

Panther trial a shambles, judge

By Rob Warden

The federal trial of a \$47.7 million Black Panther damage suit was a shambles Wednesday as the judge ignored demands by both sides for a mistrial and insisted that testimony continue while potential

evidence remains missing.

Lawyers for former Cook County State's Atty. Edward V. Hanrahan, being sued along with his men who killed two Panthers in a controversial 1969 raid here, asked for a mistrial after a juror brought a newspaper article about the

case to court and had it with her in the jury room.

Even after the juror took the article from her purse in open court, U.S. District Court Judge Joseph Sam Perry refused to ask her and the other jurors whether they had read the article or been influenced

by it or other publicity about the case.

Such questioning, Judge Perrys said, "could only lay the ground for a mistrial."

Then, without listening to arguments on motions for a mistrial filed Tuesday by both sides, the 79-year-old judge an-

bars mistrial

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nounced flatly: "We're not going to have a mistrial."

PANTHER LAWYERS demanded a mistrial on the grounds that three FBI agents and their Justice Department lawyers concealed potential evidence and defied court orders to turn over subpoenaed documents.

At the same time, the Panther lawyers filed a motion asking that the judge hold the FBI officials and their three government attorneys in contempt for their actions.

The potential evidence is a 30-foot stack of FBI files that the Panthers contend should have been turned over weeks ago under orders issued by Perry.

It was accidentally discovered during testimony of an FBI agent last week that not all files had been produced, and it now appears that up to 90 per cent of the potential evidence was withheld.

PERRY, WHILE reserving

ruling on the contempt motion, didn't appear in sympathy with it. He told the jury about the missing documents somewhat cryptically Tuesday, saying that if the jury wanted to blame someone for the delay it should be the judge rather than the lawyers.

James D. Montgomery, the chief Panther lawyer, asked at that point that the jury be excused and then strongly criti-

cized the judge for making that statement.

"You're asking the jury to find you at fault," Montgomery angrily shouted at the judge, "when the fact is that it is the fault of these federal lawyers who sit right here in court and make false representations to you."

During several stormy sessions out of the jury's presence Tuesday, Perry was attacked by both sides. Apparently unaccustomed to such pressure, the judge told the lawyers at one point: "Just leave me alone."