

U.S. JURY ASSAILS POLICE IN CHICAGO ON PANTHER RAID

Asserts They Exaggerated
Resistance by Blacks. 2
of Whom Were Slain

INDICTMENTS RULED OUT

3 High Officers Demoted—
Panel Discerns 'Posturing'
in Panthers' Attitudes

*Excerpts from commission's
report are on Page 14.*

By **FRED P. GRAHAM**
Special to The New York Times

WASHINGTON, May 15—A special Federal grand jury in Chicago reported today that the police there had grossly exaggerated Black Panthers' resistance in a shooting incident last Dec. 4 in which two of the militants were killed and four others wounded.

The jury said the police had riddled the Panthers' apartment with at least 82 shots, while only one shot was apparently fired from inside.

But the jury, speculating that the policemen could have been returning one another's fire, said it could not find evidence on which to indict the policemen for violations of the gunshot victims' civil rights.

Three high-ranking Chicago police officers were demoted

last night, apparently as a result of the controversy over the raid on the Panther apartment. [Details on Page 14.]

Hands Tied, Jury Says

In a 250-page report, the grand jury said that its hands had been tied because the Panthers who survived the shooting incident refused to testify, asserting that they would talk only to a "peer group."

Branding this "political posturing" by the Black Panthers to dramatize their demands for black juries, the grand jury declared that it would not permit itself "to be used as an instrument of publicity and recruiting by the Panthers."

The special grand jury was composed of 22 whites and one Negro, a woman.

Findings of Jury

Among the grand jury's findings were the following points:

¶That the initial information that the Black Panthers were thought to be stockpiling weapons in Chicago had come to the Chicago officials from the Federal Bureau of Investigation. This disclosure was the first official substantiation of charges by black leaders that Federal officials had played a part in the investigation that led to a raid on the apartment and the fatal shooting. According to the grand jury, the two F.B.I. tips were routine transmittals of information obtained from a "confidential source."

¶That Mr. Hampton's body had not contained huge amounts of the drug seconal, as reported by a pathologist who performed an autopsy on his body. Later tests on the body by F.B.I. experts showed that the drug report was a mistake, according to the jury's report.

¶That the Chicago police

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laboratory made serious and repeated errors because it set out only to find evidence to support the officers' version of the incident. Its investigators found only seven items when they searched the scene, leaving behind at least 80 projectiles and casings and at least as many other items of evidence. Because the laboratory did not test-fire or fingerprint the policemen's guns, it attributed several of the officers' shots to the Panthers, the report said. As a result, seven of them were indicted for attempted murder and other crimes, and the charges were not dropped until last week.

That the internal investigation by the Chicago police department "was so seriously deficient that it suggests purposeful malfeasance." The policemen were coached in advance the questions that would be put to them, the report said.

That "improper and grossly exaggerated stories" appeared almost daily in the Chicago news media. The grand jury blamed this "publicity contest" on the media and also on the Panthers' lawyers, who held frequent press conferences that sometimes disseminated "totally erroneous information," according to the report.

The issuance of a narrative report rather than indictments by a Federal grand jury is extremely unusual. This report was released this afternoon in Chicago, where the grand jury has been sitting since shortly after it was called into action Dec. 19 by Attorney General John N. Mitchell. The report was also released here by the Justice Department.

Joint Investigation

Mr. Mitchell acted after several private groups initiated investigations into the shooting incident and after the Black Panther witnesses refused to talk to agents of the Federal Bureau of investigation.

Fred Hampton, the 21-year-old chairman of the Black Panthers in Illinois, and Mark Clark, 22, a Panther member from Peoria, were killed in the shooting. Black Panther spokesmen charged that Mr. Hampton had been "murdered in his bed."

The grand jury report was

the product of a joint investigation by a Justice Department team headed by Jerris Leonard, chief of the department's civil rights division, and the special grand jury. Mr. Leonard was assisted by six other lawyers, including James P. Turner, a civil rights division attorney, who wrote most of the report.

Federal statutes and court rules do not specifically allow for narrative reports of this type, and some Federal courts have held that they illegally violate the secrecy of grand juries and breach the separation between the executive and judicial branches.

However, Mr. Leonard said in Chicago today that "case law gives to the grand jury the right to issue reports in lieu of indictments."

Raid "Ill Conceived"

The report characterized as "ill-conceived" the police raid that led to the fatal shooting at 4:04 A.M. on Chicago's West Side. It said that the 14-man Chicago city police unit, which was attached to the office of State's Attorney Edward V. Hanrahan, did not have the planning or equipment properly to serve and execute a search

warrant for the weapons, as it had intended on the morning of the shooting.

Police officials later described the shooting as a prolonged exchange of shots between them and the Panthers. Sgt. Daniel Broth, who took part in it, said that "there must have been six or seven of them firing," with perhaps 200 shots being exchanged.

The grand jury reported that 83 empty shells were finally recovered and identified. Of these, 82 were found to have been fired by various officers' weapons. One was fired from inside the apartment, through the living room door.

Mr. Hanrahan had his policemen re-enact their version of the shooting for a 28-minute television program on WBBM-TV. He also made the men available for interviews for a Chicago Tribune article that

gave their version.

The Tribune article was accompanied by photographs of "bullet holes" near the kitchen door and in a bathroom door. These pictures were found to show nail holes near the kitchen and bullet holes in a bedroom door, the report said. It added that The Tribune and Mr. Hanrahan's office had admitted the mistake but had not explained them.