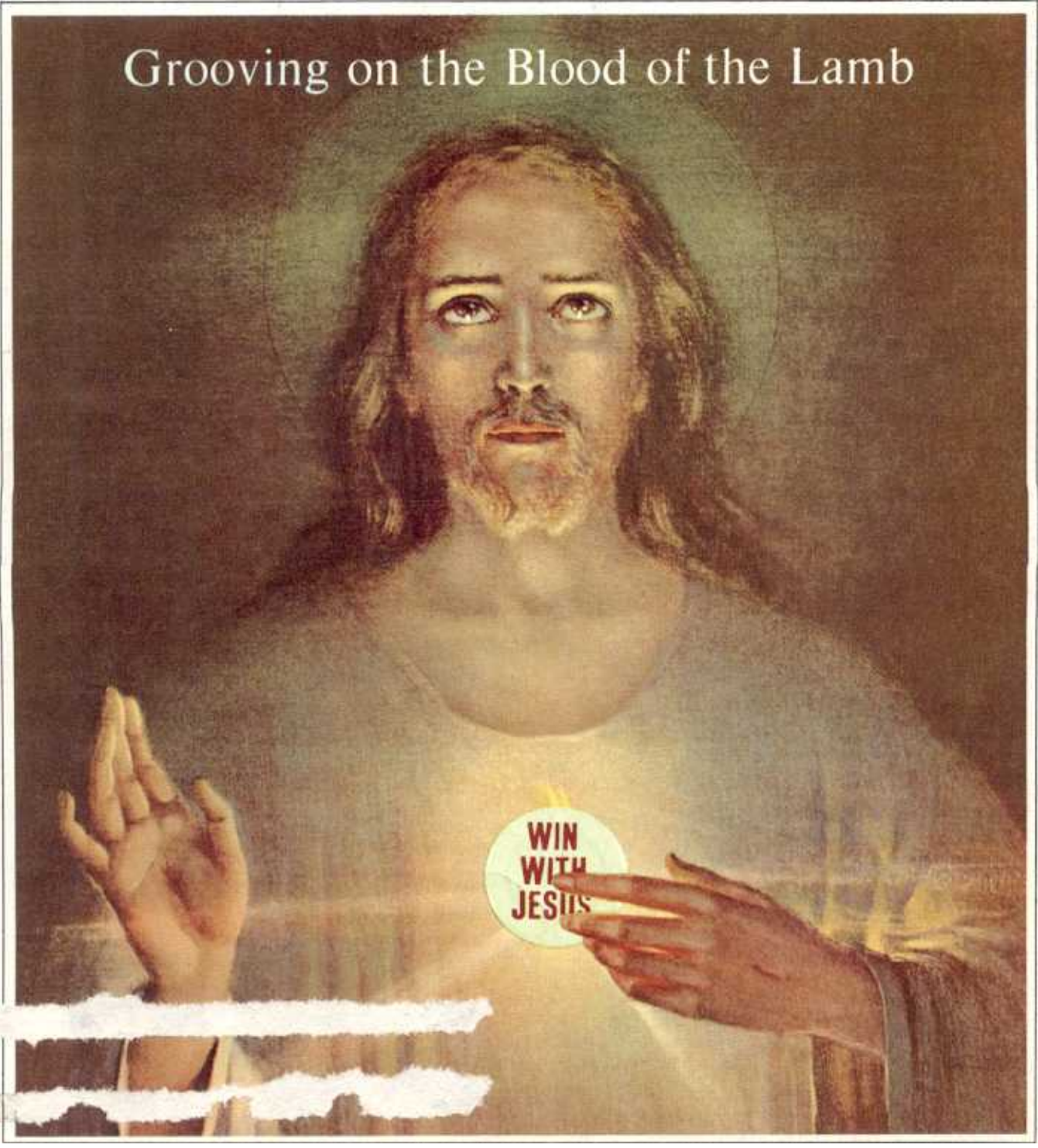
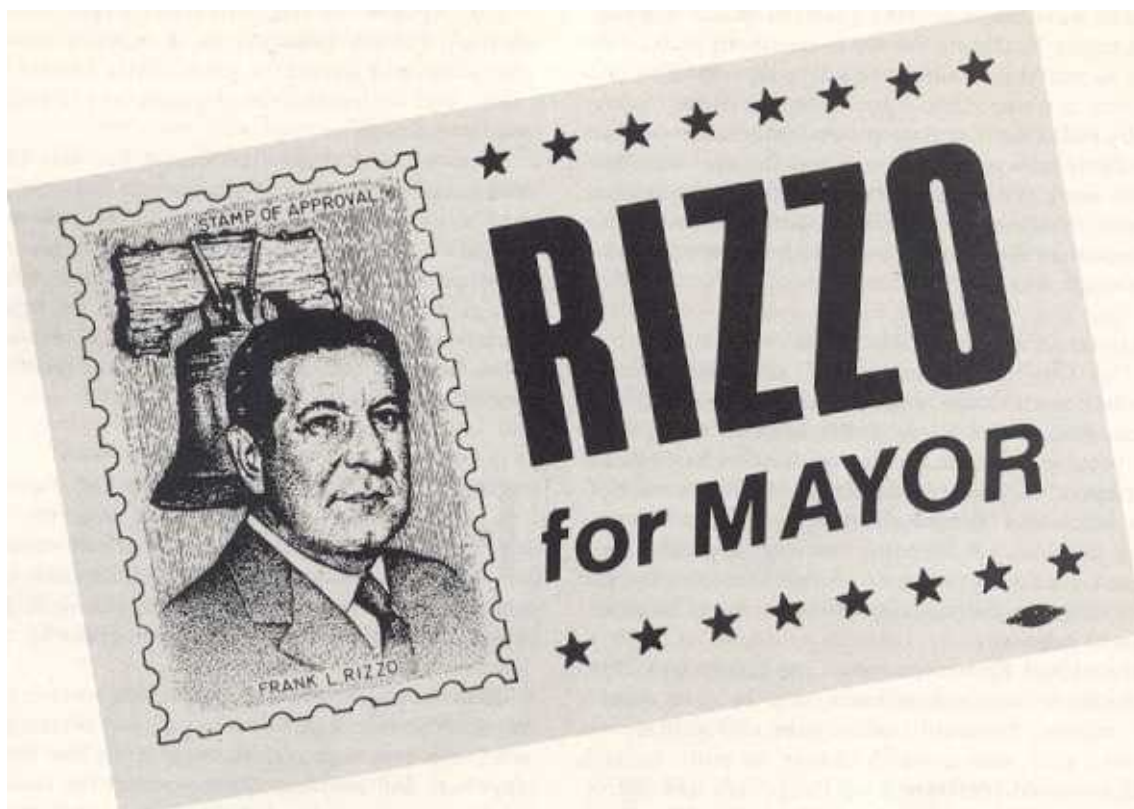


A s 9 Inside Ch na srae and he Left,  
Behind the New Haven Trials; Democrats in '72/75C

# Ramparts®

Grooving on the Blood of the Lamb





## Move Over Mayor Daley: Here comes Frank Rizzo

**I**T WAS MAY 18, 1971, IN PHILADELPHIA and the huge man with the slicked-down hair and the wide smile was addressing a television camera and talking about his victory in the Democratic mayoralty primary race. The candidate, the former police commissioner of Philadelphia who had resigned in February to seek the Mayor's chair, was Frank Rizzo, the man who had used the media to build so powerful an image that now, when he was seeking the highest post in the nation's fourth largest city, he literally did not have to wage a campaign. He spoke with the media only in tightly controlled situations; his campaign appearances were limited only to favorable audiences in friendly neighborhoods; he granted interviews only to "friendly" writers and commentators; he refused to address the city council on financial matters; and he refused all debates and joint appearances with the other three candidates. What Frank Rizzo did, was tell the faithful about the civics books and how he had learned at a very early age that "Only in America" could a man without a high school or college degree or a personal fortune become the Mayor of a city like Philadelphia.

To appreciate the irony of that moment and of the Democratic primary in Philadelphia, one need only reach back

a few years in Philadelphia history when Rizzo was constructing his image by staging heavily publicized raids on center coffeehouses, by running longhairs out of Rittenhouse Square, by trying to close down the local rock hall, the Electric Factory, by boasting about his file of 1800 subversives, by detailing "revolutionary" plots aimed at him, the city and the country, flamboyant plots which local reporters loved but which mysteriously never seemed to produce any convictions once the cases reached court.

Shortly after Rizzo's resignation as Police Commissioner, two officers were murdered within a five-hour period on a Saturday night and early Sunday morning. The new commissioner, Joseph O'Neill, a tough, silent type, conducted the search for the killers in an unemotional, professional manner. Tom Fox, a columnist for the *Philadelphia Daily News*, and one of the major architects of the Rizzo image (Fox being a gifted writer), walked into O'Neill's office to discuss progress in the case.

"A helluva way to break in a commissioner," Fox said.

O'Neill stared blankly at Fox.

Fox, lunging for an angle, laughed somewhat nervously, then said, "You're a lot different than Rizzo. . . . If Rizzo were here, he'd be storming around . . . ranting and raving."

Indeed he *would* have, leaving a trail of quotes and half-charges hanging in the air for the ever-present mob of reporters, who would dutifully trot back to typewriter or television studio, carrying Rizzo's double-negatives (an "earthy man," they called him) and deep voice into the row-homes of the working-class neighborhoods and the neat semi-suburbs of the city's residential Northeast section. It was there and in the middle-class Irish and working-class Italian neighborhoods of Kensington and South Philadelphia that Rizzo's strength was so great.

**I**T WAS TO BE EXPECTED. There was—as the Democratic City Chairman, Peter Camiel, so casually said on election night—only one major issue in the mayoralty race. And Frank Rizzo didn't have to say a word about it, because the issue was law-and-order. In Philadelphia this has a very simple definition—it means no riots from the black and Spanish-speaking residents; it means containing problems of minority residents; it means keeping the blacks and browns out of white neighborhoods; and it means stifling any individuality or dissent from longhairs, militants and activists.

Camiel said that Rizzo represented the "father image" to the people from the neighborhoods, that he gave them a sense of security, that at this time in the city's history (in the country's too) with so much change, so much turmoil, Frank Rizzo would somehow keep things safe and simple. Ignored by Camiel and Mayor James Tate, also a Rizzo follower, and the powerful Democratic machine was the fact that violent crime in Philadelphia was triple that of the urban rate (up 19 percent) between 1969 and 1970, that drug traffic in the city was desperate, and that the police department had recently released statistics showing that crime was overwhelmingly committed by black upon black. Between January 1, 1969, and June 30, 1970, 77 percent of the murder victims were black or of Spanish-speaking descent. Blacks and Puerto Ricans committed 82 percent of the murders. During the same period 89 percent of the rape victims were either black or Puerto Rican, as were 69 percent of the victims of aggravated assault and battery.

Frank Rizzo really solidified his strength in Philadelphia and took over the bogus law-and-order issue during two tense weeks last summer at the end of August when the city was preparing for the Revolutionary People's Congress which the local press so graciously translated into the "Black Panther Convention." A week before the congress was to convene, a police sergeant was shot and killed in an isolated guard house in the remote Cobbs Creek section of the city. The next night, a Sunday, two police officers were wounded in another shooting incident. As the tension became stifling, Rizzo was suddenly all over the papers and television screen talking of "revolutionary" plots to assassinate policemen. Later, of course, it would be seen that there was no connection between the first shooting on Saturday evening and the second on Sunday. But for a while, Rizzo was able to make the fear of a "plot" real and in Philadelphia, mainly through ignorance, any black man with a "natural" hair style was regarded as a revolutionary and a threat to the peace. The Panthers thus became the prime suspects in the collective mind of the city and its police department.

Monday morning at six, the police staged a series of raids on three Panther headquarters in separate sections of the city. Rizzo had alerted the press—as he usually did in such cases—and representatives of papers and television stations rode with the police.

Rizzo claimed that an informant had told him of arms caches in the Panther headquarters as a way of justifying a raid on one of the Panther headquarters, where reportedly the police chopped down the door and then announced their presence. Rizzo claimed he had "tons and tons" of probable cause for the raids. "Don't we have the right to defend ourselves?" he asked. "Must we use a double-standard on them because they're Panthers? These people are dangerous to the city and the country."

**R**IZZO NEVER EXPLAINED THAT THE Panthers actually were a different group from the "revolutionaries" he had originally claimed were responsible for the death of the police sergeant on Saturday night. But this would have been an academic point in the weird series of events that continued during that chaotic week.

Rizzo held several press conferences, referring to the Panthers as "yellow dogs," "imbeciles," and challenging them to send their best men against fewer of his best for a shootout anywhere and anytime. During one of the raids, a number of Panthers were lined up against a wall by police and forced to strip. News photographers were invited to record the scene, and Rizzo was quoted as saying, "Imagine the big Black Panthers with their pants down."

"It's sedition, it's treason," Rizzo said during a press conference. "We're confronted by a revolution, this is no longer crime. It must be stopped, even if we have to change some laws to do it. . . . It's happening in New York, in Chicago, on the West Coast. This is well-planned, well-organized. It's centrally controlled. They want to overthrow the government, and the government is doing nothing about it. The federal government has got to act. It's gone beyond the police. Local government can't do it. We're bound by the rules of the U.S. Supreme Court. These imbeciles who are doing the killing are instructed by the Black Panthers. They're set off by the trash that the Panthers are putting out under the guise of newspapers. . . ."

Later in the week, when Rizzo arrived at the scene of a non-related shooting in an all-white neighborhood, he was cheered by 200 persons who urged him to run for Mayor. That weekend, as the Revolutionary People's Congress was convening, a plane carrying a "Rizzo for Mayor" banner flew past the New Jersey shore areas where many white Philadelphians spend their summers. In Camden, New Jersey, a printer said he could not supply all the requests for "Rizzo for Mayor" bumperstickers. This fever continued until February 2 when Rizzo finally announced his candidacy at a press conference in the police administration building. Rizzo promised an open campaign so that Philadelphia would know his exact position on all issues. "There will be no glib talk from Frank Rizzo," he said.

Two months later, he still had not spoken before a black or a moderately liberal audience. And if he did later in the campaign, it was a greater secret than a CIA operation. It

was only during the final weeks of the campaign that his staff began sending out sterile, uninformative "position papers."

**I**T WAS AN EASY WIN FOR RIZZO. Three liberal candidates, Bill Green, the U.S. congressman; Hardy Williams, the black Pennsylvania assemblyman; and the former city councilman David Cohen destroyed themselves. Rizzo won by 49,000 votes, but the three liberal candidates polled 483 more votes than the former police commissioner.

Rizzo's campaign was classic. "Pornography is so bad you can't take the family to the movies," was one of his stock lines. Another was "We've got men riding in one-man patrol cars where you need a marine division." And then there was the familiar, "All you have to do to get a job on the school board is to be a militant. Scream outside the administration building, and they'll hire you for \$20,000."

He spent more time at his campaign stops signing autographs than discussing the issues. The people, however, did not mind. One day in the Northeast, a man approached him and asked, "Frank, you gonna do something about the schools?"

"You bet," Rizzo said, returning to his autograph session.

A pause of several seconds followed. Then Rizzo returned to the man who asked the question and said, "You know Frank Rizzo don't go back on his word." It was the typical Rizzo approach to the issues.

For 28 years Rizzo had been a policeman, known lovingly by his fans around the city as the "Cisco Kid." He became commissioner in 1967 and often spoke of his men as his "Army." When he resigned in 1971, his police force had 7200 men compared to 6000 when he took over, and the department's budget had climbed from \$60 million to \$92 million in 1971 and a projected \$100,199,994 for fiscal 1972. The police budget was the largest single item in the city budget.

In a city where the school system ran out of money four weeks before the scheduled June 24 closing, Frank Rizzo campaigned vigorously for an increase of 2000 more policemen. To the retiring Democratic Mayor and the Democratic City Committee, Rizzo was a vote-getter, a "sure thing." He was the man who once showed up at a racial clash in South Philadelphia with a nightstick in his cummerbund. He was the man who warned civil rights demonstrators or anyone else who would listen that "for every one of my men that gets hit with a brick, there are going to be some broken arms and legs."

**T**HEY LOVED IT IN THE NEIGHBORHOODS. And why not? Frank Rizzo was one of them, a South Philadelphian who observed their rules, who shared their upbringing. "My dad," Frank Rizzo said, "set tough rules and you played the game by his rules or you didn't play. I remember as a young man there was no question as to who was right or wrong. There were no democratic formulas. Boom, you got knocked down. It was the system."

In private, Rizzo would sit and drink beer with reporters and tell stories about his career. One day he recounted having to chase a man. When he caught up with the man, Rizzo threw him to the ground. "Then I come down with the old

number 12," Rizzo said, stamping his foot on the floor in a City Hall corridor. "And that guy ain't walking right today." Rizzo followed that with an imitation of a man unable to walk correctly.

And then there was the time at a Philadelphia Press Association dinner when Rizzo recognized one of the waiters as a young man who had been involved in some racial problems at a South Philadelphia high school a few months earlier. "Just about the time we'd get them settled down, he'd be out stirring up again," Rizzo said. "So this one day, I called him over, got him behind a paddy wagon and gave him two quick shots to the gut. He didn't make any more speeches after that."

Frank Rizzo's Republican opponent in the mayoralty race is another former city councilman, Thacher Longstreth, a former Princeton football player, and a former President of the Philadelphia Chamber of Commerce. Longstreth, like Rizzo, is 50. He said he looks forward to the campaign and feels he has an excellent chance to fuse the liberal democrats with at least two thirds of the registered Republicans. That would give him a base of about 350,000 votes. Of course, pre-election figures tend to sound like spring-training predictions in baseball. Even the last-place teams think of themselves as contenders. But right now, things look dim for anti-Rizzo forces.

**I** DON'T KNOW WHAT WILL HAPPEN," said Bill Green, who finished second to Rizzo in the Democratic primary. "All I know is that we turned out more independent voters (127,000) than ever before in this city, and we still lost by 49,000. How much of my vote will go to Longstreth, how the blacks will see the election, I just can't predict it. Against Rizzo, you just don't know because it's not the usual campaign. I ran against an image, a legend. The man did not campaign, he didn't talk about the issues. How can you tell?"

And so Philadelphia waits for November, the liberals fearful, the conservatives overjoyed. The city is split, the polarization evident everywhere. "The whole nation is watching. . . ." Frank Rizzo said several times before the primary. "They're asking: 'Can a police chief become the mayor of a big city?' It's not even enough to win big. We've got to crush them. We've got to make sure characters from the left don't take over this town."

Philadelphia is a town with deep social and economic problems, and like all the other large cities in the nation faces a future which is puzzling. A former reporter for the *Inquirer*, Eric Blanchard, writing to the *Washington Post* about the primary results, said, "Philadelphia is an undiscovered Newark: physical squalor resting on a dungheap of municipal corruption, fed by the cowardice of its news media. . . . Rizzo trades on fear, and that, in its verities, is what rules Philadelphia. . . . The news media refused out of their own racism and corruption to warn the city about (Rizzo). . . . He is no longer a backstage figure, a legend, a slogan for the fearful . . . of Kensington . . . South Philly. He is out front. Watch him. His eyes, his hands. Particularly, the people who are sitting on his side of the table."

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# Bobby and Ericka: Free at Last (until next time)

**I**T WAS THE DAY AFTER JUDGE Harold M. Mulvey had declared a mistrial in the case of Ericka Huggins and Bobby Seale on the grounds that the jury had been hopelessly deadlocked, and Charles Garry and David Rosen were sitting glumly in their New Haven law offices.

Rosen, a young Yale Law School graduate, had been working on the case since March of 1970. Garry had been in New Haven for more than six months, completely neglecting his San Francisco law practice and other important Panther cases.

"Isn't that a bitch," Garry said, his eyes flashing angrily. "They're going to try and keep me here for another six months." The day before, he had made a motion for an immediate retrial, even though he was due in an Oakland, California, court later the same week to begin a retrial of Huey Newton's 1967 manslaughter charge. Rosen said little, but his face reflected an air of deep discouragement. The prospect of going through yet another six-month trial, when the first one had drained financial resources to the bone, was not appealing. Both lawyers had spent a good deal of their time raising money for the defense fund. The transcripts alone had cost more than \$400 a day.

"Oh well, we might as well go make our motions," Garry said, getting up and starting towards the door. It was 1:50 P.M. and Judge Mulvey had scheduled a conference in his chambers for 2 o'clock. Garry and Rosen, along with Ericka's lawyer, Catherine Roraback, were planning to file several motions aimed at getting the case dismissed. None of them believed the motions would be granted.

**V**ERY LITTLE WAS SAID INSIDE Mulvey's chambers. The judge merely indicated that he would hear the motions in open court. He did not seem particularly tense or upset. An hour before he had been walking down Elm Street, obviously on his way to lunch

and looking as if he hadn't a care in the world. He had passed the newsstand and glanced at the headline on the *New Haven Register* which read, "Majority of Jury Favored Acquittal." This was no news to him. He had been given the voting tallies by the jury foreman the day before, and knew that the final tally had shown that the jurors had voted 11-1 for acquittal of Mrs. Huggins on four of the five counts with which she was charged, and 10-2 for acquittal on the fifth one. He also knew that the revised vote in the Seale case had been 11-1 for acquittal on three counts, and 10-2 for acquittal on the fourth. Furthermore, if his information was as good as that of the defense attorneys and the many reporters who were swarming around the courthouse, he had probably heard the going rumor that Seale had indeed been acquitted on the previous Wednesday afternoon. What was important to the defense, however, was that the people of New Haven knew how close to acquittal the jury had been. They were hoping to induce the Judge either to drop the capital charges (murder and kidnapping) or to set bail so that Ericka and Bobby could be released from their two years of confinement.

Rosen presented the defense motion for dismissal on the grounds of prejudicial publicity, and the impossibility of finding another impartial jury. "Anything else?" asked the judge as Rosen sat down. Arnold Markle, the prosecutor, continued to doodle on a legal pad, and Garry slumped further down in his chair. The entire defense table leaned back to hear their motion denied once again.

Then Judge Mulvey began to discuss the case quietly, admonishing spectators that he would tolerate no outbursts, praising Markle, and noting the change in attitude in Seale and Ericka. Sensing that something important was coming, but afraid to believe it, the audience began to stir.

Then came the judge's key statements: "The State has put its best foot forward in presenting its effort to prove its

by Art Goldberg

cases against these defendants. They have failed to convince a jury of their guilt. With the massive publicity attendant upon the trial just completed, I find it impossible to believe that an unbiased jury could be selected without superhuman efforts which this Court, the State and these defendants should not be called upon . . . to endure. The motion to dismiss is granted in each case, and the prisoners are discharged forthwith."

Despite Mulvey's warning, there was pandemonium in the courtroom. Spectators were shouting, people in the press section were crying, deputies were running about, reporters were scurrying for telephones, and Bobby Seale and Ericka Huggins were embracing.

The Judge gavelled for order. Arnold Markle (Garry constantly referred to him as "Shitass") had a motion to make. He moved that the defendants be held without bond until he could appeal Mulvey's ruling. The entire courtroom turned towards him, hushed at first into incredulity, then expressing its hostility in whispers.

"Motion denied" said Mulvey matter-of-factly, and Bobby and Ericka were free.

**S**OME DAYS EARLIER WE WERE sitting in a narrow, sterile room in the State Correctional Center at Montville, Connecticut, the prison where Bobby Seale had been held in solitary confinement for fourteen months. It was May, and the prosecution had just rested its case against the chairman of the Black Panther Party and his co-defendant, Ericka Huggins. The defense was in the middle of putting on its case.

Four of us had driven up from New Haven on a rainy, dreary Saturday morning: Big Man and Rosemary Gross from the Black Panther Party, defense attorney David Rosen and myself. Bobby swung into the room and embraced all of us. We spent the first few minutes laughing together at Bobby's uproarious imitations of prosecution witnesses and other participants in the trial. Soon, however, he seated himself on a wooden desk that was pushed up against one wall, and began to talk about a miscellany of things.

"Huey is right," he said. "The revolution in this country is going on right now, and out of the dying destructive monster that is capitalism, we must evolve a humane people's communalism. In countries like China and Cuba, they had to wait until the day of victory to begin to evolve a people's socialism. But in this country, the situation is different. The United States is not an underdeveloped country, you dig? Here, while the revolutionary struggle is going on, our survival programs will exemplify what the people want and need.

Seale defined a "communal society" as one which has adequate wealth but is organized around its equal distribution. The people control the technology, but on a local level rather than having resources controlled and allocated by a centralized authority.

He said the most immediate task for the Black Panther Party was the implementation of the "survival programs," which he called "the people's fuel for revolution." He spoke of the Party's clothing factory and shoe factory which are being opened in the San Francisco Bay Area, and of his own plans for building communally owned, communally built, inner-city housing as soon as he gets out of jail.

"Here is where the purely military point of view fails," Seale continued. "What the brothers and sisters forget is that the highest level of struggle is with the masses of the people. After Eldridge got out of jail, the party went through a phase of cultism. Too many people were leaning to purely militaristic bullshit, negating the political work the party had done. They knew that political work, unifying the people around our program and setting an example, not only in the black community but to other poor and oppressed people also, was a higher level of struggle. But a lot of people deviated from the rules of the Party. During the retreats the Central Committee had, I was always a strong advocate of all the rules. I also wanted people to relate to the *entire* ten-point program, not just the part about self-defense, you dig?"

"I even have to give credit to massive, non-violent civil disobedience," he said. "The Mayday demonstrations were ineffective in stopping the government, but did expose some contradictions in the society. It made people see that the government was using troops and fascist tactics to arrest all those people."

**S**EALÉ THEN BEGAN TO TALK AGAIN of how his inner-city housing communes would work. I'm not designing a low-rent housing program," he said. "Low-rent housing projects turn into dilapidated ghettos. This communal housing is designed to be permanent, to last 50 years without deteriorating more than 10 or 15 percent. It's going to be communally owned and communally built.

"The houses will be structurally sound and contemporary in design. The apartments are laid out especially for black families with lots of children. Some of them have five large bedrooms. If two smaller families want to rent a place, then those big apartments are laid out so they can easily be divided. Or, if there's a group of young people who want to live communally, there's room for about 15 or 20 of them to live in one, two-story unit.

"The basements will be communal and usable. We'll be able to have rooms where people can hold meetings, places that can be used as workshops, places to show films and have audio and radio equipment—all there, right within the commune. We even have figured out places where we could locate pool rooms, because in the black community a lot of young kids hang out at the pool hall. Instead of hanging out in a place filled with all that capitalist junk, they can be surrounded by some people's revolutionary posters. Of course, there are going to be washers and dryers in those basements, too, as well as storage rooms."

Seale decided that he couldn't go on talking about the communal housing unless he brought out the plans he had drawn up. I remembered then that he had been an architectural draftsman, and had done some building with his father, a carpenter. He opened the door, told the guard he was going back to his cell for a minute, and returned with a roll of drafting paper. He unfolded it on the desk. There were about 15 sheets of professionally drawn designs, showing down to the last detail how the housing was to be constructed.

"You notice," he said pointing to one drawing, "that there is no such thing as a master bedroom in here. And look over here. See how large these windows are, facing

this communal yard? That's so that parents can keep an eye on their kids down there, those kids that aren't in one of the communal day-care centers. Oh, and I forgot to mention that there will be space for free health clinics also.

"Now the thing is, this communal housing is going to be able to accommodate 40 large families, or from 50 to 60 medium-size families in a square block. That's between 350 and 400 people. The families will pay a monthly maintenance charge of no more than \$150 a month. That's for the largest apartment, and it includes utilities. The smaller ones will be \$90-\$100 a month. At the end of 10 years, the people will own those apartments. You see, when you're dealing with the capitalists you pay rent for 20 years and all you got is rent receipts; but here, you pay for ten years, and you know you've always got a place to live. If you want to move, you just move into a different people's commune, or a larger or smaller apartment, as you need it."

"The communal yard is the key," he said. "That's the place where black folks can get together. I can just see those yards on a Sunday afternoon, with people out there barbecuing and everything. That's what I call placing the ecology problem in the framework of the ghetto. It will be a place for people to eat and sleep if they want to, and there's enough room out there to build swimming pools. It's a place to get ourselves together and forget capitalism, greed and profit."

How was this housing going to be built? "We'll take 20 journeymen like myself, with all kinds of different skills in things like carpentry, plastering, electricity, etc. And then we'll take 80 unskilled brothers and sisters who want to learn those trades, and they'll work with the journeymen, helping them and at the same time learning those trades. So by the end, they'll be skilled workers. And probably a lot of them will be living in the housing they helped build. We can probably get a square block built in six to eight months that way. And I'm talking about good, solid construction, not that prefabricated stuff."

"How are you going to get the money to finance this type of housing?" I asked.

"Well, the first thing me and Ericka are gonna do when we get out of jail, is to sue Arnold Markle for 10 million bucks for false imprisonment. It may take a little time to get that money, so we'll just have to raise it.

It was getting late. We had been inside the prison for three hours. Rosen said that he had to spend more than an hour with Bobby, going over his testimony. Big Man, Rosemary and I said goodbye. Seale smiled, and gave us the clenched fist.

**W**HY DID JUDGE MULVEY DISMISS the charges? Everyone had a different explanation. Some of the press people felt that he was just a "good, honest judge," the implication being that if there were enough honest judges the American system of criminal justice would work. The three court reporters, who had taken down every word of testimony and argument for the past six months, felt it was because Ericka and Bobby had "behaved well." There was no Chicago-type fracas, and Seale had on several occasions asked supporters in the spectator section to keep quiet. But in a trial as emotionally

charged and as widely publicized as this one, it is hard to imagine a judge letting two Black Panther Party leaders out for "good behavior."

An editorial which appeared in the *New Haven Register* on Tuesday, May 25, the day Mulvey dropped the charges, comes closer to the real reasons behind Mulvey's action. The editorial was written Monday evening, after the jury had pronounced itself deadlocked, but before Mulvey had dismissed the charges.

"The hung jury in the case of Bobby G. Seale and Mrs. Ericka Huggins is necessarily a disappointment for the defense, for the prosecution, and for the citizens of Connecticut. . . . All sides have been through a lot together. . . . This community and its people, as well as the principles, have all been challenged to endure an ordeal demanding patience, forbearance, and a steady dedication to common sense along with a constant concern for calm justice. . . .

"The entire proceeding, and indeed the result, is a sharp refutation of Yale President Brewster's doubts about the possibility of a "fair trial" for a Black Panther. The groundless declaration of Mr. Brewster, the destructive agitations imposed upon downtown New Haven by militants out to exploit the Panther issue and the Panther defendants as well, and the other propaganda manipulations revolving here and elsewhere about the trial's personalities, all failed to penetrate the courtroom in any significant way." Which was all a very round-about way of expressing the general feeling in New Haven after the trial. It could all be summed up in three words: "We survived it."

**F**OR THE CITY OF NEW HAVEN, the trial of Ericka Huggins and Bobby Seale, and before them Lonnie McLucas, was an ordeal that had been going on for over two years—since May 1969 when Alex Rackley's body was discovered in a swamp, 20 miles to the north. New Haven is the type of city that likes its peace and quiet. Even Yale, which keeps a tight rein on the economic and political life of the town, likes peace and quiet, and along with Dartmouth has been the only Ivy League school to avoid prolonged student disruptions.

For Yale and New Haven, May Day 1970 had been traumatic. Yale was forced to cancel its final exams, as on May 1, and 30,000 people filled the "Green" to express support for the Panthers on trial. New Haven became uneasy. The National Guard was called in. The windows in the courthouse were bullet proofed. As never before, note was taken of the fact that 22 percent of New Haven's 138,000 people are black, and that most of them live in the inner city where their misery is largely invisible. They are quiescent; they do not make any demands upon the people who run the university and the city, and they do the menial jobs that white people can afford to turn down.

But the Panther trials were beginning to crack that quiescence. Since the 14 Panthers were arrested in connection with the death of Alex Rackley two years ago, efforts have been underway to politicize New Haven's black community. At the time of the Rackley incident, the New Haven chapter of the Black Panther Party was little more than a month old, having been moved up from Bridgeport in early April 1969. By mid-1970, however, there were

signs that the presence of the Party was beginning to awaken the black community in New Haven: the McLucas case raised the issue of equal justice for blacks—something that had never before been openly discussed in elegant, liberal New Haven. Later in the year a Panther support group, the People's Committee, began a free-food program in the black community. Alarmed by the radical thrust of the program and its acceptance in the community, a dozen black churches began their own competing programs.

At the same time, the New Haven chapter of the Black Panther Party was, after a long struggle, pulling itself together and successfully recruiting young people out of the community. In January, Huey P. Newton spoke in New Haven. In May, it was the Rev. Charles Koen, the leader of militant blacks in Cairo, Illinois [see RAMPARTS, April, 1971] who addressed a Panther-sponsored "Revival for Survival."

As the Huggins-Seale trial progressed through its early stages, and the search for a jury seemed to be endless, Panther lawyers and occasionally Panther supporters were asked to speak to local groups. Charles Garry became a much-sought-after speaker, talking about racism in America, the lack of opportunity for blacks and the misery of ghetto life. He became a favorite of local reporters, far more colorful and interesting than the usual drab Yale academic or public official. On top of that, New Haven was becoming a stopping-off point for white radicals.

**A**LL OF THIS MADE YALE UNCOMFORTABLE. After the outburst of support in May 1970, the university had returned to its usual routine: aristocratic and upper-middle-class young people were back studying, having fun, blowing some dope and histrionically searching for themselves, secure in the knowledge that they would be stepping into comfortable, well-paying careers when they graduated. They had turned off to politics.

This puzzled many of the white radicals who had gone to New Haven with the intention of mobilizing the "Yalies" into a pressure force which hopefully would join with blacks in demanding freedom for Bobby and Ericka. But after the emotional outpouring of May Day 1970, the students were totally disinterested in the trial.

Some observers attributed it to the fact that many felt that Lonnie McLucas had received a fair trial last summer. While the Yalies initially believed that the trial had been a frame-up, "when they learned that a man had actually been tortured and killed, it frightened them. It was too real. They didn't want anything more to do with it," a Movement lawyer suggested. "A lot of those rich kids came out of their ivory towers, and were thrown into contact with ghetto blacks for the first time. They just couldn't handle it."

People connected with the Panther Defense Committee in New Haven explained that the only reason Kingman Brewster made his famous statement last year, and opened up the university to the Movement and community people was because Yale felt it had to open up to protect itself. Rather than fight a large group of dissidents, it sought—successfully as it worked out—to absorb them.

As the *Register* editorial points out, the Huggins-Seale trial was the longest and most expensive in Connecticut

history. As the prosecution case drew to a close there were rumblings heard in powerful places. It seems that the State Bar Association was somewhat upset that, after two years of investigation, and nearly two million dollars in expenses, the state had presented virtually no case. Many members of the press corps who covered the trial on a regular basis were equally astounded. The lack of evidence, especially against Seale, was alluded to frequently. Why go through the expense of another trial? Why risk a black uprising in central New Haven? Why bring political agitators into a city that has been able to handle its social problems in neat quiet ways in the past? Why discomfort oligarchic Yale? Why subject white, middle-class New Haven to another six months of tension and anxiety. New Haven clearly had no stomach for another trial, and Judge Mulvey knew what those who run New Haven wanted. They wanted to get rid of the Seale-Huggins case, and the potential problems it raised for the city. As for Mulvey, he was something of a hero to the local judiciary and bar association. Like New Haven itself, he had survived two major political trials without a Chicago-style fracas.

**M**OMENTS AFTER JUDGE MULVEY announced the dismissal, reporters and TV cameras zeroed in on Charles Garry. He knew what they were going to ask him.

"Did Bobby Seale and Ericka Huggins get a fair trial?" (New Haven has been sensitive to the issue of a "fair trial" ever since Yale President Brewster's statement in spring 1970, under extreme student pressure, that he thought it was impossible for black revolutionaries to get fair trials in the U.S. After Panther Lonnie McLucas was convicted of kidnapping in the Rackley case, but acquitted of three more serious charges, his attorney, Theodore Koskoff, had allowed that, "Yes, McLucas got a fair trial." The press had been jubilant. It showed the system was working.)

"Hell, no! How can you say they got a fair trial?" Garry said with passion. "They've been in jail for two years on charges that never should have been brought to trial in the first place. I've had prosecutors from around here tell me that they have dismissed cases on their own that had a lot stronger evidence against the defendants than the evidence Arnold Markle tried to present."

"Then you still believe Brewster was right?"

"Judge Mulvey just proved that, didn't he?" Garry shot back. You had two unsentenced people, people who are supposed to be presumed innocent, spending nearly two years in isolation, being degraded almost every day, shackled like animals. How can you tell me that they received justice?!"

As for Bobby Seale, he was jubilant, of course. But his joy was tempered by the knowledge that he had passed but one more milestone in the long road of judicial harassment stretching out before him.

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*Art Goldberg is a contributing editor to RAMPARTS. This article was written with the assistance of Don Freed, whose complete account of the Seale-Huggins trial, "Agony in New Haven," is soon to be published by Bantam Books.*

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