

# Cops fired 1st shot in Panther raid: pa

By Lu Palmer

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A draft of the report, which the Commission of Inquiry has not yet released, is highly critical of the federal and county investigations of the raid in which Illinois Chairman Fred Hampton and Mark Clark were killed.

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The Daily News also revealed that the commission report concluded that "neither the federal government nor the state sought to establish the truth" about the raid.

**Time leaves**

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"You have to consider the source," he said. "It comes from The Sun-Times chain of newspapers, known for its bias against me. (The Daily News and Sun-Times are owned by Field Enterprises.)"

"The first publication came in a copyrighted story written by a reporter who is certainly not known for his objectivity." Hanrahan emphasized that the commission is a private group, not appointed by a government body.

The commission found that Hampton "was shot from the doorway to his bedroom as he lay dragged and defenseless in bed."

Former Atty. Gen. Ramsey Clark and NAACP Executive Director Roy Wilkins were co-chairmen of the commission. Clark is also chairman of the steering committee, which approved the report last June.

**DR. DAVID M. Spain**, a New York pathologist, who participated in the third autopsy on Hampton's body, is quoted in the report:

"The integrity of the Cook County coroner's office is open to serious question. . . . The pathologist who performed the autopsy testified that he had opened the stomach of the corpse and examined its contents. . . ."

"At the third autopsy, it was found that the stomach was completely closed and had never been opened."

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"The one shot fired out (by Panthers) was not the first shot. The first shot was fired by the police. This conclusion is based upon previous testimony that the living room door was opening at the time of the shooting."

Of the federal grand jury report, the commission report says:

"The (grand jury) lacks credibility bias and advantage reflected in it. Attempts to mislead some instances reader make them liable and a which public opinion manipulated to political ends."

**Ashland Ave. Store Open Friday Evenings**



*This is  
In fact*

FB - Mel 17, 1972  
Daily News



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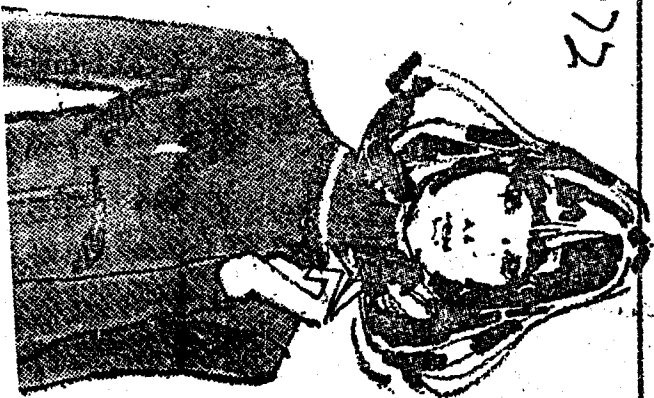
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# Blue-ribbon report shows Hampton drugged when slain

By Thomas J. Dolan

A blue-ribbon commission formed to investigate the 1969 police raid on Black Panthers has written a report concluding that Fred Hampton was shot while "drugged and defenseless."

The report, by the Commission of Inquiry, a group of nationally known liberals, blacks and civil rights groups, also concluded that Cook County state's attorney's police — and not Panthers — fired the first shot in the fatal raid.

The report, which virtually guarantees to open a new round of arguments over the controversial raid, also charges that the county coroner's office never examined the contents of Hampton's stomach for traces of Seconal, a sedative.

Existence of the report became public knowledge Thursday in a story first appearing in The Chicago Daily-News. Final drafts of the report have not been made public, however, because of disagreements, over wording and delays by members of the commission.

## 2 theories contradicted

The report contradicts two commonly held theories of the Hampton death — that he was killed by bullets fired through the apartment walls from the living room, and that he was not drugged.

It bases its finding about drugs in Hampton's body on new evidence in the form of photographs taken by a Chicago doctor during the second autopsy of Hampton's body. The photographs, by Dr. Eleanor Berman of Cook County Hospital, show "a foreign substance" in samples of the blood.

## Headed by Clark, Wilkins

Co-chairmen of the commission are former Atty. Gen. Ramsey Clark and Roy Wilkins, executive director of the National Assn. for the Advancement of Colored People. Arthur J.

Goldberg, former ambassador to the United Nations, resigned from the group, formerly known as the Goldberg Commission, to run for governor of New York.

In June, 1971, commission investigators headed by Howard Law School Prof. Herbert O. Reid completed their study and handed over a 700-page preliminary draft to the commission.

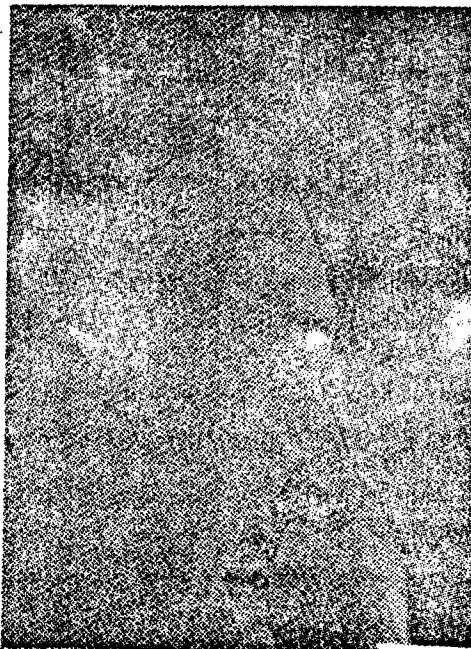
Clark, who accepted the draft as head of a steering committee to approve it, delivered "highest commendations" to Reid and his staff. The Sun-Times has learned, however, that the steering committee has held up publication of the 10-chapter final staff report to rewrite and reword many sections.

The Sun-Times also learned that basic agreement has been reached concerning the core of the staff report, but the steering committee has been unable to agree on specifics.

## 'Not designed to get truth'

A copy of the staff's preliminary draft obtained by The Sun-Times contains strong criticisms of State's Atty. Edward V. Hanrahan, the Chicago police, a federal grand jury that investigated the raid and the coroner's office.

Among the findings of the staff were:



Pay cut off  
for Muskie

According to the location of the bed in the south bedroom, the door leading to this bedroom and the bullet holes through the walls, the most likely logical position of Fred Hampton's body at the time of the shooting was that he was lying on his right side with his head turned towards the right, his right arm under his head, and his face towards the south wall. This position can account for all of the entry wounds and their trajectory as coming from the direction of the open door. No other position can logically account for the trajectory and direction of all the bullet wounds.

3

This would indicate that the body of Fred Hampton, was in full view of the individual who shot him, and that that individual was able to see that he was lying in a defenseless position. Furthermore, paraffin tests performed on Fred Hampton's body at the time of the third autopsy were completely negative.

Excerpt from a letter by Dr. David M. Spain, New York pathologist, that accompanied report by the Commission of Inquiry, investigating the 1969 police raid on Black Panthers.

- (1) Neither federal investigations nor state investigations of the Dec. 4, 1969, raid on a West Side apartment were designed to get the truth.
  - (2) The integrity of the Cook County coroner's office is "open to serious question," because of its autopsy and testimony concerning Hampton's death.
  - (3) The deaths of Panther Party leaders Hampton and Mark Clark "were by no means an isolated or unrepresentative instance of police community conflict." The commission staff blamed Mayor Daley, Hanrahan and the police in what it depicted as a series of police-youth gang shootings leading up to the raid.
- The report was accompanied by letters

from a prominent New York pathologist who attended the third autopsy performed on Hampton in Louisiana, and the full report of a ballistics expert who studied the apartment at 2337 W. Monroe.

**Open to serious question**

Dr. David M. Spain, the New York pathologist, stated:

"The integrity of the Chicago (Cook County) coroner's office is open to serious question . . . the pathologist who performed this autopsy testified . . . that he had opened the stomach of the corpse and examined its contents.

" . . . At the third autopsy, it was found that

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## Key points in latest Panther case probe

Here are the highlights of a report by staff members to the Commission of Inquiry, formerly known as the Goldberg Commission, which studied the Dec. 4, 1969, raid on a West Side Black Panther apartment:

**Fred Hampton's death** — Hampton was shot while in his bed, from the bedroom door, easily seen by police standing at the door. He did not awake or resist.

**Second in body** — Two experts, Dr. Leo Goldbaum M.D., of the Armed Forces Institute of Pathology and Walter M. Booker, PhD, head of the Howard University department of pharmacology, concluded that Hampton was drugged, "and the strong suggestion is that the (drug) was secobarbital (a form of Seconal, a sedative)."

**State's Atty. Hanrahan and Chicago police** — "The history of police-community rela-

tions in Chicago offered little reason for . . . confidence in the police accounts of the incident . . . State's Atty. Hanrahan and his Special Prosecutions Unit — who were responsible . . . had already drawn the hostility of the black community and many white citizens . . . for . . . (the) 'War on Gangs.'"

**Coroner's autopsy** — "The integrity of the . . . coroner's office is open to serious question" because a pathologist testified that he opened Hampton's stomach for inspection. A third autopsy disproved that testimony.

**Federal grand jury and Justice Department** — "That (the jury's) report mirrors the Justice Department's failure to discharge (its) . . . important function of . . . aggressive protection of fundamental rights . . . The conduct of the Department and . . . the report raised more questions than it put to rest . . ."

# Berg ducks out on face-to-face

By Harry Golden Jr.

Raymond K. Berg, Mayor Daley's candidate for state's attorney, ducked a face-to-face meeting with incumbent Edward V. Hanrahan on Thursday.

Hanrahan learned that Berg

was to tape a television interview at Gordon Technical High School, California and Addison.

Hanrahan, who repeatedly has challenged Berg or Daley himself to debate, waited in a school hallway for a confrontation.

A Berg advance man went to the school TV studio to say Berg was on his way. The aide spotted Dick Hanrahan, the state's attorney's brother, campaign manager and look-alike, sporting a Hanrahan button. Then he saw Hanrahan himself.

# Hampton drugged, report shows

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the stomach was completely closed and had never been opened," Spain continued.

Dr. Edward Shalgos and Dr. Eugene Constantinou made the coroner's examination of Hampton's body.

In his report, the ballistics expert, Herbert L. MacDonell, concluded:

"(1) There is no evidence that more than one shot was fired at the police from within the apartment.

"(2) The one shot fired out (by Panthers) was not the first shot; the first shot was fired by the police. This conclusion is based upon previous testimony that the living room door was opening at the time of the shooting."

### Jury particularly rapped

Singled out for special criticism by the staff was the federal grand jury that investigated possible violations of civil rights in the raid.

The staff originally wrote:

"The (grand jury) report lacks credibility because of the bias and adversary approach reflected in it. The calculated attempts to mislead and in some instances, to deceive the reader make the report unreliable and a mechanism by which public opinion may be manipulated to serve narrow political ends."

Prof. Reid, who discussed the powers and functions of grand juries under existing federal laws, concluded:

"By rendering a report or 'presentment' (instead of no bills or true bills), the federal grand jury chose that form of grand jury activity which (was) itself of dubious legality.

### Strengthened by McClellan

"... Sen. (John L.) McClellan (D-Ark.), found the reporting activity of the federal grand jury so questionable that he promoted the passage of Title I of the Organized Crime Control Act of 1970."

While McClellan's section now provides authority for federal grand juries to produce reports rather than only indictments or no bills, it was written after the grand jury released its report. Thus the jury action remains in doubt legally, according to Reid.

Northwestern University law Prof. Thomas N. Todd, who worked as a Midwest director

ago, charged that the delays in the steering committee were caused by "dilatatory tactics" on the part of "white liberals."

"In my opinion the report has been held up too long," Todd said. "I have never seen a copy. (The Rev.) Jesse Jackson (head of Operation PUSH) has never seen one and (Gary Mayor) Richard G. Hatcher has never seen one."

### Domination charged

Todd said former Atty. Gen. Clark's steering committee was "dominated by white liberals," who wanted the final report redrafted.

Clark, counsel for a trial in Harrisburg, Pa., could not be reached for comment. Wilkins also was unavailable in New York, according to his office.

However, member of the steering committee, John Morsell of the NAACP, said:

"I do not believe that the delay in reaching a publication date for this report reflects anything like a conflict between white liberals on the steering committee and others on the committee, or between the committee and the staff.

"I have been closely and intimately and sacrificially involved in the effort to produce an effective report and I would categorically reject that kind of imputation. At the same time, I thoroughly understand and share a feeling of impatience and frustration that it has taken so long."

Reid, reached at his Washington office, said he had no comment on the delay. He added, however: "It would not have been possible for the staff to complete its report without the financial and other assistance of the NAACP."

The Sun-Times learned that the commission is negotiating with Simon & Schuster Inc. of New York for publication of a final draft of the report.

A spokesman for Coroner Andrew J. Toman commented:

"What can you say? The federal grand jury report has some pretty nice things to say about our office. People are going to criticize, but we're not bad."