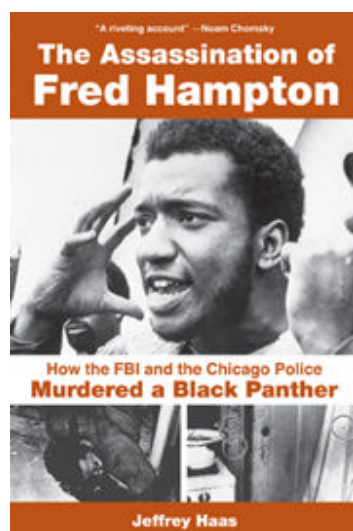


# The Black Panthers and the Assassination of Fred Hampton

A book review by Hans Bennett

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Haas, Jeffrey, *The Assassination of Fred Hampton: How the FBI and the Chicago Police Murdered a Black Panther*. Chicago: Lawrence Hill Books, 2009, 424 pp. ISBN-13: 9781556527654.

On the morning of December 4, 1969, lawyer Jeffrey Haas received a call from his partner at the People's Law Office, informing him that early that morning Chicago police had raided the apartment of Illinois Black Panther Party Chairman Fred Hampton at 2337 West Monroe Street in Chicago. Tragically, Hampton and fellow Panther Mark Clark had both been shot dead, and four other Panthers in the apartment had critical gunshot wounds. Police were uninjured and had fired their guns 90-99 times. In sharp contrast, the Panthers had shot once, from the shotgun held by Mark Clark, which had most likely been fired after Clark had been fatally shot in the heart and was falling to the

ground.

Haas went straight to the police station to speak with Hampton's fiancée, Deborah Johnson, who was then eight months pregnant with Hampton's son. She had been sleeping in bed next to Hampton when the police attacked and began shooting into the apartment and towards the bedroom where they were sleeping. Miraculously, Johnson had not been shot, but her account given to Haas was chilling. Throughout the assault Hampton had remained unconscious (strong evidence emerged later that a paid FBI informant had given Hampton a sedative that prevented him from waking up) and after police forced Johnson out of the bedroom, two officers entered the room where Hampton still lay unconscious.

Johnson heard one officer ask, "Is he still alive?" After two gunshots were fired inside the room, the other officer said, "He's good and dead now."

Jeffrey Haas' account of this conversation with Johnson jumps right out from the inside cover of his new book entitled *The Assassination of Fred Hampton: How the FBI and the Chicago Police Murdered a Black Panther*, just released. In this excellent new book, Haas gives his personal account of defending the Panther survivors of the December 4 police assault against the criminal charges that were later dropped, and of filing a civil rights lawsuit, *Hampton v. Hanrahan*, on behalf of the survivors and the families of Mark Clark and Fred Hampton. The civil rights lawsuit lasted for almost 13 years, but ended with a \$1.85 million settlement paid equally by the city, county, and federal governments. This battle in the courtroom is a long and complex story, but the 375-page book packs a punch and clearly presents the legal complexities without watering down Haas' outrage about Hampton's assassination and the cover up that followed.

### **The Assassination of Fred Hampton**

An autopsy conducted on Hampton by a doctor hired by Haas and the People's Law Office (PLO) confirmed Deborah Johnson's account about Hampton being shot twice after she was forced out of the bedroom. Haas reports that autopsy "found that both head wounds came from the top right side of the head in a downward direction...They were consistent with two shots to the head at point blank range...The downward angles of the bullets were inconsistent with the horizontal shots that came through the wall from the front." Other than these fatal bullet holes, the only physical marks on Fred were a bullet found embedded in the exterior of his shoulder and a graze wound in his leg. In two separate tests that were part of this same autopsy a high dosage of the barbiturate Seconal was found--enough to make Hampton unconscious or very drowsy.

At 4am on December 4, Cook County prosecutor Edward Hanrahan and 14 Chicago police officers assigned to Hanrahan had been armed with shotguns, handguns, and a .45 caliber machine gun. The raiders were officially carrying out a search warrant, looking for weapons, but suspiciously did not arrive at 8pm the night before when they knew the apartment was empty. Following the attack, Hanrahan and police publicly claimed to have been under heavy fire from the Panthers, and that Panthers had first fired on them through the front door. The actual evidence at the crime scene proved otherwise, and Chicago Panthers and supporters immediately mobilized to expose the police lies.

Hampton's apartment had been left unguarded, so the Panthers went inside to examine the scene alongside videographers who later released their footage in the 1971 documentary film entitled *The Murder of Fred Hampton*. The apartment was opened to the public, and the media was urged to come and see for themselves that there was only one bullet in the wall (from Mark Clark's shotgun) that could have been fired from the direction the Panthers were facing towards the front door. In contrast, there were 90-99 bullets in the walls that had been shot inward from the direction of the front door where police entered.

A county grand jury indicted each of the seven Panther survivors for attempted murder, armed violence, and other weapons charges, but all these charges would later be dropped. Hanrahan and police were first exonerated from any misconduct by the police Internal Investigations Division. Next, a coroner's inquest found Hampton and Clark's deaths were "justifiable homicide." A federal grand jury, led by deputy attorney general Jerris Leonard investigated whether Hanrahan and police had violated the civil rights of the Panthers inside 2337 West Monroe Street. However, in May 1970, the federal grand jury issued a 132-page report, but no indictments. Furthermore, Haas writes that the report "never sought to determine who fired the fatal shots, where they were from, or whether they were fired deliberately to murder Fred." Following public pressure, in June 1970 a special prosecutor, Barnabas Sears, was appointed by Cook County's Chief Criminal Court Judge Joseph Power. In July 1972, this criminal trial for conspiracy to obstruct justice began before Judge Philip Romiti. In November that year, all defendants were found not guilty.

After the federal grand jury's ruling in May 1970 that exonerated Hanrahan and others, they decided to file the civil rights lawsuit. At the meeting where the lawyers, December 4 survivors, and family members of Hampton and Clark made their decision, Clark's mother Fannie expressed how they all were feeling, saying "We can't just do nothing. Mark and Fred should still be alive. I want to bring their killers to trial." Reflecting back, Haas explains why the lawsuit was an important legal strategy as well. "In civil cases, extensive discovery is allowed. We could get to cross-examine all the defendants under oath at depositions, with court reporters recording what they said. The contradictions between Hanrahan's and the raiders' account, and the physical evidence made the prospect of confronting the defendants a trial lawyer's dream...we needed to write the complaint to combine the claims of the survivors and the deceased into one lawsuit against all the perpetrators...The legal construct we had found was to charge all the actors in a conspiracy to act together. That way we combined Hanrahan, [Hanrahan's assistant, Richard] Jalovec, the fourteen raiders, the crime lab people, and those who falsified the investigation...In May of 1970 we filed our complaint. We had no idea we were embarking on a 13-year battle," writes Haas.

The joint-civil suit was assigned to a right-wing judge named Joseph Sam Parry, who threw out their entire complaint on February 3, 1972. They appealed to the Seventh Circuit Court and on August 4, 1973, the Court overturned Parry, and sent it back for a new trial. Unfortunately, they were unable to get a new judge, and throughout the subsequent 18-month trial, Parry was extremely biased and blocked all kinds of testimony and evidence from being entered into the record. The jury was deadlocked, but instead of declaring a mistrial, Parry himself ruled to dismiss the case entirely. Haas and PLO's subsequent appeal of Parry's ruling to the Seventh Circuit was successful, and the case was sent back down to the district court for a new trial. Fortunately, this time they got a new judge, who urged the defendants to make a settlement before starting a new trial. Finally, on February 28, 1983, the settlement was made, and Hampton et al. received \$1.85 million from the city, county, and federal governments.

## **COINTELPRO and Fred Hampton**

The FBI's top-secret and illegal counterintelligence program dubbed "COINTELPRO" became public after a 1971 break-in to the FBI office in Media, Pennsylvania by unknown antiwar activists. These activists discovered these explosive documents that revealed an FBI war on the civil rights and later Black liberation movements, and quickly made them public. Among these liberated files was a March 3, 1968 COINTELPRO memo discussing the urgent need to prevent "the beginning of a true black revolution." Among several of the program's goals was to "prevent the rise of a 'messiah' who could unify, and electrify, the militant black nationalist movement". This "Black Nationalist-Hate Groups" memo refers to Martin Luther King (long a target of the FBI) as a potential "messiah" of the supposedly hateful and "violent" Black liberation movement. This same document stated: "Through counterintelligence it should be possible to pinpoint potential troublemakers and neutralize them." Another stated goal was "to prevent the long-range growth of militant black nationalist organizations, especially among youth. Specific tactics to prevent these groups from converting young people must be developed." One specific tactical approach was expressed in an April 3, 1968 communique arguing that "The Negro youth and moderates must be made to understand that if they succumb to revolutionary teaching, they will be dead revolutionaries."

In terms of scale, the FBI's war of repression against the Black liberation movement of the 1960s and 1970s was greatest against the Panthers. In addressing why the Panthers were targeted so intensely by COINTELPRO, Noam Chomsky wrote in 1973: "A top secret Special Report for the president in June 1970 gives some insight into the motivations for the actions undertaken by the government to destroy the Black Panther Party. The report describes the party as 'the most active and dangerous black extremist group in the United States.' Its 'hard core members' were estimated at 800, but 'a recent poll indicates that approximately 25 percent of the black population has a great respect for the BPP, including 43 percent of blacks under 21 years of age.' On the basis of such estimates of the potential of the party, the repressive apparatus of the state proceeded against it to ensure that it did not succeed in organizing as a substantial social or political force."

When these liberated COINTELPRO files became public, Haas, PLO, and his Panther clients immediately suspected that the Dec. 4 police raid had been part of this program, and that the FBI had viewed Hampton as a potential "messiah," who needed to be "neutralized." As part of their civil rights lawsuit, they filed numerous motions requesting all FBI files relating to the Illinois Panthers and COINTELPRO. After repeated attempts by the defendants and Judge Parry to cover up the FBI role, eventually a few explosive documents were made available.

One document showed a drawing made by the FBI's paid informant, William O'Neal, which provided the floor plan of Hampton's apartment. The FBI had supplied this diagram to prosecutor Edward Hanrahan before he led the raid several days later. Following the raid, the FBI paid O'Neal a special bonus to thank him for providing the diagram.

Another document surfaced showing that the FBI had made a deal with deputy attorney general Jerris Leonard, who led the 1970 federal grand jury investigation. In an effort to conceal the FBI's role and the still-secret COINTELPRO, they decided that the criminal charges would be dropped against the seven Panther survivors, and in exchange the federal grand jury would rule in favor of Hanrahan and the police raiders.

A third explosive document showed a fake letter sent to Jeff Fort, the leader of the Blackstone Rangers, which accused the Panthers of planning a "hit" on Fort. The FBI hoped that the fake letter would incite Fort and the Rangers to "take retaliatory action" against Hampton and the Panthers.

As this new documentation emerged, the FBI was added to the list of defendants for the civil rights lawsuit, and making the FBI pay 1/3 of the \$1.85 million was a key part of the settlement.

### **Defending the Carbondale Six and the Attica Brothers**

Haas was fresh out of law school when he first met Fred Hampton and was asked to work as a lawyer for the many Panther defendants that were victims of repression. Haas and several other young radical lawyers collectively opened the People's Law Office (PLO) in Chicago and began defending Panthers, as well as Puerto Rican political prisoners, antiwar protesters, prisoner activists, and other revolutionary groups like Students for a Democratic Society, the Young Lords, and the Young Patriots. Alongside Haas' account of working specifically on the Hampton case, he also reflects on many of the other struggles from that era that he became involved with, illustrating how Hampton's assassination did not happen in a vacuum.

For example, on November 12, 1970, there was a shootout between police and Panthers in the southern Illinois town of Carbondale. In the middle of the night, police attacked a house being rented by Panthers, and as neighbors would testify at trial, police began to shoot into their house without any warning. In response, the Panthers inside the house shot back, and in the end, bullets had struck two Panthers and one police officer, but no one had been killed. One of the occupants of the Panther house, Milton Boyd, told Haas that "we were prepared to defend ourselves... We weren't going to be ambushed and killed like our brothers in Chicago."

The six Panther defendants were each charged with seven counts of attempted murder and became known as the "Carbondale Six." Haas and the PLO defended them by arguing first that it was impossible to identify who in the house was actually shooting, and second that since the police began shooting at them first, unannounced, in the middle of the night, the Panthers acted in legitimate self-defense by shooting back. In a stunning victory, an all-white jury found the defendants innocent of all charges.

Haas writes that during the Carbondale Six trial, he and two other PLO lawyers drove to Mount Vernon, Illinois to attend the memorial service for the legendary Panther and prison author George Jackson, who two days earlier, had been shot and killed by San Quentin Prison guards, on August 21, 1971. Haas reflects on how at the service, they spoke with Jackson's mother, Georgia, who "urged the three of us to continue fighting to keep black people, particularly Panthers, out of jail. I went back to the trial feeling blessed and inspired."

Haas writes that "Jackson's death resulted in work stoppages, memorial services, and teach-ins at prisons throughout the country. The men inside Attica Correctional Facility in New York declared a day of silence during which no one spoke. They also stepped up their demands for humane treatment and set a timetable for the administration to meet with them." These pleas were ignored, and on September 9, 1971, twelve hundred prisoners seized control over a quarter of Attica. Haas recounts that "the prisoners took thirty-nine guards hostage and demanded to meet with Commissioner Russell Oswald and that Warden Mancusi be fired...I watched the confrontation on television, moved by the bravery of the mostly Black and Latino prisoners and by the reasonableness of what they sought...While the prison administration said it would comply with some of the demands, they were adamant about no amnesty for the rebellious prisoners. The prisoners who led the takeover would be criminally prosecuted. A deadlocked loomed. Tensions grew."

On September 13, Governor Nelson Rockefeller ordered the state police to go in with their guns firing, and ultimately twenty-nine prisoners and ten hostages were shot dead, with many more wounded. When the National Lawyers Guild put out a call for lawyers to visit Attica, Haas and others at PLO responded. The first prisoner they interviewed was Frank "Big Black" Smith, who recounted the horrors of the police massacre and torture of prisoners for days following the massacre. Smith was a key figure in the prisoners' revolt and had been appointed to head of security for the yard, which included protecting the hostages. Smith explained that "the hostages got the same food and water as everyone else, and we didn't let anyone bother them. No one got near them without my permission. We even shared our blankets with them." When the state police attacked "the hostages were shot down like dogs, like the rest of us. The troopers had all the guns. It was a slaughter and they didn't care who they hit," said Smith.

The horror continued after the state police and prison authorities regained control. With tears in his eyes, Smith recounted how "the guards stripped us naked after the shooting. Then they made us crawl naked in the mud through a gauntlet where they beat us...They took me out of the line. They made me lie on a table naked on my back and put a football under my chin. They put their burning cigarettes out on me. Some dropped them from the catwalk above and were laughing. They told me if I moved and the football hit the ground I was dead. I tried not to move. I was sure they were going to kill me. They knew I was in charge of security and used me as an example to scare everyone else, because nobody else got this treatment."

The accounts of other prisoners interviewed by Haas, PLO, and other lawyers reinforced Smith's heart-wrenching story. After returning to Chicago, Haas worked to publicize these accounts, but soon returned to working mostly on the Hampton case while his PLO colleagues continued to work with other lawyers in defending the 60 indicted prisoners, who became known as the "Attica Brothers."

### **They Got Away With Murder**

Certainly, the \$1.85 million lawsuit was only a partial victory. No amount of money can replace the lives of Hampton and Clark, or heal the gunshot injuries that several of the Panther survivors still suffer from today. Furthermore, it is painful to accept that none of the conspirators were ever convicted of any criminal charges, nor were they forced to pay for the settlement out of their own pockets. However, the scale of victory should not be judged by the settlement money alone. On the last page of the book, Haas describes a 2008 visit with Iberia Hampton shortly after her husband Francis had passed away. He asked her "after all these years, what do you think our lawsuit proved?" Without hesitation Iberia replied, "They got away with murder."

Indeed, they did get away with murder. In this context, the victorious civil rights lawsuit has been used to further expose and document this stark injustice. Many COINTELPRO files were made public because of the lawsuit, and the numerous conspirators were put under some scrutiny for the public to see. Today, if we learn anything from this story, it's that we should have no illusions about how far the government is willing to go in repressing dissent and then covering it up. Also, the courtroom victory that was fought against all odds should inspire activists today who are working around issues of state repression and political prisoners. We can win, and we should never give up the fight