

Party

General Repression

A. Government policy and methods: In any society, the people who are responsible for making and enforcing law have, by definition, a natural interest in preventing basic changes in the social-political system of which they are a part. If an individual, organization or minority group seriously challenges the bases of the existing system, those who control and protect the system can use and often misuse—the established legal machinery to quash that challenge.

The Black Panther Party's doctrine and rhetoric call into question some of the principles around which American society is organized (even while their demands are that the country live up to some of its other long-standing ideals). The Black Panther Party is also under tremendous pressure from law enforcement agencies across the country; all the party's leaders are now jailed, exiled, dead or under indictment for major crimes; more party members are shot or arrested every week. The purpose of this section is to present evidence that there is a causal connection between the preceding two sentences—that this country's legal machinery is mobilized against the Panthers BECAUSE of their political beliefs.

It is difficult for many people to make this connection largely because police and courts are traditionally seen as impartial protectors of society's interests. But all this information on repression of the Panthers should be read and presented with the following facts in mind: Rhetorically and organizationally the Black Panther Party's most potent challenge is directed at institutions of law enforcement. Faced with such a challenge, this country's police and courts are no longer (if they ever were) neutral. They are partisans fighting to protect their own interests. (An example: In September 1968, Panthers and their supporters who had come to a New York City court hearing were attacked and beaten by a group of off-duty police wielding night sticks. No on-duty police interfered; none of the attackers was arrested at that time.)

There is ample evidence from various government officials, that the Black Panther Party has been designated as politically offensive (potentially subversive of the established order) and consequently has been subjected to continuous surveillance. The Wall Street Journal on August 29, 1969 reported that the Justice Department has a "Task Force" to "investigate" the party, and "sources say the FBI secretly pays willing Panthers for information on the organization." J. Edgar Hoover himself revealed his agency's focus on the Panthers. Of all the "violence-prone black extremist groups," in his 1969 annual report, "the Black Panther Party without question represents the greatest threat to the internal security of the country."

In line with this perception of the Black Panther Party, the federal government is apparently maintaining electronic surveillance of party members. The attorney-general has filed an affidavit to this effect in the Chicago trial of eight activists charged with conspiring to violate the Interstate Riot Act. In that affidavit, Mitchell admits that telephone conversations carried only several of the defendants — among them Bobby Seale, chairman of the Black Panther Party — were overheard by agents monitoring wiretaps approved by Mitchell's predecessor. The government claims in an accompanying brief, that it is under no compulsion to reveal in court all the instances in which it has used electronic surveillance; that only illegal wiretaps need be revealed; and that the executive may legally order wiretaps without judicial approval any time information "deemed vital to the national security" is needed concerning "domestic organizations which seek to use force and other unlawful means to attack and subvert the existing structure of the government." An organization's advocacy of "unlawful means," contends the government, may be overt or covert. What all this means is that the executive may decide that a group like the Panthers is

during the preceding months. (Two party members were arrested while serving children breakfast; the children were thrown out of the building at gunpoint.) "When we put out thousands of dollars of donated money from the people to bail them out," writes Seale, "the charges are dropped. It's an operation to intimidate and at the same time deplete funds of the party." One such occasion on which police arrested Panthers and were later forced to drop charges was the day of John Huggins' murder. Very shortly after the shooting, police raided the house where Huggins had lived, arresting his wife, who had just been told of her husband's death and who was carrying her three-week-old baby. Ericka and sixteen others were charged with conspiracy to commit assault with a deadly weapon. Janice Culberson, one of those arrested, reported that police ransacked the house and tore down posters. On the way to the station police made comments such as, "I haven't had any target practice, so why don't you run?" (AIM Newsletter, March 1, 1969)

Many Panthers' homes have been invaded by police without search warrants. Police are allowed to make such searches only if they have "probable cause" to believe that a crime has been committed or that evidence will disappear if they wait for a warrant. In 1967 Bay Area police made many such raids on Panther homes without arresting anyone or turning up evidence of a crime. (Gene Marine) On January 16, 1968, at 3:30 a.m. the San Francisco Tac Squad shoved their way into the Cleavers' apartment without warrant and over the Cleavers' protests; they scattered personal belongings, screamed epithets at the men and obscene suggestions at Kathleen, then left. On February 28, 1968, police surrounded Bobby Seale's house after an alleged phone call from a neighbor who claimed to have overheard someone in the house plotting a murder. They arrested four people emerging from the house, then knocked and told Seale that they wanted to inquire about a disturbance in the neighborhood. When Seale opened the door a crack, the police pushed it in, slammed Seale and his wife against the wall, searched the house, and arrested the Seales on gun charges. (A Supreme Court judge later held all the arrests illegal and called the policeman who was responsible a liar.) And on January 19, 1969, San Francisco police — 20 to 25 of them — broke into the home of Panther Cleveland Brooks without a warrant. One shouted, "Don't move, bigger, or I'll blow your brains out." They dragged Brooks, ripped down his posters, and charged him with possession of dynamite and firing a gun within city limits.

Many of the official actions against the Panthers come close to denying party members their First Amendment rights of speech and assembly. The University of California Regents attempted to keep Eldridge Cleaver from lecturing to a class at Berkeley; they eventually withdrew credit from the course (in which Cleaver was only one of seven speakers and the Oakland police chief was another). Police in the Bay Area tore down election posters when Cleaver ran as Peace and Freedom Party candidate for President. (Gene Marine) On April 3, 1968, police with shotguns leveled burst into a party meeting held at an Oakland church; they left when they did not find Cleaver or Bobby Seale, offering neither explanation nor apology. Late this summer three Panthers were arrested at San Francisco's Greyhound station while selling party papers. (Black Panther paper August 30, 1969) As they were leaving, they were tackled by private guards, then arrested by city police for disorderly conduct, blocking traffic, and possession of stolen property (one Panther was carrying a friend's bank book).

C. Raids and confiscations: Raids on Black Panther Party offices across the country have been so numerous that they

deserve special attention. A few hours after Huey Newton's trial ended in conviction for manslaughter, two men in a police car pulled up in front of national party headquarters and shot the building full of holes. Patrolmen Robert Farrell and Richard Williams, when arrested later, were released immediately on \$3,000 bail.

Recently, the raids have been official. After the New Haven murder arrests, police looking for fugitives raided party offices in cities all across the country — in Washington, Chicago, Denver, Salt Lake City, Indianapolis, Des Moines, Detroit. In nearly every case police smashed or confiscated office equipment, literature, and supplies or money. In San Diego on June 15, police shot their way into the office, claiming that they had thought there was a sniper there. The Chicago Panther office has undergone several such attacks. In June eight people were arrested for harboring a fugitive, although no fugitives were found there. The FBI confiscated literature, a list of donors, and a petition with 15,000 signatures for the release of Illinois Party Chairman Fred Hampton. Police raided the office again in July — when — as they claim — they saw men outside carrying guns. Three unarmed Panthers were arrested; food and medical supplies for the ghetto children were destroyed. On October 4, the office was once again raided and five Panthers beaten and jailed.

There have been more raids on Black Panther Party offices than are listed here; and there is reason to believe that there will be more raids in the future. On September 6 the party paper reprinted a detailed plan of attack on national headquarters — a plan stolen from and drawn up by Berkeley police. The plans called for use of riot tanks and machine guns to subdue occupants of the building. When this document was first printed in a Berkeley underground paper, the police chief did not deny that it had been prepared by his men; he thought it was probably the work of a couple of sergeants who were acting on orders from the captain. Forty other cities, he said, have such contingency plans.

D. Shootings: Several confrontations between Panthers and police have involved shootings. Here, as where searches or arrests or raids are concerned, there have rarely been outside witnesses to the incidents; we can only weigh Panthers' words against policemen's words. None of the violent confrontations between party members and police have been satisfactorily explained.

On October 28, 1967, Huey Newton was wounded in the stomach during an encounter with police that left one patrolman dead. Newton was tried for murder but found guilty of voluntary manslaughter. Evidence that Newton shot Patrolman Frey was scant and unconvincing. The prosecution relied on jumbled, contradictory testimony by police and two witnesses. During the trial the following facts were established with reasonable certainty: The police had stopped Newton and a companion for no apparent reason and arrested him when by right — he refused to get out of the car. No one testified to seeing a weapon in Newton's hand at any time (although he was apparently carrying a law book, perhaps to show the policeman the law concerning his right to remain in the car); no weapon such as the prosecution claimed Newton had was ever found at the scene. The shooting occurred when Frey was marching Newton to the police car. None of the witnesses could give a clear account of the exchange of gunfire. But the bullets in Frey were from a police gun. This means that even if Newton had had a gun and had opened fire on Frey he would have missed at a very close distance; and then, wounded in the stomach by Frey's return fire, Newton would have had to grab Frey's gun and fire seven times!

(It is worth noting the treatment that Newton received at the

hospital. Although he was calling out in pain, the nurse refused to treat him for 25 minutes. When the police arrived, they handcuffed him, hands over his head, to the table; the doctor did not protest this cruelty. During his convalescence, Newton's family had to hire round-the-clock private nurses to stop the police guard's practice of kicking Newton's bed to cause him pain.)

The reasons for the shootout in which Eldridge Cleaver was involved also remain a mystery. It is clear, however, that in flushing Cleaver and Bobby Hutton out of a basement where they had taken cover police used methods that would have been unimaginable had the trapped men not been Panthers and the neighborhood not a ghetto. One woman's house was completely destroyed by the police barrage. When Bobby Hutton, unarmed and completely blinded by tear gas, emerged from the basement, he was shot to death by police who claimed he tried to escape. (Gene Marine)

There were no witnesses to an October 18 shooting in Los Angeles. Panther Walter Pope was killed. Police claim they were ambushed by two men; Panther leaders say that police had told Pope, "We're going to get you." (Guardian, November 1, 1969) In Kansas City recently the Deputy Chairman of the Black Panther Party in Missouri was wounded by an unidentified gunman two days before he was to testify before the McClellan committee that the Kansas City police chief had approved an allotment of guns to the Minutemen. The list of such incidents is long and growing.

This list of ways in which the Black Panther Party is repressed is far from exhaustive. Included above are some of the best documented of most persuasive examples. Ronald Steel's article contains a good (but outdated) tallying of the effect of such use of the legal machinery against the Panthers.

5. Repression through the courts. The courts are a resource the established order used quite often to suppress radical political groups and militant unions which seek to challenge that order. The state hopes for convictions which will silence the movement, but knows that at the very least the mere bringing of charges will tie up leaders, hinder their organizational and political activities, and put a heavy strain financially on the group concerned. In addition prospective radicals will be intimidated from joining such a group.

A. Once the means of the courts is chosen, the repression can take one of two forms, or a combination of the two. The first form is to charge those on trial with important, substantive crimes like murder or robbery and to promote and "use public hysteria to create an atmosphere highly prejudicial to defendants, or in other words to railroad a conviction. Such were those of the Haymarket Square defendants, Joe Hill, Sacco and Vanzetti, Mooney and Billings and the Rosenbergs.

A description of the Mooney-Billings case is typical of this genre: "The case developing out of class social tensions...was forged through the abuse of fair procedure by local law enforcement officials." (The Mooney case, Richard Frost, p. 489) The two men, both active in radical union politics were accused of bombing a San Francisco Preparedness Day Parade in 1916. The Parade was meant to encourage the U.S. to enter World War I. Both men were convicted and both were almost certainly innocent. The prosecution suppressed facts, manufactured evidence and suborned perjury. In his closing speech the prosecutor accused the defendants of glorying in the murder of babes and grinning like hyenas on the witness stand. He ordered the jury to do its duty as patriotic Americans by voting to hang the defendants. The hysteria in the city was such that the prosecution was able to get away

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