

7 PANTHERS FREED IN CHICAGO CLASH

State's Attorney Cites Lack
of Proof of Shooting as
Charges Are Dropped

By SETH S. KING

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CHICAGO, May 8 — All criminal charges were dropped today against the seven Black Panthers who survived a shooting incident with Chicago policemen last December.

States Attorney Edward V. Hanrahan said there was not sufficient proof that any of the defendants had fired a weapon at the police.

The seven had been indicted by a Cook County Grand Jury on charges of attempted murder, armed violence, unlawful possession of weapons and unlawful use of weapons.

In a statement explaining his action, Mr. Hanrahan also said that the methods used in gathering evidence might have prevented "our satisfying judicial standards of proof."

Early last Dec. 4, a special detail of policemen from Mr. Hanrahan's office, carrying a warrant to search for weapons, broke into an apartment in which the Panthers were sleeping.

In the shooting that followed, Fred Hampton, 21-year-old leader of the Black Panther party in Illinois, and Mark Clark, 22, an-

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other Panther leader, were killed. Four other Panthers, two of them young women, were wounded. Two policemen were slightly injured, one grazed by a bullet and another cut by flying glass.

The police charged that the Panthers opened fire on them as they entered and a 10-minute gun battle followed.

In the 25-count indictment against the seven, Brenda Har-

ris, 18, was specifically accused of opening fire with a shotgun as the police burst through the door.

The surviving Panthers insisted that the police came in shooting and that Mr. Hampton was "murdered in his bed."

The incident caused a sustained outcry from Negro leaders and local civil rights organizations, who demanded independent investigations of police actions.

Federal Jury Called

A special Federal grand jury was convened in Chicago to determine whether the police had violated the Panthers' civil rights in the raid.

Assistant State's Attorney Nicholas Motherway said today that the Federal grand jury, which is still conducting its investigation, had been advised of the dismissal of charges.

The seven Panthers were indicted on Jan. 30 on charges of attempted murder and unlawful use of weapons.

This morning, Mr. Motherway appeared before Cook County Court Judge Saul A. Epton and announced that the prosecution would not proceed further with the case. All seven defendants were released and their bond money returned.

Mr. Motherway read a statement by Mr. Hanrahan in which the State's Attorney said that his 14-man police detail had been "met with gunfire" by the occupants of the Panther apartment when the detail tried to enter.

Based on Police Report

"Therefore," Mr. Hanrahan stated, "seven of the occupants were indicted by the Cook County Grand Jury. This indictment was largely based on a report of the Chicago Police Department Crime Laboratory, which identified two expended shells recovered in the apartment as coming from a weapon fired at the police by Brenda Harris, one of the occupants of the apartment."

"On Thursday, April 28," the statement continued, "we received a further report from the crime laboratory. This report was made at a time when the laboratory had all the weapons involved in the incident. This was not the case at the time of the original report. The later report states that the expended shells in question did not come from Brenda Harris's weapon."

"In addition," Mr. Hanrahan's statement went on, "the methods used to recover and identify evidence seized by our police in the apartment may prevent our satisfying judicial standards of proof."

"Because of that," the statement ended, "and because the indictment is so largely based on the original laboratory report, our adherence to fundamental legal principles com-

pels us to dismiss the indictment—despite the fact that there is other evidence that the occupant fired at the police."

No Reason Given

Mr. Motherway declined to say what this other evidence was, nor would he give any reason for the State's Attorney not prosecuting on this evidence.

During a coroner's inquest after the shooting, a police officer conceded that the police had not taken any fingerprints from the weapons seized in the Panthers' apartment.

Commenting on the state's action, Judge Epton said:

"This is an answer to the president of Yale University, who made a sad comment recently when he said the Black Panthers could not get a fair trial in any court room. Here we have the State's Attorney coming in and asking that this case be dismissed. Congratulations to him for taking a step toward cooling it."

Outside the courtroom, attorneys for the Panthers quickly took exception to the judge's comment.

James D. Montgomery, one of the lawyers, said: "No roses should be pinned on the State's Attorney or the police for their admitted carelessness."

Statement by Lawyer

"It seems obvious that the bullets supposedly fired from Brenda Harris's gun were actually fired from police guns," he declared.

Warren Wolfson, attorney for Miss Harris, said the action showed clearly that the killings of Mr. Hampton and Mr. Clark were unjustified.

"The public will not be satisfied as to what happened in that early morning raid until all questions are answered. And I want to emphasize that today's action raises more questions than it answers," he asserted.

Bobby Lee Rush, who succeeded Mr. Hampton as head of the Illinois Panthers, said this afternoon that he believed an arrangement had been made between Mr. Hanrahan and the United States Attorney whereby the attempted murder charges would be dropped by Mr. Hanrahan and in return the grand jury would take no action against the police.

At a news conference in the Panthers' West Side headquarters, Mr. Rush declared, "Hanrahan has proved what we have been saying all along. There was no shoot-out; it was a shoot-in and the evidence they released proved that. We won't relinquish our demands that those responsible be brought to trial."

In addition to Miss Harris, those accused were: Verlina Brewer, 17; Blair Anderson, 18; Ronald Satchell, 19; Harold Bell, 23; Deborah Anderson, 19, and Louis Truelock, 39.