

A REPORTER AT LARGE

February 1971

THE PANTHERS AND THE POLICE: A PATTERN OF GENOCIDE?

BETWEEN 4:40 and 4:52 A.M. on December 4, 1969, plainclothes police in Chicago, while executing a search warrant for illegal weapons, shot to death Fred Hampton, the twenty-one-year-old chairman of the Black Panther Party of Illinois, and Mark Clark, a member of the Party, in Hampton's apartment. Four days later, at about the same hour of the morning, the Los Angeles Special Weapons Tactics Team, dressed in black jumpsuits and black hats, moved on the Black Panther Party headquarters in that city with another search warrant for illegal weapons and, in a heated gun battle, shot and seriously wounded three more Panthers. Commenting on these events, in San Francisco, Charles R. Garry, chief counsel and spokesman for the Black Panther Party, whose membership at the time was estimated at between eight hundred and twelve hundred, declared to the press that Hampton and Clark were "in fact the twenty-seventh and twenty-eighth Panthers murdered by the police," and that the deaths and the raids were all "part and package of a national scheme by various agencies of the government to destroy and commit genocide upon members of the Black Panther Party."

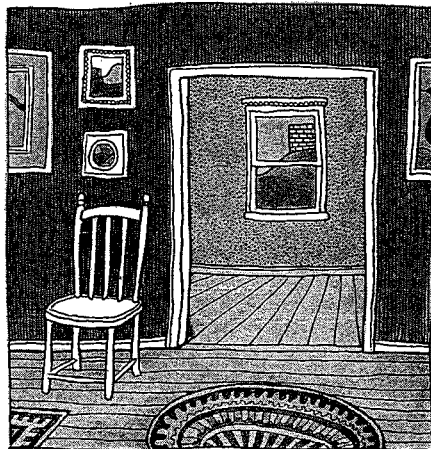
Garry's assertion that twenty-eight members of the controversial black-militant group had been killed by the police was widely reported. On December 7 and December 9, 1969, the New York Times reported as an established fact, without giving any source for the figure or qualifying it in any way, that twenty-eight Panthers had been killed by police since January, 1968. (These stories were disseminated throughout the country to over three hundred newspapers and news agencies that subscribe to the Times wire service.) On December 9, 1969, the Washington Post stated flatly, "A total of 28 Panthers have died in clashes with police since January 1, 1968." In a later article, the Post declared, "Between a dozen and 30 Panthers have been killed in these confrontations." (About two hundred newspapers subscribe to the Post's wire service.)

On the basis of what had been reported about the police killings and pre-dawn raids, civil-rights leaders expressed an understandable concern. Roy Innis, director of the Congress for Racial Equality, called for an immediate investigation of "the death of 28 Black Panther members killed in

clashes with the police since January, 1968." Ralph Abernathy, who succeeded Martin Luther King, Jr., as the chairman of the Southern Christian Leadership Conference, attributed the death of Panther leaders to "a calculated design of genocide in this country." Julian Bond, a member of the Georgia state legislature, said, "The Black Panthers are being decimated by political assassination arranged by the federal police apparatus." And Whitney Young, executive director of the National Urban League, urgently requested the Attorney General to convene federal grand juries in those "jurisdictions where nearly 30 Panthers have been murdered by law-enforcement officials."

Garry's theory about "a national scheme . . . to destroy" the Black Panthers was also taken up by the press. Pointing to a "growing feeling (particularly in the black community)" that the "Federal Administration has had a hand in the recent wave of raids, arrests and shoot-outs," an article in the Times by John Kifner concluded that statements made by officials of the Nixon Administration "appear to have at least contributed to a climate of opinion among local police . . . that a virtual open season has been declared on the Panthers." Time reported, on December 12, 1969, that "a series of gun battles between Panthers and police throughout the nation" amounted to a "lethal undeclared war," and concluded, "Whether or not there is a concerted police campaign, the ranks of Panther leadership have been decimated in the past two years." In the very next issue, Time, repeating Garry's claim that "28 Panthers have died in police gunfire," asked, "Specifically, are the raids against Panther offices part of a

national design to destroy the Panther leadership?" The answer was more or less left open. That same week, Newsweek began a news report entitled "Too Late for the Panthers?" with the same question: "Is there some sort of government conspiracy afoot to exterminate the Black Panthers?" The article then proceeded to portray a "guerrilla war between the gun-toting Panthers and the police," in which the Panther "hierarchy around the country has been all but decimated over the past year," and concluded that "there is no doubt that the police around the nation have made the Panthers a prime target in the past two years . . ." A few weeks later, Newsweek reported that "the cop on the beat has been joined by Attorney General John Mitchell's Justice Department, which believe the Panthers to be a menace to national security and has accordingly escalated the drive against them"—a drive that "has taken a fearful toll of the Panthers." The Washington Post, noting in an editorial that the "carnage has been terrible" in the "urban guerrilla warfare" between Panthers and police, concluded that "recent events" had given "added currency" to the Panther charge that "there is a national campaign under way to eradicate them by any means, legal or extra-legal." Picking up the theme in his syndicated column, Carl T. Rowan observed, "We have seen this nationally orchestrated police campaign to turn the guns on the Panthers and wipe them out," and referred to an "obvious conspiracy of police actions across the country that has produced the alleged killings of 28 Black Panthers." The Nation, in an editorial titled "Marked for Extinction," asserted, "It is becoming increasingly apparent that a campaign of repression and assassination is being carried out against the Black Panthers." Even a paper as cautious as the Christian Science Monitor, after a telephone interview with Garry, cited the Panther charge of "police murder" and "genocide" and expressed "a growing suspicion that something more than isolated local police action was involved."



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CONFUSION about the alleged murders began to set in early, and on December 21, 1969, the Times reported that Garry had put the number of Panthers killed by the police at twelve, although it later returned to the figure of twenty-eight. While an Asso-

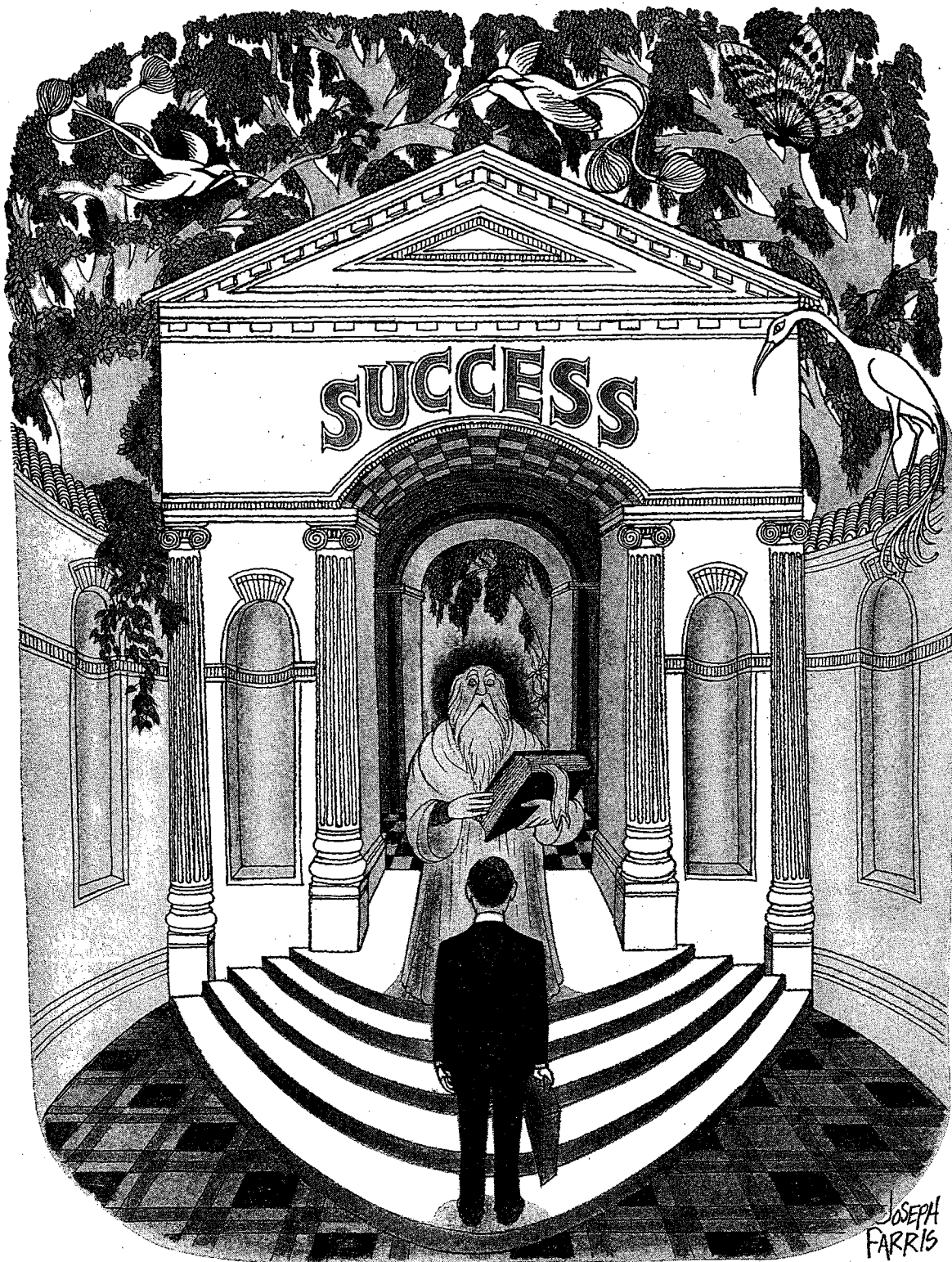
ciated Press dispatch in the San Francisco *Examiner* on December 9th reported that twenty-seven Panthers had been killed by police in "Chicago, Denver, San Francisco, Detroit, and Indianapolis," the United Press International wire service, on December 12th, sent out to its clients a list, provided by the Black Panther Party, of twenty Panthers killed in "cold blood" by police in Los Angeles, Oakland, Seattle,

San Diego, New Haven, and Chicago. (In the list itself, however, only sixteen deaths could actually be attributed to the police.) *Life*, in a single issue—that of February 6, 1970—presented three figures: Eldridge Cleaver, the minister of information of the Black Panther Party, was quoted as saying that police "ambush" had led to "28 murders" of Panthers, but at another point the magazine declared, "So far, in the running

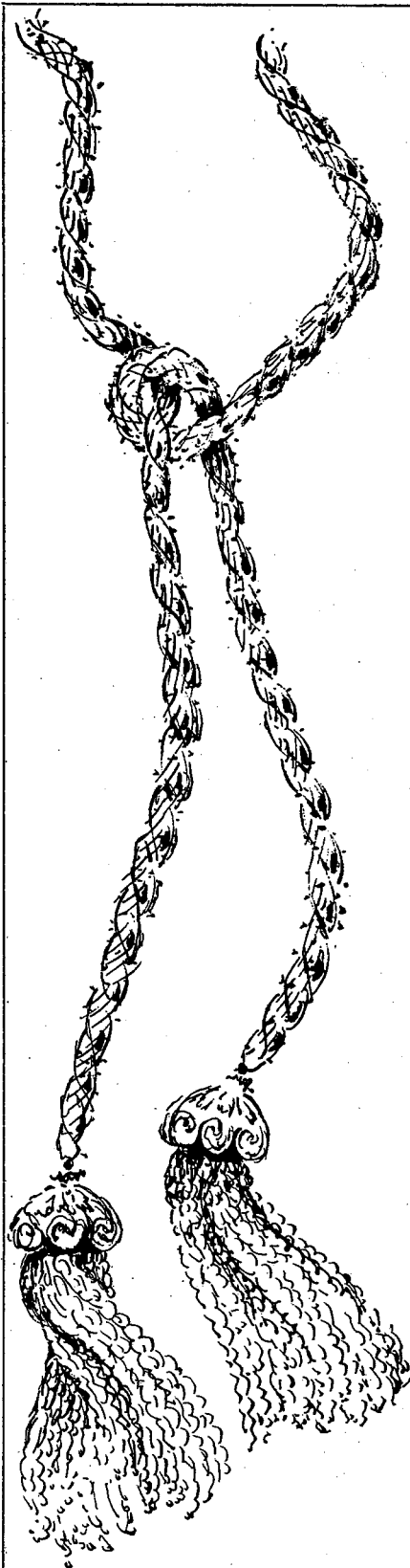
guerrilla war of rooftop sniping, midnight ambush and mass shoot-outs that the Panthers and police have been waging in a number of cities . . . at least 19 Panthers are dead," adding, in parentheses, that "it is uncertain that more than a dozen have died of police bullets." While articles in the *New Republic*, *Ramparts*, and the *New Statesman* have, at various times, put the figure at twenty, an article in *Newsday*

by Patrick Owens, who made a conscientious effort to check out Garry's claims, asserted that no more than ten Panthers had been killed by police. The executive director of the American Civil Liberties Union in Illinois declared, according to the *Washington Post*, that twenty-eight Panthers had died in clashes with police since January 1, 1968, while the Los Angeles branch of the same organization said that it was possible to document twelve cases in which Panthers had been killed in such encounters. In a column in the *Post* a few days earlier, Nicholas von Hoffman had written, "The Panthers alone claim that 28 of their top people have been murdered in the last couple of years, and there is no strong prima-facie reason to disbelieve them."

Even one victim of deliberate police murder would be too many, but if twenty-eight Panthers had been murdered by the police in two years, as Garry claimed and many publications reported, it might indeed represent a pattern of systematic destruction. The implications would be so dreadful that one would expect the figures to be checked out with the utmost scruple. Since the number of Panthers killed would seem to be an ascertainable fact, how can



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such widely differing figures be accounted for?

When A. M. Rosenthal, the managing editor of the *Times*, was asked about the discrepancies in his paper, he explained that the December 7th report, which stated, "Twenty-eight Black Panthers have been killed in run-ins with the police since January 1, 1968," was taken from a December 5th story by the same reporter, which said, "According to Charles Garry... [Hampton and Clark] were the 27th and 28th Black Panthers killed in clashes with the police since January of 1968," and which was itself based on a telephone conversation with Garry. In the December 7th story, the qualifying phrase "according to Charles Garry" had been deleted, Rosenthal said, because "the reporter probably felt the source was unimportant in the second story"—although Rosenthal, in discussing the matter, said that he personally felt that the reporter should not have turned an assertion by an interested party into a fact. The figure of twenty-eight had subsequently been reported as fact because the reporter "inadvertently referred to the first figure," and *this* had happened because "no flag was placed on the error." (Whitney Young's assertion that "nearly thirty Panthers have been murdered by law-enforcement officials" was based on the *Times*, according to his research assistant, and the *Times* was then able to report in a Sunday summary that the charge of a "national conspiracy" against the Panthers "has been echoed by more moderate civil-rights leaders.")

Ben Bagdikian, the national editor of the *Washington Post*, also named Garry as the source for his newspaper's assertion that twenty-eight Panthers had been killed by police—though the only "specific documentation"

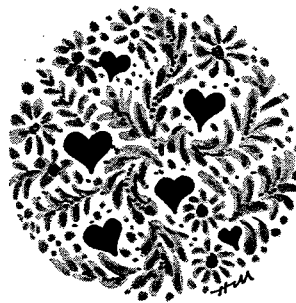
on the subject was the U.P.I. bulletin of December 12th. The U.P.I. bulletin, which went out to more than four thousand subscribing domestic newspapers and broadcasting stations, came from the news agency's San Francisco bureau, which, according to its manager, H. Jefferson Grigsby, obtained the list of "victims of cold-blooded murder by the police" from Panther sources. "There was no further dispatch modifying the December 12th story," Grigsby has noted. Garry's list apparently provided publications such

as the *New Republic*, *Ramparts*, and the *New Statesman* with the "fact" that twenty Panthers had been killed by police (the figure was published without attribution), and *Ramparts*, in turn, furnished an organization called the Committee to Defend the Panthers—whose letterhead included the names of Norman Mailer, I. F. Stone, Ralph Abernathy, Pete Seeger, Ossie Davis, and Gloria Steinem—with what the committee called the "grim statistic" of twenty Panthers dead. Members of another committee concerned with the treatment that Black Panthers were receiving at the hands of the police—this one set up by former Supreme Court Justice Arthur Goldberg and Roy Wilkins, of the N.A.A.C.P.—were widely quoted as saying that "twenty-eight" and "nearly thirty" Panthers had been "murdered" by police, although Norman C. Amaker, the staff director of the committee, conceded that the list on which these statements were based "was compiled at the behest of their national attorney, Charles Garry."

And so it went. Although Garry was certainly an interested party in the controversy over what came to be called the war between the Panthers and the police, it is clear that his assertions were widely accepted at their face value, so even when modifications were made in the lists of casualties it was Garry's story that was being modified, and practically no independent checking was done. How, then, did Garry arrive at his figures? In September, 1970, Garry explained to me that he chose the number

twenty-eight when newsmen called him for a statement after the shooting of Hampton and Clark because that "seemed to be a safe number;" he added that he believed "the actual number of Panthers murdered by the police is many times that figure." When

pressed for the names, however, Garry found he could "document" only "twenty police murders" of Panthers. The list of "twenty murders," which was sent to me from Garry's office, along with a warning that "the facts are not necessarily empirical," actually comprises only nineteen Panther deaths, and one of the nineteen deaths—that of Sidney Miller, in Seattle—is attributed by Garry not to police but to "a merchant who claimed he thought Miller was going to rob the store." In the coroner's records, the



statement of the Seattle police is that "the deceased and an unknown person were robbing the Seven-Eleven store at 8856 35th Ave. S.W., and in the progress of the robbery the deceased was shot with a .38-calibre snub-nosed Smith & Wesson by the store owner, Donald F. Lannoye." Lannoye does not dispute the statement that he fired the fatal shot.

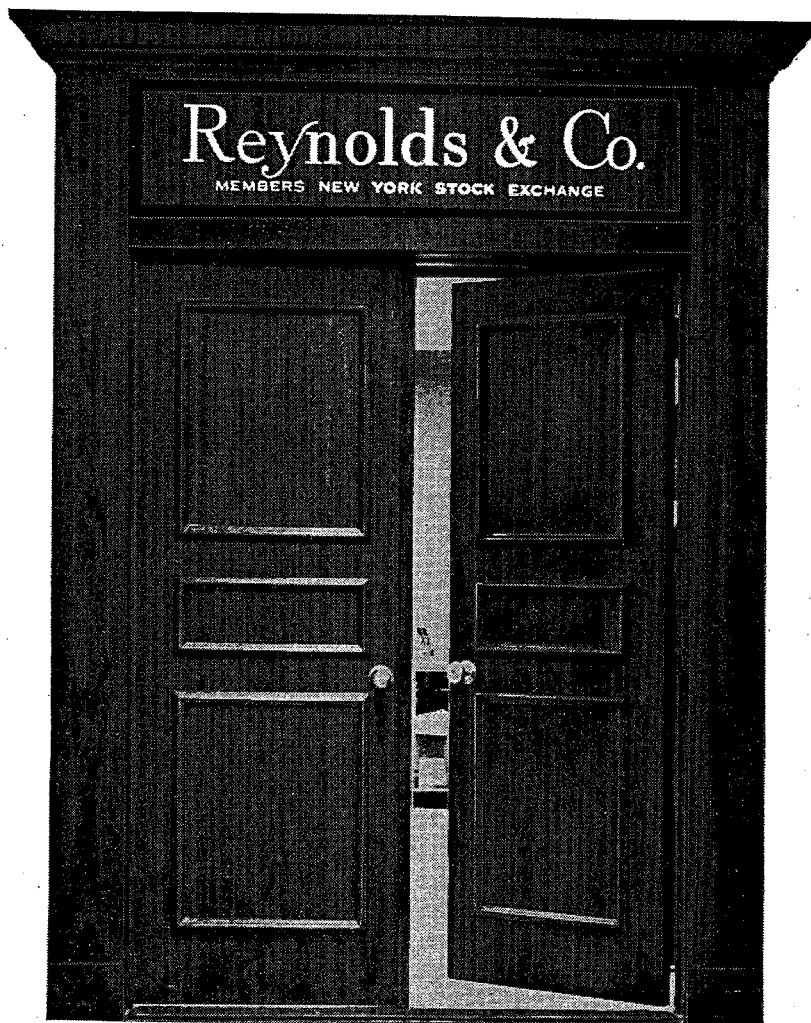
That leaves eighteen "documented" cases involving Black Panthers who Garry claims were murdered by police in pursuance of a conspiracy to "commit genocide upon" the Black Panthers. The way black people in general are treated by the police in our society has become a subject of increasing concern to many citizens, black and white, and, for a number of reasons—including the deaths of Hampton and Clark in Chicago—the idea of a deliberate police campaign against the Panthers may not seem farfetched. But if there is to be an abatement of the fear and near-hysteria that seem to have developed around the question of the Panthers and the police, surely we must begin by getting the facts straight. For this reason, Garry's list of eighteen Panthers allegedly murdered by the police may be worth examining in some detail.

THE CASE OF ALEX RACKLEY

On May 21, 1969, John Mrocza, a twenty-three-year-old factory worker, stopped his motorcycle near a bridge on Route 147 outside of Middlefield, Connecticut, and while walking along the edge of a stream looking for trout saw a "set of legs" and "body" partly submerged. State police were called to the scene by Mrocza, and they recovered from the stream the body of a Negro male whose wrists were tied with gauze and whose neck was encircled by a noose fashioned from a wire coat hanger. An autopsy, conducted immediately afterward, indicated that the man had been severely burned on wide areas of the chest, arms, wrists, buttocks, thighs, and right shoulder and had also been beaten around the face, the groin, and the lumbar region with a hard object before he was shot in the head and chest. The victim, who was subsequently identified by his fingerprints as Alex Rackley, had died, a pathologist concluded, within the preceding twelve to twenty-four hours.

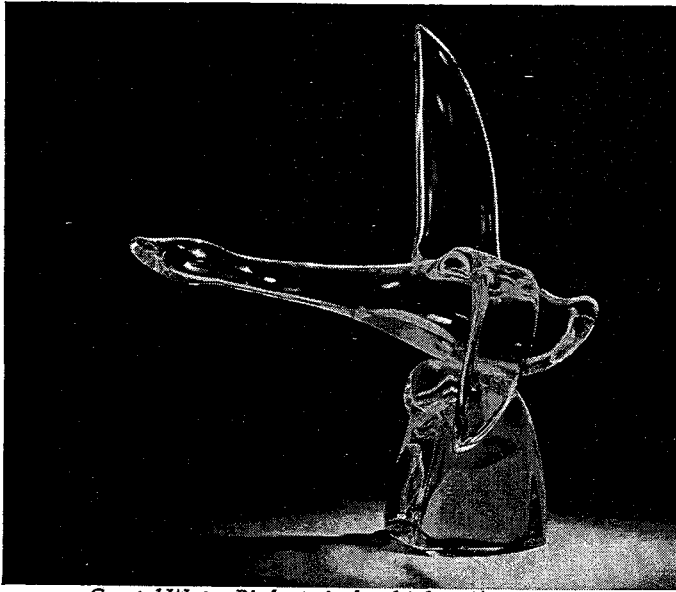
Just after midnight on May 22nd, New Haven police acted on a tip supplied by an informant who identified a Polaroid photograph of the corpse as a man who had been tortured with scalding water in an apartment that served

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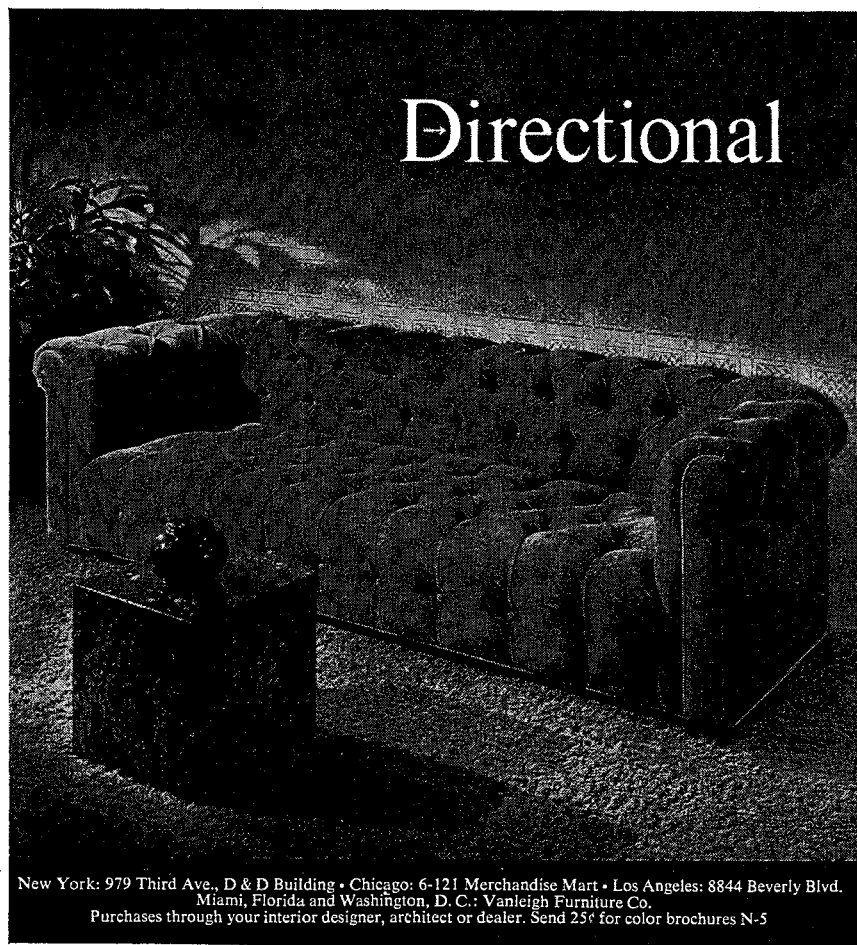
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as Panther headquarters in New Haven. Around 12:30 A.M., they raided the apartment and arrested Warren Kimbro, thirty-five, one of the leaders of the New Haven chapter of the Black Panther Party, and five women members. Eventually, eight other Black Panthers, including Bobby Seale, the national chairman of the Party, were arrested, and all of those arrested, except two who were remanded to a juvenile court, were charged with complicity, in varying degrees, in the kidnapping or torture or murder of Alex Rackley, a twenty-four-year-old member of the New York chapter of the Black Panther Party.

Charles Garry immediately charged that "Rackley was killed by the police or by agents of some armed agency of the government." Holding that the murder victim was in "good standing" in the Party, he further declared, as quoted in *Newsweek*, "We have every reason to believe, and we intend to prove, when the time comes, that Rackley was murdered by police agents."

Even without proof, Garry's version of the events gained wide currency. The U.P.I.'s listing of Panthers alleged by a Party spokesman to have been killed by the police cites "Alex Rackley" simply as "'tortured and killed' by the police in New Haven, Conn., in May, 1969." At Yale, where a national May Day rally was held in the spring of 1970 to support the Panthers charged in the case, William Sloane Coffin, the Yale chaplain, described the trial of the accused Panthers as "Panther repression," and said, "All of us conspired to bring on this tragedy—law-enforcement agencies by their illegal acts against the Panthers, and the rest of us by our immoral silence in front of these acts." At the same time, the president of Yale, Kingman Brewster, Jr., told striking students—who were demanding, among other things, the release of the Black Panthers awaiting trial for Rackley's murder—that he was "skeptical of the ability of black revolutionaries to achieve a fair trial anywhere in the United States," adding, "In large measure, the atmosphere has been created by police actions and prosecutions against the Panthers in many parts of the country."

At this point, the three Black Panther officers who were specifically accused of taking Rackley to the stream near Middlefield, Connecticut, where his body was found had long since admitted their participation in the killing. George Sams, Jr., a twenty-three-year-old Panther who had once held the

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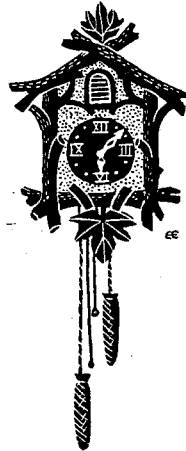


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rank of field marshal in the national Black Panther Party, pleaded guilty to second-degree murder, which in Connecticut carries with it a mandatory sentence of life imprisonment, and testified that in the early morning of May 21, 1969, he and Warren Kimbro and Lonnie McLucas, using a car that McLucas had borrowed, took Rackley, bound and gagged, from Black Panther headquarters in New Haven to a deserted spot off Route 147; there Kimbro, under Sams' direction, shot Rackley in the head with a .45-calibre pistol, and a few minutes later McLucas fired another shot into the body. Sams testified that he was acting under orders from the "national" Party personally given to him by Bobby Seale. Kimbro pleaded guilty to second-degree murder in January, 1970, and testified in open court that he fired the first shot into the back of Rackley's head after Sams said, "Now." Kimbro, however, refused to implicate Seale in the crime, testifying that he himself was asleep at the time Seale was said by Sams to have visited the headquarters. McLucas, twenty-three, a captain in the Black Panther Party and a founder of the Bridgeport chapter, gave the same general account of the killing to New Haven police detectives and F.B.I. agents two days after he was captured in Salt Lake City in June, 1969. During his own trial, at which he pleaded not guilty to the charge of conspiracy, McLucas testified that he drove Rackley, bound and gagged, along with Sams and Kimbro, from New Haven to Middlefield; after Kimbro had shot Rackley, McLucas said, Sams ordered him, McLucas, "to make sure he was dead." McLucas said he then fired a second bullet into Rackley. McLucas, like Kimbro, has not implicated Seale, although he acknowledged under cross-examination that at the time of the killing he believed he was acting under orders from "national headquarters." (McLucas was found guilty of conspiracy to commit murder and sentenced to twelve to fifteen years in prison.)

The testimony of Sams, Kimbro, and McLucas was consistent with physical evidence that has not been contested in various legal proceedings having to do with the case—a .45-calibre pistol that the police found in Panther headquarters on the night of the raid ballistically matched the bullet and the bullet casing found at the scene of the

murder, and fingerprints found on the car that McLucas borrowed that night matched those of Sams and Rackley—and also with the statements of other Panthers who were present in the apartment on the night of the killing. For example, Loretta Luckes, who had stood guard over Rackley while he was tied to a bed in the Panther headquarters for two days, described, in testimony during bail hearings, having helped to dress Rackley on the night of the murder while Sams and Kimbro stood over him with a pistol and rifle (because, one Panther said, "he might go crazy"); then, she said, "Lonnie [McLucas], Warren Kimbro, and George Sams" went "out the door" with Rackley.



It may be that McLucas, Kimbro, and Sams were acting under orders from Seale or the national Black Panther Party, or it may be, as much of the testimony in the legal proceedings to date indicates, that some wildly irrational suspicions about Rackley turned an interrogation session into torture and murder. But the fact remains that Rackley was shot not by the police but by two officers of the Black Panther Party, and since both have refused to implicate Seale, the suggestion that they might be "police agents" seems shaky at best. Perhaps Seale's trial for conspiracy now going on in New Haven will shed further light on the motive for the killing, but even at this stage of the legal proceedings it is difficult to take seriously Garry's inclusion of Rackley in his list of Panthers killed by the police.

THE CASE OF NATHANIEL CLARK

Nathaniel Clark, Jr., a nineteen-year-old Black Panther, is listed by Garry as having been "killed by a police agent" and by the U.P.I., quoting the Black Panther Party, as having been "killed by the police in Los Angeles." He was killed by his wife, who told investigating officers that she had shot her husband in self-defense with his revolver after he had, in her words, "shot up with heroin and beat me up." Because of her age, seventeen at the time, the case was remanded to a juvenile court, which adjudged the death to have resulted from involuntary manslaughter.

THE CASE OF ARTHUR MORRIS

On March 13, 1968, while out on bail on a charge of conspiracy to com-

mit murder, Arthur Glenn Morris (also known as Arthur Coltrale) was killed by a blast from a 12-gauge shotgun in a friend's back yard. According to the friend's wife, Mrs. Henry Daily, Morris and a companion, Donald Campbell, were in the back yard talking with her husband, who had taken his 12-gauge shotgun out there with him. She heard the men arguing, then heard a volley of shots. Rushing out, she found all three men fatally shot. Apparently, there had been a shootout, in which either Morris or Campbell had shot Daily with a .32-calibre automatic (the gun found at the scene) and he had shot both men with his shotgun. None survived to tell their stories.

THE CASES OF JOHN HUGGINS, ALPRENTICE CARTER, SYLVESTER BELL, AND JOHN SAVAGE

Of the fifteen remaining "homicides" on Garry's list, four Panthers—John Jerome Huggins, Jr., Alprentice (Bunchy) Carter, Sylvester Bell, and John Savage—were actually shot to death, according to both the Black Panther Party and California authorities, by members of US, a rival black-militant organization, headed by Ron Karenga, with which the Panthers had once temporarily allied themselves in a lawsuit against the Los Angeles Police Department.

The dispute began at the University of California at Los Angeles in the fall of 1968, when Ron Karenga attempted to select the director of the Black Studies Program through the Community Advisory Board, of which he was a director. A number of Black Panthers, including Huggins and Carter, who were at that time enrolled in the black section of the "high-potential" program, vigorously opposed Karenga's attempt, despite the warning of a Karenga spokesman, who said, "This is not a decision that anybody is going to take out of our hands. . . . Anybody that is involved in this is going to have to come back to the community after dark." Leaders of US said that students who accepted Karenga's hand-picked director would be given "protection" against Panther reprisals. On January 17, 1969, some hundred and fifty members of the U.C.L.A. Black Students Union met in Campbell Hall on the U.C.L.A. campus to resolve the dispute over the directorship. Five members of the elite guard of US—known as Simbas, after the word for "lion"

in Swahili—were present. Shortly after noon, in the student cafeteria, Huggins and Carter cornered a young Simba named Harold Jones, who had been accused of manhandling a female Panther earlier in the day, and began pummeling him. Suddenly another Simba, dressed in a dashiki, stepped up behind Huggins and fatally shot him in the back. A gun battle ensued, in which Carter was also shot to death before the Simbas fled.

Black Panthers who had been present at the meeting were reluctant to supply information at first, but they cooperated fully with the police and the prosecutor in identifying the assailants and finding witnesses after the prosecutor spoke to Garry, who, the prosecutor later reported, "instructed the local Panthers to help us in our investigation." Two of the Simbas, George Phillip Stiner and Larry Joseph Stiner, were brought to trial on charges of conspiracy to commit murder, were convicted, largely on the basis of the testimony of five Black Panther witnesses, and sentenced to life imprisonment. A third Simba, Donald Hawkins, was also convicted of conspiracy to commit murder, and was sentenced to an indefinite term in the detention program of the California Youth Authority. Two other Simbas indicted in connection with the same killings—Harold Jones and Claude Hubert, who are alleged to have done the actual shooting—are still fugitives. (Karenga, who was on a speaking tour of Eastern cities at the time of these shootings, was subsequently arrested and indicted in Los Angeles on torture charges in another case.)

In the aftermath of the gun battle in Campbell Hall, two more Black Panthers were killed by members of the US organization, according to both the Black Panther Party and the police. "At about 3:30 P.M. on May 23rd in San Diego, California, Lt. John Savage, Black Panther Party, was murdered by a whitewashed Karangatang, a member of the US organization led by Ron (Everett) Karenga," the Black Panther newspaper reported, and it went on, "Mr. Karenga, better known as pork chop, is leading his culturalized pork chops in a futile attempt to destroy the Black Panther Party." The US member who shot Savage was eventually arraigned and pleaded guilty to a charge of manslaughter. A few weeks after Savage's death, another Panther, Sylvester Bell, who was sell-



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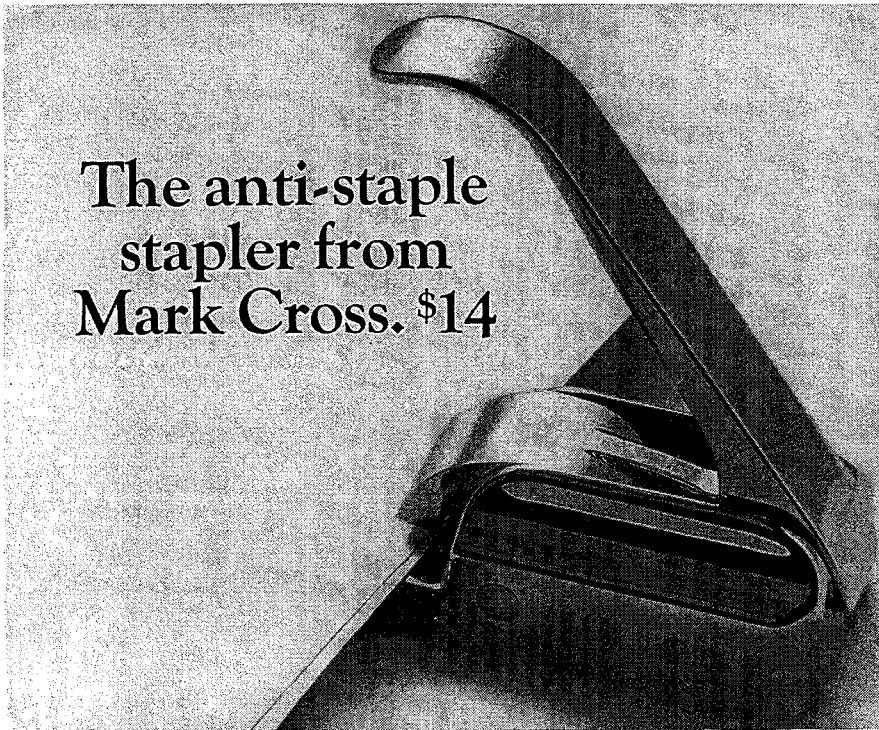
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ing the Black Panther newspaper in Otto Square in San Diego, was approached by three members of US, who, according to the Black Panther account of the incident, asked him, "Are you talking about us this week?" A fight broke out, during which Bell was joined by two fellow-Panthers, and one of the three members of US drew a gun and fatally shot Bell. The San Diego police arrested three members of US and indicted them for murder. One was convicted of murder, and the two others were convicted as accessories. Since Garry himself and the Panthers assisted the authorities in the identification and prosecution of some of those involved in the killings, his subsequent inclusion of these four names in his list of Panthers murdered by the police appears to be disingenuous.

THE CASE OF FRANKO DIGGS

Franco Diggs, forty, who was a captain in the Black Panther Party, was found fatally shot in the Watts section of Los Angeles on December 19, 1968. No witnesses to the shooting could be found, but the police identified the murder weapon from the bullets as a foreign-made 9-mm. automatic pistol. Almost a year later, when the Los Angeles police crime laboratory was doing routine ballistics tests on eighteen weapons seized in a raid on Black Panther headquarters early in 1969, it was found that one of the confiscated Panther automatics ballistically matched the bullet that had killed Diggs. The chain of ownership could not be established, however, so the owner at the time Diggs was shot could not be identified. According to the police, the crime remains unsolved, but Garry, almost a year after Diggs' death, added his name to the list of Black Panthers killed by police. A doubtful matter at best.

THE ten remaining Black Panthers on Garry's list were in fact killed by the police—five in 1968 and five in 1969. Whether these deaths were deliberate murders carried out as part of what Garry called a "national scheme" to wipe out the Panthers depends, of course, on the circumstances under which each of the deaths occurred.

THE CASE OF LARRY ROBERSON

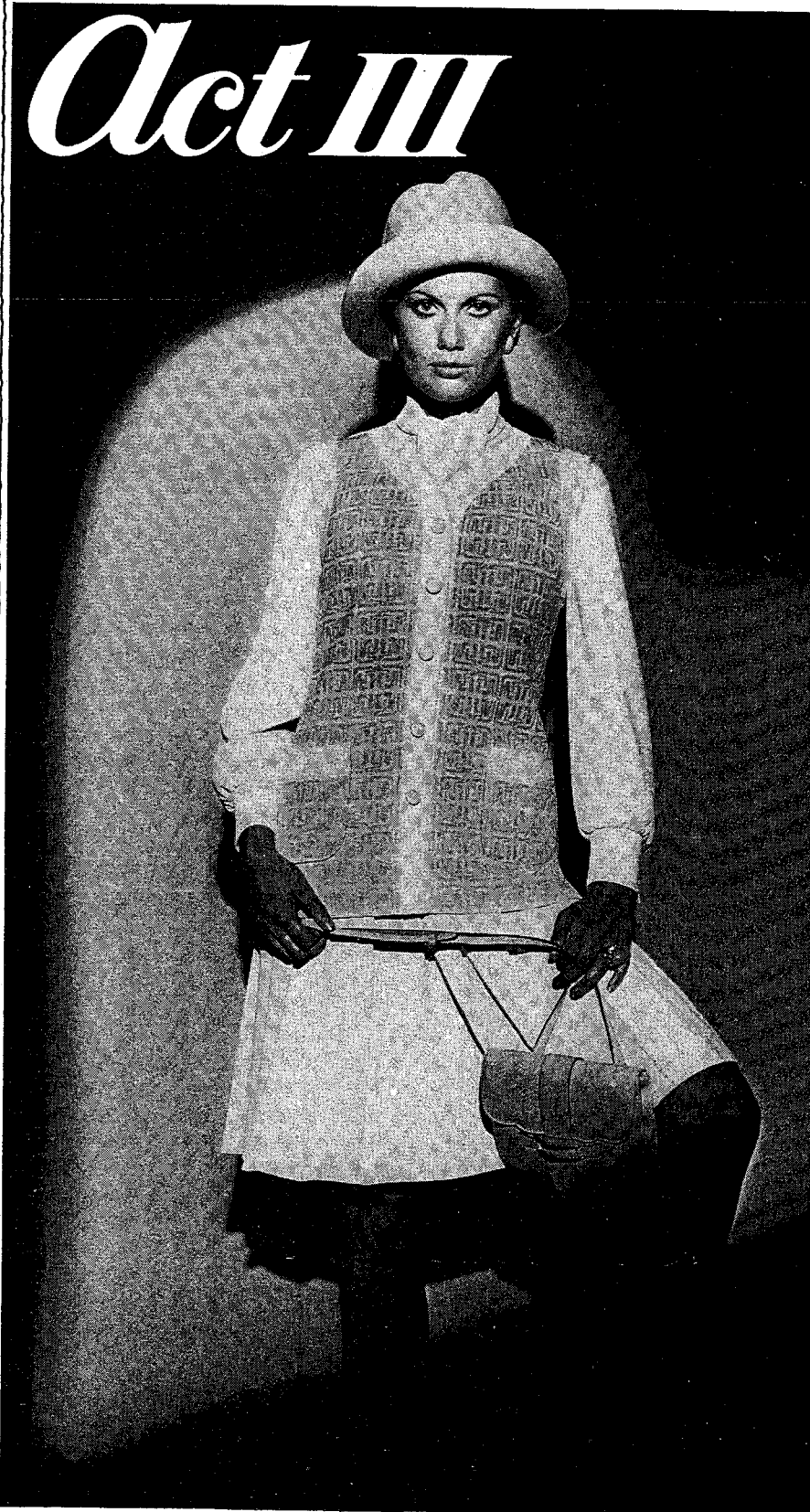
In summarizing the deaths of various Black Panthers, the *Times* quoted "sources in Chicago" as saying that Larry Roberson "died in jail after being wounded in [a] shoot-out during

[a] police raid"—a statement suggesting that he was shot during a planned police action against a Panther office.

The picture of what happened that can be pieced together from police records, independent witnesses, and even the Black Panther newspaper is very different. At 2:01 A.M. on July 16, 1969, the Chicago police received a "citizen's complaint" that a fruit stand had been burglarized at 610 California Street, in the West Side ghetto. A radio dispatcher routinely recorded this information on a computer card used for statistical analysis of complaints and crime patterns, and dispatched the patrol car that his electronic map indicated was nearest to the scene—Car No. 1124, manned by Officers Kenneth Gorles and Daniel Sampila. According to Sampila's subsequent report, the officers arrived at the fruit stand at about 2:05 A.M. and were met by Mr. and Mrs. Burman Jenkins, friends of its owner, who pointed out a hole in the door of the stand. The two policemen, led by Mr. and Mrs. Jenkins, then followed a trail of apples and oranges to a passageway, where they found two empty fruit baskets. While the police were flashing a searchlight around, the group encountered Larry Roberson, twenty-one, and Grady Moore, twenty-eight, who identified themselves as "community leaders," and were told by Sampila to "mind their own business." The group, followed by Roberson and Moore, then returned to the fruit stand, where they were met by the Reverend Edmond Jones, who owned the fruit stand, and another of his friends, the Reverend Clarence Edward Stowers, who was the pastor at the nearby Mars Hill Missionary Baptist Church. A few minutes later, the two policemen and Jenkins were shot. In a statement Stowers made later, he described what happened this way:

Reverend Jones, Mr. Jenkins, myself, and the two officers were standing there talking about boarding up the door. Two men walked up and started looking in the hole in the door and asking what had happened. The officers told them that everything was taken care of and they should leave. One of the men had his hand in his pocket, and the officer shined his light on the man. The man asked him why was he shining the light on him and don't be doing that. Then the shooting started. The officers had their guns in their holsters so it must have been the men that were shooting. One of the officers fell down and the other one got hit in the shoulder. I remember it was only one of the two men that was shooting. He turned and ran up the alley. I don't know where the other one went to. Well, anyway the policeman that had fallen to the ground

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started chasing the man up the alley and lots of shots were fired.

Jones gave a similar account of the incident:

The policeman and Mr. Jenkins told Reverend Stowers and me that they hadn't found anything and that I could nail a board or something across the door. While we were talking two guys came across the playlot from Flournoy Street and started asking a lot of questions. The tall guy [Moore] went and looked in the door and the policeman told them that they had everything under control and for them to go about their business. The tall guy started mouthing at the policeman and then the other guy [Roberson] came up and hollered, "What's happening?" And he started shooting. One of the policemen [Sampila] fell to the ground right at my feet and the two guys started running. The policeman that had fallen by me got up and started chasing the man that was shooting at us. They ran down the alley and I heard more shots.

Mr. and Mrs. Jenkins agreed with this account, Mr. Jenkins adding:

One man shouted something and started shooting... after the first shot one officer fell to his knees, the second shot hit officer Gorles, and the third shot hit me.

Roberson, pursued through the alley, was shot in the ankle, in the thigh, and in the abdomen by Sampila before he surrendered. According to the Chicago crime laboratory, the bullets that struck Gorles (in the left shoulder and collarbone), Sampila (in the head), and Jenkins (in the right side) all came from a .38-calibre snub-nosed Smith & Wesson taken from Roberson. This turned out to be a stolen weapon. Roberson was arrested on charges of attempted murder and was admitted to the Cermak Memorial Hospital, where he underwent surgery. Seven weeks later, he contracted jaundice and died in the Cook County Hospital.

A somewhat different version of the incident was provided by the Black Panther newspaper, which reported, in August:

On July 17, 1969, two brothers in the Illinois chapter of the Black Panther Party were returning to their community after finishing a day of revolutionary work for the people's Party. On this particular night they noticed the pigs had nine brothers on the wall next to a storefront, harassing them. Five of the brothers were in ages ranging from 50-62 years old. The pigs claimed they were answering a burglary in process call. Can you imagine men 50-62 years old burglarizing a store in their own community? Well, after investigating the matter and coming to the conclusion that this was just another racist act of harassment committed by the pigs on the people, Larry Roberson and Grady Moore walked

over to the scene where the majority of the people had gone and asked an officer what was going on. The pig then demagogically replied "This is none of your damn business." Br. Larry then stated "I am a member of this community and even by your laws I have the right to know what's going on." The crazy pig then said "Smart bastard, you're under arrest for disorderly conduct." The people of the community immediately got between Larry and the pigs, and the pig drew his gun and ordered them aside while his pig partner radioed for help. Larry then (with the instructions from the people) was told to go home because the people hadn't seen him do anything, so he and Grady started away and the pig deliberately shot Larry in the leg. Grady grabbed Larry to help him to try to escape with his life. This whole area was sealed off with crazy, drunk, inhuman pigs. Larry was then cornered in an alley, unarmed and wounded. As the pig approached him, he oinked "I'll teach you and your partner how to interfere with pig matters." He then aimed at Larry's head. It was true that Larry was unarmed, but being a Panther and a stone revolutionary, he had educated the true power—the people. As the pig was ready to squeeze the trigger, the power of the people was demonstrated. A voice quoted Huey: "You racist pigs must withdraw immediately from the black community and cease this wanton murder and brutality of black people or face the wrath of the armed people." Then, the shots from the people rang out from everywhere for about 30 seconds; then it ceased. One pig shot in the head and one pig shot in the shoulder. Larry and Grady then started to make it when more pigs arrived. Larry and Grady turned and raised their hands. The pig that was shot in the shoulder raised his gun and shot Brother Larry in the stomach, thigh and leg trying to kill him. Grady evidently escaped death when the people in the community came out to witness the action... Larry Roberson is proven to be a true revolutionary not by words but by deeds. He has shown his love for the people. He put his life on the line and in return the people released some revolutionary power.

The statements that Roberson was unarmed and that the "people" did the shooting were contradicted by a subsequent report in the Black Panther newspaper, which said that "determined to defend himself even after being shot, Larry managed to get his gun out and wound two of the attacking maniacs." But the Panther version and the police version actually agree in a number of significant respects: the encounter was accidental; the Panthers approached the police rather than the other way around; and two police officers were shot *before* Roberson was seriously wounded in the abdomen.

THE CASE OF BOBBY HUTTON

According to *Life*, Bobby Hutton, the seventeen-year-old minister of finance of the Black Panther Party, was

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killed and Eldridge Cleaver was wounded in an "Oakland police ambush" in 1968. The *Times* quoted Garry as attributing Hutton's death to a "police ambush."

Shortly after 9 P.M. on April 6, 1968, Officers Nolan R. Darnell and Richard R. Jensen, while on routine patrol in the area of Oakland, California, that is predominantly inhabited by blacks, stopped their patrol car on Union Street next to a parked 1954 Ford when they caught a glimpse of a man crouching at the curb side of the car. In their report, they said that they suspected he might be trying to steal it. Moments later, while investigating the situation, both officers were hit by bullets fired from behind them. Afterward, forty-nine bullet holes were found in the police car, the rear window had "two large areas shot inward," and the side windows and the open door, next to which Darnell was standing at the time, had also been hit numerous times. According to medical reports prepared by Dr. William Mills, Jr., of Samuel Merritt Hospital, Darnell was wounded in the "upper right back." Jensen, apparently hit by a blast from a 12-gauge shotgun, suffered multiple wounds in the "lower right back," in the "right arm," and in the "right ankle and foot." According to Darnell, a number of men armed with shotguns and rifles ran from cars parked behind and ahead of the 1954 Ford, some of them through an alley into the block across the street, while Darnell urgently called for help on the police radio.

An account of the incident in the Black Panther newspaper said, "Several Panthers in cars in West Oakland on Saturday night, April 6th, were approached by two pigs and menaced with guns. When the Panthers tried to defend themselves, shooting began, and the Panthers ran into a nearby house. . . . Two pigs were wounded slightly." Four Black Panthers gave statements to the police in which they said that they had been patrolling the neighborhood with guns, in three cars, "to protect Negroes against police brutality," and had just parked their cars on Union Street in order to stow their weapons in a nearby house when the patrol car pulled up, but the four disclaimed any knowledge of how the shooting began. Cleaver later said in an interview that was published in the San Francisco *Chronicle*, "I don't know how those cops got shot. There were so many bullets whizzing around maybe they shot themselves."

In any event, after the two police-

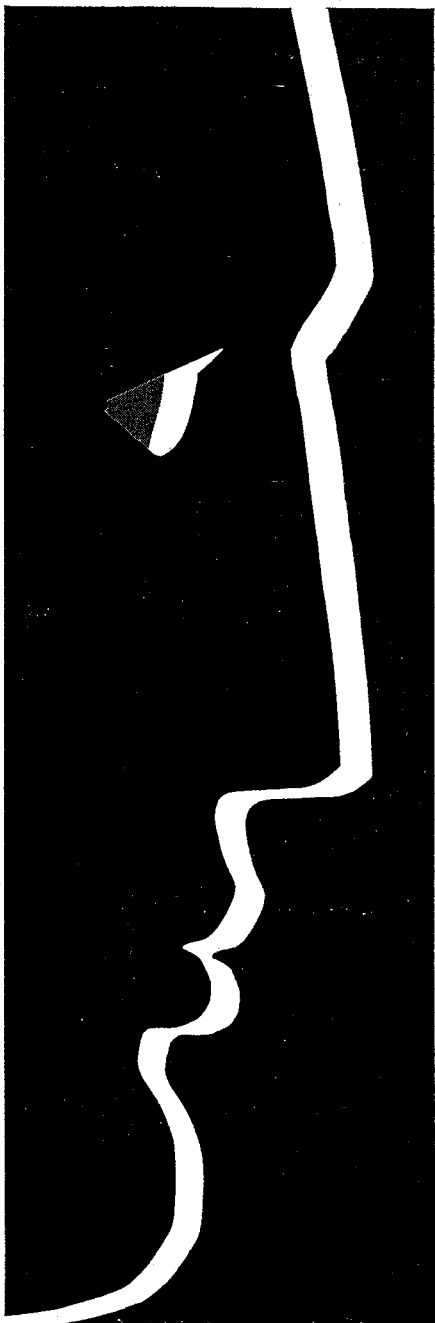
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men were shot, police from other parts of West Oakland and even from nearby Emeryville, responding to the radio alarm, surrounded a building on Twenty-eighth Street that the Panthers had entered, and there ensued a ninety-minute gun battle, in which a third policeman was wounded. Finally, after an exploding tear-gas canister had set fire to the building, two Panthers emerged: Cleaver, naked, and wounded by a tear-gas shell, and Hutton, fully clothed. According to police witnesses, Hutton suddenly bolted down Twenty-eighth Street, whereupon at least half a dozen policemen opened fire, fatally wounding him. Cleaver, in the *Chronicle* interview, gave a different version of the shooting of Hutton. He admitted that Hutton had fired some shots at the police, but said that he himself "took Bobby's gun and threw it out"—out the window, that is—and that they both came out unarmed. "The cops told us

to get up and start running for the squad car," Cleaver continued. "Bobby started running—he ran about ten yards—and they started shooting him." The grand jury, after hearing thirty-five witnesses, concluded that the police had "acted lawfully," shooting Hutton in the belief he was trying to escape.

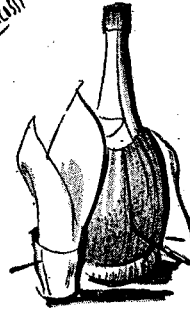
Eight other Panthers, including Cleaver, who were allegedly involved in the shooting of the policemen were arrested that night and then were released on bail. Two of the eight were subsequently convicted of assault with deadly weapons; one was released to a juvenile court; one was tried and convicted for an unrelated armed robbery and sent to state prison; one, Cleaver, jumped bail and fled the country; two others, with the juvenile, are now on trial in Oakland; and other cases are still pending.

THE CASES OF STEVEN BARTHOLOMEW, ROBERT LAWRENCE, AND THOMAS LEWIS

At about 4:45 P.M. on August 5, 1968, in a predominantly Negro section of Los Angeles, three Black Panthers were fatally shot and two policemen were wounded, one critically, in a shootout at Ham's Mobil Service Station.

Fifteen minutes earlier, Police Officers Rudy Limas and Norman J. Roberge were on a routine patrol when, according to their reports, they saw a black 1955 Ford with four men in it

start up a private driveway, stop suddenly, then back down the driveway. Finding the movements suspicious, the policemen began following the Ford, whose occupants, Limas noted, kept "looking back." Limas then called the police communications center on the patrol car's radio and gave the Ford's license number, to ascertain whether it had been reported stolen. Before a reply could be received, the Ford pulled into Ham's service station and stopped by a gas pump. The police car stopped a few feet behind it, and Roberge, according to his statement, asked the driver of the Ford for his license. The driver, Roberge reported, "replied that he didn't have any driver's license," whereupon Roberge "instructed the driver to go back to the police car and place his hands on top of the police car." Roberge then ordered the three other suspects out of the Ford and over to the police car. "At this time," Roberge stated, "the suspects



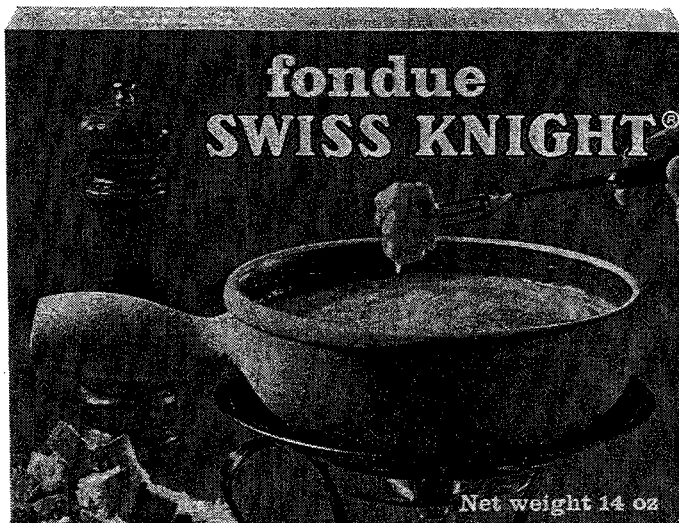
were standing in a row facing the police vehicle"—between the two police officers.

Limas gave the following description of what happened next: "Suddenly the guy in front of me, who I think was wearing a yellow shirt and dark pants, spun around and pointed a gun at me, and the others moved at the same time. The guy in the yellow shirt said, 'O.K., m—f—' and then he shot me." According to medical reports and testimony, Limas was shot in the abdomen and the thigh, with a bullet lodging in the hip. Roberge stated, "As I walked toward the police vehicle, I saw my partner, Officer Limas, standing to the left rear of the police vehicle on the other side of the group, facing me. Suddenly I heard some shots and I was knocked to the ground." According to the medical evidence, Roberge was shot in both legs. In the gun battle that followed, Limas fatally shot "the guy in the yellow shirt" and a second suspect, who was "trying to load a 9-mm. pistol," and Roberge "emptied" his gun at a third suspect. The fourth man who had been in the car fled on foot.

There were two independent witnesses to the shooting—the service-station attendants, Shoji Katayama and Eugene Oba. Katayama, who explained that he was "standing by the pumps . . . a few feet east of the Ford," also stated in a deposition:

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were 4 Negroes in the Ford. The driver and front passenger both got out and opened the hood of the car. The two officers immediately got out and ordered all four to the police car with their hands leaning on it. The driver of the Ford looked like to me he hesitated a while and was smoking a cigarette. As the driver with the cigarette came to the car, the Mexican officer [Limas] ordered him not to put out the cigarette [near the pumps], and at that point [I] heard a couple of shots and I looked up and saw the Mexican officer on the ground and the male Negro with the khaki shirt (Army type) with the gun in his hand. . .

The other attendant, Oba, had been returning to the office when the shooting began. He gave a similar account of the incident, adding only that after the first round of shots he "saw the Caucasian officer [Roberge] shooting at the Negro men."

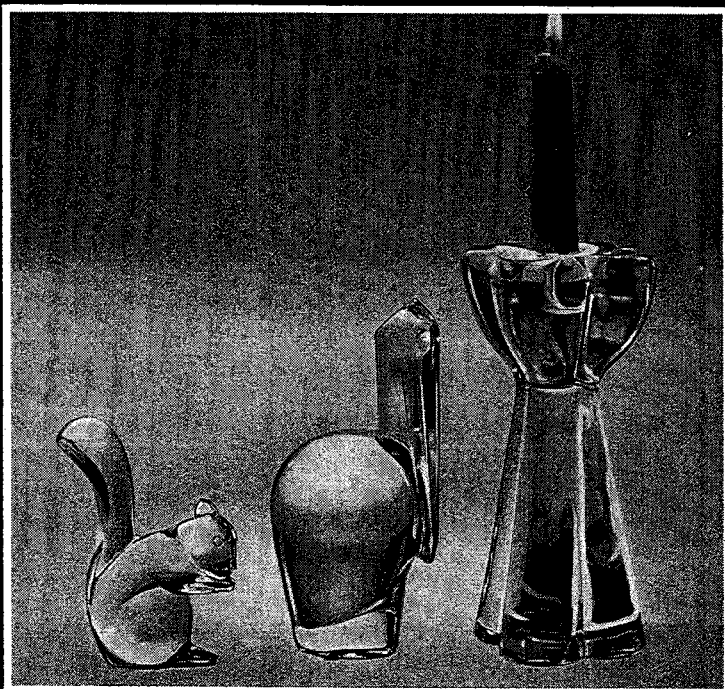
When the shooting stopped, a few minutes later, three men were dead or dying—Thomas Melvin Lewis, eighteen, "the guy in the yellow shirt;" Robert A. Lawrence, twenty-two; and Steven Kenneth Bartholomew, twenty-one. The Black Panther Party stated that they were all Black Panthers. The fourth suspect, who was subsequently identified by his palm prints on the police car as Anthony Reno Bartholomew, the nineteen-year-old brother of Steven, later surrendered voluntarily to a judge, and was arraigned on two counts of assault with intent to commit murder. Anthony Bartholomew's lawyer, Gary Bellow, a well-known civil-rights attorney who has handled a number of Black Panther cases in Los Angeles, noted in a memorandum filed with the court, "There is no dispute that the police officers, Norman Roberge and Rudy Limas, were criminally assaulted on August 5, 1968," but went on to argue that his client had not in fact taken part in the gun battle. Anthony Bartholomew was found not guilty.

THE CASE OF WALTER POPE

Walter Touré Pope, whom Garry listed simply as "killed by Metro Squad," was shot to death by Officer Alvin D. Moen in a vacant lot across from the Jack-in-the-Box drive-in restaurant in Los Angeles on October 18, 1969.

On that night, Officer Moen and his partner, Officer Don Mandella, were assigned to a robbery stakeout of the Jack-in-the-Box, which had been robbed fourteen times in the previous seven months. Sitting in an unmarked car, which they had parked in a lot across the street from the restaurant, the officers began their watch shortly

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after dark. At about 10:45 P.M., Moen later testified, he heard a noise behind him and "turned around and saw a man standing with what appeared to be a burp gun . . . pointed in my direction." Shouting, "Look out!" to Mandella, Moen, who was sitting behind the wheel, drew his service revolver. Then, according to his testimony, the man fired a shot, and Moen returned the fire. Suddenly, from the other side of the car, there came what Moen called "another loud explosion," which he identified as a shotgun blast. According to medical reports, Moen was hit in the back of the right shoulder and the back of the left hand by shotgun pellets. Although he was badly wounded, he managed to get out of the car, empty his revolver at the man with the burp gun, and then run to the restaurant for help. Mandella gave a similar account, testifying that after his partner shouted, "Look out!" two shotgun blasts were fired into the car from the passenger side as the man with the burp gun approached from the opposite side. Mandella then turned and fired three shots at the assailant with the shotgun, who fled. Picking up the microphone, he urgently requested assistance, saying that he and Moen had been "ambushed." When other policemen arrived, they found Walter Touré Pope, twenty, who was subsequently identified by the Black Panthers as their "distribution manager" for Los Angeles, shot to death beside the police car. He had a two-inch revolver tucked in his belt, and there was a .30-calibre carbine, or "burp gun," lying under his left arm. A sawed-off shotgun, both barrels of which had been fired, was found a few feet behind the police car. (Another Black Panther, Bruce Darryl Richards, eighteen, was arrested later that night at the U.C.L.A. Medical Center, where he was being treated for bullet wounds, and was charged with taking part in the assault. He pleaded not guilty but was subsequently convicted on two counts of assault with intent to commit murder.)

The only witnesses to the shooting were those who took part in it, and thus the question of who shot first may be open to doubt—although the medical evidence that Moen was hit by a shotgun blast in the back would seem to suggest that the police were approached from behind.

THE CASE OF WELTON ARMSTEAD

In Seattle, at about 4:10 P.M. on October 5, 1968, Welton Armstead, seventeen, was shot to death by a police officer in front of a house at 1706

"I'LL HAVE DRY SACK ON THE ROCKS"

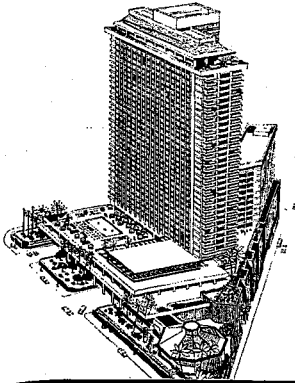


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Melrose Avenue. A few minutes earlier, Officers Erling Buttendahl and Charles Marshall, on a routine patrol, had received a radio message directing them to help Car No. 128 in a stolen-auto case at 1700 Melrose Avenue. When they arrived on the scene, they helped the policemen in Car No. 128 apprehend two of three suspects they had been pursuing. According to Buttendahl, while he was searching for the third suspect he came around the side of a house and was confronted by a man, later identified as Armstead, a Black Panther, standing next to the garage, "holding a rifle with both hands and pointing it" at him. According to the coroner's report, the armed man was asked four times to "drop the rifle" but refused to do so; instead, with one hand he grabbed the barrel of Buttendahl's revolver, raising his rifle with the other, whereupon, Buttendahl says, he himself fired, hitting Armstead in the midsection. An inquest jury, after hearing fourteen witnesses and considering the medical evidence, ruled the shooting "justifiable homicide." Garry does not dispute the fact that Armstead faced Buttendahl with a rifle.

THE CASE OF SPURGEON WINTERS

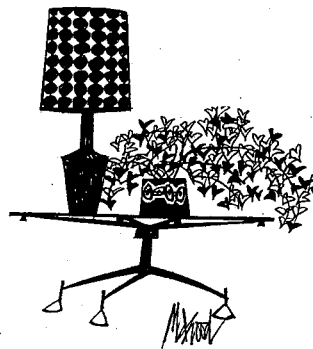
On November 13, 1969, Spurgeon (Jake) Winters was shot to death by police on Martin Luther King Drive on Chicago's South Side. Earlier that evening, James Caldwell, a black prison guard at the Cook County Jail, had told his wife, Ruby, that he needed some money to rent a room for the night, because "some guys are looking for me and they want to kill me." The night before, he had been in a brawl outside the Rumpus Room tavern with Lawrence (Lance) Bell, a Black Panther, and had taken Bell's gun from him, and he feared reprisal from Bell and his friends. A few hours after Caldwell parted from his wife, someone entered the building where they lived and began pounding on apartment doors and calling Caldwell's name. Looking out a front window after the pounding had stopped, Mrs. Caldwell saw what she subsequently described as "four or five men leaving my building . . . one of them . . . carrying a long gun." She then went across a connecting porch to her sister-in-law's apartment in an adjacent building, where she asked a friend, Lee

Wesley, for advice. Wesley said, she later told police investigators, that she "didn't have any choice but to call the police," because "if James came back they would kill him." Wesley himself then called the police.

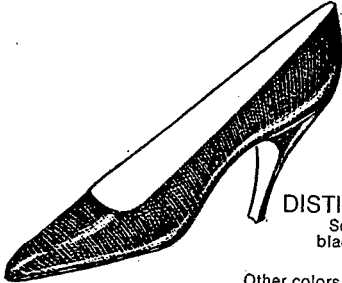
At 2:49 A.M., a police dispatcher received a report that there were "men on the street with shotguns," and at 2:53 P.M., according to the police computer cards and radio tapes, the dispatcher ordered the nearest patrol car, No. 226, manned by Officers John Gilhooly and Michael Brady, to 324 East Fifty-eighth Street, the sister-in-law's apartment. Three other policemen joined them at the sister-in-law's apartment, which was at the rear of the building, and all five were then taken, across the connecting porch, to Mrs. Caldwell's apartment, where, from the front window, Mrs. Caldwell and Wesley pointed out to them three men lurking in an abandoned building across the street. Leaving by the front door, the policemen crossed over to the vacant building, and Gilhooly started to go in through a gangway. Mrs. Caldwell stated, "We could hear the policeman by the gangway shouting 'Halt!' about three times. Then we heard a loud shot, and it sounded louder than a pistol shot. Then we heard some more shots. . . . Then we saw the policeman come out of the gangway. He was saying 'Oh! Oh!' and he was holding his face." Gilhooly was fatally wounded, a shotgun blast having severed his carotid artery and his jugular vein; Brady had suffered minor lacerations of the forehead from the ricochet of a shotgun blast.

Mrs. Caldwell called the police to report that a policeman had been shot. At 3:04 A.M., the dispatcher put out an emergency call: "Police officer needs help." Twenty-one patrol cars in the area immediately responded.

Another policeman was wounded almost immediately by shotgun blasts, according to police reports, and one police car was "demolished" by carbine fire. One of the gunmen, who was allegedly carrying a carbine, and who was later identified as Bell, was shot in cross fire, and was captured. Meanwhile, three policemen had chased another man, carrying a shotgun, down an alleyway paralleling Martin Luther King Drive. He wounded all three and, taking refuge under the porch of a house on the Drive, shot another policeman,



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Frank Rappaport, in the chest and head, killing him, and wounded another. Two policemen, including the one who had just been wounded, emptied their revolvers at him, fatally wounding him. The dead gunman was later identified as Spurgeon (Jake) Winters. In all, two policemen were killed and seven wounded or hurt. Bell was indicted by a grand jury for murder. The case is pending.

The Black Panther version of the incident was similar to the police version in a number of respects. A "special news bulletin" put out by the Illinois chapter stated:

On November 13, 1969, Jake Winters stood face to face and toe to toe, his shotgun in his hand, with Pig Daley's murderous task force. He defied political power by blowing away racist pig Frank Rappaport and racist pig John Gilhooly and retired 8 other reactionary racist pigs before he was shot down.

The Black Panther newspaper reported the shootings this way:

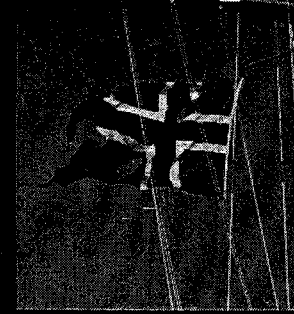
Spurgeon (Jake) Winters, 19, member of the Illinois chapter of the Black Panther party, paid the most that one can pay towards the liberation of oppressed people—his life. At 3:30 A.M., November 13, Jake was murdered in a shoot-out in Chicago where three pigs were killed and seven were wounded. The shoot-out was precipitated by an ambush made by the Standing Army of Chicago (Chicago Police Department) on an abandoned building at 5801 S. Calumet. Arriving on the scene with the armaments and men (more than 1,000 policemen equipped with .12-gauge shotguns, M-1 carbines, .357 magnums, billy clubs, mace, tear gas, paddy wagons, helicopters, and canine units) for domestic warfare against the people in the Black colony, these fanatical pigs started their attack by opening fire on the brother in the building. Party comrade, Lance Bell, 20, was wounded by the pigs as they shot wildly in that area... Jake defended himself as any person should do. In essence, he had no choice; it was kill or be killed.

There may be some room for doubt whether the police were in fact mounting an "ambush," as the Panthers claim, or were simply responding to a call originally issued in the belief that James Caldwell's life was in danger, but the Panthers and the police agree that after the police arrived at least eight policemen were shot before Winters was shot.

THE CASE OF FRED HAMPTON AND MARK CLARK

The final case on Garry's list is certainly the most important one, since it is the one that prompted Garry to speak of a pattern of "genocide." It involves the fatal shooting of Fred Hampton and Mark Clark by policemen attached

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to the State's Attorney's office in Chicago on December 4, 1969. While there may be varying degrees of uncertainty about some of the other deaths on Garry's list, these two unquestionably resulted from a deliberately planned raid on a Black Panther headquarters.

On December 3rd, Sergeant Daniel Groth, a twelve-year veteran of the Chicago Police Department who had been assigned to the State's Attorney's Special Prosecutions Unit, told Assistant State's Attorney Richard S. Jalovec, who was in charge of the unit, that he had received information from a "confidential informer" that a cache of illegal weapons, including sawed-off shotguns, and also riot guns stolen from the Chicago police, was stored in a Black Panther apartment at 2337 West Monroe Street. Having received information from the Federal Bureau of Investigation just the day before that the Panthers had recently moved weapons to that address, Jalovec immediately ordered Groth to plan a raid on the Panther apartment, and Jalovec prepared a search-warrant complaint. Circuit Judge Robert Collins signed a warrant later that afternoon.

Groth and thirteen other policemen assigned to the Special Prosecutions Unit assembled at the State's Attorney's office at four the next morning. They were heavily armed: five had shotguns, one had a Thompson submachine gun, and one—James Davis, one of five black members of the raiding party—carried with him a .30-calibre carbine of his own. The raid was planned for dawn, to achieve the maximum surprise and minimum potential for neighborhood interference, according to Groth's later testimony.

The raiding party arrived at the West Monroe Street apartment in three cars and an unmarked panel truck, and Groth, Davis, and three of the other members proceeded to the front door of the apartment, which was on the first floor; six members went around to the back door; and the three remaining members were stationed at the front of the building. At approximately 4:40 A.M., Groth pounded on the apartment door with his revolver butt. There are markedly different versions of what happened next.

In the police version, which was published in the *Chicago Tribune*, Groth shouted, "This is the police! I have a warrant to search the premises!" and then, after a delay, had Davis kick the door open. The two men entered a small hallway, where they were faced with another closed door. Suddenly, the police said, a shotgun blast

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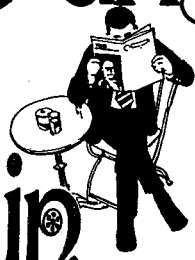


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from inside was fired through this door and "narrowly missed the two policemen." Davis then plunged through the inner door into a darkened living room, with Groth behind him, as a "second round went right past" him. Groth fired two shots at a woman who, he said, had fired the second shotgun blast, while Davis, after also firing at the woman and wounding her, turned and shot to death a man sitting behind him with a shotgun, who was later identified as Mark Clark. Moments later, three of the members of the raiding party who had gone around to the back broke in through the kitchen door of the apartment. Despite a number of calls for a cease-fire from Groth, the Panthers kept firing shotgun blasts, according to the police version of the events, and a "fierce fire fight" ensued, in which Hampton was killed and four other Panthers and one policeman were wounded.

In the Panther version, as it was reported in the *Washington Post*, the police burst into the apartment almost simultaneously through the front and rear entrances, without first identifying themselves, and although no Panthers fired any shots whatever, the police opened fire, also without warning. A Black Panther spokesman was reported in the *Post* to have said that Mark Clark was fatally wounded as he attempted to dodge police submachine-gun fire, and others were wounded. Meanwhile, according to the spokesman, the police entering from the rear went immediately to Hampton's bedroom and fired into it, and Davis then went into the bedroom and fired more shots at Hampton. In *Chicago Today*, the Black Panther spokesman added that "Hampton was murdered in bed while he slept" by a policeman who "must have come in the back door and murdered him with a silencer." A few days later, a private autopsy, performed at the request of Hampton's family, concluded that hours before Hampton was shot to death he had been heavily drugged with Seconal, a barbiturate, which the spokesman deduced had been administered by a "pig agent" before the raid. The independent autopsy also concluded that the bullet that killed Hampton was missing, for the Panthers' pathologist found an entrance wound in the head but no exit wound and no bullet in the head. Lawyers for Panthers inti-

ated that the missing bullet had been secretly extracted and disposed of by the police, because it constituted evidence of murder.

A third version was rendered by a federal grand jury that had been specially empanelled to investigate the December 4th shootings. After having all the physical evidence recovered by both the police and the Panthers analyzed by the F.B.I. Laboratory in Washington and evaluating additional ballistic evidence uncovered by the F.B.I., and after hearing all the witnesses willing to testify, the grand jury concluded, among other things, that the Chicago police investigation of the raid was "so seriously deficient that it suggests purposeful malfeasance."

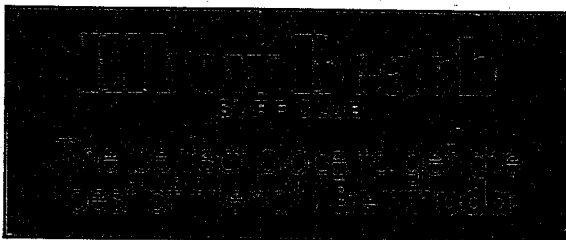
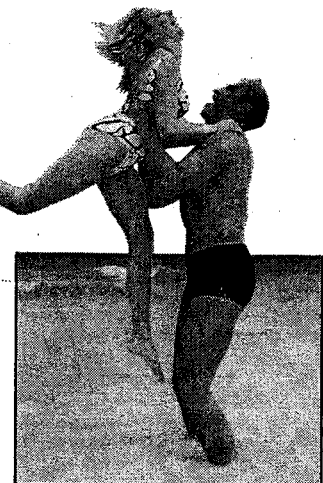
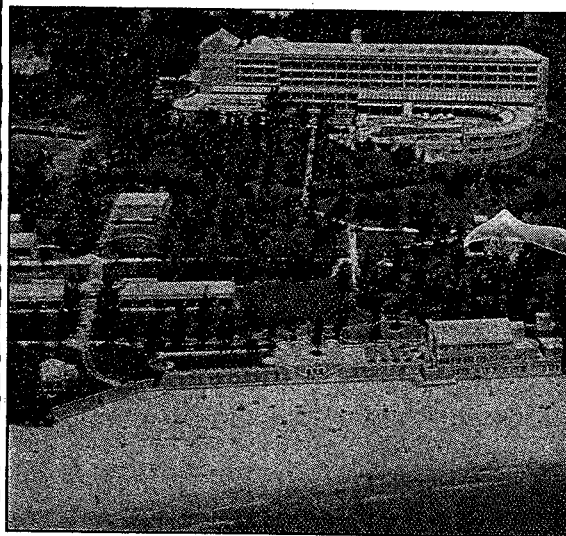
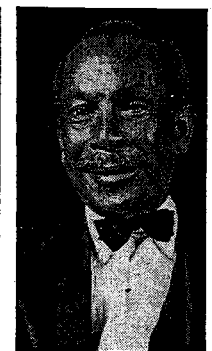
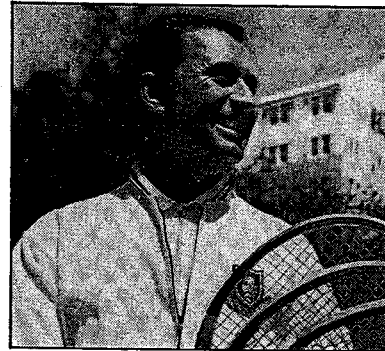
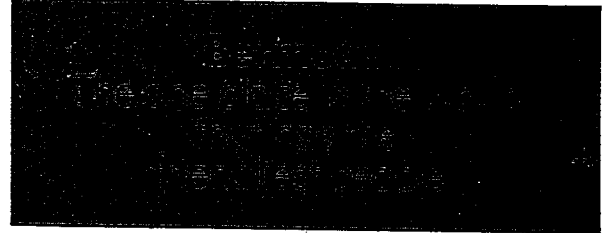
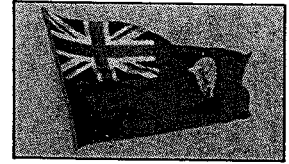
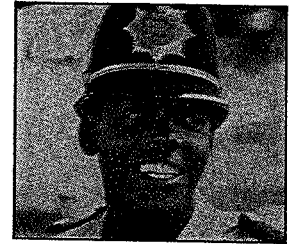
When Groth and Davis forced their way in through the inner door, according to the grand jury's assessment of the events, a 12-gauge slug was fired from inside the apartment and passed through that door as it swung open to a forty-five-degree angle. There were indications that the shotgun was no more than fifteen inches from the opening door. A 12-gauge slug found at the scene proved consistent with a shotgun that was next to Mark Clark's body and was stained with blood of Clark's type; the slug was also found to match the hole in the door. Moreover, an empty shell found nearby was "positively identified" as having come from the shotgun. Piecing together the physical evidence, the jury posited that Mark Clark, sitting behind the door, fired a shotgun blast through the door just as the police burst in. This, however, was the only shot that could be definitely traced to a Panther weapon.




The grand jury concluded that Groth and Davis apparently came in shooting, for one pistol shot had been fired through the door. Davis shot Clark, who was sitting behind the door holding a shotgun, and a woman then in the room, Brenda Harris, who was holding another shotgun. Minutes later, after the officers claimed they heard a shotgun blast from a bedroom adjacent to the living room, the wall between the living room and the bedroom was "stitched" with forty-two shots from a carbine and a submachine gun. One of these bullets passed through the first bedroom into a second bedroom, where it fatally wounded Fred Hampton in the right forehead. Another bullet, appar-

ently from the same volley, since it was travelling at the same angle, struck Hampton in the right cheek, and another struck him in the left shoulder. This last, the only bullet recovered from his body, proved to be a .30-calibre bullet from Davis's carbine. Aside from Hampton and Clark, four of the seven other Panthers in the apartment, as well as one police officer, were wounded by police gunfire in less than twelve minutes after the raid began. Eighty-three empty shells and fifty-six bullets were recovered from the apartment by the police, the Panthers, and the F.B.I., of which all but one shotgun slug and one shell had been fired from police weapons. Although the police steadfastly maintained that at least ten or fifteen shots were fired at them by Panthers, a painstaking reconstruction by the grand jury suggests that, following the first shot by Clark, police entering from the back of the apartment mistook Davis's and Groth's shots in the front of the apartment for Panther gunfire, and the police in the front of the apartment similarly mistook the "return" fire from the rear of the apartment for continuing resistance. According to the grand jury's version, the officers very probably fired through the living-room wall under the erroneous impression that they were in a gun battle with Panthers.

The grand jury also attempted to resolve conflicts between the findings of the Panthers' private autopsy and those of the police autopsy by ordering Hampton's body exhumed and yet a third autopsy performed, by an out-of-state medical examiner in the presence of both a Chicago pathologist from the coroner's office and a pathologist retained by the Hampton family. Two points were clarified by the third autopsy. First, despite the statement of the Panthers' pathologist that there was no exit wound for the fatal bullet that entered Hampton's forehead, this autopsy plainly showed an exit hole in front of the left ear when the sideburns were shaved. Second, the Panthers' claim that Hampton was heavily drugged with Seconal before the shooting was not supported either by this autopsy, which showed "no trace of drugs in the body," or by the report of the F.B.I. Laboratory in Washington, which had also tested the sample used in the Panthers' private autopsy. The toxicologist who performed the analysis for the Panthers told the grand jury that he had not performed the most specific test for Seconal, the gas-chromatography test, but had relied instead on a less sophisticated test, which re-



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quired some "subjective evaluation." In performing the gas-chromatography test on the same sample that the Panthers' toxicologist had used, the F.B.I. found no Seconal or other drugs in the sample but did find deterioration in the blood that could have been partially responsible for a mistaken analysis.

On the basis of the grand jury's meticulous investigation of the killings, it seems reasonable to conclude that Hampton was fatally shot not while he was "drugged" or by a policeman standing over him with a silencer, as the Panthers have claimed, but by a bullet fired by a police officer in the living room which had passed through two intervening walls at a time when no Panthers were firing at police.

ARE these ten cases of Black Panthers killed by police part of a nationally coordinated pattern? Although Hampton and Clark were the only Panthers killed as a direct result of a planned police raid, or even in a situation in which the police could reasonably be supposed to have had advance knowledge that they would confront Black Panthers, it still might be maintained that the police involved had instructions of some sort to kill Black Panthers whenever the opportunity presented itself. The theory broached by John Kifner in the *Times* that the Nixon Administration had, through the statements of public officials, "at least contributed to a climate of opinion among local police... that a virtual open season has been declared on the Panthers" seems historically inaccurate, since five of the ten Panther deaths that can be directly attributed to police action occurred before the Nixon Administration took office. And, as far as I have been able to determine, no Black Panthers have been killed by the police in the period of more than a year that has elapsed since the Hampton-Clark incident.

In all of the ten cases to which Garry's list has been reduced, at least some of the Panthers involved were armed and presented a threat to the police. Six of the ten Panthers were killed by seriously wounded policemen who clearly had reason to believe that their own lives were in jeopardy. In none of these cases, moreover, is there any positive evidence to support a belief that the wounded policemen knew they had been shot by Black Panthers. According to the evidence that is available, Bartholomew, Lawrence, and Lewis were stopped as burglary suspects; Pope approached a robbery stakeout at night; Winters opened fire when two

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policemen entered an abandoned building to investigate a citizen's complaint; and although it is agreed that Roberson took it upon himself to challenge the behavior of the police investigating the burglary of a fruit stand, it is not reported that he identified himself as a Black Panther.

In the four remaining cases, the fatal shots were fired by policemen who had not themselves been wounded. A further distinction might be made to take account of the fact that in two of these deaths—those of Armstead and Clark—the police state that in each instance they were confronted by an adversary with a lethal weapon and had reason to presume that their own lives were endangered. Armstead pointed a rifle at a policeman and refused to disarm himself; Clark confronted a policeman with a shotgun, which, in fact, he had previously fired. In any event, there are two cases in which Black Panthers were killed by policemen whose lives were not being directly threatened by those men. These are the cases of Hutton, who was shot while allegedly running from the scene of a ninety-minute gun battle in which three policemen had been wounded, and Hampton, who was apparently hit by stray bullets in a reckless and uncontrolled fusillade.

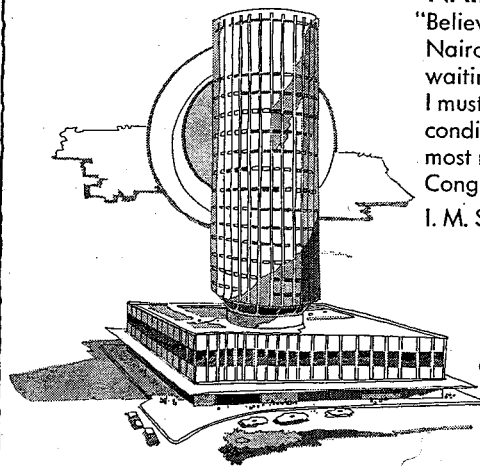
Four deaths, two deaths, even a single death must be the subject of the most serious concern. But the basic issues of public policy presented by the militancy of groups like the Panthers and by the sometimes brutal police treatment of angry and defiant black people in general can be neither understood nor resolved in an atmosphere of exaggerated charges—whether of "genocide" against the Panthers or of "guerrilla warfare" against the police—that are repeated, unverified, in the press and in consequence widely believed by the public. The idea that the police have declared a sort of open season on the Black Panthers is based principally, as far as I can determine, on the assumption that all the Panther deaths cited by Charles Garry—twenty-eight or twenty or ten—occurred under circumstances that were similar to the Hampton-Clark raid. This is an assumption that proves, on examination, to be false.

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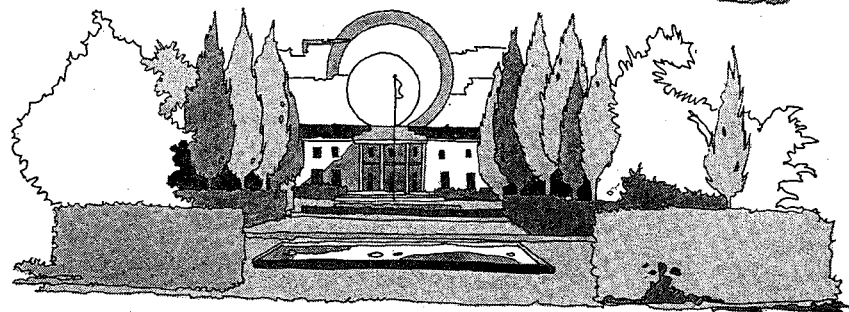
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