

Panthers File Suit Against Four Officials In Baltimore

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BALTIMORE (AP) — The Black Panther Party, in what was described as the first shot in a nationwide legal assault against police and prosecutors, initiated a \$1 million damage suit in U.S. District Court Thursday against four Baltimore officials.

The class action suit alleging denial of constitutional rights was filed by civil rights lawyer William M. Kunstler on behalf of the party and Arthur Turco Jr., a white lawyer from New York accused of being an accessory to the 1969 murder of a Baltimore panther suspected of being a police informer.

"This is a pioneer project in a counterattack against unjustified prosecutions," Kunstler said. "This is a precedent suit. I don't know of any like this ever being filed."

The lawyer said similar actions are being prepared in connection with past and present panther-related prosecutions in New York, Oakland, New Haven, Detroit and New Orleans.

Named as defendants were Donald Pomerleau, Baltimore police commissioner; Milton B. Allen, the Baltimore state's attorney and one of the few elected black prosecutors in the nation; Hilary D. Caplan, an assistant to Allen, and Lt. Col. Maurice D. DuBois, head of the city police criminal investigation division.

Besides the damages, the suit asked the federal court to prohibit the officials from further prosecution of Turco and "infiltrating, surveilling or other interfering with the activities" of the panthers.

Among the five lawyers joining Kunstler as attorneys for the plaintiffs was Charles Garry of San Francisco, the national counsel for the panther party.

Central figure in the suit is Turco, a 28-year-old lawyer who was the only white among 12 persons initially charged in connection with the torture and shotgun murder of Eugene Leroy Anderson, a 20-year-old car painter, in July, 1969.

Turco is free on \$10,000 bond pending retrial on the accessory-to-murder charge. A three-week trial ended July 3 in a mistrial after a jury of seven blacks and five whites were unable to agree on a verdict.

In the Criminal Court trial, witnesses testified that Turco had been in Baltimore to reorganize a dissention-ridden party chapter at the time of Anderson's slaying.

The suit further charged that the prosecution employed perjured testimony in an effort to convict Turco and was proceeding with a retrial in order to constitutionally intimidate and harass him.

In general, the suit said, the prosecution of Turco serves to stifle dissent among panthers and to discourage Turco and other lawyers from defending party members in criminal cases.

No hearing date on the suit was set. Kunstler also said that no date has been set for Turco's second trial.