

Panther document ruling was wrong, judge admits

By Rob Warden

"I'm not all wise," said the 79-year-old senior judge of the U.S. District Court for the Northern District of Illinois. "My name's not Solomon."

And with that, His Honor Joseph Sam Perry stated for the record that he probably was wrong when he refused three times in the last year to require the FBI to turn over thousands of documents subpoenaed by Black Panther lawyers.

"I believe my ruling was in error . . . in not allowing this to be examined at an earlier stage," said Judge Perry, who already has impaneled a jury for a \$47.7 million damage suit in behalf of survivors of a 1969 West Side raid in which Panther leaders Fred Hampton and Mark Clark were killed.

THE TRIAL tentatively is set to open Tuesday before the six-member civil jury, whose color barrier was broken only by the last juror picked — a retired black supermarket checker whose son is a West Coast deputy sheriff.

Defendants — there are 28 of them — include former State's Atty. Edward V. Hanrahan, Chicago policemen who carried out the raid under his control and FBI agents who allegedly conspired with the local officials to deprive Panthers of their rights and perhaps their lives.

In the final, harried days before the embittered extravaganza of Hanrahan and the Panthers is reincarnated in court, the lawyers have been squabbling over dull, complex motions with enormous stakes.

LAWYERS for Hanrahan and his co-defendants will make a last stand on Monday against surrendering reams of FBI documents generated by the Chicago field office in response to an order from J. Ed-

gar Hoover to report in writing every two weeks on "imaginative and hard-hitting counterintelligence measures" against the Panthers.

The Hoover order was made public in recent Senate hearings, but the Chicago office's "imaginative" measures are still an FBI secret, except for a titillating sample: The FBI sent a letter to Black P Stone Nation leader Jeff Fort saying that Fred Hampton had a "hit" out on Fort.

PERRY Tuesday ordered that all FBI files concerning counterintelligence measures against the Chicago Panthers be turned over to the Panther lawyers, but the Panther lawyers indicated Thursday that the government had not complied.

Instead of surrendering the subpoenaed documents, Panther lawyers told Perry, government lawyers had offered affidavits signed by the agent in charge of the Chicago office saying he reviewed the documents and found them not relevant to the Panther case.

It was when the subject of the documents was raised in court Thursday that Perry made the statement that he thought he had been mistaken in not having ordered them produced months ago.

The fact that Perry has changed his mind doesn't necessarily mean that he will permit them to be used as evidence in the trial—which is the only way the public ever is likely to learn their contents.

During the trial, Perry will rule on the relevance of any information in the files. Only that which he finds germane to the Panther complaint will be made public — information supporting the contention that Hanrahan, police and the FBI conspired to deprive Hampton, Clark and the Panthers of their civil rights.

CDU

LY NEWS, Friday, Jan. 30, 1976