

An unfinished story: The grand jury's Panther report

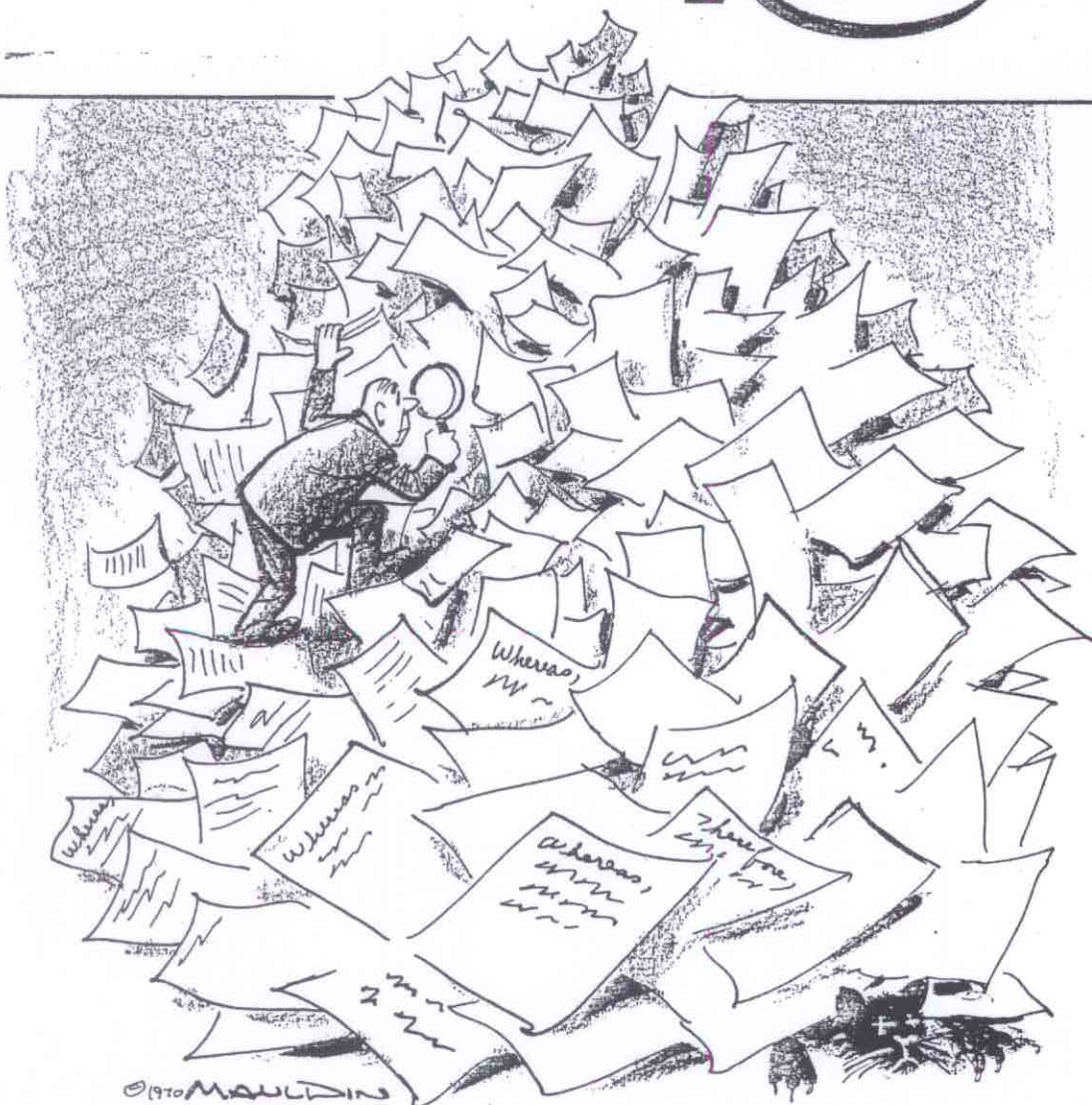
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VOL. 3, NO. 7

JULY, 1970

Chicago Journalism Review

PRICE 50¢



The Grand Jury Panther Report: an unnerving story

By Harry Kalven Jr.

On May 15, 1970 over the signature of its foreman, Ronald Albion, the federal grand jury which has been investigating possible violations of the federal Civil Rights Acts arising out of the Panther raid of December 4, 1969, submitted its report. It was an analysis of the celebrated raid in which Fred Hampton and Mark Clark were killed. The report is a carefully compiled, carefully written document of considerable scope; it is divided into 23 sections and covers 249 pages. It contains much material that is new even for those who had been following the widely publicized event as closely as possible in the press.

Although the grand jury heard nearly 100 witnesses, studied interviews with another 100 who were not called, and gave consideration to some 130 exhibits, the seven Panthers who had been in the apartment the night of the raid and who survived refused to cooperate in the inquiry. This refusal appears to have been a decisive factor in causing the jury not to indict any of the police or public officials involved. Its final conclusion is phrased thus:

"... in this case, it is impossible to determine if there is probable cause to believe an individual's civil rights have been violated without the testimony and cooperation of that person" (p. 242).

My chief reaction to the report is that it was designed to quiet public concern over the raid. It offers an extensive professional federal investigation which finds insufficient basis for indictments. And yet it is so critical of the police performance, and so candid in reporting facts unfavorable to the police, that it cannot lightly be dismissed as a biased work. Creating that impression was the strategy behind the report, I think; and it appears to have worked with the press in general.

What is deeply fascinating in reading the report is that the strategy does not quite come off. There is too much candor. The result is an unnerving book — a story that clamors for the serious, solemn and

sustained attention of public officials, the bar, the press, and the public generally.

Other reactions, after reading the report, are that it is a deliberately complicated document, it has rather sensational omissions that may have been designed to mislead the public and the press about the meaning of the grand jury's findings, it is mysteriously silent about the particular actions which caused Fred Hampton's death, it makes curious use of a "composite" account by policemen involved in the raid (thus preventing independent judgment of the credibility of individual policemen), and, as Nathan Lewin has argued in a very able article in the *New Republic* (June 6, 1970), it relies on unpersuasive arguments to support its case that the lack of Panther testimony prevented the jury from making indictments.

The report also has another side. It furnishes a great deal of precise data which point to formidable criticisms of the police performance.

I — Before and After the Raid

1. The report concludes there was probable cause for issuing the search warrant and hence a legal predicate for the police incursion.

The initial information that there were guns in the Panther apartment came from the FBI. The report states: "The information forwarded by the FBI to Assistant State's Attorney Jalovec, while generally confirming the existence of an arms cache, would not, standing alone, have justified a search warrant" (p. 204).

It is however supplemented on December 2 by information obtained by Sergeant Groth from "a confidential informant," and on this basis the warrant is issued. The harvest from the raid, although it does not quite live up to the advance billing, does yield one illegal sawed off shot gun and one stolen police weapon as well as seventeen other weapons which had not been registered.

Yet although the occupants' alleged illegal possession of guns was the basis of the raid on their apartment, the grand jury found that police had failed to record or

identify "in any systemic way the individuals who possessed such weapons or even the location in the apartment from where each was seized" (p. 205). The report said the police procedures were such as to preclude "either a proper charge or a fair trial" (p. 206) for illegal possession of weapons. No one was arrested for illegal possession which was the original objective of the raid. Perhaps one other detail is worth noting. The FBI reports to Jalovec had indicated that among the seven persons "most frequently at the apartment" was Fred Hampton (p. 55).

2. To the main features of the raid plan which had become familiar via the press — the use of only 14 men, the failure to bring tear gas, lights, or portable sound equipment, the bringing of a sub-machine gun as a police weapon, the report adds a few further items. Sgt. Groth, the leader of the raid, testifies that he had never been on a prior raid where a sub-machine gun was carried (p. 63). He knew Hampton "would possibly be in the apartment" (p. 67). He told the grand jury that he did not think it relevant to so advise the other police. He had previously rejected the suggestion that the raid be made at 8 pm when the Panthers would be at a political meeting because it "could be a trap" (p. 60). Yet he also testified that he "did not have any special plan for dealing with the possibility of resistance."*

3. The report devotes considerable attention to the conduct of the police immediately after the raid (pp. 70-97). They left the scene almost immediately, doing little to collect or inventory evidence, or to secure the premises. The failure to secure the premises lasted from Dec. 4 until Dec. 17 when the coroner had them sealed. In the interim hundreds of people passed through the apartment on tours conducted by Panther guides. An evidence technician from the Mobile Crime Lab Unit appeared within minutes after the shooting and made a search for over an hour collecting some further evidence, but

The grand jury report cites an FBI search of Panther headquarters which took place without gunfire. FBI agents had telephoned the headquarters to announce their search and to state that the building was surrounded.



Doug Munson

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he took as his function "to establish the authenticity of the account given by the raiding officers" (p. 94).

The report provides a chart (p.93) showing that of some 151 items recovered, only 77 were recovered by the States Attorney's Police or the Crime Lab Unit; 43 were due to the efforts of the Panther defense attorney; and another 30 were the product of the FBI which did not begin to investigate until Dec. 22. The report is critical of the investigative techniques of the local police, but does not make clear whether they were the result of routine inefficiency or were perhaps unusually sloppy in this instance.

4. The Internal Inspections Division of the Police Department, as institution for internal discipline, concluded its investigation of the raid and reported on December 19 that there was "no apparent misconduct or impropriety by any of the officers involved in the incident" (p.116). Perhaps the only amusing thing in the report is the account (pp.114-126) of the stringency of this inquiry. The questions to be asked were reviewed in advance and revised by the States Attorney's office and Sgt. Groth; the subject officers were then briefed in advance on the questions; the examining officer testified that the questioning was not designed to test the truth of the officers' accounts ("I assumed that everything they said was true" p. 123). When told of the investigation, Superintendent Conlisk is reported as saying he was "flabbergasted to think that such a thing could exist" (p. 125). The Director of IID stated that this was not a "normal" investigation, that it was "an extremely bad investigation." In further questioning, he provided that appropriate last word: "Q. As a matter of fact, have you ever seen one as bad as this one? A. No, sir" (p. 126).

In contrast, the States Attorney's police gave a detailed re-enactment of the raid in a 28-minute television show over WBBM-TV, with "each officer acting out and describing his part in the raid" (p.41). The re-enactment used a mock-up of the apartment built in the State's Attorney's Office.

Standing by themselves, these points do not amount to much; they seem to indicate once again that the Chicago police are at times non-professional, inefficient and self-protective against criticism. But this time they do not stand by themselves and one should look at them again in light of other data in the report.

II — The Writing of the Report

There are perhaps five things about the style and structure of the report that are worth comment. First, although written simply and lucidly, the report has been divided into sections which give it an air of complexity. The upshot is that unless a reader uses pencil and paper to keep track of the data, he gets only a vague impression of what happened during the twelve minutes of the raid.

Second, there is an astonishing failure to

Why no indictments?

CJR asked Jon R. Waltz, a law professor at Northwestern University, to comment on the grand jury's report. We asked:

Could the federal grand jury have brought indictments based on the information it gathered, even without testimony of the Black Panther survivors?

In my view, the evidence reflected in the grand jury's report would support indictments for violation of § 242 of the federal Civil Rights Act. This set of indictments would have been based on the Hanrahan raid itself, and would have named the special police involved in it and those lawyers in the Office of the State's Attorney who were responsible for it.

It also strikes me that Mr. Hanrahan's and the policemen's orgies of prejudicial pre-trial publicity (even including a televised re-enactment), which the grand jury rightly termed "improper," "grossly inaccurate" and "grossly distorted," would have supported indictments under the Act had Hanrahan gone forward with the prosecution of the surviving Panthers ... At the very least, however, the fact remains that the calculated release of false and prejudicial information by Hanrahan is a primary reason that his resignation should be demanded and speedily obtained.

The evidence also supports — I think strongly supports — perjury indictments against a number of the special police who testified before the federal grand jury. Although forewarned of the evidence already in the grand jury's possession, some of the police witnesses nonetheless gave testimony that was wholly inconsistent with the physical evidence. Despite what it called an "irreconcilable disparity," the grand jury developed what it considered a "plausible explanation" for these officers' patently false testimony that they had been met by a fusillade of gunfire from the Panthers. The grand jury suggests "... that

discuss the relevant federal law although there is a promise on page 3 to do so. This is important because the public is likely to misunderstand the question the grand jury was answering when they failed to return indictments. There are important legal differences between the scope of the federal civil rights act (the only act relevant for this grand jury) and state laws. The federal laws speak in terms of "willful" violations of rights; in these circumstances, the obvious example of a willful violation would be a deliberate killing by the policemen, and the grand jury may be telling us no more than that they had insufficient evidence for the charge that Hampton or Clark was murdered. State



Doug Munson

Jon R. Waltz

in the darkness and excitement they [the police] mistakenly attributed to the occupants the fire of other officers." This guesswork on the grand jury's part is consistent with the ineptitude with which the Hanrahan raid was carried off. The difficulties are two-fold: first, it is not a grand jury's function to concoct and then accept questionable defenses and, second, the policemen themselves categorically rejected the grand jury's suggestion. One is left with the inescapable feeling that, whether or not a Chicago jury would convict, perjury was committed by members of the Cook County State's Attorney's police ...

Every day grand juries hand up indictments based on less convincing evidence than is reflected in this report. Of course, this grand jury may have been motivated by its belief that no Chicago jury will convict a policeman, however manifest may be his guilt. The grand jury may have concluded that many Chicagoans, apparently akin with some law enforcement agents, think that the informed execution of "bad men" is justifiable.

It is unimpressive to suggest, as did the federal grand jury, that "... it is impossible to determine if there is probable cause to believe an individual's civil rights have been violated without the testimony and cooperation of that person." The ultimate deprivation of civil rights is a lynching. In any effective lynching the victim dies and cannot testify before a grand jury that his civil rights have, indeed, been abridged. Through the years a number of grand juries have found it possible to surmount the victim's involuntary silence.

laws might well encompass reckless behavior on the part of the police that would fall short of willfulness (manslaughter is an example).

In a report as elaborate as this one, it is surprising that the grand jury did not discuss the legal formula under which they were assessing the facts. I suspect the authors of the report were perfectly willing to have the public be misled, to believe that the grand jury had found insufficient evidence of any police misconduct.

Third, from almost any point of view the heart of the report is the 22 page section (pp. 170-192) in which the testimony of the police themselves before the grand jury is reported. This is the police version under

oath as to what happened during the twelve minutes of the raid. Here issues of consistency and credibility are of the highest importance. Yet the writers of the report here used an extraordinary device. They reduced the individual testimony of the police witnesses to a *single composite account* (p. 171). We are thus deprived of any chance of checking one version against another, and more important we are deprived in at least three cases of high interest — policemen Groth, Gorman and Davis — of any sense of how credible they sounded. The texture may be suggested by the following minor instance: on page 180 Officers Carmody and Ciszewski, entering the apartment from the rear, discover a door lying on its side across the entrance from the kitchen to the dining room; on page 184 Carmody prepares to jump over the barricade; on page 185 he again prepares to jump and finally at the bottom of page 185 "he leaped over it".

Fourth, the report is stunningly silent about how Fred Hampton was killed. We are told that the police knew Hampton frequented the apartment (p. 55); that Officer Gorman had had prior dealings with Hampton and considered him "dangerous" (p. 67). We are given a detailed account of the *three* autopsies of his body by the coroner, by the Panthers, and after exhumation under the auspices of the grand jury (pp. 102-113). There is an impressive discussion of the results of the third autopsy which the grand jury holds "conclusively confirmed" that Hampton had *not* been sleeping under the influence of drugs on the night of Dec. 4 (p. 105-107).

We are also given a careful description of the wounds in Hampton's body: two head wounds which entered from the right and a wound in the left shoulder (p. 107-8).

But what of the important question, how was Hampton killed — by a blind shot through the wall or by shot from an officer entering in the rear via the kitchen? In the one case we have an accidental killing (whatever one may think about shooting through walls), but in the other case we have a situation that, to say the least, deserves further inquiry. As far as I can gather from the location of the bed in the Hampton bedroom and the direction of the head wounds, the answer would turn on the position of the body when found and on whether he was on his back or on his face. What I find deeply puzzling about the report is its disinterest in the whole matter. The grand jury never put together the data on Hampton which is scattered throughout the report. They never ask which shot by which officer might have killed him.

Fifth, if the report is unable to reach normative conclusions about the police behavior, it has no difficulty in judging the conduct of the Panthers in refusing to cooperate in the inquiry. I think the surviving Panthers were ill-advised in refusing invitations to testify, especially their second invitation *after* state charges against them had been dropped (thanks to the new findings of the Federal grand

jury). But the report does not persuade that the Panther testimony was indisputable for the grand jury to draw conclusions on the evidence which it did have. Surely the direction of the Panther testimony would not have been hard to estimate. Could it possibly have made the case against the police any weaker?

III — The Twelve Minutes

We come finally to the core of the case — the facts disclosed about the raid itself, about the behavior of the police during those twelve minutes. In the end if these facts are colorless, all the items we have discussed thus far about the police and the report are colorless too; but if these facts are disturbing, the other materials combine logically with them to deepen our anxiety.

There are three points to make here. First, the question is not whether all 14 police were guilty or whether none of them were. Obviously some of the police who went on the raid were almost certainly not implicated; a reasonable guess is that seven did not fire a shot and quite possibly did not enter the apartment during the shooting. On the other hand, the ballistics data indicate that Officer Gorman alone fired 48 of the total of 99 shots (p. 166), an item which the report never explicitly notes. Officer Davis may have fired another 19 (p. 68, 166, 186, 213).

Second, the report has remarkably thorough ballistics data. There is a summary of shots room by room (p. 151-163) and a summary of all empty shells and bullets found (p. 165-166). A final table indicates evidence of 99 shots "fired by the State's Attorney's Police" (p. 166). On the other hand, and I quote: "Only one bullet hole, one shell and one projectile — all associated with the blast through the living room door — can be identified ballistically as having been fired by the occupants" (p. 212). This then is the gut fact of the report: under the grand jury's most careful estimate the ratio of shots fired by police during the raid to those fired by Panthers is 99 to 1. It is a stunning, simple fact and there is no way around it.

But this is not the whole story. The police story is that the lone Panther shot was fired *first*, at the beginning of the raid. The inescapable conclusion therefore is that *for the next twelve minutes* the police fired 99 shots in the small crowded apartment *when no shots were being fired at them*.

Nor is even this quite the whole story. The police, apparently sensitive to the fact that no rule of law would cover those twelve minutes of shooting, testified vividly and in detail and in corroboration of each other about the frequent Panther fire they were subjected to after the raid started. The grand jury gives lengthy consideration (p. 206-220) to this "irreconcilable disparity" (p. 206) between police testimony and physical evidence. By the grand jury count, the police testimony required that the Panthers fired 10 to 15 shots at a minimum, while the physical

evidence shows *one* at best. This too is a stunning ratio. Of special interest is the fact that the police were advised of the physical evidence by the grand jury *prior* to testifying, and they were asked to reconsider their testimony in light of it. They did, and then under oath they stuck to their 10 to 15 shots. The jury struggles with the discrepancy and finally exonerates the police of "intentionally falsifying their stories" (p. 220).

They prefer to believe a theory, "rejected by the police" which holds that shots by other police were mistaken for shots by Panthers. It is not hard to see why the police preferred their Scylla to that Charybdis. In any event, there remain several parts of the detailed police story that cannot be saved by the grand jury's explanation (the police statements about face to face confrontations with occupants who fired at them).

I would suggest the appropriate exercise at this point — one which the grand jury surely did not perform — would be to go through the 22-page composite police story of the raid (p. 170-192) with a blue pencil, eliminate all references to Panther shots, and then see how it reads!

There remains a third and final point about the raid. I have saved it for the end because it bothered me the most. The police story is that at the outset of the raid, after the police have announced their presence with a warrant and there is a suitable delay, they kick open the door to the apartment and are greeted with a shot that goes through the door, barely missing them. This is the lone Panther shot established by ballistics experts. It appears that Mark Clark fired this shot, standing behind the door with a rifle. What bothers me is the rest of the story. Officer Davis pushes into the room and is fired upon by Brenda Harris who is on a bed in the far corner with a rifle. Davis shoots back at her. Groth who is in the doorway also shoots at her and, in the illumination of Groth's gunfire (apparently a favorite form of police illumination), Davis sees Clark sitting on a chair pumping a shotgun. Davis turns and fires two shots at Clark. Thus far the story makes sense, and Clark was killed by shots from Davis' gun. But now we are told the wounded Clark rises to his feet, still holding the gun. Davis throws his arms around him and wrestles him to the floor. Clark is bleeding profusely from his fatal wound but Davis testifies that his hands and clothes did not get bloody. (p. 177).

What is one to make of this story? Clark, although he has already fired one shot, according to the police account, and is alerted and ready to shoot, supposedly is unable to shoot again while Brenda Harris had time to get off two shots, according to the police story.

Further, if we accept the ballistics data, there were in fact *no* shots by Harris. And finally, nothing short of a miracle could have kept Davis from getting bloodied if he fell on the dying Clark.

If these three awkward facts generate

Questions that were not asked

7

One overpowering impression left by the federal grand jury report on the Fred Hampton slaying is that the government swung at everybody, but knocked out nobody. The report, written for the most part by James P. Turner, a deputy assistant attorney general, has some blame for everybody:

The 14 state's attorney's policemen who executed the raid — for poor planning, and not carrying along tear gas, lighting and sound equipment.

The police department's Internal Inspections Division for "investigating" the raid in a manner that "was so seriously deficient that it suggests purposeful malfeasance." Not only did IID fail to investigate "any potential violations of police department regulations by the officers, but the report added: "The grand jury found a more detailed account of the raid in the *Chicago Tribune* than it did in the IID files."

The coroner's office — for somehow misdescribing Hampton's fatal wounds, low caliber work in general and failure to adequately seal the flat and protect the evidence therein.

The police crime lab — for "a serious lack of professionalism and objectivity," in gathering and handling evidence; "a totally inadequate search" and "a grossly insufficient analysis." The crime lab didn't even test the 19 seized weapons for fingerprints.

The Chicago media — for running "improper and grossly exaggerated stories ... almost daily."

Defense lawyers and prosecutors — for talking too much to the press.

And the Panther survivors for not testifying before the grand jury.

Jerris Leonard, the assistant U.S. attorney general in charge of civil rights said that both the investigation and 243-page document "proved the system works". Yale President Kingman Brewster was

wrong, Leonard added, when he questioned whether Black Panthers could get justice in America.

How comically absurd. How can you argue that the system works when virtually every aspect of the system involved in this case was found by the grand jury to be an appalling failure? Everybody messed up, the jurors said, but at least our system admits it. What idiocy! What self-serving hypocrisy! If we're to believe Leonard, a system of justice that railroads guys off to the electric chair is okay so long as you admit the error *after* the switch is pulled.

Leonard argues that the report and the reforms suggested by it proved the system "could grow and profit from the mistakes" made by police and other officials.

Yet, even if the suggested reforms — scrapping the coroner's officer for a medical examiner system, tightening policies at the IID and crime lab, using state's attorney's police only as investigators — were instituted right away, it is probable that the cops would go right on raiding offices and homes of Black Panthers (and other radicals and "militants"), wounding or killing the occupants. Future raids might be better executed, but

what reason is there to believe they would be more justifiable?

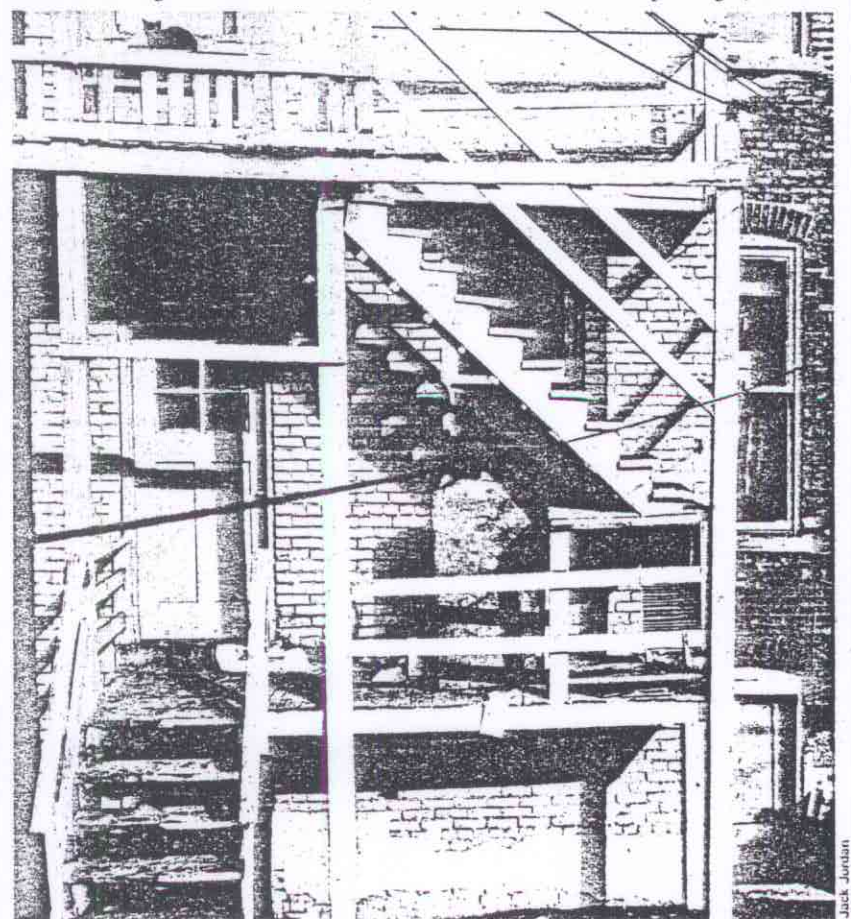
The grand jury never really got down to the heart of the matter: *Why* were Fred Hampton and Mark Clark killed and four of their companions wounded by needless gunfire which the grand jury admits was excessive? *Why* was there, in the words of the report, an "irreconcilable disparity between the detailed accounts given by the (raiding) officers and the physical facts and evidence examined and reported by the FBI?" And, *why* were the seven Panther survivors indicted on 34 felony counts when the evidence — two expended shotgun shells — could not support even one indictment, as it turned out?

Besides attempted murder, the seven were charged with armed violence, possession of weapons, and an assortment of other offenses against individual defendants.

On May 5 — a week before the report's release — state's attorney Edward V. Hanrahan dropped all the charges in a brief hearing before Criminal Court Judge Saul Epton. His assistant state's attorney, Nicholas Motherway, who presented the state's motion to drop charges, admitted

skepticism about this episode, what happens to the conclusion that Clark fired the first shot in the fashion described by police? *It is this shot on which rests the whole legal justification for the police use of counter force.*

These then are some impressions from the grand jury report. I have used only data from the report. I would repeat my opening observation that the report clamors for the serious and sustained attention of the public. Being something of an optimist I suspect that the story of the December 4 Panther raid is not yet finished. In providing with its report a major stimulus for keeping the story open, the federal grand jury and the Department of Justice which created and guided it, have inadvertently performed a substantial public service.



Jack Jordan

the police crime lab had mistakenly identified the two shells as having come from a shotgun *allegedly* (remember, no fingerprints!) wielded by Brenda Harris. Motherway added that on April 28, Hanrahan received information from the federal grand jury that showed — based on FBI ballistics — that the shells actually came from the shotgun of officer John Ciszewski, one of the raiders. When confronted with the error, the state had no choice but to drop charges, said Motherway.

Exhausting Inquiry?

The opening statement of the report's conclusion reads, "This grand jury has sincerely endeavored to exhaust every reasonable means of inquiry to ascertain the facts of this case." Maybe the 23 jurors who labored for four months believe this, but it's inconceivable how anybody else could.

Four policemen testified they saw Brenda Harris fire at them as they entered the front door of the apartment. Since it is now clear she never fired at all, how reliable are their accounts?

Perhaps the grand jury did not push such questions, because any reasonable answers would suggest purposeful lying, or even a conspiracy to commit perjury — and not merely "bungling".

The report touches only superficially on the planning of the raid and even here fails to ask probing questions. No questions are recorded concerning the informant who supplied the state's attorney's police with the tip about illegal guns. Why should the grand jury take the policemen's word that there was an informant, in the light of the contradictions (or lies) in other police statements? Law enforcement officials have, after all, been known to falsely claim that informants gave them tips to cover illegal searches and seizures.

The report criticizes the raiders for not carrying tear gas, but never tells why they didn't.

The report never asks why officer Joseph Gorman brought along a Thompson submachine gun and why such a weapon was necessary, though Groth testified "he had never been on a prior raid where such a weapon was carried."

Why couldn't the raid have been set for 8 p.m. when police were informed (correctly) that no Panthers were in the apartment, instead of 4:40 a.m.? "There was ... discussion that the 8:00 p.m. suggestion could be a trap," says the report. Who offered this suggestion and why? The report does not say.

The major point is that the full range of the police ineptitude and cover-up is accepted by the grand jury as simply poor police practice. The jurors never entertain any other theories of how or why the raid occurred as it did, and this is a chief weakness of their report.

Could the cops have broken into the apartment with the intent of either

murdering Fred Hampton or all the occupants? The facts developed by the grand jury and the FBI could just as easily support this conclusion as any other. Could there have been another reason why tear gas was not taken besides Groth's lame excuse that none was available? After all, if the intent is to kill or terrify you don't need tear gas. The pre-dawn hour for the raid makes sense only if one assumes it was people and not weapons the raiders were looking for. (The excuse about minimizing possible "neighborhood resistance" is preposterous considering there have been at least a half dozen raids on the Panther headquarters a few blocks away from the apartment and *never* has there been any "neighborhood resistance.")

Were the failures of the IID, the coroner and crime lab just an accident, or were they premeditated, on the assumption nobody would ask serious, probing questions about police work in a case involving Panthers? There was ample precedent for such an assumption. On at least two of the raids on Panther headquarters, there were gaping inconsistencies in the police and

FBI accounts, but nobody — least of all the media and organized bar — asked for an explanation.

Nathan Lewin, a former Justice Department official, writing in the *New Republic*, asks, "Is it conceivable that a shooting spree of the kind shown by this investigation ... was anything other than an 'unreasonable' search? Even assuming that Mark Clark had initially fired a rifle shot as the police sought entry, what possible reason could there have been to shoot the other occupants, none of whom — according to the physical proof — used a weapon?"

One of the strongest indictments of the grand jury and the report came from Thomas N. Todd, a black former assistant U.S. attorney under Tom Foran, now with the Center for Urban Affairs at Northwestern University.

"There are two kinds of whitewash," says Todd. "The stupid kind, which is what the IID was guilty of, and the intentional kind — the kind the federal grand jury was guilty of."

FRANCIS WARD

Highlights of the grand

(Harvey Johnson, operating director of the Chicago Crime Commission, had said that evidence of bird shot pellets in the apartment proved that non-police weapons were used. "Any policeman who used birdshot would be laughed out of the station" Johnson told a reporter.)

The report states:

"Sgt. Delaney also issued (the raiding party members) 25 rounds of Number 8 birdshot and 15 rounds of double-ought buck shot."

Could it be that Harvey Johnson has been "laughed out of the station?"

The sergeant in charge agreed that the crime scene investigation was conducted, not to obtain all the available evidence, but, to try to establish the authenticity of the account given by the raiding officers.

"The press had indicated, incorrectly, that the coroner had recovered no bullets."

This is a nice way to say that Coroner Andrew Toman lied to the press, repeatedly, about whether bullets had been recovered from Hampton's body. He continually denied that a slug had been recovered. Of course, this could just be evidence of "bungling" or whatever euphemism gives our elected coroner the benefit of the most doubt.

Later, the report blames "confusion over the recovery of a bullet by the coroner" as one of "the errors in the second autopsy" — the one conducted by the Panthers' team of experts.

Capt. Harry Ervianian, director of IID,

testified "that the circumstances of the incident had not been developed 'with an degree of accuracy' and that he had not carried out his duty as Director of IID."

Q. (by juror) Again, Captain, do you think it would be unfair or unreasonable for a person to come to the conclusion even adding the facts of the crime lab report, that this was a whitewash?

A. (by Ervianian) I would agree, sir, that this was a very bad investigation, yes, sir.

Q. Well, it was extremely bad, wasn't it?

A. Yes, sir.

But where are the clincher questions, the conclusions from the Grand Jury that common sense dictates?

Are we to assume that it was mere coincidence that IID "bungled" the most important investigation to come its way in years? Are we to assume that Ervianian was not aware of the extraordinary controversies that had exploded over the raid and the inconsistencies in the raiders' stories?

"This officer (Daniel Groth) testified most emphatically (at the coroner's inquest) that he had examined the panel in the living room door ... and observed only one hole in the panel (the hole caused by the shotgun blast from within the apartment). He stated he looked for other hole in the door but could not find them, and if he did see them he would have recalled them."

"Before this Grand Jury, the Sergeant acknowledged that ... more than one (shot) had gone through it."

It can be assumed that this lapse of memory on Groth's part is more evidence of "bungling." Any other conclusion, or

talk:

At an April CJR Convention on broadcasting, FCC Commissioner Nicholas Johnson addressed some personal comments to representatives from the various media:

"I say with great power goes great responsibility. And when you are controlling the single most important means of information, when you are setting the national priorities... It's no accident that we've stopped worrying now about poverty and started worrying about pollution. Every January, we pick up a new topic, you know? This year it's environment. Well, where did that come from, man? That wasn't a handbill that appeared on my door that told me that. See? So you set the national agenda. You give people their opinion. You set the life style."

Bob Wildau, until May, a *Time* correspondent in the magazine's Chicago bureau, quit his job and joined a commune in Taos, New Mexico. He discusses his

reasons for leaving:

"I'm leaving straight reporting for a while — not as a media dropout — but to do some exploring. I tried very hard to slough off my self-identification as a reporter, not because I haven't enjoyed tremendously a lot of things I've done — but it just came down to a point where I found out there was so much more going on. There was no way of jamming it into my files, much less getting it into the magazine."

"I want to see what is *really* being done, in a way you can't see it as a reporter — especially as a reporter for *Time* — if your editors are going to insist on your making a judgment as to the economic and social viability of something that's experimental — where the whole idea is to try to make the future come true in the present. I don't feel that I can put *Time*'s strictures on the revolution. One thing about mainstream journalism is that we're so often asked to judge what is *coming* by the standards of what *is*."

Frank Gerace is past president of Bolivian Radio Schools and, until recently, producer of *Oiga Amigo* for WLS. He has left the US to do free-lance correspondence and film work in Latin America:

"As I leave Chicago for personal and professional reasons, I think of several projects and dreams that still must be brought to reality."

"Minority participation in the media must be strengthened on all fronts. I'm not talking about jobs. This must come and will come by other strategy. I mean participation in determining the content and the slant of the message; the production and the delivery."

"Someone (CJR?) has to provide workshops on the nature, weaknesses and utilization of the media to authentic community leaders. Perhaps the urgency is greater for our Latin leaders, since the blacks have already gained a certain sophistication in this field."

Nicholas Johnson:

"Gradually, here and there, you're finding more and more men who are willing to stand up and say, 'What we've been doing is wrong and I'm gonna stop it, and I'm gonna urge my colleagues to stop it, because it's wrong.'... There are more and more in this country; and they're an increasingly powerful band and they're increasingly embarrassing to their colleagues, who realize how weak they are."

Frank Gerace:

"Community television franchises. It is possible to dream of minority control of a CATV franchise. Why not work towards it? This is a long term, day to day, revolutionary activity — with all the red tape and chicken shit of working in the system. But the result, if achieved — a people's TV source — is worth all of it."

And dig, nothing but nothing will be done by the people if we don't turn them on, advise and backstop with our expertise, knowledge and contacts.

Bob Wildau:

"I covered the Conspiracy Trial. For me, it was a radicalizing process. I really feel that in my reporting, I went about as far as I could in trying to explain why this awful spectacle was taking place, awful from the point of view of someone who hates to see the fabric of society being torn and trying to explain this through a medium that felt duty-bound to parcel blame out to both sides in the trial — the prosecution and the judge, and the defendants — but the over-all tone was clearly that of outrageous provocations against the legal system, and so forth. I just felt at that point, there was no reconciling the two in print. I felt I was limited in what I could write by the credence of my editors — their political inflexibility."

"All the way through the trial, I had the feeling that I should have been on the other side — at the defense table. I really did want to be part of the movement for change in this country."

A spring CJR radio show — a conversation between Ken Pierce and Chicago *Seed* editor Marshall Rosenthal:

Pierce: Most young journalists are not conservatives. Is it that people who become journalist are naturally activists, or are they ordinary guys who become liberals or radicals because of what they see?

Rosenthal: To answer that, I'll use something Jack Kerouac said, "Everybody knows everything." We're all aware of the insanity around us and within us. I don't think it's that reporters have feelings more than other people. Maybe it's because reporters are living closer to the edge, the rawness of life.

Bob Wildau:

"By joining the commune, I really think my journalist's instincts will resurface. I want to see the world in a broader perspective than my reporter's role will allow."

"My theory about why reporters become so liberal is that news by its very nature is change. They see so much that ought to be changed, but isn't, so it's not news, but it's wrong. Either you have to turn off your sensibilities, or you have to do something about it."

Nicholas Johnson:

"You've got the power in this society; you've got the power to build this country or to tear it down; you've got the power to tell us we ought to build our cities or we ought to burn them, that we ought to go to Mars or we ought to feed the hungry here on earth."

HARRIET HEYMAN

Jury report

course, would suggest that Groth lied before the Coroner's jury, and that does not fit well with the theory that the "system" of justice does work.

"Of primary significance are... findings and testimony identifying three shotgun shells as having been fired from weapons seized by the police from the premises. (Crime lab) findings were later proved to be in error as to two of the shells by the FBI ballistic examination. (A crime lab officer thereafter admitted his error to the Grand Jury.)"

His error? C'mon, fellas.

"The guns of police officers were not turned into the Chicago Police Department Crime Lab for examination, although to do so is standard practice."

"The firearms examiner testified before this Grand Jury that due to daily pressure from the State's Attorney's office he was required to report his findings before he had examined all of the State's Attorney's Police weapons. The examiner said that he could not refuse to sign a report without being fired from his job. He told this Grand Jury that the physical evidence was turned over to him by the State's Attorney's police in such a condition as to make his work extraordinarily difficult; and that he could not complain because it was the State's Attorney's Office which had turned the materials in to him."

"The great variance between the physical evidence and the testimony of the officers raises the question as to whether the officers are falsifying their accounts."

No shit.