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They refuse to testify

Panthers jar inquest

By William Clements
and John Gallagher

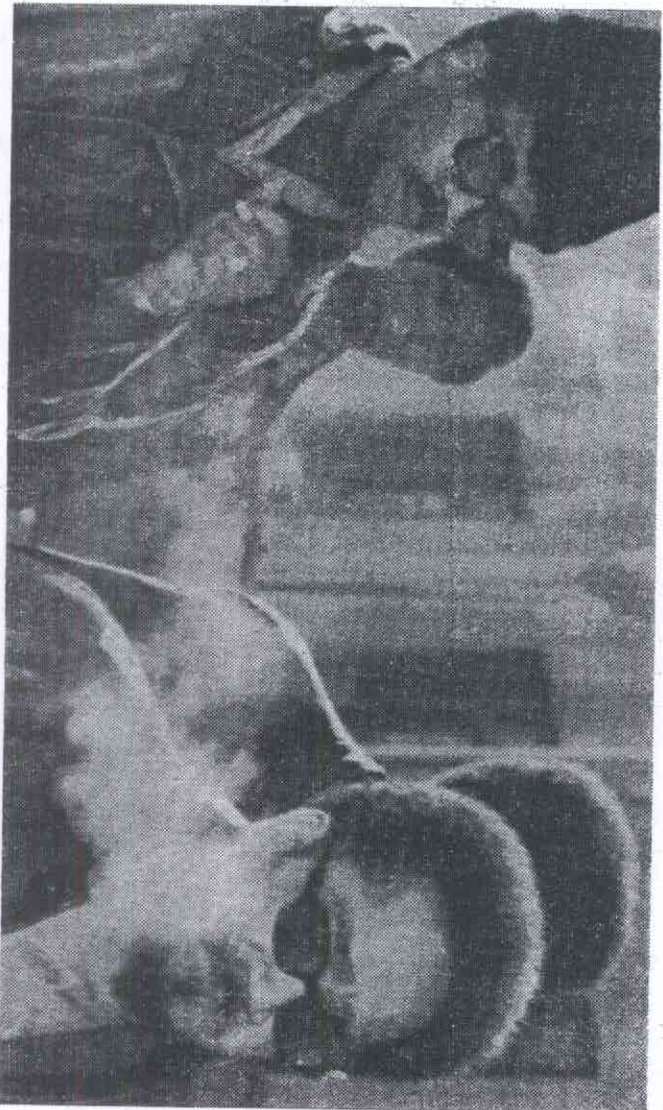
The apparent refusal by Black Panthers to testify at a public inquest into the fatal shootings of two of their leaders cast a doubt Wednesday as to whether a "fair and impartial" hearing still could be held.

Special Deputy Coroner Martin S. Gerber, obviously ruffled by the refusal, said the Panther testimony was crucial to the hearings.

"How are we going to have a fair hearing if they (the Panthers) do not testify?" Gerber said.

HE MADE the statement Tuesday after attorneys for three of the seven surviving Panthers advised their clients not to answer questions asked by Gerber.

Three of the Panthers — Ronald Satchel, Harold Bell and Louis Trueblood — were sworn in, stated their names, and then left the stand. Attorneys James Montgom-



Bobby Rush (fur cap), Illinois chairman of the Black Panthers, and some of his aides, leave the Criminal Courts Building after attending inquest into the killings of Panther leaders Fred Hampton and Mark Clark. Rush succeeded to position held by Hampton. (AP)

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ry and Kermit Coleman said their decision was based on the fact that their clients previously had been charged with crime and to testify at the inquest jeopardized their chances for a fair trial later on.

"They should be compelled to answer these charges only once," Montgomery asserted. And that should be in a court of law."

THE SEVEN, who survived a raid by state's attorney's police on an apartment at 2337 W. Monroe Dec. 4, have been charged with crimes ranging from aggravated battery to attempted murder.

Three of the four who did not appear at the inquest Tuesday are expected to be subpoenaed for Wednesday's session. The fourth cannot be located.

Two Illinois Black Panther party leaders — Fred Hampton and Mark Clark — were killed during the shootout with 14 state's attorney's policemen.

The Daily News learned Wednesday that evidence against the surviving seven will be given to the county grand jury beginning Thursday.

LAWYERS for the survivors insisted at Tuesday's inquest opening that if charges against their clients were dropped — or if they were given immunity from prosecution — they would testify freely.

After Gerber pointed out that

no such immunity or dismissal of charges would be allowed, Montgomery commented:

"When we leave here today it is our intention not to participate any further in this inquest."

He said he was speaking on behalf of all attorneys representing the Panthers.

Montgomery called the inquest proceedings a "circus."

"All they the (coroner's office) were doing with us was making a circus out of it. We don't want our clients placed in the light of circus clowns."

GERBER, however, had a different point of view.

He insisted throughout

Tuesday's session, held in the Criminal Courts Building, W. 26th St. and S. California, that he was being "totally fair."

"We are gathered here because everybody, including friends of your clients, are clamoring for the truth," Gerber said. "We are trying to gain the truth. Now we are going to be denied the right to ask questions which could lead us to the truth we seek."

Gerber, a Loop attorney appointed as a special deputy by Coroner Andrew Toman, said he will continue the hearings and call all 14 policemen who participated in the raid to testify.

He said he planned to question closely the 14 policemen,

just as he had planned to do with the Panthers.

"I am trying to be as fair as I possibly can, and you fellows know it," Gerber said to Montgomery and Coleman during a heated exchange. "There will not be fish for one and fowl for the other. I have wanted this to be a fair and impartial hearing."

GERBER said he also will take the panel of six jurors and two alternates on a tour of the Panther apartment, probably Thursday.

Gerber is expected to call to the witness stand ballistics experts from the Chicago Crime laboratory, who inspected the

scene of the shooting.

But when he calls the other witnesses — including the 14 policemen — Panther attorneys will not be present to question them.

It is this development, plus the fact that the Panthers have

balked at testifying, that places a real doubt on whether anything new can be learned at the hearing.

The 14 policemen already have told their story in the press and on television.

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ASST. STATE'S Atty. Thomas A. Hett insisted Tuesday that Gerber was being too lax with Panther witnesses.

He said it is the state's attorney's position that either the witnesses be instructed to testify fully or that they invoke the Fifth Amendment against self-incrimination.

The witnesses did neither, saying simply, on the advice of counsel, that they "do not have the answer to your question."

Then, when told to do so by

their lawyers, each of the witnesses got up from the stand and walked out of the seventh-floor courtroom.

THE PROCEEDINGS

Tuesday were not without their spectacular moments.

In midafternoon a buzzer sounded for nearly two minutes, indicating a prisoner in the building had escaped. It was learned later that Gerber inadvertently had sounded the buzzer by pressing a button beneath his desk.

Earlier, the courtroom was cleared of all spectators and jurors after an 8-inch-blade knife had been found in the women's washroom down the hall.