Testimony in the Chicago Panther Slayings Raises Some New Questions

By JOHN KIFNER
Special to The New York Times

CHICAGO, Jan. 24 — The finding last Wednesday of a special coroner's jury that the deaths of two Black Panthers in a predawn police raid Dec. 4 were "justified" were based, the verdict noted, "solely and exclusively" on testimony presented by the police and the coroner's office.

But that evidence itself appeared to raise a number of questions about the incident, which the police have described as a gun battle lasting at least 10 minutes, touched off by shotgun blasts from the occupants of the small West Side apartment.

Members of the Black Panthers declined to testify.

Among the unexplained points raised by the testimony were the following:

¶A police firearms expert testified that among the expended ammunition recovered from the apartment were the shell casings of five .32-caliber bullets. He testified that these did not match any of the alleged Panther weapons the police say they found and that the list of police weapons carried on the raid did not include any of .32 caliber.

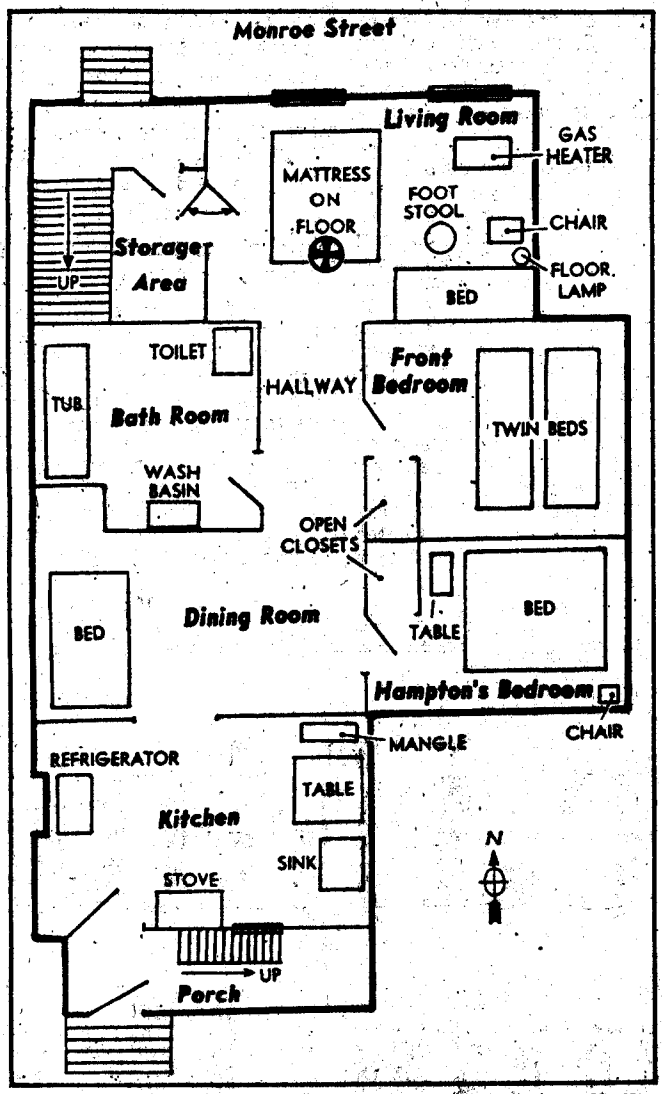
¶The same police expert, John M. Sadunas, testified that none of the 130-odd expended shell casings and slugs recovered from the apartment matched 17 of the 19 weapons the police say they seized.

¶Mr. Sadunas testified that three shotgun cartridge casings the police said they found in the apartment matched the remaining two shotguns. Yet no slugs or shotgun pellets were recovered from the areas where the shotguns were supposed to have been fired.

¶Although the police raiders repeatedly testified that there had been a number of shotgun blasts directly out of the doorways of the two bedrooms, no pellets or slugs were recovered from the opposite walls, and visitors to the apartment saw no marks on the walls.

¶Police Sgt. Daniel Groth, who led the raid, testified that there was no tear gas "available," although the raiders had drawn three shotguns and a submachine gun from a special weeapons arsenal.

¶Sergeant Growth also testified that no fingerprints were taken from any of the weapons the police said they seized.



¶All 14 policemen who took part in the raid testified that they had virtually no prior knowledge of the Black Panthers, although they are assigned to the Special Prosecutions Unit of the State's Attorney's office, which was set up last spring with a specific misson of keepng an eye on black youth roups and street gangs.

¶Despite the heavy volume of fire described by the police, the only injuries they received came when one policeman cut his hand breaking a window with his pistol and another was grazed by gunfire coming through a wall, apparently fired by the police.

¶And testimony about the three shots fired into Fred Hampton, who was the Illinois chairman of the Panthers, raised a number of questions about the path of the bullets that were fired and the nature of the wounds.

The police testified that Hampton's body was found face down on his stomach on a mattress that nearly filled the back bedroom, with his head toward the doorway. According to police testimony and Panther sources, two other people were in the bedroom and, possibly, lying on the mattress.

He was shot twice in the head and once in the left shoulder.

The foreman of the coroner's jury, Dr. James T. Hicks, said

Wednesday night that the panel unanimously "determined that the shots that killed Hampton went through the wall, but we couldn't determine who fired them."

These would be either part of a volley of bullets fired at the back wall of the first bedroom and into the back bedroom — or a burst of machine-gun fire the police testified was fired diagonally through a closet in the first bedroom.

The bedrooms are in line with each other, behind the living room wall. To one side of the living room, a narrow hallway runs back to a dining area and to a kitchen, whose back door opens on a porch. One group of policemen came through the front door, another through the back.

The pathologist who examined Hampton at the Cook County Morgue said that the two head wounds entered the skull at opposite sides — in front of the ear in both cases— and exited through the lower part of the face or neck.

Dr. Victor Levine, a former coroner's pathologist who conducted a separate examination along with two other doctors for the Hampton family, contends, however, that both of the entrance wounds are on the right side of the face.

For Hampton to be shot through the wall in the left shoulder, he would have to be lying on his back, with his left side toward the wall.

But for either or both of the slugs to rip through the wall and enter his head from the right side, he would have to be lying face down, with his right side toward the wall.

The pattern of the bullets coming through the wall of the bedroom is only a litle above the surface of the mattress, which was on the floor.

The only bullet recovered from Hampton's body came from the wound in the left shoulder and was found in his chest cavity. It was identify by the police firearms experts as a 30-caliber carbine slug.

Negro Policeman's Account

The only policeman carrying such a weapon was James Davis, a Negro patrolman. He was testified that he did all of his shooting—including the slaying of the second Panther, Mark Clark—in the living room. He testified his fire included a burst into the back wall of the living room.

An autopsy assistant who recovered the bullet said that he saw only muscle tissue on the slug and noticed no plaster debris on the wound. He said he cleaned the slug and wound immediately.

Dr. Levine said his examination had found a heavy dosage of Seconal, a sleep-inducing drug, in Hampton's blood, but a coroner's chemist testified that he found no evidence of Seconal or any other barbiturate in two tests of the blood.

Dr. Hicks, the jury foreman, said that the disputed testimony about who fired the first shot— and the number of holes in the door—was "a minor thing in our deliberations."