

LOXTIME BOND

The time is now 7:32 p.m. I have received two phone calls from Commissioner Nichols. The first one advising me that he was at home and had heard that two Police Officers had been shot and it was in the general vicinity of 16th and Myrtle, which is the new location for the Black Panther headquarters. That's all the information he had at that time.

The second phone call, he advised me of the name of the officer who had died and it was a Glenn Smith, if I remember correctly.

I have now picked up the recorder again and I have lost track of my place, but in that second phone call, the Commissioner advised me that he had been told that one of the officers was dead on arrival at the hospital and that the other one was wounded and that it appeared that the shooting came from Panther headquarters after the two officers had stopped a vehicle for some type of traffic violation. After the first phone call, I advised Mel Ravitz of the basic situation and I am now enroute to Police Headquarters, inasmuch as I have gotten a phone call from Jim Brooker from WKNR who advises me that he has been told that the Police have the tanks enroute the scene and are breaking out all of the heavy equipment and his conclusion was that they were preparing for some type of an assault. (I will continue to dictate memorandums as the evening wears on)

It's now 7:53 p.m. I arrived at the scene. Commissioner advised that they were preparing to make an assault. I made the suggestion that it appeared that he had all the time in the world and probable cause for a search warrant. He agreed that was a good idea, and so they are now proceeding to get the necessary eyeball witnesses that can verify that the shots came from that house in order to prepare a search warrant.

The time is now 8:15 p.m. We're at the Commissioner's Office with the eye witness who actually saw the officer shot and killed who is now D.O.A. Two Assistant Prosecuting Attorneys are on the scene and are now questioning the eye witness in order to ascertain whether or not there is probable cause for a warrant. We'll probably begin the necessary procedure to obtain a judge.

I have tried to reach Judge Heading. Having failed to reach Judge Leonard I tried to reach Judge DeMascio, was informed he was out of town at the convention. I then called Judge Leonard, reached him at his residence, and he has agreed to be downtown in the Commissioner's Office prepared to officially assume his duties, prior to 9 p.m.

I might also point out that about 10 minutes ago, and the time is now 8:24 p.m., we received word that they are fire bombing a Police car in the vicinity of 17th and Myrtle. Suggestion has been made, that at the expense of the City, or some other individual, a phone be installed in the next location of the Black Panther headquarters in order to get away from this public exposure that presently exists at the 16th and Myrtle address. (584-9963)

The time is now 2:30 a.m., Sunday, the 25th. A decision has just been made after removing somewhere between 12 and 15 people from the headquarters without a shot ever being fired. There are now two or three remaining in the building and the decision has been made that they will be given warnings every three minutes for three warnings and, if they do not come out, will begin to put teargas into the building.

2:35 a.m. The first shot was just fired from one of the second-floor windows. At this point in time, the Police have yet to fire their first shot of tear gas or any other kind of shot.

2:36 a.m. The armored six-wheel vehicle is now moving in to give a loud hail to the interior to indicate that there is a search warrant.

It is now 2:37 a.m. and they have just been given a two-minute warning. The Police armored vehicle is at the corner of 16th and Myrtle.

2:38 a.m. Another loud warning and advising of the fact of a search warrant.

2:41 a.m. Once again, the building is being hailed and advised of a search warrant and being advised to come out with their hands up, also being advised that they will not be harmed. I might add, at this point, that before this step was taken, Councilman Ravitz, Hood, Browne, the Executive Secretary of the NAACP, defense counsel for a number of the Panthers, Jimmy Del Rio, Nadine Brown, all had agreed and voiced the fact that, at this point, the Police Department had exercised the ultimate in discretion and control. That group would also have included Rev. Tabor.

At this point in time, we have just heard that there is some activity at one of the second-floor windows. The time is 2:45 a.m. Once again, the crowd is being hailed.

All Police officers were just advised by radio, the time is 2:46 a.m., that they are to hold their fire; no shooting by Police officers except for the firing of tear gas. Tony Bertoni has just given the order and there goes the first fire gas. Now there is fire being returned from the house. The time is 2:47 a.m. Four more canisters of tear gas have just been fired and the time is 2:48 a.m. and the Police have yet to fire any ^{SHOTS} ~~tear gas~~ but several shots have been fired from the

house. It would now appear that there is a Police rifleman on a porch near the corner of 16th and Myrtle with a scope and is apparently firing in one of the windows. I have now heard three shots by him and the time is now 2:50 a.m.

The time is 2:54 a.m. They have now started yelling, "We surrender" out the window and waving a white flag. The Commissioner has issued orders immediately to cease fire. The loud hailer in the armored vehicle is now telling them to walk out with their hands up via the front door. The subjects are now out of the house. Three guys are now out of the house with their hands over their heads walking down the middle of the street. All appear to be alive with no problems. Three individuals are now under arrest. They all appear to be in satisfactory condition. Nobody is wounded, just the effects of the usual crying and runny nose from tear gas. One of them, in a blue shirt, is now making all sorts of comments about "pigs" and that sort of thing. They're now yelling about "facism", and "pigs", and the "facism power structure". It now appears that James Del Rio and Rev. Tabor are going to ride with them. Two of their defense attorneys have now arrived, will probably ride in the wagon with them to the First Precinct. Yes, that is correct, James Del Rio and his defense counsel and Rev. Tabor are riding in the back of the vehicle with them.

The time is now 2:59 a.m. and it would appear that someone has jumped out of the window and is laying on the ground. That information about someone laying on the ground has now been determined to be a sand bag that fell out of the second-floor window.

The time is now 3:10 a.m. and the Police are now approaching the house on foot with the bomb squad in the lead in order to thoroughly check out the building, prior to its search for evidence.

It's now 3:12 a.m. The Police are still approaching the scene.

It's now 3:38 a.m. in the morning, and the Police have cleared almost the entire home without finding any type of bombs and finding no other individuals in the home. I am returning to Police Headquarters in order to arrange for a major news conference to try and calm the media and the citizenry as to what actually happened and how bad it really was.

I am now approaching Wabash and Myrtle and, at that location, there are 1, 2, 3, 4 Police cars totally burned out. They, I'm afraid, are total writeoffs. Fire apparatus is on the scene and has apparently put the fire out.

The time is now 5:20 a.m. What's happened since the last time I transcribed is that the building has been totally secured. There were no booby traps or bombs. One additional subject was arrested in a search of an abandoned house next door. He was found in the basement with ammunity on him. I don't know at this time whether or not he had any firearms. There were sixteen subjects total arrested -- eight female and eight male. Ages are unknown at this time. None were wounded or injured in any way except for three who suffered the usual effects from tear gas.

After the scene was secured, there was a news conference in the Commissioner's Conference Room at which Mel Ravitz, James Del Rio, Walter Greene, Nick Hood, Ernest Browne, Dave Eberhard, Rev. Tabor, Nadine Brown and myself were present. During the course of that news conference, nothing but laudatory remarks were made concerning the Police Department until the questioning started of Nadine Brown. She was unaware of what actually happened, but that

didn't appear to inhibit her responding to questions, and she made some pretty wild inaccurate comments.

The Commissioner is, at this time, preparing an additional release and comments for the news media in order to make the record quite clear as to what happened. In addition, I have called Al Berarducci and ordered him to have, whatever effort it takes, on the street within the next hour in order to clean up the entire area in the vicinity of 16th and Myrtle so that by daybreak, there is absolutely no evidence of any major confrontation having taken place at that location.

I will now relate what appears to be the chronology of events that led up to this confrontation.

At approximately 5:30, this evening the Second Precinct or the Control Center, and I'm not sure which, received a complaint concerning Panthers selling literature at the vicinity of 14th and Myrtle and blocking the sidewalk. A car was dispatched and one officer got out of his automobile and attempted to get them to move on and, when they didn't, began to write a loitering ticket. Individuals in the vicinity began to close in around him so he apparently, and I'm a little hazy in the details, but apparently, withdrew his blackjack and may have used it in order to defend himself, while at the same time, telling his partner to call for help. His partner did call for help and an unknown quantity of Police units responded. Two individuals were arrested at the scene and, after the arrest, the two subjects were transported by the same two officers to the Second Precinct. That completed that incident, but while at the Second Precinct, the word came over the air of another officer in trouble, having

been shot at the vicinity of 16th and Myrtle, two blocks away from where the last incident occurred. These officers then immediately returned to that general vicinity and took up perimeter positions around the Black Panther headquarters.

Now, between the event at 14th and Myrtle and the call of officers in trouble, what had happened was that two of the Mod Squad officers had driven past the Panther headquarters and had been made by some of the Panthers or at least some individuals standing on the sidewalk in front of Panther headquarters. As a result of being made at that time, someone in the Panther headquarters took a shot and wounded one of the officers in the hand. That precipitated the ~~phone~~ call which the first two officers heard at the Second Precinct while they were turning in their prisoner. As a result of that, Panther headquarters was completely surrounded and sealed off in all directions.

After the headquarters had been sealed off for a period of time, the length of which I am uncertain of but I don't think for a very long period of time, someone in the Panther headquarters fired a shot, with a shotgun apparently, and unfortunately, a black officer by the name of Smith put his head up over a car at the wrong moment and practically had it taken off. He was the one who was D.O.A. upon arrival at the hospital.

As a result of the fact that the headquarters had been completely sealed off, there was absolutely no doubt that, even hours later, the individual that had fired the fatal shot had to still be in the headquarters, so Commissioner Nichols obtained a search warrant for the premises prior to making any efforts at obtaining the individual.

I received the first call concerning the activity of this evening at approximately 6 p. m. , which was immediately after Commissioner Nichols had been called by his staff, and Commissioner Nichols was still at his home. The Commissioner left immediately for Police Headquarters.

It is now 12:20 p. m. , Sunday, October 25. I have just driven through the 16th, 14th and 12th and Myrtle area and all of the glass and debris that was in the streets last night has been cleaned up, apparently by the Department of Public Works. I am now enroute the office to just check on a couple of items.