I don’t think personalities should enter into anything like this, and my impression was that they did not enter into it.

As far as his style in court is concerned, he was by no means the old pro that Koskoff was. Koskoff’s been at it a long time; he’s very smooth. Markle was a little bit more erratic in his presentation, but the important thing was that, I think, he presented a very good case. And by ‘good’ I don’t mean damaging evidence—but that the overall presentation on his part was very well done. We could follow it; there was a sequence to it. He did it from the stand-point of holding your hand and leading you through, which is very good for people on juries—not just our jury but juries in general.
There were certain areas that both Markle and Koskoff kind of looking around. He's quite a character. He's went overboard on. They tried too hard to make a point down at Koskoff, with him rocking back in his chair. He struck me as being sharper than his father. Now, he didn't have that much of an opportunity, but he sat there and took it all in; and maybe now and again, he'd bring up a point that his father had missed.

I can't say enough for Judge Mulvey. He struck me as being extremely fair and very, very competent. He didn't seem to favor one side over the other. He was equally as strict about rules of law and rules of conduct in the courtroom. He's really fantastic, quite a man. He was very fair to the jury. And we appreciated it, because satisfaction, he would want people to say that he was just a civil case. I tried not to assume any greater responsibility than my wife had cut out the articles regarding the trial or more. So I could review it. I was quite amazed. Relying on my memory of what took place during the trial, the newspaper reports I read were very accurate. In the papers that I read—the Hartford Courant and the New Haven Register—I was very impressed with the quality of reporting.

After it was all over, we put the articles in a scrapbook, so I knew there was an article about the trial. But I think I would have given the same consideration to a civil case. I tried not to assume any greater responsibility because it was this particular case. It was just something I was selected to do and had a responsibility to Lonnie McLucas, to the state of Connecticut and to myself to do. I didn't let it get blown out of proportion. It was just something that had to be done, and I wanted to do it the best way I knew.

I had read about May Day in the newspapers. The only thing that made it unique was that it was happening in New Haven. Driving down to the courthouse every morning during the trial, I would see the signs that the demonstrators had. The signs were not geared to change the jurors' minds. I think the signs were just there as a pledge of support for Lonnie McLucas, who, they felt, was unjustly accused. You have this in a lot of places, somebody carrying a picket—like at a number of factories on strike. It's the same sentiment.

The demonstrators did not make me think about the case any more. I didn't resent their presence there. My God, in this country you still have the right to assemble, as long as you don't start a breach of the peace, or whatever charges they can come up with. The signs didn't make me feel good or bad. It was something that was there, to be accepted. As a matter of fact, I remember there was a yellow sign and a red sign, but I really can't remember what was on them. During the whole trial, I was trying to be as impartial as I could be. I don't mean to sound like I toot my own whistle, but if I were ever in trouble, I would like to have someone as impartial as I thought I was on the jury.

The people they picked for this jury were all of the same feeling that I am: that you're dealing with a human being first and foremost. And it's a good thing there are people like that. There have to be some people who are willing to take the responsibility and do it justly. It really bothers me that only 15 people out of two hundred-and-some are honest enough to others and to themselves to say, 'OK, here's somebody on trial, and I'm going to give him a fair shake one way or the other.' Those are pretty lousy percentages.

I was very impressed with the people who were on the jury. If I were ever in a strait like McLucas was in, and if I had a jury of twelve sane people and they found me guilty, I'd know I had had a fair shake. This is not to pat the jury on the back. But those twelve people, they're as close to me as my family. Every now and again I hear from one of them. We sat together for ten weeks. But those six days! That is something that I wish you could have everybody in the world do: to get locked up in groups like that. You are interdependent on each other. If one person is sick or depressed or something, it affects all of you. And it really is all walks of life, all levels of education. And we came out of there brothers in the true sense of the word. It was really a fine experience; it was incredible. You found you had something in common with everyone of the people, if you just gave it time to develop. If you take some of the kids who are bombing the buildings and some of the people from Wall Street, and put them together long enough, they will never forget each other. They may not be friends, they may still be on opposite sides of the fence, but they'll each gain from the experience, there's no doubt about it. I would do it all over again, just for the experience.
After it was all over and we came in with a verdict and the verdict was read and we were dismissed and everybody went out to lunch, it was just as though one of your parents had died or something. It was just so melodramatic. It was all over, everyone was going home, you'd never see them again. We are going to see each other again some time; we don't know when. It may never come, but it's something you have to hold onto. Because it was a very important thing to all of us.

During the six days, you got up in the morning at six-thirty, went downstairs, had breakfast together, got in the car together, went in and sat down in a stupid little room together. That was hard, the size of the room. If you get that many people together for that period of time, it's very hard I think. You're there in the morning, you have lunch together, you go out at night together in the same cars, back to the same motels, sleep with the same people, get up in the morning at six-thirty and start all over again. Just the closeness of the people—you depend on them, you have to, because if you isolate yourself you'll just die. I've never been as depressed as I was during those six days.

Those days seemed like a hell of a long time, but looking back on it, it went very fast. We went through everything, from A to Z, and we came up several times and asked for something to be clarified. You're relying on your memory, and when something is read to you, every person in that room remembers hearing something different from everyone else. From that you try and put it all together, and if it still isn't clear, you go back again. And whether we looked foolish or not, we finally got everything straight, no matter how many times we had to have it read.

After the trial was over and the verdict was given, I started thinking about how people questioned whether this particular judicial system can work. I feel that in this case, we arrived at a just verdict with the evidence we had. I don't know of any other system that would have done as well. Some people say that a jury should be composed of peers. Well, that is impossible, because if you've got a complete jury of your peers, you wouldn't find anybody who was guilty. On the other hand, if the jury was completely composed of people who could not possibly identify with you, then nobody would ever be innocent. By interspersing educated with not-so-educated people, and fairly well-to-do with some who don't have too much, you get a cross-section. This is what the jury system is all about.

In the articles I read after the trial, the defense attorney said he got a fair trial. Whether Lonnie McLucas felt he had a fair trial or not, I don't know. I hope he did, because we worked damn hard to give him a fair trial.

Juror II

I didn't see Lonnie McLucas as a Panther. He didn't come on as a Panther, so to speak—his mannerisms, the way he dressed, his respect for the court. For example, when people made noise, he'd frown. And dress alone doesn't necessarily make the man, but I think it helps, especially in the courtroom. It indicates a respect for the judge, if not for the law. He was, I would say, trying to show his best behavior.

I didn't understand anything about the Black Panthers before the case started, other than what you read in Newsweek or Time or Life. And I read that the same way I read many newspaper articles—you have to have both sides, and I didn't have the Black Panther newspaper to make a comparison. Aside from the fact that the Panthers were a militant black organization, I had no ideas as to what their political stance, or their rhyme or reason was. And unfortunately, I should have taken more of an interest, but I didn't, and I was sort of sorry I didn't—not because I got on the jury but because it is something that should be understood.

Of course, I don't know any Black Panthers personally, but I would have expected Lonnie McLucas to be more arrogant than he was. I know several colored people who would have been far more arrogant than he was. On several occasions, we noticed Lonnie McLucas outside of the courtroom, going home with the police. And even in the car he appeared—not meek, far from meek—at least cordial to the men he rode with. You could see them conversing in the car, and I'd say he struck me as just another individual.

It is very difficult to say how Arnold Markle saw Lonnie McLucas. During the trial, it was hard to figure out what the prosecution was trying to say. Of course, he was trying to show the individual in the worst light—that was his job. I had the feeling, though, that Markle put his brakes on. I don't agree with the people who were saying that he was just railroading this guy. There were a couple of things that he could have done to make his case stronger. Whenever he referred to Lonnie McLucas, I had the feeling that he wasn't really pressing. When Lonnie was on the stand, for instance, he could have really nailed him, shook him up and gotten him all confused. But he didn't do that—he backed up, actually.
Sometimes it was hard to remember what McLucas had to do with the trial. Markle’s case was that the Black Panthers did this or that, and every once in a while, he would bring McLucas into it. I had the feeling that there was more to the case than what I heard. Markle is very sharp, and I think he has quite a few iron in his fire. He got across to us what he wanted us to know, but I don’t think he went any further than he had to. I think there’s more evidence that we weren’t shown. In other words, I had the feeling that Markle was after Lonnie McLucas, but he is really after Bobby Seale and major members of the Black Panther Party—which Lonnie McLucas is not. I think that most people felt that way.

There’s a war going on here. We must face the facts. I don’t say which side I’m on, but there’s a war on. You can feel it, sense it. When you see Mr. Markle wearing a pig on his tie, you know what’s going on. Mr. Markle is on one side of the war, and he is a leader. There’s no question about that in my mind at all.

I was aware that there was a war before I was selected for the jury. The Black Panthers are being persecuted by the police and, I believe, by the press. All of this came across in the trial. I don’t know who’s right or wrong. Who does in a war? I would say Markle was very polite to Lonnie McLucas, but whenever he referred to the Black Panther Party, he practically exuded this feeling of animosity, and I think the man really feels very strongly. I probably will never really know what’s going on or how bad the war is. But there’s no question in my mind that there is one and that the police department has to defend itself. I think Markle is trying to do the best he can to uphold his end of the battle.

I think Koskoff tried to bring out the point that the rest of the world was looking at us. And it bothered me, because I had been in Italy last year where I spent some time with one of the leaders of the student demonstrations that occurred in Milan, and they do indeed point to the political treatment of the black people in this country. We can do all the wonderful things we want with law, but they only see the black situation. So Koskoff was absolutely right: the rest of the world was going to watch the trial. The judge didn’t want to confuse the jury, but it wasn’t a joke—we were being watched. Now Koskoff may have been saying it in order to make us think that we had to acquit McLucas because of the injustices here in the U.S. Maybe that was what he was trying to say without saying it. But you can’t just say, ‘We have slaves here, so he’s innocent, and that’ll fix up everything.’ You still have to go home and face yourself. You don’t just walk out and say that’s it.

I think it would have gone a lot smoother for the jury if we had been able to make a decision without any pressure. Unfortunately, the case had been publicized too much. People were concerned about everything, the whole moral aspect of law and order. We probably would have come up with the same decision, but it would certainly have been a lot easier. On the other hand, I guess it was good for the jury to have to be concerned about all those things.

I had read in the paper that there was some concern about McLucas’ being able to get a fair trial. Some very learned people, Kingman Brewster for one, were questioning the trial. They were important people, and as far as I was concerned, I had to go along with them. The situation was that an individual was being judged by the company he kept, namely an unpopular party. There may be some merit in this kind of judgment when you’re choosing friends, but when you’re sending a guy to jail, you have to look at it very carefully. So when I was forced into this trial, I made up my mind that I was going to do the very best I could. I said, ‘Well, maybe the man can’t be given a fair trial. But I’m going to see to it that at least he’s going to get a fair judgment, even if he’s not given a fair trial.’ I had to divorce Mr. McLucas from the Black Panthers, even though I was very interested in the organization. I think everyone was trying to divorce him from the situation until they had heard the whole story. I approached it with the feeling that Lonnie McLucas somehow got involved in this and didn’t know anything. In effect, I was saying to the prosecution, ‘Get up there and prove to me that he did what you’re charging him with.’

But I think the man was given a fair trial. I think Mr. Mulvey, the judge, was very, very good—although I’ve never been in court before, so maybe I can’t make that statement. But I couldn’t detect any bias in him. I think he was fair. I had the feeling that the judge has some control over the thinking of the jury—some, not a lot, but enough. I think he sets the attitude.

If you asked me which lawyer aggravated him the most, I would have to say that Mr. Koskoff managed to do that best! Mr. Koskoff’s pretty clever. Junior’s learning, but Senior—the way he words things, I think he does much better than Arnold Markle in getting the jury to hear what he wants them to hear—and what he wants them not to hear, which is even more important.

He’s a little bit of a showman. At first, I was aggravated by him because he’s tricky: ‘Let’s shake up this part of the jury; then we’ll go over here and we’ll shake up this part of the jury; now we’ll come back over here and we’ll nail the first part.’ When he would want to make a certain point to me—and there were a couple of us we knew he was working on—he would look directly at me while he was asking certain questions. And I knew what he was trying to say. And he knew I knew it. He knew exactly what to ask when he wanted me to get something. And that’s the way he played the jury.
You felt uncomfortable when he looked directly at you, but towards the end of the trial, we had gotten to know him as well as he knew us, and a couple of us started staring back at him. He was something else. He was very personal in this way—much different from Arnold Markle. Mr. Markle talked to 'the jury.'

I thought Markle was a very dynamic personality. He was a very clear speaker and, in general, a very logical man. I wouldn’t consider him crafty. I thought his questions to the witnesses and to myself were very pointed and straightforward. And I could see that he wasn’t easily shaken, even though he appeared to be.

Michael Koskoff is up and coming. He’s learning how to handle himself in the courtroom. He thinks about exactly what he wants to say—much different from Markle who is very confident of himself—but sometimes says the wrong thing and gets corrected. But it’s tough to get Michael. He’s very clear about what his questions are going to be. The questions seem to come out of the ceiling. He looks up and gets the question and boom! It’s much easier for a jury to listen to him, but I don’t think he has the savoir faire his father has. His father can throw the courtroom into an uproar when he wants to. Markle doesn’t do that too often. He’s strictly a straight-laced boy. He gets mad, but not like Koskoff. Koskoff gets mad, and it builds up like thunder. It was tough to figure Koskoff. I think he was getting mad just for the sake of getting mad.

The time I watched Koskoff most closely was when he was working on George Sams. That was probably the most interesting day of the whole trial. I think Sams surprised him. It was beautiful the way those two were working on George Sams. His father has. His father can throw the courtroom into an uproar when he wants to. Markle doesn’t do that too often. He’s strictly a straight-laced boy. He gets mad, but not like Koskoff. Koskoff gets mad, and it builds up like thunder. It was tough to figure Koskoff. I think he was getting mad just for the sake of getting mad.

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The reason why I really respect Mr. Koskoff is that he was required not only to defend Lonnie McLucas but also the Black Panther Party. And that’s a very, very difficult place to be. I’d rather be in Arnold Markle’s shoes than in Koskoff’s, because in order to defend the Black Panther Party, he couldn’t say certain things for Lonnie McLucas’ case. In other words, he couldn’t defend Lonnie by trying to divorce him from the Black Panther Party in every way he could, because there are more cases coming up. I really think the man had a tough job. He had to convince us that the Black Panther Party had some merit, that they’re really not bad. The question was whether they are more interested in getting what they want by force, or whether they are really trying to better the black people in whatever manner they can with force only as a last resort. What Koskoff was trying to prove to us was that force is always the last resort.

I don’t know whether Koskoff thinks he won his case or lost it. He thought the jury was eminently fair, and he said so. One of the policemen told me that Markle was satisfied with the outcome. But I don’t really know whether one side or the other won or not. I couldn’t tell. It wasn’t a winning or a losing situation.

One thing that really surprised me was that after the verdict, Mr. McLucas went into a silent cry—and that started me going, and I haven’t done that in twenty years. I was very emotionally tied up with this thing. He wasn’t crying because he was going to jail but because he had gotten off better than the other three who pleaded guilty.

To this day, if you ask me which one of the three conspiracy charges holds the greatest weight, I’m still not sure—other than that conspiracy to murder holds the least, which I read in the newspapers. I found that out after the trial was over, and it was just a complete surprise to me. I thought maybe that binding was the least—binding doesn’t sound as bad as murder or kidnapping. I know for a fact that there was nobody in that jury room who knew the weights of the minor charges. We didn’t have any idea of what was what except that kidnapping was the worst.

We had to hear the charges over and over, because each time we heard them a little differently. And in some cases, we didn’t like what we heard. I certainly didn’t like everything I heard. For instance, take the law concerning your responsibility in regard to fear. The law states that fear must be real and present. And then I started thinking, what if someone put a gun to my wife’s head while I was at work, then called me and told me that I’d have to rob a bank or he would blow her head off. Well, is the danger real and imminent? I don’t know—I’m not there. And if I were to read the law the way it’s written, I would think that I would be guilty. But I’d do it anyway. Well, you start getting into thoughts like that, and you say, ‘Is that really what the judge is trying to say?’ It can’t be, but the judge can’t say things that aren’t true to law. So then you go back and listen to it again. And then you have to make up your mind whether you like that law. You have to make a judgment on that. You may not like the law. I don’t know if I like all the laws.
The whole thing was a very rewarding experience for me—I wouldn’t like to have too many experiences like this, but the fact that I was subjected to it made me aware of many situations that I was not aware of. There were lots of things that I learned about law that I don’t like. For example, I realized that an individual doesn’t get a jury of his peers. He’s being judged by people who are from selected sections. It wasn’t exactly biased, but I don’t think any of us thought that in any way, shape, manner or form we were a jury of his peers. I don’t think anyone felt that way. Because we weren’t. It’s unfortunate; but I don’t know whether a jury of his peers would have done a fairer job. In fact, I think they would have been rougher on him. For example, if Lonnie McLucas was in the same profession as I am, he’d have been in trouble with me. Because the more you have in common with someone, the more you can surmise about what he knows and doesn’t know. I would have seen myself in Lonnie McLucas’ situation, and since I would have to judge myself a little harsher—much harsher—I don’t think I would have been as likely to give him the benefit of the doubt. I might be tougher on the lawyer, too.

As it was, there were blacks on the jury, and having them did make a difference. I don’t think the outcome of the trial would have been any different, but I think it progressed differently than if it had been all whites. But you could have had the blacks and some of the whites change seats and not have known the difference, as far as their attitudes were concerned.

Another thing that was brought out that we didn’t think much of was the F.B.I.’s technique of getting an individual to sign away his rights. Now I don’t understand that at all. An individual could easily waive his rights—not that Lonnie McLucas did—but the fact that it could be done really bothered me. I mean, if you have somebody who’s not as smart as Lonnie McLucas in that situation, they could really fish him in good. I learned one thing: if anything happens, I know nothing! I call a lawyer right on the spot.

And then there was the tape the police made when they were questioning him to verify his written statements. Isn’t there supposed to be a lawyer there any time they are asking questions? I didn’t hear a lawyer there. I don’t understand why Lonnie McLucas would give such a tape without his lawyer. There was really a serious question as to whether or not he was given a fair shake before the trial.

There are a lot of little details, a lot of little loose ends that I didn’t exactly understand. Here’s a guy who’s the least involved in a crime which is admitted by the major crime committers. He gives the statement, the other two guys plead guilty, and this guy goes up for every crime imaginable. What really confuses me is the fact that Lonnie McLucas got stuck on the short end of the stick. He gave a statement almost immediately upon getting caught—long before Kimbro gave his. And yet McLucas is the guy getting charged with all these things. I mean, there’s so much going on here that you really smell a rat. Something’s happening there. There seem to be too many loose ends. So I had to seriously consider everything that was said in the whole trial. Everything.

And I had the feeling that Mr. Koskoff had the problem of not being able to defend just Lonnie McLucas; he also had to show us that the Black Panther Party was good. And then he tried to show us that Lonnie McLucas is a gentle man. I don’t care if he did fire a bullet into the guy as he explained he did—in the same situation, I don’t know how I would have behaved. I’m sure he was frightened. When we went through the whole thing, I had to place myself in that situation, realizing at the same time what the lawyer had to do and also realizing that I didn’t understand everything that Markle was saying. It just wasn’t that clear-cut. You get all this evidence, and it’s such a vast amount of evidence, but there are so many loose ends. I can honestly say that I was a fence-straddler. I didn’t know what way I felt. I had to see the whole thing.

On the one hand, I sympathize with the police department. If I were in Markle’s position, I’d have a pig on my tie too. I believe in law and order. I don’t know whether it’s good or bad, but you have to have some law and you have to have order, in order to make a decision to do the right thing. You have to start from a base. The fact is, there’s a war going on, and if I have to choose a side, I’m going to choose the side of the police department over the Black Panthers at this point. If Lonnie McLucas’ case had not been as carefully scrutinized by the jury, I would have tended to be on the other side.

But on the other hand, if I see a situation that’s bad and see that an individual is being railroaded, then I’m aggravated for him, even if he is a little guilty. I’m aggravated over the fact that the system didn’t work. I saw that it was tough for the defense, and, I have to admit, when that’s the case, I tend towards the accused. So there I was, sitting on the fence, even though I was biased more towards Arnie Markle than Mr. Koskoff.
We were a very nervous bunch in there, waiting for the trial to begin. Maybe we had some bias, too, in the way we were thinking originally. I think because of the length of the trial and the time it took us to make deliberations, all that was pretty much wiped out. But I don't think there was anyone there who wasn't frightened. I know I was, not so much for myself but for my family. You get yourself in the public eye, and you could be in trouble, because there's one nut out there who's going to want to do something—and I don't mean the Panthers but someone who is anti-Panther.

During the trial, I expected a lot of noise. Since that time, there have been other trials that have had considerable noise—like the one where they killed the judge. That's not exactly what I expected, but I went in there expecting the worst. I expected to be ducking down behind the big wooden bannister every once in a while! I didn't expect trouble from Lonnie McLucas, because that would have been absolutely dumb—but from some of the people in the background, possibly. I expected just as much from white people as from the others. In fact, if somebody had asked me who to be afraid of, I would have been more afraid of some of the whites who were there in New Haven than the blacks. We stood on the Green every day, just waiting to go into court in the morning. You would look around and begin to wonder whether there wouldn't be some real radical type wandering around the crowd.

The demonstrations didn't really affect me. They didn't influence the way I felt about the trial, because my interest in the Panthers was more in relation to how they behave in general than in what I had to know for the decision. I was not interested in Lonnie McLucas' affiliation with the Black Panther Party. I wanted to see what kind of party it was, whether it was really a group that bore listening to, or whether it was a really militant group which wasn't going to listen to anyone else. You can't tell unless you watch the group every day and see what kind of people show up. Most of the ones who showed up were a relatively gentle bunch. I don't think they were the hard-core Black Panthers after the first week or two. I think they were mostly local people.

The first day we went down there, somebody said, 'We're really in for it now—they're going to roll the car over.' But after that, you could almost sense the mood of the crowd, just as you can almost tell the personality of a person. You could tell they weren't trying to aggravate the jury. In fact, the only thing that happened in the whole trial that aggravated us about the crowd was that the judge made us have our coffee at a different coffee shop, one in the opposite direction from the Green.

I wasn't worried about anything happening in New Haven. The Black Panthers are supposed to be a close-knit group, and they are supposed to stick together. I thought they should stick together—and show up every day, rain or shine. And they did show up every day and did their peaceful demonstrating, and I think it's important that they did. I'm not an advocate of student unrest, but I think that demonstrations are necessary for this country or any country.

Toward the end of the trial, we heard chanting, but we were not allowed to get anywhere near the demonstration. I had no idea what was going on, but we were concerned, that time, that somebody might get carried away and come running in there. We were downstairs in the cellar, and we were held down there until the crowds had marched by. It was kind of interesting, getting close to the end of the trial and having all these people chanting away outside. I think they really only wanted to let Lonnie McLucas know that they stood behind him.

After the trial, I began forming my own opinion on what the Black Panther Party was about. I think their philosophies are fine. It's the way they're written up, to shock people. The coloreds certainly deserve part of what they're demanding. They deserve some recognition.
The Civil War's been going on now for a hundred years, and it's still going on. I think they deserve a break, and I think that some of the Black Panthers intended, originally anyway, to make their needs known. The only way to get anything known is by raising a lot of Cain. Unfortunately, I don't agree with their methods.

I don't think they have the members they need. They need people in there who represent the black people. I think that these people need leadership, and the Black Panther Party let them down. It has nice symbols, and Bobby Seale could be a leader if he wanted to—he's a very eloquent speaker, as far as I'm concerned. I think he has the mannerisms to be a leader.

**Juror III**

When I was picked for the jury, I was questioned about whether, because Lonnie McLucas was black, I felt that he would get a fair trial. I think that many, many people thought that he would not get a fair trial because he was black. I can't remember his name now, but the lawyer from New York who defended the Chicago Seven—he got on the witness stand and said, 'No black person could receive a fair trial in this country.'

Well, I don't think it made any difference to me that he was a black man. In fact, I picked up one of the colored members of the jury every morning, and we went to court together because I went by her house. And just recently, the colored fellow on the jury called me at home, and we had a long chat. We all ended up being very good friends. Where I work, we have many colored people working there—colored salesmen and colored people in the shop. Lonnie McLucas was just a person who was accused of committing a crime, and it was up to the state to prove to me beyond a reasonable doubt that he was guilty of this crime.

And I don't think it made any difference that Lonnie was a Black Panther. I remember someone on the witness stand said something like, 'All Panthers are considered guilty when they're arrested.' I saw Lonnie as an individual, not as a member of a party. Lonnie McLucas, to me, was the man who was on trial, and that was all that I cared about.

I read an editorial from a Meriden paper which said that many of the jurors could have been frightened—frightened of what the Black Panther Party would do to them if they found him guilty, frightened of what some white people would do to them if he was found not guilty. Everyone of us had children and a home, but this jury didn't feel that way. I would stake my life on the fact that not one of the twelve who became permanent jury members was frightened at all. This was our job, and we went every day and did it. Everybody else felt very frightened, but we weren't.

I believe that Lonnie McLucas got the fairest trial that any man could have gotten, and I'll argue with anyone who says he didn't, because I know what went on in the jury room and I know that all these people devoted a lot of time to this trial. They really gave a lot to it.

I didn't pay any attention to the demonstrations during the summer, because we were asked by the judge not to—just as we were asked not to read newspapers. And I can honestly say that the only portion of the newspaper that I read was the funnies—and on Sunday, the society section. There was one time, though—one night when we had been deliberating—we left the courthouse and there were probably hundreds of thousands of people around, and I said, 'Now I know what it's like to be a goldfish in a bowl.' Other than that, it didn't bother me. I really don't think it influenced my thinking. They used to say that the jury came in every morning looking very chipper. I think that's because those things didn't bother us.

I don't think that demonstrations do that much. Sometimes, though, they really hurt Lonnie instead of helped. My son saved all the newspaper clippings for me, and after the trial, I read about people on the Green chanting, 'Stop the trial,' and saying, 'We're going to free Brother Lonnie.' This man was getting a fair trial. Why would they want to do anything like that? I think that if we had been able to read about that, it would probably have changed some thoughts.

I believe that Lonnie McLucas really got a fair trial. A fair trial is twelve devoted people. I went on jury duty June 24, and the verdict was given August 31. For two months, I didn't read a newspaper, I didn't watch any newscasts, I went to the courthouse at nine or ten o'clock every morning. We left usually between four and five, and then I went to my job and worked until ten o'clock at night. That was my life for all those weeks. We gave a great deal to the trial, because we did want him to have a fair trial. We went through every bit of evidence from top to bottom. People thought that we were really fighting in the jury room, but we weren't. We were actually going over every piece of evidence. It's quite hard to remember twelve weeks after witnesses' testimony exactly what they said.
The one thing that I think should be changed in our system is that the jury should be allowed to take the transcript of the testimony into the jury room. We were charged by the judge for something like two and a half to three hours, and several times we went back and asked to have the law re-read to us because one of us would remember him saying ‘or’ and another one would remember ‘and,’ and these were some of the elements that made the man guilty! When a person is being charged with four things, the jury should have a copy of the law. We had a very plain list of the charges, but we did not have the elements that determine whether the defendant is guilty or not guilty.

Everyone of us thought that we were going to get a transcript of all the testimony. How could people believe that we could possibly remember all of it? We would start comparing things when we got together, and we’d remember a great deal. But there were a few disputes, and you get to a point where tempers start to flare. The foreman deserves a lot of credit. He was fantastic. At least once every hour when we were deliberating, he’d remember ‘and,’ and these were some of the elements that made the man guilty! When a person is being charged with four things, the jury should have a copy of the law. We had a very plain list of the charges, but we did not have the elements that determine whether the defendant is guilty or not guilty.

Going back to things being fair, I think there’s no finer man than Judge Mulvey. I’ve said that since the first week of the trial. I think that Mr. Koskoff said in his summation that he felt the judge had been fair. Judge Mulvey overruled objections from Mr. Markle as much as he did from Mr. Koskoff. The order in the courtroom was fantastic.

I’ve done a lot of thinking about both Mr. Markle and Mr. Koskoff. Mr. Koskoff made a remark in his summation that all attorneys have their own styles. I think that Arnold Markle’s is to-the-point. Of course, Mr. Koskoff told us Markle’s style was sarcasm, but I couldn’t see that. I think he researched his case very, very well. I think he was fantastic. He’s a great man. And I believe that he was prosecuting these people because all the evidence he had gathered pointed to their guilt. As he said in his summation—and I remember his words—‘I’m the only mouth that Alex Rackley has.’

I was fascinated by both attorneys. I think that Mr. Koskoff is a very brilliant attorney, also. The only real criticism that I have about Mr. Koskoff is that he played to the jury a lot. That was his style. He spent the first hour and a half of his summation telling us how wonderful we were, that we were great to be picked. But he presented a very good defense, and it was a hard case for him to defend.

His son, Michael Koskoff, is different. I think he’s very good. He’s much more soft-spoken and less of a character than his father. It was the opportunity of a lifetime for a young attorney to be the defense lawyer for Lonnie McClucas. The eyes of the world were watching this case. It was a great opportunity for him to show what he could do.

Speaking of Lonnie, I thought that he conducted himself very well during the trial. He was well dressed, very well groomed. He made no outbursts in the courtroom. The trial went on for a long time, and he went through a great deal. I know that if I had been in his place, it would have been very hard on me, too. But he was always well composed, even when the verdict was read.

I really didn’t know much at all about the Black Panthers before the trial. During the May Day demonstrations, I was working, so I didn’t see too much of it. But I really didn’t believe that there was going to be any trouble caused by the Black Panthers. I know there had been a great deal of preparation.
From what came out in the trial, I think that Alex Rackley was very cruelly treated. But if they accept this amongst themselves... It came out in testimony that Rackley had been tortured before. But on the other hand, they were teaching him how to read. If I torture you and you want to come back for more because you think it's right, you do it. That's the way I feel about it. If that's what they believe in, that's their freedom.

But I don't understand why people call the Black Panthers the most dangerous group in the United States. I'm sure there are some of them, like in any organization, that are a threat to the country. I think every political party has some people who are definitely a threat to the country. I think that some of them are not fighting for their cause, they're fighting for their own personal power. But they have some good points, too. It came out in the trial that they have a breakfast program for needy children. And I gathered from the trial that they would like to have a black community of their own. They would like to live amongst themselves, and they would like more power than they have. And I know they thought they should have had an all-black jury. I believe that they wouldn't be involved in this fight if they weren't fighting for something they believed in.
Lonnie McLucas

Over the years, a few other true revolutionaries have been tried by the courts of this system without any real hope of obtaining justice or achieving retribution. I consider myself to be a true revolutionary in every sense of the word. I feel that these circumstances are a replay of past circumstances that revolutionaries have been involved in, due to the fact that this system hasn’t changed noticeably over the past 350 years. I feel that if people like Nat Turner and Huey Newton were unable to achieve justice—and they were real and true revolutionaries, and Huey still is a true revolutionary and a servant of the people—how can I consider myself as anything other than just another revolutionary going through the same procedures? Knowing that justice is impossible within this legal machinery, how can I consider that my actions have anything other than an educational purpose for the people?

From experience, I would say that there are two main factors that make it highly improbable or impossible for a revolutionary to get a fair trial. When he comes before the legal system in America—which is inevitable—he has two things against him: the misconceptions of the people that have come from sources which distort the facts and the legal system itself.

No matter whether he wants a peaceful change or a violent change, the system, in order to maintain the status quo, is going to portray him as trying to produce or bring about violent change. The people have a tendency to accept things that law enforcement agencies say are facts, that governors say are facts, that Hoover says are facts—without any personal investigation. So they have no real concept of what types of activities a real revolutionary is advocating, of whether they’re violent or peaceful.

I think that the way the Party was portrayed by the media, the law enforcement agencies and many office-holding politicians in this country made it impossible for the jury to be fair and impartial. They only knew some of the views and ideology of the Black Panther Party, and that knowledge was obtained through the newspapers and the television and over the radio. For that very reason, it was hard for them to be fair and impartial. But considering all of this, I feel that the jury was as fair and impartial as could be expected under those circumstances.

Then there is the legal system. For example, a jury of one’s peers is a jury chosen from one’s own social, ethnic and civic background. Anyone chosen from any other branch of society is not your peer. So on the basis of that factor alone, I couldn’t say that I received a fair trial. I can only say that as far as the people were able, I received a fair and impartial trial. But in reality, I didn’t because it was impossible.

The system says that in order for any man to be found guilty of a crime, he must be found guilty of certain elements that constitute the crime. It also says that he’s to be considered innocent until proven guilty, not guilty until proven innocent—whether he’s a revolutionary, a politician or a laborer. Watching the procedures of this trial, you could see that this wasn’t the case. You could see by its actions that the whole legal system considered me guilty until proven innocent. If I was considered innocent until proven guilty, why bullet-proof all the courtroom windows and why add to the [police] force, which was more than adequate in the beginning?

I am innocent of these charges, and my co-defendants are innocent of these charges. My attorneys were denied the right to introduce certain evidence, even though the District Attorney who was trying the case for the state was introducing the same type of evidence—saying that it was relevant after saying that the evidence we wanted to introduce was irrelevant. For example, we had a doctor who was going to testify about Sams and his capacity to act rationally. But the jury was only able to hear what the state wanted them to hear and not what the defense had to present. The only thing the jury was able to get was the state’s side of what happened. The defense was unable to contradict any of those beliefs that the state presented. Even though the defense should not have needed to, it had to introduce certain evidence to counter the evidence that the state had presented. Once you’re in a position where you have to prove your innocence, how can you do it if you’re not allowed to produce the necessary evidence and witnesses?

I was really shocked at what the judge, no less, did in order to have me found guilty of something. After a long time had elapsed since the jury was given the case to decide, he read an eighty-nine-year-old case to the jury which stated that if there are jurors in the minority, they are supposed to re-evaluate their opinions and views; and then, in order to come to agreement, they must drop their views and go along with the majority—whether they believe or feel that the defendant is guilty or not. This is only one of the contradictions that came out in the trial.

The laws that I was tried by were made a long time ago, and because of that fact alone, I wasn’t given a fair trial. It would have been better if the laws had been revolutionized laws, laws that fit the time and the occasion.
The system doesn't want to change; but it knows that if it doesn't do away with the revolutionaries that are effective, it will have to change, and this will upset the status quo. The only way the system can destroy the Black Panther Party is through genocidal acts, and trials like this are a form of genocide. This trial is a political trial, because bringing a man who represents the masses to trial is one of the few ways that the system has to get this man out of the position that he's in and to stop him from doing things that are beneficial to the people. What makes a trial political is the motivation behind it. It doesn't matter very much what the charges are. What matters is that the state wants to try that particular person.

The trial didn't just pertain to a man who had committed a crime or an offense and who was before the court to prove his innocence. I, as a revolutionary, was only one person who was being tried at that particular time, but what happened to me was indirectly happening to the people. This made every action a political one: it involved all the people. My trial was a political trial because the Black Panther Party is a people's party. The trial was political because it involved every black man and every radical person in this country.

It's impossible to find a district attorney who is qualified or capable of dealing with this sort of trial; it's not an everyday case or something that a D.A. is used to trying. I think the reasons [Markle] accepted this case are that he has a higher office in mind for himself politically and that he was acting on the advice of the governors, the FBI agents, the FBI head, J. Edgar Hoover, and the President. Those reasons are proof enough for me that this case is a political one and that it's being prosecuted because of the political gain Markle sees for himself in getting a conviction. I think if he had to view the case from a personal point of view, he would not have accepted it because of all the contradictions and illegal procedures there were from the beginning. I believe that people of political power were an influence in his taking this case and that if he had a personal choice, he would not have taken the case.

There were several instances when Judge Mulvey was unable to see that this trial was conducted because of the political aspects of this case. I would say that after the first judge was taken off the case, Mulvey was appointed by someone with a lot of political pull; and I believe that due to the pressure from the system, he could conduct the trial in no other manner than he did. He permitted the D.A. to produce everything that would show guilt, but he overruled anything that would show the innocence of the defendant.

The only purpose I can see that the trial could serve was to raise the consciousness and awareness of the masses. I feel that it did that. The defense was set up to show the people how the legal system functions, to educate the people. The people have a tendency to deal with things that they can see, touch and feel. The trial was educational because they could see the injustice that was dealt out. They could see the legal system in action, and they could feel that everything the legal system did was contrary to what the system says it is for.

I think the press should be the servant of the people and ought to report the whole truth to them. But most of what I've read in the newspapers has been only partly true. So the people didn't get a clear concept of what actually went on in the courtroom. It's important for educating the masses to have the media there, though, because the media can report the facts and the procedures to the people. It's only the way they present the facts and the procedures that makes it detrimental or beneficial.

The members of the Black Panther Party and the radicals of America know what procedures the system goes through when none of its other means are adequate. The defense was set up to give other revolutionaries a defense to go on, a sort of guideline they can use to prepare themselves for what they will have to face as long as the laws and rules need changing and as long as they advocate change by whatever means they have.

I feel that my lawyers did a wonderful job, as no other lawyers could have done with my case. My relationship with them and with all of our comrades and supporters who were following the trial was a very real and true and beautiful revolutionary relationship. But even this doesn't adequately express my feelings about it.

The demonstrations had a strengthening effect on me throughout the trial. They made it possible for me to go through the ordeal of being illegally convicted, because they showed me the solidarity and unity that exists among my comrades, the people, our supporters and all the Third World radicals. It gave me more courage to fight.

The demonstrations showed the system that it was dealing with a united front and that this front was going to fight, no matter what the conditions or the place, until retribution was administered. They showed solidarity and unity and made the people more aware of what was going on. I know the demonstrations had an effect on the jury, but I don't know how to define the effect. I think it showed them that they were dealing with something important, that they were not only dealing with me as a defendant but with the people as a whole.