

Report Assails Inquiry on Slaying of Black Panthers

By THOMAS A. JOHNSON

"Neither the Federal Government nor the state sought to establish the truth" in the killing of two Black Panther party leaders during a raid on a Chicago flat in 1969, the report of a blue ribbon commission contends.

The independent commission was formed by 27 persons in civil rights, law, politics and business after Fred Hampton and Mark Clark were killed and four other persons wounded in a raid by Illinois State's Attorney's police. The current co-chairmen of the group, called the Commission of Inquiry into the Black Panthers and Law Enforcement Officials, are Roy Wilkins, executive director of the National Association for the Advancement of Colored People, and Ramsey Clark, former United States Attorney General.

According to the commission report, Mr. Hampton "was shot from the doorway to his bedroom as lay drugged and defenseless in bed."

Written nine months ago, the document was reportedly the source of much wrangling between commission staff members and some of the 28 prominent citizens who agreed to make the investigation.

Staff sources said that some commission members wanted the document toned down.

The report said that an atmosphere of suspicion and mistrust existed at the time of the raid. It said: "This commission found the situation had grown so critical by the time of the Hampton-Clark incident that many ghetto inhabitants no longer looked to the police for assistance in even the most harrowing of circumstances, for fear of risking personal abuse at the hands of the police."

'Virtual Warfare' Found

It said that "virtual warfare" had existed between the police and the community.

Commenting on the raid, the report said: "The indication is that the raid, contrary to its stated objectives [to obtain Panther weapons], was conceived and planned as a search and destroy mission aimed at the leaders of the Illinois chapter of the Black Panther party."

"Only one shot was fired by the occupants of the Panther apartment during the entire course of the raid," the report added, explaining that Mr. Clark, had fired a shotgun blast through a door.

According to the report, the police fired the first shot during the raid. "Police fired through walls and doorways

bullets fired into their rooms, and cried out for police to stop, but the shooting continued. Fred Hampton was killed in his bed, and police kept firing."

Before he was killed, the report continues. Mr. Hampton "could not be roused by any of the three persons who tried to wake him." It says that traces of secobarbital, a sleep-inducing, nonaddictive drug were found in his body, "possibly in a lethal concentration."

It also says that an unnamed black informer had "successfully infiltrated the apartment and the Panther circle," and that "the Federal grand jury undertook not to investigate, but to rebut, this evidence."

County Jury Also Scored

"This commission is compelled to observe that the Federal grand jury failed to discharge its legal function and obligations fairly and fully," the report said. It was likewise critical of the county grand jury.

"It is the judgment of this commission that the raid was not planned nor executed in compliance with the Fourth Amendment guarantees against unreasonable search and seizures," the document said, continuing:

"The conception and planning of the raid, the sequence of events inside the apartment, the volume of police gunfire, and the toll of deaths and injuries do not particularly lend themselves to the characterization of these events as a 'police-Panther shoot-out'; they could equally well lead to characterizations of events as slaughter, and summary execution."

The pre-dawn raid was conducted Dec. 4, 1969, on the Panthers' west side Chicago headquarters.

During subsequent months, the Cook County State's Attorney, Edward V. Hanrahan, and 13 other persons were indicted for conspiracy to obstruct justice in this case. Mr. Hanrahan is seeking renomination in the primary elections next Tuesday.

The commission report, in three large, mimeographed documents, reportedly was sent to commission members on March 25, 1971, by Herbert O. Reid, a professor from Howard University who served as staff director.

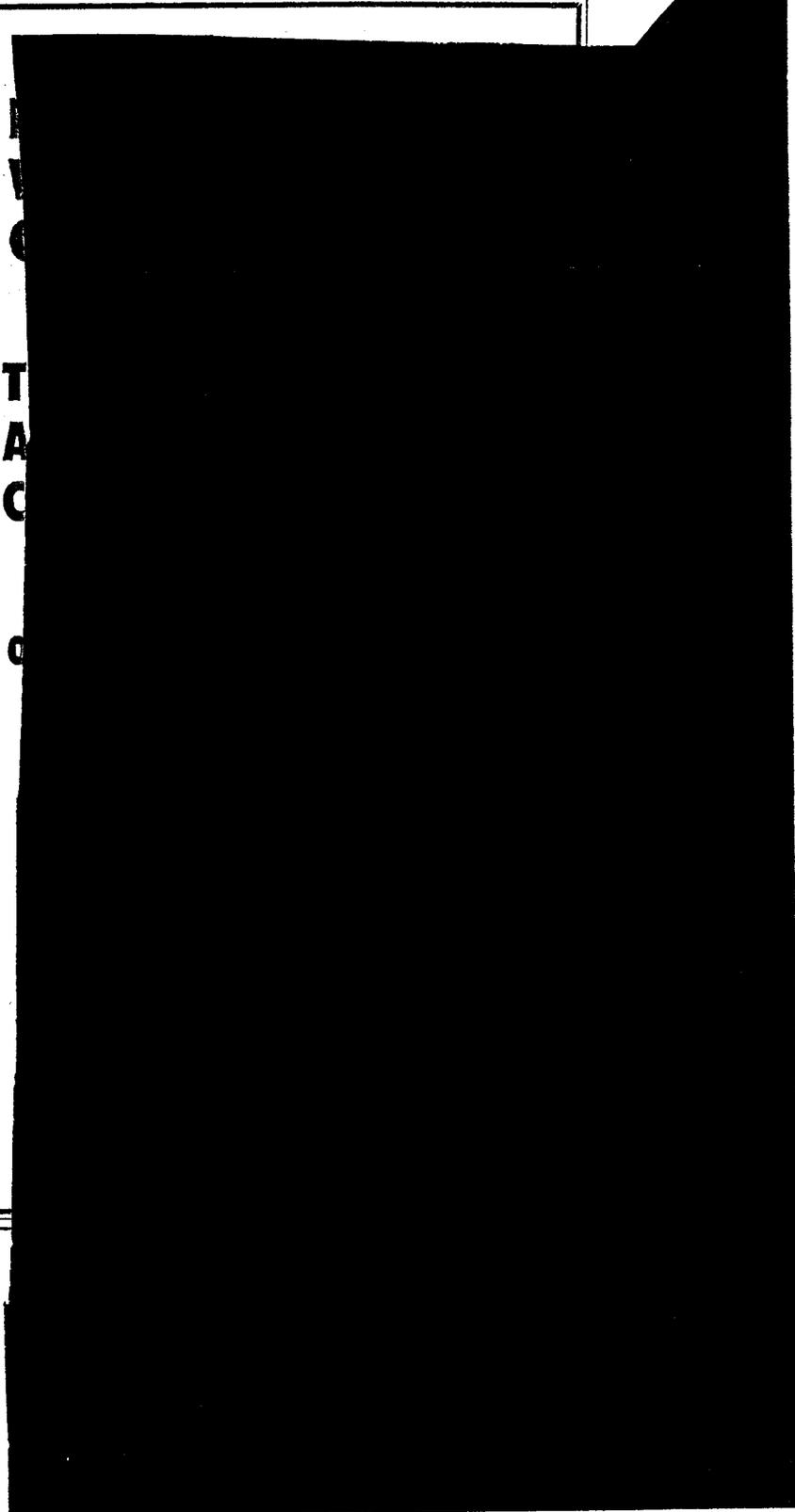
Mr. Reid was said to have tried unsuccessfully to get commission members to release the documents for publication since that time. The New York Times has acquired copies.

A rewrite of the original

publication of the report, Mr. Reid, the law professor, who is black and an expert on constitutional law, sent a memorandum to the commission last October 1 that read in part:

"To withhold the full report

from the public is to deny the American people a respectful rendition of facts upon which to base their own judgment (on the Panther case) and demand a new morality for administration of justice in this country."



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According to the report, the police fired the first shot during the raid. "Police fired through walls and doorways into darkened rooms," the report says. "There was no resistance to their gunfire. Occupants tried to hide from the

bullets fired into their rooms, and cried out for police to stop, but the shooting continued. Fred Hampton was killed in his bed, and police kept firing."

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