

Killing of Black Men

The Chicago Raid-- New Nightriders

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This is the week to meditate on the killing of black people. How does it happen? Why do the killers almost always get away with it?

To help us understand, we

now have a report on how two young black men, members of the Black Panther party,

met their deaths in a Chicago police raid last December 4. The report was written by a federal grand jury working with John Mitchell's justice department. It is a good report, honest and fair, and might even be a sign that the attorney general has begun to see the duties of his office in a new and better light.

The picture drawn by the grand jury is one of a sloppy disdain for black lives, of a group of heavily armed men making a promiscuous raid. Somebody like Eldridge Cleaver might describe it by saying, "a bunch of onky cops and a pig Tom went over to nigger town and shot a coon."

Prior to the raid, the police got a search warrant on the grounds that there were illegal arms in the apartment where Fred Hampton, chairman of the Illinois panthers, Mark Clark and seven other people were spending the night. The jury's report notes that this warrant was obtained after the FBI had told the man who ordered the raid that its best information was that the firearms in the apartment were legal.

Previously, the Chicago FBI had conducted a raid on the local panther headquarters. Whatever you think of the FBI making such raids, they did it without killing or injuring anyone. This feat was managed by surrounding the place and then calling on the telephone to inform the occupants. In case that didn't work, the G-men had loudspeakers, with which to shout in the windows, and, if needed, tear gas to drive the people out without killing them.

"The whole concept of going on a raid in a high-crime density area to obtain weapons from known militants — led by a convicted felon believed to be danger-

ous — with only 14 men, in plainclothes, in the dead of night, with no sound equipment, no lighting equipment, no tear gas and no plan for dealing with potential resistance seems ill-conceived," says the grand jury in understated conclusion. Others might define it as deputized nightriding.

What happened after the killings is as indicative of how the officials in Chicago regard Black men as the deed itself. Men with any kind of reverence for human life would have immediately known that a terrible thing had transpired, regardless of who may have been at fault, and they would have made every effort to document what had happened and how.

REPORT

Nothing of the sort took place. What the report shows is that these policemen went in, did their killing and wounding, collected the dead and surviving, the booty of guns, slammed it all in trucks and just drove off. No fingerprints were taken, no systematic photographing of the apartment, no labeling of evidence.

The negligent disdain for what we think of as normal police procedures was so total that the Cook county state's attorney has had to drop all charges against the survivors for lack of evidence. That in a case in which 14 eyewitness policemen say they saw people shooting at them and shot back in self-defense.

The cry against the police was so bad that they sought to exonerate themselves. The state's attorney arranged for the policemen to re-enact the crime on television, thereby making every judge and lawyer who's ever complained about pre-trial publicity look silly.

Next, the internal inspections division of the Chicago P.D. — the police who're supposed to police the police — did an investigation which the grand jury said "was so seriously deficient that it suggests purposeful malfeasance." One of the reasons for this conclusion was the testimony of one Captain Harry Ervanyan, the boss of the internal inspections division. Part of the Q and A went like this:

Q. Captain, do you think it would be unfair or unreasonable for a person to come to the conclusion that this was a

whitewash?

A: 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.

Q: As a matter of fact, have you seen one as bad as this one?

A: No, sir.

PROBE

The official police investigation really consisted of little other than having the sergeant in charge of the raid sit down and think up some questions to ask himself. This is why people want community control of the police and civilian review boards.

The main police argument in their own behalf was that they were fired on, and they had to shoot back. To support this contention, the police crime lab identified three shell casings as having come from guns in the apartment, but then the FBI did its investigation and discovered that two of the three casings had not been fired by a gun in the apartment.

How could the Chicago police ballistics man have made such a mistake? The report answers that question:

"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 over him."

SHOT

The FBI reconstruction of what happened in the apartment that night can find evidence for only one shot having been fired by an occupant while 82 to 89 were fired by the police.

The grand jury, although obviously itching to do it, didn't indict any policemen because none of the surviving panthers would testify as to what they saw the police do, on the grounds this was no jury of their peers.

One of the federal attorneys made a moving effort to get them to change their minds. "I am convinced, and I think the grand jury is convinced, that what happened on Dec. 4, 1969, should not happen again. Their power to act is tied into your power to cooperate. I would hate to read two weeks from now or two months from now or two years from now that there has been another shoot-out in Chicago or any other city where two men are killed and four people are wounded. If I do read that and you read it, then we can both say one of the reasons this has happened is because you sat on this stand with the power to do something about it, and rhetoric was more important to you than justice."

In the last few days, they've all read it. The police in two southern cities have emulated the northern police; they've gotten the word the lid is off, and it's okay to shoot Black people like they do up in Illinois.

But it's not the fault of the witnesses who refused to testify. At this date, reasonable people can't expect them to believe in our legal system. The police, the prosecutors and the courts must earn that belief by their conduct. In this case, the justice department and the FBI did well, but once is not enough — not nearly enough.