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Secrecy at issue in Panthers' suit

By Rob Warden

Special prosecutor Barnabas F. Sears did what he said he was honor-bound to do one late-August morning in 1972 during the criminal conspiracy trial of Edward V. Hanrahan.

Sears revealed that the indictments of Hanrahan and 13 other officials involved in the fatal Black Panther raid had been based partly on what appeared to be perjury.

The prosecutor said he had belatedly discovered that survivors of the 1969 raid in which Fred Hampton and Mark Clark were killed had made statements to their lawyers that conflicted with grand jury testimony.

FOREMOST among the conflicts: Panther Louis Truelock made a taped statement to his lawyer that he had fired two shots during the raid, but contended two years later before the grand jury that he had not fired any shots.

Although the Truelock statement—and purportedly conflicting ones by other survivors—were made part of the

official court record in the criminal case three years ago, Panther lawyers contend today that any such statements were private communications between lawyers and clients.

One of the main tenets of law is that a statement made by a client to a lawyer is secret—a position that the Panther lawyers argue is unaltered by the fact that the statement already may have been made public.

This is an important point just now because the Panthers are suing Hanrahan and 27 other officials and former officials for \$47.7 million for the alleged wrongful deaths of Hampton and Clark.

THE LAWYERS defending Hanrahan and the others would like to introduce the survivors' statements as evidence before the civil jury that is scheduled to begin hearing the case next week in U.S. District Court here.

Defense lawyer John P. Coghlan told federal Judge Joseph Sam Perry in a pretrial hearing Wednesday that the survivors' statements could be "charitably described" as an admission of a crime.

And Coghlan's co-counsel, Camillo F. Volini, hastened to add that the secrecy privilege should end when it comes to the point of concealing a crime.

"This is an example of a coverup by the plaintiffs and their attorneys," Volini contended. "The statements implicate you and everybody in your office in a crime," Coghlan shouted at Panther lawyer Jeffrey H. Haas.

PANTHER LAWYER G. Flint Taylor Jr. complained that Coghlan's accusation was "scandalous."

Judge Perry indicated he would rule before the trial opens next week on the issue of whether the statements are secret, thus determining whether Coghlan and Volini may refer them in opening remarks to the jury.