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IBERIA HAMPTON, etc., et al., )

Plaintiffs, )

vs. )

No. 70 C 1384

CITY OF CHICAGO, etc., et al., )

Defendants. )

BEFORE: Honorable J. SAM PERRY, Senior Judge,  
and a jury.

Friday, December 3, 1976

2:58 o'clock p.m.

PRESENT:

MR. MONTGOMERY  
MR. HAAS  
MR. TAYLOR  
MR. CUNNINGHAM

MR. CHRISTENBURY  
MR. WITKOWSKI  
MR. KANTER  
MS. KWOKA  
MR. COGHLAN  
MR. VOLINI

THE CLERK: Case on trial; 70 C 1384, Hampton versus Hanrahan.

(The following proceedings were had in open court, in the presence and hearing of the jury:)

WILLIAM MC KINLEY O'NEAL,  
a defendant, called as a witness by the plaintiffs herein, having been previously duly sworn, resumed the stand, was examined and testified further as follows:

THE COURT: Good afternoon, ladies and gentlemen.

Let the record show that it is now 8 minutes until 3:00 o'clock. This Court was adjourned until 2:00 o'clock.

Plaintiffs' counsel, Mr. Haas, has not appeared until this time.

Proceed with your examination.

DIRECT EXAMINATION (resumed)

BY MR. HAAS:

Q Now, in addition to the FBI raid on the Panther office in June of 1969, there was also a shootout between the police and the Panthers in July of 1969, wasn't there?

A As I can recall, sometime during the year, there was a shootout, yes, sir.

Q You weren't present at the office at that time, were you?

A No, sir.

THE COURT: Let me interrupt to say this. I have had a request from the jury, certain members, because of transportation, they have requested that they be permitted to leave at 3:45. I think under the conditions of the weather, it is a reasonable request. The jury will be permitted to leave at 3:45.

The Court will adjourn at 4:00 o'clock.

Proceed. Any matters to be taken up out of the presence of the jury will be delayed until that time.

MR. HAAS: Could you read back the last question and answer, please.

THE COURT: Yes.

(Whereupon the record was read by the the reporter as requested.)

BY MR. HAAS:

Q Did you see the office after that incident, sir?

A Yes, sir.

Q You went to 2350, is that right?

A That is correct.

Q Could you describe for us what the office looked like after that incident?

A As I can recall, there had been a fire.

Q What did it look like?

A Well, it looked like there had been a serious fire.

Q What did the inside of the Black Panther Party office -- how did it appear to you?

A Well, like the top, as I can recall, the second floor -- the third floor of the building had been completely gutted with flames, by flames.

Q You say the second floor had?

A Well, it would have been the third floor of the building as I can recall.

Q What about the second floor?

A The second floor, also, I believe, but not as serious as the third floor.

Q Did you notice, was there also water damage in the Black Panther Party office?

A I believe the fire department had been there and extinguished the fire. There was water on the premises, yes.

Q The place was a pretty big mess, wasn't it?

A Yes, sir.

Q Were you one of the people who got involved in cleaning it up?

A Yes, sir.

Q How long did it take you and other Panther members to clean up the office?

A I don't recall exactly.

Q Do you know, were pictures taken of the office after that incident?

A There may well have been. I don't recall at this time, no.

Q Do you recall any pictures of the Black Panther office after that incident appearing in the Black Panther Party newspaper?

A Here again, there may have, but I don't recall at this time, no.

Q Now, you wrote occasionally for the Black Panther Party newspaper, did you not?

A No, sir.

Q You never wrote an article for it?

A No, sir.

Q Didn't an article, a couple of articles appear with your name on it?

A As I can recall, yes, sir.

Q But you did not write those, huh?

A I'm not a writer, no, sir.

Q One of those was about a supposed informant named Fernster or Fenster, wasn't it?

A As I can recall, that is correct.

Q And a person was declared publicly to be an informant, is that right?

A Yes, sir.

Q In an article, and your name was at the end of the article, right?

A As I can recall, yes, sir.

Q You saw it in the Black Panther paper, right?

A Yes, sir.

Q You did not go around and say, "I want that withdrawn because I didn't write it", did you?

A No, sir.

Q Somebody just stuck that in there with your name on it?

A Yes, sir.

Q I see.

How many other articles were there that were stuck in the Panther paper with your name on it?

A I don't recall but that one article, sir.

THE COURT: Were you ever consulted about it being put in there?

THE WITNESS: I think that at some point I was made aware that --

THE COURT: Well, who told you? Who said it? Tell us.

THE WITNESS: I was made aware -- I don't remember exactly who the individual was -- but I was aware that an article was being sent to national headquarters

to be published in the paper concerning that informant, yes.

MR. MONTGOMERY: May I have that answer re-read, please?

THE COURT: Re-read the answer.

(The record was read by the reporter as requested.)

BY MR. HAAS:

Q You do not remember who it was who told you that?

A No, sir.

Q What did you say to that person?

A I don't remember if there was a conversation relative to that, no.

Q So you never talked publicly for the Panthers, did you?

A I don't believe I understand the question, sir.

Q You say you are not a writer, right?

A That's correct.

Q So everything that came out with your name on it was just --must have been written by somebody else, is that right?

A That's correct.

Q Well, as captain of security wasn't it important sometimes to have memos put out to other Panther members

about the security in the Party?

A Well, they had to be approved by the deputy minister of defense, who was in charge of that cadre, yes, sir.

Q But somebody had to write them, didn't they?

A They had a staff of writers under the minister of information cadre. They was in charge of the distribution of information relative to the Party's stance on certain matters.



Q And you were in charge of determining what security measures were necessary, were you not?

A No, sir.

Q You did not have any duties, right?

A I don't believe I understand the question.

Q Well, what were you supposed to do, Mr. O'Neal?

A It was my function to carry out the -- see that the orders were carried out, were carried out in reference to security, but as laid down by the Deputy Minister of Defense, Bobby Rush.

Q So that you were the enforcer, then, right?

A I was the captain of security in charge of administering his orders.

Q Well, carrying out means making sure that those orders were put into effect, right?

A It was my understanding that making sure that those orders were accurately disseminated.

Q Oh, you were in charge of dissemination of information, is that what it was?

A I believe that as captain of security I was in charge of disseminating information relative to security matters to the security staff.

Q Well, you didn't do it in writing, did you?

A I don't believe so, no.

Q So you did it all by word of mouth, right?

A As I can recall, that's correct.

Q So the only job you had to do was to go get the information from somebody else and then go tell the people on the security staff; that was it, right?

A No, sir, that wasn't my only function. That was one of them.

Q Well, weren't you supposed to make sure that those orders were carried out, not just tell people about them?

A I believe that responsibility was within that capacity, yes.

Q So if there was an order, for example, that apartments of Panther members were to be secure, it was part of your function to go around and see if they were secure, wasn't it?

MR. WITKOWSKI: Your Honor, objection. Can we have facts instead of hypotheticals, please?

THE COURT: Oh, overruled. It is all right.

THE WITNESS: May I have the question back?

THE COURT: Read the question.

Q (Read by the reporter.)

BY THE WITNESS:

A There were times when I accompanied the Deputy Minister of Defense, yes, sir.

Q You never went on your own, is that right?

A I don't believe so.

Q You never did anything on your own, right?

A There were certain matters that I didn't need, specifically need his company on, that's correct.

Q I see.

Well, for example, if he said to you to make sure that certain Panthers' apartments are secure, couldn't you go do that on your own?

A Yes, sir.

Q And you did go do that on your own, didn't you?

A There may have been times when I went and conducted an inspection for him, yes.

Q What did you do when you would conduct an inspection of a Panther apartment?

A It generally meant going to a specific address and checking out certain security measures.

Q What were the security measures you checked out?

A I don't recall any specific thing that I checked out in reference to one of those apartments at the time, but whatever he wanted to know I generally went and checked it for him.

Q Well, now, you've got enough common sense to know some of the things that you would check out on security of an apartment, don't you?

MR. WITKOWSKI: Your Honor, objection.

THE COURT: Objection sustained as to the form of

the question.

BY MR. HAAS:

Q Well, I mean --

THE COURT: Now, counsel, there is no use of getting into an argument and reflecting upon him personally. Just ask the questions.

MR. HAAS: That is all I am doing, Judge.

THE COURT: In a fair manner, ask those questions.

BY MR. HAAS:

Q One of the things you would check would be the locks on the doors, wouldn't it, Mr. O'Neal?

A There were times when I probably checked the locks on somebody's doors, yes.

Q And checked them to see if they were in working order, right?

A There were times, I am sure, when I checked to see if they was in working order, yes, sir.

Q Now, in addition to the locks on the doors, what other things in the apartment would you check for security?

A I don't recall specifically checking out no apartment. I am saying there may have been times when I did, but I don't recall any of the details of any one inspection at the time.

Q Well, do you recall ever going to an apartment and checking out certain items in the apartment for security?

A I can recall on an occasion accompanying Bobby Rush on an inspection detail. I don't remember specifical what we were looking for other than the fact that he

wanted to go around and search everybody's apartment.

Q Did Bobby Rush ever authorize you to do anything on your own?

A There were times when I had specific duties to carry out, yes.

Q He let you do these without him even being there, didn't he?

A Yes, sir.

Q You did them without him being there, right?

A Yes, sir.

Q As a matter of fact, you even ordered other people to do things as captain of security, didn't you?

A Yes, sir.

Q One of those things was the security of Panther apartments, wasn't it?

A I suppose most of them related to the security of Panther apartments at times, yes.

Q You would sometimes assign other people to go out and check the security of those apartments, wouldn't you?

A I may well have. I don't recall at this time whether I did or didn't.

Q The Panthers were concerned that their apartments might be raided by the police, weren't they?

A That was one of the concerns, yes, sir.

Q As such, they at least wanted to have good locks on the doors, didn't they?

A That was one of the reasons, yes, sir.

Q You were one of the people responsible for making sure that these apartments were secure, weren't you?

A I wouldn't say that I was responsible for that. I think that was left up to the occupants.

At times the deputy minister of defense inspected the premises of those apartments, particularly because there had been burglaries where weapons had been stolen by members of gangs. They just wanted to make sure -- he just wanted to make sure that the members were secure in their apartments.

Q That was one of your jobs, too, wasn't it? As a matter of fact, that was your responsibility, wasn't it?

MR. CHRISTENBURY: Objection, your Honor. The question has been asked and answered. We have been through this.

THE COURT: Now, counsel, we have been going over and over the same thing. The time comes when you must go to another subject.

MR. HAAS: All right. One more.

BY MR. HAAS:

Q Can you remember anything you did other than possibly check the locks on an apartment to check out the security of Black Panther Party apartments in the year 1969?

MR. WITKOWSKI: Objection, your Honor, that is so broad, so very broad.

THE COURT: Oh, he may answer. Let him tell us any other duty that he hasn't testified to that he recalls.

BY THE WITNESS:

A I don't recall at this time even whether I specifically checked out locks. I may have at one time or the other, but that wasn't my specific duty, no, sir.



BY MR. HAAS:

Q You did take a key to 2350 and give it to Roy Mitchell, didn't you?

A I don't recall at this time giving him a key. I may have at some point or the other.

Q Did he ask you for one?

A I don't recall at this time him asking me specifically for a key.

Q Did you volunteer that for him?

A I may well have. I just don't recall at this time whether I did or didn't.

Q Did he pay you for that?

A I don't recall whether I gave him a key. So, therefore, I don't recall whether I was paid for it specifically.

Q Would that be the type of thing that you would be trying to get for Mr. Mitchell?

A I don't recall specifically giving him a key. I suppose that if I had, that if I came in possession of one, I may have related it -- I may have given it to him. I don't recall specifically doing that.

At some point I can remember the office, the front office, the door not even having a lock. It had a buzzer system. The office was manned almost 24 hours a day.

Q Did he ever tell you that the FBI used that key or any other key to burglarize Panther offices or the Panther apartments?

A No, sir.

MR. KANTER: Objection, your Honor. I would like to be heard outside the presence of the jury.

THE COURT: I will excuse the jury.

The last juror close the door, please.

(The following proceedings were had in open court, out of the presence and hearing of the jury:)

THE COURT: Now, counsel, make it short because we want to keep going before the jury leaves for the day.

MR. KANTER: Judge, we just had a very serious representation by Mr. Haas about Mr. Mitchell or the FBI committing burglaries at 2350 West Madison.

I would like to know whether they intend to prove at some point that the FBI committed burglaries or Mr. Mitchell committed burglaries at 2350 West Madison Street.

MR. TAYLOR: Judge, there is a document that was in Mr. O'Neal's file that indicates that Mr. Mitchell got from Mr. O'Neal the key to 2350 West Madison.

We intend to introduce that document, and Mr. Haas was probing him as to whether they had ever used the key. That is the extent of it.

MS. KWOKA: Your Honor, the question was not whether Mr. Mitchell used the key, which would be a question outside of this witness' knowledge which could have been asked Mr. Mitchell at a previous occasion, but the question is whether they committed a burglary.

A burglary is a crime. There has been no representation by either Mr. Taylor or Mr. Haas here that they can prove through any witness that the FBI burglarized or committed a crime.

We have yet to hear from either one of them any representation as to which witness they will call as to that fact.

THE COURT: Bring the jury.

(The following proceedings were had in open court, in the presence and hearing of the jury:)

THE COURT: Be seated, please.

Mr. Reporter, read the last question and the answer back.

(Whereupon the record was read by the reporter as requested.)

THE COURT: Ladies and gentlemen of the jury, there is no evidence in this record of any such burglarization and any such representation that any witness would so testify.

Therefore, that question is stricken together with the answer, and counsel is admonished not to ask such a question that would amount to a charge of crime by inference unless he has evidence already in the record or represents that he will offer such evidence together with the name of the witnesses that will so testify.

We are not going to waste any time talking about circumstantial evidence. I am talking about specific, direct evidence.

Proceed.

BY MR. HAAS:

Q Did Mr. Mitchell say anything to you that you recall at this time about a key to 2350 West Madison?

A No, sir.

Q Did he in any of his instructions inform you as to the Bureau's interest in obtaining keys?

A No, sir.

Q Did he tell you what the Bureau would use a key to a Panther apartment or Panther office for?

MR. KANTER: Objection, your Honor.

THE COURT: No, that is all right.

BY THE WITNESS:

A No, sir.

THE COURT: It is not accusing anybody, not by inference, of a crime. He is entitled to go into the facts.

BY MR. HAAS:

Q Now, did Mr. Mitchell ever reprimand you for anything that you brought to him?

A Not as I can recall at this time.

Q In other words, anything that you got that you brought to him was okay with him, right?

MR. CHRISTENBURY: Objection, your Honor. That calls for the state of mind of Mr. Mitchell.

THE COURT: You may only ask what he stated. Now, Mr. Mitchell's state of mind this man would not be in a position to testify about, so, therefore, that objection is sustained and the answer stricken, the jury instructed to disregard it. You can ask him what he said to him about it.

BY MR. HAAS:

Q Mr. Mitchell never reprimand -- never criticized you for anything you brought to him, did he?

MR. CHRISTENBURY: That has been asked and answered, your Honor.

THE COURT: It has been asked and answered. Proceed with the next.

BY MR. HAAS:

Q Now, you brought him other materials from the Panther headquarters at 2350, did you not?

A Yes, sir.

Q You brought him membership lists, isn't that right?

A I may have furnished him copies of membership lists, yes.

Q You brought him financial records, isn't that right?

A I may well have. I can't recall specifically whether I did or not.

Q You brought him lists -- that would include lists of contributors to the Panther Party, would it not?

A I don't recall -- I don't recall at this time whether I transmitted the financial reports or whatever to him at this time.

Q You even brought personal letters that were in the Black Panther office, did you not?

A I don't recall at this time whether I gave any

personal letters to him.

Q Well, now, you were free to do whatever you wanted, weren't you?

A I don't understand your question, sir.

Q Well, Mr. Mitchell never told you anything not to do, did he?

A Yes, sir.

Q He did?

A Yes.

Q I see.

What did he tell you not to do?

A He told me not to be committing criminal acts.

Q Did he tell you whether or not theft was a criminal act?

A I'm not really sure whether he had to. I don't recall specifically whether he did or not.

Q Now, did you consider it a criminal act when you brought him property of the Black Panther Party from 2350 West Madison?

A No, sir.

Q You did not ask the Panthers' permission for it, did you?

A No, sir.

Q You never went and said, "Hey, can I take this material to Roy Mitchell of the FBI"?

A As security chief, certain of those documents were placed in my custody.

Q I see.

Did you consider anything at 2350 in your custody?

A At one point, as I can remember, the entire property, personal property and business property of the Black Panther Party were considered in my custody, yes.

THE COURT: Just a second.

I want to caution the audience about the order I entered. I noticed and observed some unnecessary snickering at the answer of this witness, and those people who are participating will be out of this courtroom if it persists.

Do you understand? If you don't, we will remove you now.

Proceed. We are not going to have the jury subjected to display from the audience one way or the other, by plaintiffs' or defendants' sympathizers.

MR. HAAS: Could you read back the last question?

THE COURT: Read the last question back.



(The record was read by the reporter  
as requested.)

BY MR. HAAS:

Q When was that?

A I can't recall the specific time span, but I  
know it was during my position of captain of security.

Q Well, you were captain of security over a con-  
siderable period of time, weren't you?

A I don't remember specifically what that period  
of time was.

Q Well, what is your best recollection of it?

A As I can best recall, during some time perhaps  
in December of 1968 up until maybe April or May of 1969.

Q Any other time?

A Not that I can recall at this time.

Q I see.

So since these things were in your custody,  
therefore you had a right to do with them what you wanted,  
right?

A I would consider that I had control of those, of  
the properties, yes.

Q So if the Panther Party had some money, you could  
take that, right?

A No, sir.

Q You did not take money?

A No, sir.

Q But other property was all right because it was in your custody, right?

A I don't believe I took all of the property. I said I had custody.

Q But you said you had custody-- excuse me. Strike that.

That meant that you could do with it what you wanted, right?

A That meant that I was in charge of securing the properties of the Black Panther Party during that period of time.

Q In your way of thinking, that meant you could turn over what you wanted to to Roy Mitchell, right?

MR. WITKOWSKI: Objection, your Honor. He is continuing to ask hypotheticals.

THE COURT: This has been gone into, but he may answer it once more.

BY THE WITNESS:

A No, sir.

BY MR. HAAS:

Q You did not feel that?

A No, sir.

Q I see.

Well, what parts of the Panther property did you feel free that you could expropriate and turn over to Roy Mitchell?

A I don't recall the specifics. Anything relative to things I felt like he would be interested in, I probably would have supplied copies of that information to Agent Mitchell.

Q He never told you what he was interested in, though, did he?

A No, sir.

Q And you just had to guess, right?

A Well, my function as an informant was to inform him of the activities, and they were broad and universal,

and that was my understanding, and whatever happened I informed him of it.

Q Did he tell you your function was to provide broad and universal information on the Panthers?

A As I can recall, he told me he wanted to know what they were doing, and that was generally what I informed him of, what they were doing.

Q Other than asking you to tell him what they were doing, was there any other instructions that he gave you?

A Not as I can recall, sir.

Q Beyond that, it was up to you to determine what information you gave him, right?

A I don't believe that I was to determine. I think that I informed him pretty regular of their activities in general.

Q Pretty regularly means how often?

A I believe that whenever matters came up and I felt like he should have been informed of them, then I informed him of it.

Q Did you tell him how many children were getting fed at the breakfast program?

A If I had specific knowledge and he requested it at that time to know, I would have probably related that information to him also, sir.

Q So he did request things from time to time, right?

A We had conversations relative to the activities of the Black Panther Party, yes, sir.

MR. HAAS: I move to strike that answer, your Honor, as unresponsive.

THE COURT: Read the question and the answer back.

MR. HAAS: Unless we just end up with the "yes, sir".

THE COURT: Read the question and the answer back.

(Whereupon the record was read by the reporter as requested.)

THE COURT: Motion denied. The answer may stand.

BY MR. HAAS:

Q Well, in these conversations relative to the activities of the Black Panther Party, he would ask you specific things sometimes, would he not?

A Yes, sir.

Q And he would ask you sometimes for specific types of information, would he not?

A He would ask me certain questions and I would answer them, sir.

Q Well, he would not ask you how you were feeling that day, would he?

A I can remember him doing that on occasions, yes, sir.

Q But the kinds of questions -- when he was asking you questions, he was asking about information on the Black

Panther Party, right?

A As I can recall, when I contacted Agent Mitchell during that time, I was informing him of the activities of the Black Panther Party.

Q Was one of the instructions you got as an informant at that time never to disclose your contact with the FBI?

THE WITNESS: May I have that question back, please?

Q (Read by the reporter.)

BY THE WITNESS:

A I don't recall receiving specific instructions, nor do I know whether that was necessary or not.

BY MR. HAAS:

Q That was your understanding, wasn't it?

A That was my understanding, yes.

Q Are you still under instructions never to disclose what type of information the FBI was interested in in 1969?

MR. WITKOWSKI: Your Honor, objection. There has been no testimony as to instructions. He keeps assuming instructions in his questions.

THE COURT: Oh, overruled. Whether word "still" is there or not, it is unimportant. If he is under instructions, he may answer.

Read the question back.

Q (Read by the reporter.)

BY THE WITNESS:

A I don't believe that I was under instructions, and I don't believe I understand your question.

BY MR. HAAS:

Q Well, from the way you describe your conversations with Mr. Mitchell, he seemed -- excuse me. Strike that.

Mr. Mitchell never seemed to be particularly interested in one thing more than anything else, did he?

MR. COGHLAN: Objection, if the Court please.

BY MR. HAAS:

Q (Continuing) as indicated to you.

MR. COGHLAN: Objection to the question.

THE COURT: Overruled. Let him answer, if he can.

THE WITNESS: May I have the question back, please?

THE COURT: Read it back.

Q (Read by the reporter as follows:)

"Mr. Mitchell never seemed to be particularly interested in one thing more than anything else, did he?"

MR. WITKOWSKI: Your Honor, objection. Again it is Mr. Mitchell's state of mind. He continues to ask the state of mind of Mr. Mitchell.

MR. HAAS: I said as communicated to him, Judge. I added that onto the question.

THE COURT: Read it back.

Q (Read by the reporter as follows:)

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"Mr. Mitchell never seemed to be particularly interested in one thing more than anything else, did he? As indicated to you."



THE COURT: Oh, as indicated to you -- it may stand with that addition.

BY THE WITNESS:

A Not as indicated to me, no, sir.

BY MR. HAAS:

Q So, he was just as much interested in who was having a sexual relation with who as he was as to whether or not there were guns at a certain place, right?

MR. CHRISTENBURY: Objection, your Honor. It calls for the state of mind of Mr. Mitchell.

THE COURT: Read the question back again.

MR. HAAS: I will strike it. I will withdraw the question, Judge.

THE COURT: All right. The question is withdrawn.

BY MR. HAAS:

Q Now, one of the things that you were reporting on pretty regularly in the summer and fall of 1969 was the whereabouts of Fred Hampton, wasn't it?

A May I have the question back, please.

Q (Read by the reporter.)

BY THE WITNESS:

A I am not really certain as to -- I don't think that I was able to keep up with Mr. Hampton during that particular period of time simply because I wasn't his

escort, sir.

BY MR. HAAS:

Q Well, now, Mr. Hampton moved into an apartment at 2337 West Monroe in early October 1969, didn't he?

A Sometime around that time, yes, sir.

Q You reported that information to Mr. Mitchell, didn't you?

A I don't remember specifically doing it, but that would have been the type of information I would have related to him, yes, sir.

Q Was Fred Hampton the leader of the Black Panther Party in the fall of 1969?

A He was the chairman, I believe, yes, sir, during that period of time, yes.

Q Was he the main spokesperson for the Black Panther Party?

A He was the major spokesman of the Black Panther Party, yes.

Q He had frequent speaking engagements in the fall of 1969, didn't he?

A I don't recall exactly his -- I am not really-- he had speaking engagements during that period of time, yes, sir.

Q At one particular time he was asked to go up

to Canada and speak, wasn't he?

A I can remember -- yes, sir.

Q He was gone for about a week, right?

A I don't recall exactly whether he went or how long he was gone.

Q He was frequently asked to speak at colleges in the Midwest, wasn't he?

A I don't think I understand exactly what time period you are talking about.

Q We are talking about the fall of 1969.

A He had speaking engagements. I don't recall exactly how frequent they were.

Q Well, do you recall he had a speaking engagement at Normal?

A Specifically, no.

Q Do you recall he had a speaking engagement at Northern Illinois?

A He may well have, but at this time I don't recall that.

Q Do you recall a speaking engagement he had at Southern Illinois University in Carbondale?

A I can recall him having numerous speaking engagements, but I just don't remember that time period. I don't recall at this time exactly what his engagements

were.

Q Well, you went on that one to Southern Illinois, didn't you, down to Carbondale?

A I may well have.

Q Well, that is 380 miles away, isn't it?  
I mean, 330 miles away, isn't it?

A Yes, sir, but it has been about eight years ago.

Q Didn't you drive that in your car?

A I may well have.

Q And you don't remember anything about the drive down there or what happened when you were there or the drive back?

A I can remember accompanying him on speaking engagements. I can remember transporting him in my vehicle to and from those speaking engagements, but the time period and the specifics, there were so many of them, I just don't recall any specific one.

Q But there were a lot of them, right?

A During the year of 1969, yes, sir.

Q Didn't you tape some of those speeches he gave yourself?

A No, sir.

Q You never taped a speech of Fred Hampton's?

A I don't believe so, no, sir.

Q Well, now, did somebody else give you some tapes of Fred Hampton's speeches?

A I can remember one specific time when I had some eight-track tape cartridges transferred off of a reel of tape which was recorded by someone within the Black Panther Party at some record shop, yes. I can remember that.

Q So, how many cartridges did you have?

A Two, perhaps three. I don't recall exactly.

Q Did you keep those in your own personal possession?

A I believe I did.

Q You have had them up until this year, right?

A As I can recall, that is correct.

Q Do you play them very often?

A No, sir.

Q Why did you keep those speeches, Mr. O'Neal?

A I don't think that I -- I don't think that I remember throwing them away. It was just of no significance to me whatsoever. They were stored away.

Q Well, you have moved around a lot, haven't you, in the last four or five years?

MR. VOLINI: Objection, your Honor.

MR. KANTER: Objection.

THE COURT: Objection sustained.

BY MR. HAAS:

Q You just happened to keep those with you, right?

A I happened to keep up with them, yes, sir.

Q When you say "keep up with them," what do you mean?

A Knowing their whereabouts.

Q Were they kept at the same place where you were living?

A Where I personally slept? No, sir.

Q But you would put them somewhere where you knew you could get them?

A I knew where they were, yes.

Q How many of those tapes did you have?

MR. KANTER: Objection; asked and answered.

MR. HAAS: I am sorry. I just don't remember the answer.

THE COURT: Overruled. He may answer.

BY THE WITNESS:

A Two, maybe, perhaps three.

BY MR. HAAS:

Q When did you get these off of cartridges?  
When did you obtain them?

A I don't recall exactly.

Q How did you obtain them?

A I think at some point I had an automobile with an 8-track tape in it. Members of the Panthers were transported in that vehicle quite regularly. It was suggested that I have -- in fact, I believe it was Mr. Hampton that suggested that I have 8 tracks made so that he could hear, listen to his speeches to and from his speaking engagements so that he would be able to detect various mistakes within those speeches.

Q So, when you drove Fred to and from his speaking engagements, you sometimes played those tapes of his speeches, right?

A I can remember maybe only one or two occasions, yes.

Q Did you remember doing that on the trip to Carbondale?

A I may well have. I don't remember specifically playing those tapes on a trip to Carbondale, no.

Q Was that your Oldsmobile that you had the tape player in?

A I had an Oldsmobile with an 8 track in it, yes.

Q That was a black Oldsmobile?

A I have had an Oldsmobile, a black one, with an 8-track tape in it, yes.

Q Did you have that one in 1969?

A Well, I have had several Oldsmobiles, two of which were black. I believe I did have one in 1969.

Q Did you have a Buick also in 1969?

A I can remember that I had a Buick either in 1969 or 1970.

Q Now that you remember those, were those the cars that Roy Mitchell helped you pay for?

A As I can recall, certain funds I received from Agent Mitchell during that period of time may have been used in obtaining and maintaining those vehicles, yes.

Q Didn't he give you a special allotment for cars?

A I have never been aware of a special allotment for car, no, sir.



Q He never told you that he took his own personal funds --

MR. HAAS: Excuse me. Strike that.

BY MR. HAAS:

Q Is your memory better today now than it was yesterday or the day before about what cars you had in 1969?

A Well, it is better on some things and not necessarily on others.

Q Now you remember you had a Buick and an Oldsmobile in 1969?

A Yes, sir.

Q Do you remember which one you got in January of 1969?

A No, sir.

Q Do you remember which one you got first?

A I believe I had the Buick first.

Q If you had them both in 1969, then you would have had to have the Buick in January 1969, right?

A Not necessarily.

Q Well, do you remember any other car besides the Buick that you might have had in January 1969?

A I might have had another Oldsmobile. I have owned four or five Oldsmobiles, a Ford, a couple Chevrolets,

a Cadillac.

Q Are there any records of those purchases or those automobiles that you have, Mr. O'Neal?

A No, sir, I don't have any.

Q Have you got anything that would refresh your recollection as to how those automobiles were paid for?

A No, sir.

Q Are there any papers that you still have that would show when and where those automobiles were purchased by somebody for you?

A No, sir.

Q Now, do you remember we talked a few days ago about a man named Frank Thurman?

A Yes, sir.

Q At that time you didn't remember quite what his relationship was to you, is that right?

A That is correct.

Q Is your memory any better today?

A Other than being a close associate, no.

Q Well, does it refresh your recollection that he was your step-father's girl friend's son at that time?

MR. COGHLAN: Mr. Snyder, would you repeat that again, please, very slowly.

Q (Read by the reporter.)

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BY THE WITNESS:

A Not necessarily. My father had plenty of girl friends, quite a few.

BY MR. HAAS:

Q Well, think about it: Was Mr. Thurman one of your step-father's girl friend's sons?

MR. CHRISTENBURY: Objection.

MR. WITKOWSKI: Objection, your Honor. He is instructing the witness now.

THE COURT: Wait a minute.

MR. HAAS: I am just asking him to think about it and ask him if it refreshes his recollection.

THE COURT: He is entitled on cross examination to prod his memory. It is perfectly harmless to ask him to think about it.

BY THE WITNESS:

A I am not familiar if I knew who his mother was, sir.

BY MR. HAAS:

Q Well, now do you remember who he is, now that I say that?

A I know who Frank Thurman is. I don't know what the relationship between his parents and my parents was.

Q But you knew what his relationship was to you,

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right?

A I knew of him, yes, sir.

Q As a matter of fact, you met Roy Mitchell at his house, didn't you?

MR. WITKOWSKI: Objection, your Honor.

Could we please have a time or year?

THE COURT: Well, no. He may ask him if he did. Then if he says he did, then we will find out what time, if he ever remembers doing it at all.

MR. KANTER: Your Honor, I have a further objection. I just do not see what the materiality of this line of inquiry is.

THE COURT: The relevancy of it is far reaching, but let him go ahead.

BY THE WITNESS:

A No, sir, I don't recall specifically meeting him at Mr. Thurman's house.

BY MR. HAAS:

Q You testified a few days ago that you met Roy Mitchell in the Cook County Jail, right?

A I believe I did.

MR. KANTER: Your Honor, I would like to be heard outside the presence of the jury right now.

THE COURT: All right, I will excuse the jury.

(The following proceedings were had in open court, out of the presence and hearing of the jury:)

THE COURT: All right, now, make it short.

MR. HAAS: Yes, Judge, briefly it is impeachment of what he said here in his testimony under oath in another case. We told them the specific pages that we were going to use yesterday, and I will read to your Honor what that testimony is. It is only about four lines.

THE COURT: Counsel, it is 3:40. We had better not start going into this.

MR. HAAS: Well, Judge, I would just like to get this matter resolved before the jury goes home and get a ruling.

THE COURT: This is not the time. We only have 5 minutes here before the jury goes, so we will continue this matter just as it is, and we will let the record be read back for the testimony so that the jury will be fresh on it.

Bring the jury back and I will excuse them.

(The following proceedings were had in open court, in the presence and hearing of the jury:)

THE COURT: You need not be seated, ladies and gentlemen, because the matter that we have to discuss will take more than the five minutes that remain, so with that in mind you are now recessed until 12:00 o'clock on Monday.

Wait a minute. I believe I will --

MR. HAAS: Judge, before the jury goes, I would like to tell your Honor something.

THE COURT: Just a minute. Will you take the jury box again, ladies and gentlemen. I do want you to be seated just a moment. Be seated, please. It

just be one moment.

There have been numerous occasions when hearings have taken place out of the presence of the jury. On many of these occasions throughout the trial some of the attorneys for the plaintiffs and some of the attorneys for the defendants have vigorously criticized the rulings of the Court. That has occurred today, and it is no concern of yours because it took place out of your presence. There have been stories about such occurrences in the news media in the past. I direct that you shall not read or listen to any such reports and that if you do accidentally hear it, you must remember that it is something that does not concern you, and you shall completely disregard it. Avoid hearing or reading any newspapers about this case so far as reasonably possible

You are now excused until 12:00 o'clock Monday.

MR. HAAS: Judge, before you excuse the jury, if you could just hold them there for one minute, I would just like to bring up one thing very briefly with the Court before you excuse them. It will just take a half a second. I think they should go out for it. I just want to bring something to the Court's attention which may require an additional instruction to the jury, or

it may not. I just wanted to raise it before the jury was dismissed.

THE COURT: No, I have given them the instruction that I wish them to have about this matter, and the questions that have gone before will be re-read so the jury will be fresh and know what we are talking about.

The jury is excused.

MR. HAAS: It does not relate to testimony.

THE COURT: The jury is excused, please. I have agreed to excuse them at 3:45 because of the weather conditions, and I think we owe it to them to do it.

MR. HAAS: I agree, Judge.

MR. MONTGOMERY: Good night, ladies and gentlemen.

MR. HAAS: Good night. Have a nice weekend, folks.

(The following proceedings were had in open court, out of the presence and hearing of the jury:)

THE COURT: Now we will take up the matter that was about to be taken up, Mr. Kanter.

MR. VOLINI: Judge, if what Mr. Haas wanted to tell you relates to scheduling for Monday, perhaps we should know that while the jury is still here.

MR. HAAS: No, it did not relate to that.

THE COURT: All right.



MR. KANTER: Judge, my objection is two-fold.

THE COURT: Let's go to your objection. That is why I sent the jury out.

MR. KANTER: The first objection I have is that Mr. Haas walked in here with the Robinson transcript and was going to impeach the witness off the Robinson transcript. I have not had time to look at the Robinson transcript, number one, and prepare the witness.

Number two, yesterday I think we were told 8 volumes, is that correct?

MR. VOLINI: 2,000 pages.

MR. KANTER: Of transcript to be prepared for. Now, I think that I'm entitled to at least a little bit of time to prepare a witness off of 2,000 pages of transcript in a prior proceeding, so I would ask the Court -- that was my objection at that time.

My second objection is, your Honor, I think it is entirely collateral and immaterial whether he met Mr. Mitchell at the County Jail or met him at Frank Thurman's house. That is collateral impeachment, and collateral impeachment is just not permitted, and they should not be permitted to go back into this entire area. What difference does make whatsoever whether he met him at County Jail or met him at Frank Thurman's house? They are probably in a better position saying that he met him at County Jail than at Frank Thurman's house.

MR. TAYLOR: Judge, we will decide what position we are in.

MR. KANTER: That is what is going to bog down testimony in this case, all of this collateral impeachment that has no relationship whatsoever to the case at hand.

MR. COGHLAN: Mr. Taylor -- Mr. Kanter, are you through, sir?

MR. TAYLOR: Please.

MR. COGHLAN: If the Court please, I am more concerned with the foundation question that was asked by Mr. Taylor as to the Robinson transcript.

MR. TAYLOR: I don't think I asked him any

questions, Judge.

MR. COGHLAN: Mr. Haas asked the question.

MR. TAYLOR: Thank you.

MR. COGHLAN: I stand corrected, sir.

MR. HAAS: I did not use the Robinson name.

MR. COGHLAN: The foundation question which Mr. Haas is referring to was the question that he was using before he brought page 881 of the Stanley Robinson trial up to the podium. Yesterday afternoon I gave to Mr. Flint Taylor a receipt that reads as follows:

"12:50 p.m., December 2, 1976 --"

MR. TAYLOR: Judge, he doesn't need to read it. I will stipulate.

THE COURT: Please let one --

MR. TAYLOR: I don't want him to filibuster for another hour. He can read the phone book. I am sick of it.

THE COURT: One person at a time.

MR. COGHLAN: If the Court please, may Mr. Taylor be admonished that Mr. Coghlan is not --

THE COURT: Mr. Taylor, let him finish and then I will hear you.

MR. COGHLAN: Mr. Coghlan is not particularly

concerned how sick Mr. Taylor is.

"Received of G. Flint Taylor, attorney for plaintiffs, the following plaintiffs' transcripts from case No. 73 CR 267: Volume 2, dated June 6, 1973, consisting of pages 246 to 498; Volume 3, June 7, '73, pages 449 to 765; Volume 4, June 8, '73, pages 766 to 938; Volume 5, June 11, 1973, pages 939 to 1255; Volume 6, June 12, 1973, pages 1256 to 1475; Volume 7, June 13, 1973, pages 1476 to 1797; Volume 8, dated June 14, 1973, pages 1798 to 2041; Volume 30 dated July 19, 1973, pages 7581 to 7833, for a total of 2,047 to be duplicated by County and City defendants at their own expense. John P. Coghlan" -

MR. TAYLOR: Taxpayers' expense.

MR. COGHLAN: "to be duplicated by County and City defendants at their own expense. John P. Coghlan, attorney for certain defendants."

That receipt was dated at 12:50 p.m.

At that hour I gave or tendered to Mr. Conneely the eight volumes consisting of 2,000 pages. We did our very best to expedite the photocopying of 2,000 page of documents that had never been served upon us before, nor had we ever received notice that they were going to be used in the course of this trial

from the plaintiffs in this case.

I think Investigator Conneely, through a copying agency, did a job that is not to be criticize in that he was able to complete the reproduction of 2,000 pages by approximately 10:00 this morning. The pages still stand unopened in the carton on my desk on the counsel table, and the second package is on the floor. We have not even unwrapped them yet.

I do not think that the Court should be severely critical of us for in any manner delaying these proceedings in the manner in which we have proceeded to duplicate the material which we first received knowledge of yesterday afternoon.

Now, I am asking the Court, and I think it is reasonable, and I move this Court that counsel not require us over this weekend to grope through 2,000 pages of transcript in order to prepare Mr. O'Neal. Before we leave today I would like to have a list of what pages of those transcripts of those 2,000 pages they propose to use. Now, they have had years in this lawsuit to let us know that they intended to use that on this trial, and have not done it, and I don't like to be charged professionally with the responsibility of absorbing 2,000 pages of material over the period of one weekend. I do not think myself physically or mentally capable, and I would further move that the foundation questions that may have been laid this afternoon be stricken in any manner as they pertain to the use of these particular transcripts.

MR. TAYLOR: Judge, several things quickly. One, we told him about the specific pages yesterday. He read them.

Number two, his co-defendants represented

the government in this trial of Stanley Robinson, and the co-defendants the federal government have had this transcript since the beginning.

Number three, we are talking about specific excerpts of the transcript. As I said, we have already given him notice for that. So I think that he is just trying to abain obfiscate and trying to make it seem like we are giving 2,000 pages of material when we are talking about a public transcript that has been in issue. His testimony in the Robinson trial concerning the Panthers was used in his deposition in 1974, and it is just a smoke screen so that he, as he said, can get to Mr. O'Neal again and talk to him and try to prepare him. We did give him notice in the past, and I take offense at his coming up here and trying to bamboozle the Court into thinking that we are going to use 2,000 pages when we have told him what pages we are going to use.'

THE COURT: He has asked you to tell him what pages you are going to use. That is a reasonable request.

MR. HAAS: We did that yesterday, Judge, and it is only about four pages. If he chose to use taxpayer money and xerox 8,000, that is up to him. I don't even know what the issue is. We will tell him now this afternoon what we know that we are going to use. I

think there are only two sections, one of which is two pages and one of which is four pages, both of which passages were shown to Mr. Coghlan yesterday. I don't know what the issue is.

THE COURT: I am not going to enter an order until I know more about this, and I am not going to order these people to spend the weekend --

MR. TAYLOR: Judge, it is 12 pages we are talking about.

THE COURT: Just a minute. I am not going to order them to spend their whole weekend. I will order them to follow their usual work course and come back here at 1:30 Monday, and I will hear the problem at that time and I will rule upon the circumstances at that time, and if we have to excuse the jury to give them more time, we will do it. That is the only thing we can do.

MR. TAYLOR: Judge, we have two other matters. First, I want to address the ruling and the activity of the Court in terms of the burglaries that were questioned earlier. I think it is very unfair to strike that question in front of the jury when it is the actions and the evidence of the federal defendants that we have not been able to get, the 1-A file, in which a document indicates the key is in that 1-A file, and God knows what else that Mr. O'Neal and other



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people took from the Black Panther Party is in that file, and they have not produced it yet pursuant to our subpoena.

Secondly, we have Mr. Arthur Jefferson from the Senate Committee on our list of witnesses, and if this Court did not put in a cut-off order, we would be able to call him to testify about the pattern of burglaries done by the FBI against the Black Panthers here and in other places.

So I think that it is entirely unfair to say that we haven't put any evidence in the record, and I think to strike that in front of the jury prejudices us unfairly for evidence that they are covering up.

MR. CHRISTENBURY: Is Mr. Taylor representing that Arthur Jefferson will come in here and testify that the FBI in Chicago committed burglaries against the Black Panther Party? Is that your representation?

MR. TAYLOR: I am representing that they should bring up file 1-A.

THE COURT: Oh, no. He is asking you a fair question.

MR. TAYLOR: And Mr. Jefferson would testify --

THE COURT: Are you representing that he will come here and testify that in the Chicago office here that the FBI committed burglaries in connection with this matter?

MR. TAYLOR: I don't know.

THE COURT: All right.

MR. TAYLOR: But he will testify about a pattern of burglaries across the country against Black Panther offices, your Honor.

THE COURT: That does not involve the FBI here.

MR. TAYLOR: Well, Judge, it is a showing.

THE COURT: It does not involve the --

MR. TAYLOR: They have the evidence. They need to bring the evidence up.

THE COURT: That does not involve these defendant

MR. TAYLOR: Have them bring up 1-A, then, if they are going to laugh at that evidence.

THE COURT: Strike what counsel is saying. He interrupted me.

Now, is there anything else?

MR. TAYLOR: Judge, are you denying our right to see file 1-A with all the evidentiary materials? He got instructions from the FBI to steal --

THE COURT: I haven't denied you --

MR. TAYLOR: -- films, documents. It is right here in evidence.

THE COURT: Mr. Taylor, stop your shouting.

MR. TAYLOR: That is the only way you listen to

me. Judge. You are always walking off the bench when I am making arguments.

THE COURT: Just a minute. Now, I held you in contempt once and Mr. Haas before, and I am just about ready to do it again unless you start behaving yourself.

Now, is there anything else?

MR. CHRISTENBURY: We can take it up first thing Monday morning, your Honor.

MR. HAAS: No, Judge, I would like to take the other matter up today, because I think it relates

THE COURT: I will not take anything else up today. We will take it up Monday.

Court now stands in recess.

(Whereupon an adjournment was taken here at 3:55 p.m. until 12:00 Noon, Monday, December 6, 1976.)