

NewTimes

“**B**lack Panthers have committed a series of violent crimes over the last several years. Now, disaffected Panther Party intimates and others have told *New Times* about the scope and nature of this violence — about arson, extortion, beatings, even murder. There appears to be no political explanation for it; the Party is no longer under siege by the police, and this is not self-defense. It seems to be nothing but senseless criminality, directed in most cases at other blacks. There is even a secret wing of the Panthers,

THE PARTY'S OVER



by Kate Coleman with Paul Avery

known within the Party as ‘the Squad,’ to administer the brutality. And at the center of it all is Panther founder Huey P. Newton.”



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How Huey Newton
created a street gang at
the center of the
Black Panther Party

THE PARTY'S OVER



by Kate Coleman with Paul Avery

Several weeks ago, a 30-year-old black woman went to police in Oakland, California, to report she had been kidnapped and sexually assaulted. She said the incident had occurred two days earlier, in the afternoon. The woman gave this account:

While waiting for a bus in crowded downtown Oakland, she had stepped into a phone booth to make two quick calls. She spoke first with her fiancé, and was about to call her mother when a gold Cadillac pulled up nearby and a huge man got out. The woman later guessed he stood 6 feet 7 inches and weighed about 400 pounds.

"Mr. Newton would like to see you," the man said, gesturing toward the late-model Cadillac.

"I don't know any Newton," the woman replied.

A light-skinned black man with a large Afro got out of the Cadillac and beckoned to her. Then the big man, indicating a gun in his pocket, said, "You'd better come with me." He pressed up against her and she could feel the barrel. He warned that if she yelled for help, "I'll blow your brains out all over the phone booth."

Both men then shoved her into the back of the car, and the big man took the wheel, leaving the other man in back with

the woman. "You know where to go," he told the driver, and the car sped off toward the industrialized section of West Oakland, where it pulled in behind a building and stopped. The man in back snorted some white powder and began bragging to the woman about his sexual prowess, about what a "superior" man and lover he was. He started to unbutton her blouse, then tried to lift up her T-shirt underneath. She shoved him away. "No bitch pushes me around," he yelled, smacking her across the face. He went for her shirt again, pulled it up and began fondling and kissing her breasts. When she resisted, he burned her left wrist with a cigarette and called her a "street whore."

The driver turned around in his seat. "Huey, can't you see she isn't a street woman?" he said. He urged that they let her go, but the man in back told the driver that he should just follow orders. At that, the driver pulled out a pistol and directed the woman to do what she was told. She stopped all resistance then. And when the man in the back seat ordered her to fondle his penis through his pants, she obeyed, but he was dissatisfied with her efforts. He ordered her to excite him, yet despite her attempts, he failed to get an erection. Finally he pulled the woman's slacks down to her knees and ordered that she spread her legs while he performed cunnilingus on her. It lasted about five minutes.

Afterward, he went through the woman's purse and took out \$46 in cash. He carefully examined her wallet and warned her, "Now I know who you are and where you live. If I hear anything about this, you'll be taken care of." Seeing pictures of her three children, he threatened them, too.

The big man headed the Cadillac for North Oakland, where the woman was released. Later, she estimated the ordeal had lasted about two and a half hours. The man in back handed her five dollars—"to catch a cab," he said—and threatened to kill her if she took action.

Badly shaken, the woman went to her mother's house. Her brother and her fiancé arrived soon after. She had been so affected by the experience that she fainted several times that evening, until finally her family brought her to the emergency room at Doctors' Hospital in Oakland, where she told the examining physician the whole story. The doctor urged her to call the police, but the woman was too frightened. It was two days before she reported the incident, and then only at the urging of her fiancé.

The woman told Oakland police her

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assailant was Huey Newton—founder and leader of the Black Panther Party. She said she had recognized him "from seeing him on TV and in the papers," but she identified him again from police photos. And from the sheaf of photos she unhesitatingly identified the big man as Robert Heard, Newton's 6-foot-8-inch bodyguard, who has been variously described as weighing between 380 and 470 pounds.

Police began the paperwork on her complaint, anticipating the arrest of Newton and Heard on charges of kidnapping and sexual assault. But the woman refused to press charges. She remembered the threats and was terrified.

After various parts of the woman's story surfaced locally, Newton and his lawyer, Sheldon Otis, insisted that Newton had nothing to do with the attack—

Most of these crimes remain open on police ledgers. The victims are too frightened, or the evidence too circumstantial, to bring Newton or his Panther subordinates to trial

"assuming it even took place," Otis said. They said he had been exonerated by a privately commissioned lie detector test. But a source close to the district attorney's office says the test was poorly conducted—that only four questions were asked, and that the two dealing with sexual assault were unspecific enough that Newton might have been able to pass a test he would otherwise have failed.

Nevertheless, Newton's defense team made copies of the lie detector test available to reporters as a way of refuting the woman's story. But a refutation was unnecessary. Even with prodding from the police and assurances of protection, the woman still refused to press charges, fearing Panther retribution.

The woman had good reason to be afraid. Over the last few years, Newton and other Panthers have moved like a street gang through the Oakland area. They have, say reliable sources, committed a series of violent crimes—including arson, extortion, beatings, even murder. Unlike the skirmishes that marked the Party's infancy in the late sixties, the recent incidents appear to have no political explanation. The Panthers are no longer under siege by the police, and this is not self-defense. It seems to be nothing but senseless criminality, directed in most cases against other blacks—sometimes Panthers themselves.

Most of these crimes remain open on

police ledgers. The victims are too frightened, or the evidence too circumstantial, to bring Newton or his Panther subordinates to trial. Only a few of the incidents, in fact, have been covered in the Oakland and San Francisco press; some have never been reported to the police.

Now, after six months of interviews with disaffected Party intimates, the police and others, it is possible to learn the scope of recent Panther violence. It is possible, too, to see how the wave of brutality has affected the Black Panther Party—and the effect has been great. Already, the Party's support in the community has diminished, its grant money has dried up, and valuable workers and supporters have left. The Panther day care center/grade school is still operating, as is the free health clinic, but these

institutions exist side by side with another Newton creation of an entirely different sort.

New Times has learned that there exists a secret wing of the Party, assembled originally by Newton as his own palace guard, loyal to him against any contender. Within the Party, the group is known as "the Squad." By all appearances, the Squad is simply a team of Newton's bodyguards—but they often operate like underworld hit men.

An uncanny duality has grown up around the Panthers—a myth and a reality, difficult to penetrate and sort out. Over the years, many supporters have regarded Panther militance as a legitimate response to police brutality and the country's long history of racism. Now, confronted by Panther behavior that seems to defy explanation, some Bay Area blacks and leftists nevertheless continue to protect and defend the Party. There has been a fear that any exposé of the Panthers would play into the hands of reactionary forces and hurt the entire black community. Party support has dwindled, but to many people, still, the Panthers—and above all Huey Newton—are liberators of oppressed blacks, heroes standing up to malignant police forces, great teachers in the vein of Mao Tse-tung and Ché Guevara. Also, illegal government actions, aimed with particular zeal at the Panthers by the FBI and other agencies (as revealed



Sidekicks: Huey Newton (left) and his 6' 8" bodyguard Robert Heard

two years ago by the Senate Intelligence Committee and subsequent Freedom of Information Act lawsuits), created a well of sympathy for the Party—and suspicion of efforts to expose it.

But, there is a growing sense among many sympathizers and ex-Panthers that it is Huey Newton himself who has discredited the Party—and, by seemingly gratuitous violence, betrayed the principles on which it was founded.

It was in the fall of 1966 that Huey Newton, the son of a Baptist minister, founded the Black Panther Party, along with his friends Bobby Seale and David Hilliard. The Oakland-based Panthers marked a departure from the trend of black cultural nationalism then on the rise in the ghetto, a nationalism that declared all whites the enemy. The Party argued that black liberation could not be won without the support of white revolutionaries and radicals, and it welcomed them in the fight against a common ruling-class enemy. The Panthers'

"Ten Point Program" went further than any nationalist group's demands by calling for "all power to the people" and the armed self-defense of blacks.

In Oakland, particularly, blacks had little power. That predominantly black city was run until very recently by a white Republican administration and a police department described by a local black politician as "no different from the most rabid, cracker police force in a small Mississippi town."

To keep an eye on the police, Newton and his fellow Panthers began patrolling Oakland ghetto streets on weekend nights, defiantly toting shotguns, pistols and a copy of the California Penal Code. The Panthers, though, were careful to remain within the law. They advised Oakland residents of their legal rights and acted as an armed presence to prevent police brutality. The effect on the left was electrifying. The outcry on the right prompted state legislators to draft a bill that made it illegal to bear unconcealed arms. In May 1967, a delegation

of Panthers went to the California State Capitol carrying their weapons. They were lobbying against the bill, but the furor unleashed by their disciplined military presence assured its passage.

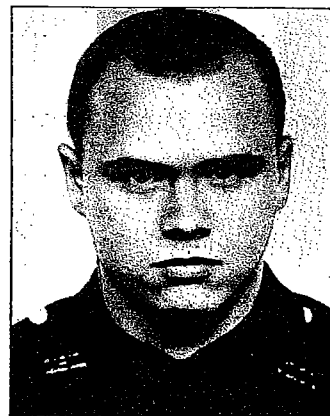
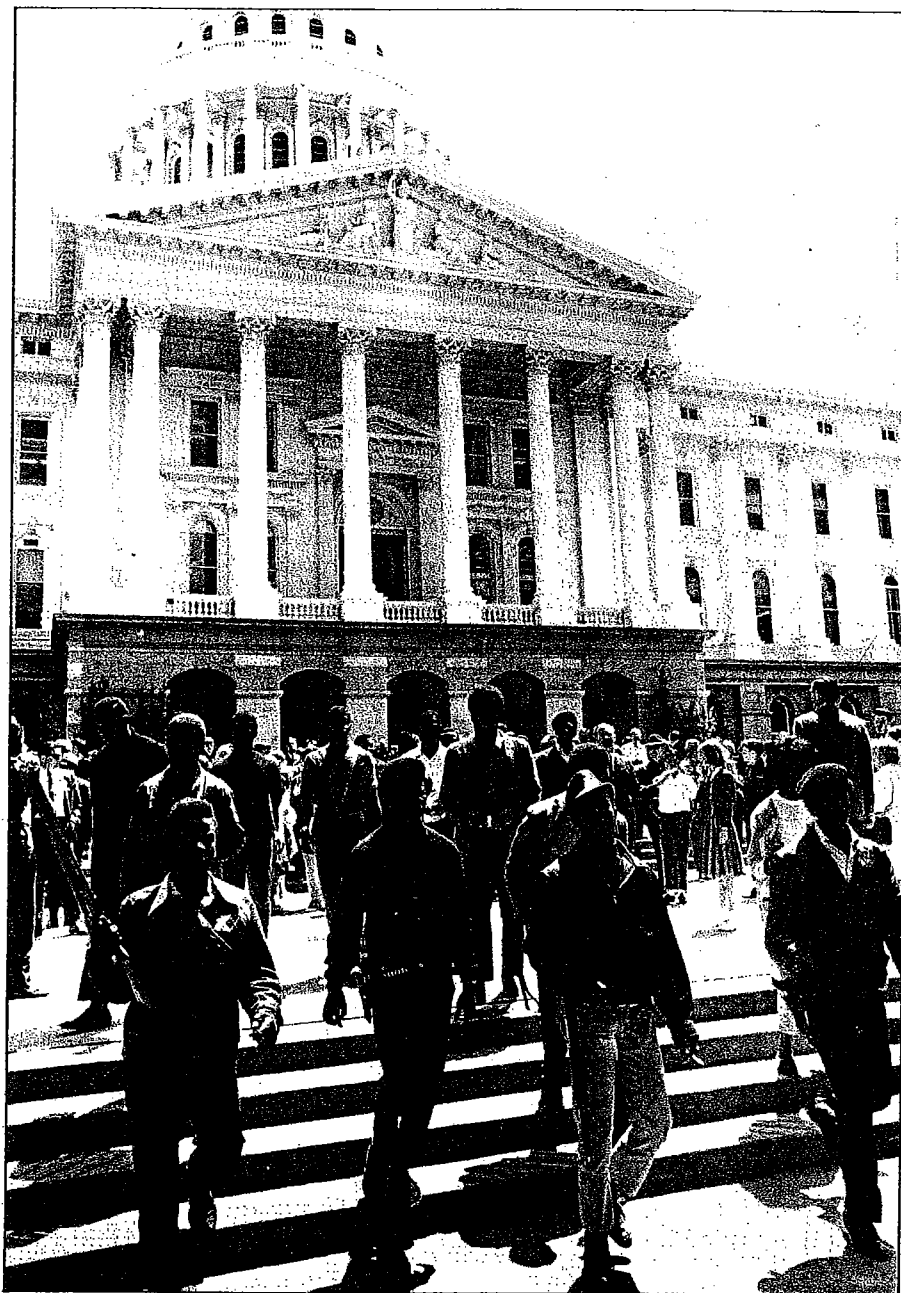
The trip to the Capitol was well publicized, but the incident that would catapult Newton to national prominence came later, on October 28, 1967. Newton's car was stopped by Oakland police that night, leading to an exchange that ended with Newton shot in the stomach, one policeman wounded, and Newton charged with murdering the other officer, John Frey. Newton pleaded innocent. His story was that Frey had called him "nigger" and probed his genitals while searching him. He said that he had been shot point-blank in the stomach and had not shot back. But in 1968, a jury convicted Newton of voluntary manslaughter and he went to prison.

While in prison, Newton became a political martyr. "Free Huey" buttons cropped up everywhere—and the West Coast-based Peace and Freedom Party, dedicating itself to support the Panthers in a black-white coalition, adopted "Free Huey" as one of its slogans. (The Peace and Freedom Party also made Eldridge Cleaver its candidate for president of the U.S. in 1968. Cleaver, the celebrated *Soul On Ice* author, helped run the Panthers when Newton went to prison.)

During this period, white leftists and liberals flocked excitedly to the Black Panther Party because they saw it as a nonracist revolutionary vanguard. The Party was self-consciously modeled after the Algerian FLN, with its urban guerrilla warfare tactic of deliberate skirmishes with police. Leftists saw Newton as the only black leader dedicated to Marxism but also capable of transforming ghetto blacks into a disciplined revolutionary army. (Newton affected a swagger stick to go along with the Party's militarism, and went by a variety of lofty titles over the years, including Minister of Defense, the Supreme Commander, the Supreme Servant, the Servant and, most recently, President.)

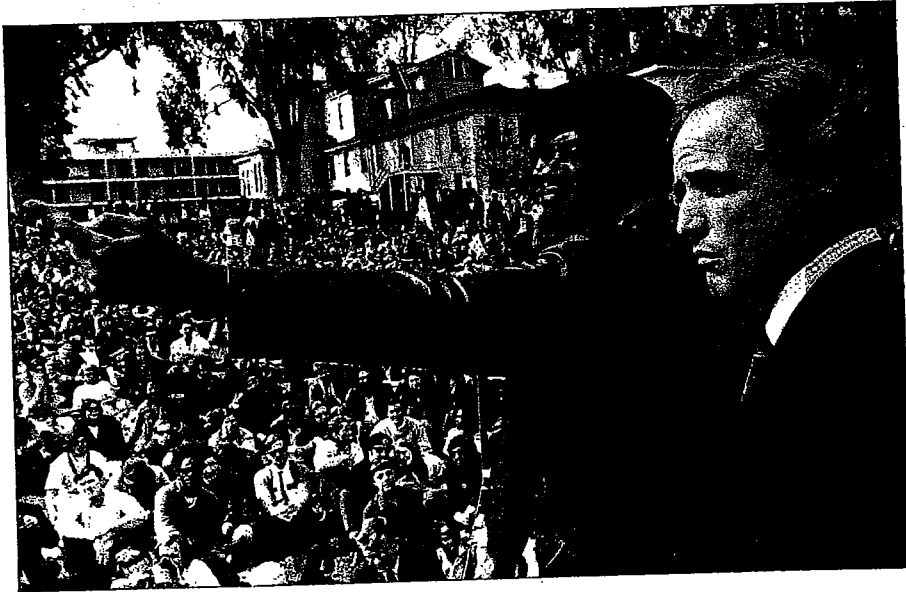
In predominantly black Oakland, only 2 percent of the police force was then made up of minorities. Panther claims that the police were an occupying army, and that law enforcement agencies were out to crush the Party, were concepts embraced immediately by white leftists. When, in 1968 and 1969, these law enforcement agencies raided Panther offices across the country, resulting in hundreds of arrests and a long list of dead and wounded blacks (see "The Unquiet Grave of Fred Hampton," *New Times*, May 31, 1974), Panthers and many white leftists alike viewed armed struggle as imminent.

The money began to flow into Panther coffers as never before, and prominent white liberals and leftists, including such people as then-Yale University



The Early Days: In May 1967, Panthers grabbed headlines with a gun-toting demonstration at the California State Capitol (left). They were lobbying against a bill making it illegal to bear unconcealed weapons; Later that year, Huey Newton gained national prominence when he was charged with killing Oakland policeman John Frey (above); During the first of Newton's three trials on the charge, supporters gathered across from the courthouse, bearing posters of Newton as a show of solidarity (top right photo); In the months that followed, there were more "Free Huey" demonstrations, such as the Oakland rally addressed by Panther co-founder Bobby Seale (right); When Newton went to prison in 1968, Eldridge Cleaver (far right photo, with wife, Kathleen) became the major force in the Party; Panthers were not the only ones outraged by Newton's sentencing: the night the verdict came down, two drunken Oakland cops, apparently angry that Newton was convicted of manslaughter and not murder, shot up the window of the Panthers' headquarters (bottom right photo); From the beginning, the Party differed from black nationalist groups in two major respects: Panthers invited participation from whites (below, a 1970 "Free Huey" rally in San Francisco), and the Party adopted a disciplined, military-like presence (bottom left photo)





Radical Chic: Marlon Brando in Oakland with Bobby Seale in 1968

president Kingman Brewster and author Jessica Mitford, raised money or spoke publicly in support of the Party. It was the era of Radical Chic, of Leonard Bernstein's swank New York cocktail party for the Panthers. And everywhere, liberals and leftists were demanding that Huey be freed.

In the summer of 1970 he was freed—his conviction reversed because the judge had erred in his instructions to the jury. Newton faced two more trials on the charge, both ending in jury deadlocks. Finally the district attorney declared that any further attempt to prosecute Newton would be futile, and the case was dismissed.

When he came out of prison in 1970, Newton brought with him plans for major changes in the Black Panther Party. He reversed the stand on armed insurrection, saying there was little support for it in the black community, and that the cost to the Party in lives and resources had been staggering. Instead, Newton called for "survival programs pending the revolution," and began putting Party resources into projects such as the Black Panther school, the free health clinic, food giveaways and sickle cell anemia testing.

In style as well as content, Newton backed away from the militant posturing of Eldridge Cleaver. Cleaver used to visit local black churches (accompanied

by his leather-jacketed Panther bodyguards) and stand in the pulpit addressing the congregation as "motherfuckers," demanding support for the Party. As with the Panthers' "off the pig" rhetoric, the obscenity was part of a "revolutionary" style. But when Newton was released, he ordered Panthers to clean up their language and attend church regularly, a move to win over mainstream blacks. (Cleaver, meanwhile, had fled the country well before Newton's release to avoid trial on charges stemming from a 1968 shoot-out with Oakland police. From Algeria he ran the international wing of the Panthers.)

But as the Panthers assumed a nonviolent stance, there flared within the Party an intense power struggle between two factions—and it threatened to destroy the Panthers. Ideologically, the split came over Newton's orders to back away from "military" skirmishes with the police.

The underground, military wing of the Party was committed to immediate armed struggle, viewing Panther "survival programs" as symbolic alternatives to existing institutions, useful primarily as propaganda to build support for the Party. But Newton pushed through his changes despite the underground's objections. And to solidify his position, he expelled the Party's militants, who formed the only organized group within the Panthers tough enough to challenge

him. One of the first to go was leading Los Angeles Panther Elmer "Geronimo" Pratt. In his wake went the entire New York chapter. Cleaver protested strenuously from Algeria, but Newton's break with Cleaver went beyond ideological matters. It was a public battle between two titanic egos, exacerbated by Newton's fears, after nearly three years in prison, that the Party had slipped beyond his control. He worried that even in Algeria, Cleaver posed a threat to his leadership. (The FBI, it was later learned, exploited this fear by forging defamatory letters from Newton and Cleaver as a way to play on their mutual paranoia.)

To ensure his authority, Newton closed most of the 30 Panther chapters nationwide, calling loyal members to Oakland. But warring between the factions continued, and people on both sides were murdered. Newton loyalist Sam Napier, for example, the national distributor of the Panther newspaper, was cut down by bullets in New York. The atmosphere became so volatile that when Geronimo Pratt's pregnant wife was stabbed repeatedly and killed in 1971, many attributed the murder to the ongoing internecine warfare.

Ultimately, Newton prevailed, beefing up his one-man rule of the Party. But he remained plagued by insecurities for years, sometimes doubting his oldest and closest lieutenants. In early 1974, in a move that puzzled and upset supporters, he expelled co-founder David Hilliard from the Party. So great was Newton's displeasure that he went into the Panther school and personally pulled out all four of Hilliard's children.

Hilliard, Newton's friend since childhood, was in prison at the time for his role in the 1968 shoot-out with Oakland police, the same incident that forced Eldridge Cleaver to flee the country. According to Panther insiders, Newton told Party members that Hilliard had orchestrated a coup against him, and Newton charged Hilliard's wife, Pat, a tireless Party worker, with misusing Panther funds.

David Hilliard's expulsion sent out severe shock waves. He was widely loved, and regarded as the heart of the Party. Hilliard was the organization man who ran the Panthers when both Newton and Bobby Seale were in prison and Cleaver was out of the country. He had worked unflaggingly for Newton's release. To those who knew Hilliard, the "coup" story put out by Newton seemed preposterous. And to this day, even to close friends outside the Party, Hilliard professes bewilderment about the real reasons for his expulsion.

It was against this backdrop of insecurity, and to guarantee his dominance over the Party, that Newton created "the Squad." (But the Squad was also an outgrowth of a much earlier fascina-

New Times has learned that there exists a secret wing of the Panthers known within the Party as "the Squad." Its members often operate like underworld hit men



Community Service: When he left prison in 1970, Newton renounced Panther militance and emphasized instead “survival programs pending the revolution”—such as sickle cell anemia testing (left) and food giveaways

tion Newton had with small-time gangsterism—pimping, running card games and burglarizing houses in the Berkeley hills, activities he has acknowledged in his autobiography, *Revolutionary Suicide*.) Newton selected Squad members himself. A source familiar with the initiation rites describes the process:

“There would be some guy who had come into the Party off the streets. He’d work his ass off doing the hard, day-to-day stuff that keeps the Party going—you know, standing on the corner with the sickle cell anemia cans or hawking the paper. After a while he’d get the summons to go up to [Newton’s] penthouse—that alone would be very flattering, because those people lived in dire poverty. But then he’d be up there with Huey and they’d snort cocaine together, and then he’d be told he had been selected for the Squad. For somebody low down in the Party, the whole thing would wow them—the coke, the good liquor and just being able to hang out with Huey.” Party members have also related stories about the Squad sharing women with Newton. The carousing together, with the accouterment of good cocaine, was a major reward of Squad service.

The Squad itself has always been small, reportedly made up of two “fire teams,” usually with five or six men each. The duties of Squad members varied, but frequently they accompanied Newton when he ventured out into Oakland’s tough night life, into the bars and after-hours joints. It was during such forays, say the police and other sources, that Newton and the Squad began the practice of extorting money from bars, pimps and dope dealers.

The practice appears to have had its

roots in a legal fund-raising effort begun by Newton in the summer of 1971. The Panthers began a boycott of black-owned liquor stores when recalcitrant owners refused to accede to Newton’s demands that they pay “reparations” to the black community by contributing money to Panther programs. Negotiations ended the boycott in early 1972, and although no money ever changed hands, in Newton’s mind the principle was firmly established: The Panthers were entitled to a piece of the action from businesses selling liquor to the black community.

Now, with the Squad, these payments from bars and clubs began to look suspiciously like protection money. The amounts paid by different owners varied, but some clubs were said to be shelling out as much as \$500 a week. Yet none of the owners was willing to come forth and testify against Newton or Squad members. It has been a nettling problem over the years for law enforcement officials. They know what is going on, the black community knows what is going on, but no one can do anything about it because victims won’t go to the police.

One club owner did have his nephew contact the office of Representative Ron Dellums (D-Ca.). “The man’s uncle had just opened a bar,” says Dellums aide Don Hopkins, “and he said that it appeared the bar was not going to be successful because of the extortion demands of the Black Panther Party. I raised the possibility of going to police, but he discounted that as a choice.”

Newton enjoyed the tough night life in Oakland and Berkeley. He bragged once of being a “two-fisted drinker”—and he was a two-fisted fighter as well. A

lawyer who has worked for the Party says fighting “is one of Newton’s forms of recreation—like the fastest gun in the West.” His rap sheet bears this out, beginning with his arrest at 16 for beating a schoolmate with a hammer. Newton has subsequently said he used poor judgment (“I was immature then”), but there were other scrapes in the years that followed. (At 22, for example, he stabbed an unarmed youth in the head with a steak knife.) Newton could be particularly violent when crossed, or when he felt himself to be.

This streak of vengefulness would become characteristic of the Squad, too, as those who didn’t comply with the extortion demands would learn. There were the fires at the Fox-Oakland Theater in 1973. The first blaze occurred on August 10, the second on December 5. Both were arson, in the opinion of investigators. The estimated property damage came to \$89,000.

The fires were set within two days of scheduled rock concerts, promoted by Oakland businessman Ed Bercovich. He had leased the theater from its absentee owners and finally secured an Oakland City Council special permit to put on live entertainment. The city council gave its approval in part because Bercovich had worked out a deal with a local youth group to hire unemployed teenagers in Oakland—a large majority of them black—to clean up the theater, sell tickets and usher.

Newton resented it. The Black Panther Party had once had a subletting arrangement at the Fox-Oakland to show movies. Newton had dreams of taking over the theater and turning it into a cultural center, with the kind of live entertainment that Bercovich had suc-



Feeding Body and Soul: The Party has won favorable publicity with its free breakfast program for schoolchildren (left) and with the Panther grade school

ceeded in lining up. But the theater's owners weren't interested in Newton's plans.

Shortly after one of the Fox fires, Newton intimated to a penthouse visitor that the blaze had been set by the Panthers as retaliation. But he left out another part of the story: Bercovich had refused to pay extortion money to the Party.

Months before the first show was even scheduled, Bercovich says, he was approached by a Panther go-between, the owner of a bar frequented by Newton and his friends. The go-between urged Bercovich to come to some kind of agreement with the Panthers. He offered to set up the meeting, telling Bercovich the Panthers wanted "a piece of the action." And he warned that if a deal wasn't made, not one show would go on—"they would burn the place down," as Bercovich remembers it.

"Everything he said would come true, came true," Bercovich says, shaking his head sadly. "And I had all those kids working for me."

Even as he and the squad acted like thugs, Newton continually tried to conceal his "bad-ass nigger" side from his educated friends, just as he submerged his intellectuality beneath a macho exterior when he sortied out with Squad members to the bars of Oakland. One former intimate characterizes Newton as "schizoid," chiding himself for having taken so long to realize it. "He had different faces for different people," he says. "I never saw him crazy, never saw him brutalize people. I only saw him in his intellectual mode. He'd talk about Zen Buddhism or dialectics. It was always intellectual questions. It's interesting, because I have a non-intellectual

friend, and when Huey ran into him at a party, the only thing Huey'd talk about was dope, street stuff and fights—like bragging about the last fight he was in. Huey would never talk politics to this guy—ever! With me, he never talked about anything else."

Newton managed his image most of all with wealthy or intellectual supporters; and while such people sometimes caught glimpses of the high-handedness with which the Party was run, they told themselves that Newton stood outside such practices. But most of these sympathizers were not around when Newton beat Party members, sometimes ordering Squad members to hold their guns on them when he did. (An eyewitness says that when Newton beat Seale bodyguard Carl Colar, he even ordered Len Colar, Carl's brother, to train his gun on the victim. Newton then pummeled Carl—with fists and a lead pipe.) And most sympathizers did not see the harsh disciplinary actions of the Squad, which over the years included, according to a number of sources, beatings, bull whipping and "mud-holing." (The mud hole, a deep pit dug on the site of the Party's first school in Oakland, was filled with cold water before the Panther being punished was thrown in. When he or she tried to climb out, the others would beat the Panther back down.)

One former Party member traces the severe discipline to the Panthers' sense of themselves as an army at war. In that context, infractions real or imagined had to be dealt with swiftly. But long after the Party abandoned urban guerrilla warfare, the corporal punishment remained.

Few sympathizers saw the cramped dormitories where the Party rank and

file lived; they saw only the inside of Newton's apartment, or took tours of the school. There always seemed to be cadres willing to do the work of the Party, but supporters may not have known that many Panthers left over the years, slipping away from Oakland in secrecy, lest they be caught and beaten.

Panther sympathizers may have seen little of this, but to others Newton's erratic side was more visible, and experiencing it tested their activism sorely. Such was the case when Newton single-handedly destroyed a potential chapter of the Party in Texas in early 1974, according to a Bay Area activist who traveled there a year after the incident.

The group in Texas, People's Party II, was a grass-roots organization that operated several enterprises—including a store and a nightclub—to raise money for service projects in the black community. The group was considering becoming a chapter of the Black Panther Party, and Newton, in turn, wanted to bring the Texas business operation under the Panther aegis. So far along was the proposed merger that Newton and a small entourage flew to Texas to inspect the local setup. One of the former leaders of People's Party II told the visiting Bay Area activist that from the start of Newton's visit, the Texas people found his behavior disturbing. It seemed to his hosts that Newton was on drugs.

On Newton's last night in Texas, he met with the group in its nightclub. Decked out in a cape, he strutted around the room screaming, "I am the Supreme Servant!" He made a play for the woman leader of People's Party II, asking her to dance. She told him she was there with someone else. An argument ensued. In the course of the alter-

cation, Newton hit the woman, delivered a severe beating to her escort, and threatened to kill another person who tried to intervene.

The incident ended as quickly as it had begun. Newton left the bar and headed back to Oakland in the morning. But the woman told the Bay Area activist that the man Newton had beaten flipped out shortly afterward and was still institutionalized — a year later. The woman herself admitted to being so devastated that she had not done anything political since the incident. Moreover, she said, the local party was demoralized and weakened by the startling affair.

This behavior was in sharp contrast to Newton as genial host to scores of luminaries who answered his summons to share fine cognac and long, rambling conversation. Visitors would arrive at Newton's penthouse apartment in Oakland and find themselves ushered into a modern, expensively furnished living room of brown leather couches and stark walls. They would breathe in the heavy scent of gardenias floating in a brandy snifter. And Newton would flatter his guests with attentiveness. "When I was up there," says Alameda County Supervisor John George, a black lawyer boosted into office with Panther support, "he would serve me. He'd bring me a drink or a sandwich—and he would fix it himself. He didn't ask Gwen [his secretary] to do it. He would sit sipping Remy Martin and we would talk. He always seemed so happy to have someone to talk with."

Because of Newton's charm, guests such as John George willfully ignored the dark rumors they heard about him. "I like him," George says, shaking his head in a troubled manner. "That is why I may continue to excuse and excuse." Among some of Newton's former intimates, too, there is a tendency to excuse his violence—or even to deny it. Take the case of Bobby Seale, who founded the Party with Newton and Hilliard.

In 1974, Seale, who was then the Party's chairman, reportedly was beaten and had to be treated by a doctor for his injuries. By several accounts, Newton ordered his bodyguards to train their guns on Seale to ensure he didn't fight back while Newton administered the beating. After the attack, Seale left the Party and disappeared from public view, emerging only within the last year to publish a book.

Reached by phone in Philadelphia, where he now lives, Seale denies he was beaten. "It's not true," he says. "The police put out a lot of crap initially. I've even heard that off and on, but I don't pay any attention to it. Whoever said that is lying." But it was said by many who were not police, who were in a position to know—including someone who

treated his injuries.

"What injuries?" Seale screams into the phone. "I had no injuries whatsoever! I don't give a damn who said it. Tell them I said they're a flat black-ass, motherfucking liar, or a white-assed liar—whoever the hell they are."

Seale's departure came in July 1974, just as Newton, according to the Alameda County district attorney's office, police and various witnesses, was embarking on a bizarre rampage of intermittent violence that would stretch over 18 days. It began on July 30 with a run-in he had with two plainclothes cops in the Fox Lounge in Oakland. Newton accused them of following him simply to harass him. He turned belligerent, the police said, and pointing a finger gun-like at one of the officers, screamed for bodyguard Robert Heard to "shoot him, shoot the pig-ass motherfucker—shoot him!" When Heard slipped his hand into the briefcase he carried, the policemen drew their weapons. Inside the briefcase was a loaded .38 caliber revolver and \$1,000 in cash. Heard was busted. Later that night, with other officers for reinforcement, Newton was also arrested, along with Panther heavies Larry Henson and Flores "Fly" Forbes.

It was just the kind of event to jack Newton up. It heightened his paranoia, "made him crazy," as one of his friends says. Six days later Kathleen Smith, a 17-year-old prostitute, and her friend

Crystal later quoted him as saying.

The two women exchanged glances—those "what's-his-trip" expressions—and stepped back, sensing trouble. The man stared hard at them. Suddenly, Crystal said, he lunged forward and struck Kathy. "Her eyes got big," Crystal later recalled, and Kathy stumbled backward. Crystal was angry and said to the man, "Say brother, why did you hit my girl friend? She didn't do nothing to you."

The man's chilling response, she said, was to draw a small silvery gun from his breast pocket. Crystal yelled to Kathy to run, and she herself made for the nearby Ebony Plaza Hotel. Hearing her cries, the other prostitutes, too, ran inside the hotel. All except for Kathy. Crystal went back outside to see what had happened to her friend. As she did, a shot rang out. Rushing to the sidewalk, Crystal saw the same man standing over Kathy's slumping body. The Mark IV slid out of its berth and swung over toward the tableau of a wounded Kathy, held in Crystal's arms. The light-skinned man jumped in the car and it sped off.

Kathy had been shot in the jaw and was unconscious. The trauma from the wound damaged her spinal column and put her in an immediate coma; it was a half-death that lingered for 96 days. When hospital authorities finally decided to move Kathy's inert body to a nurs-

He had different faces for different people," one former intimate says of Newton. "I never saw him crazy, never saw him brutalize people. I only saw him in his intellectual mode"

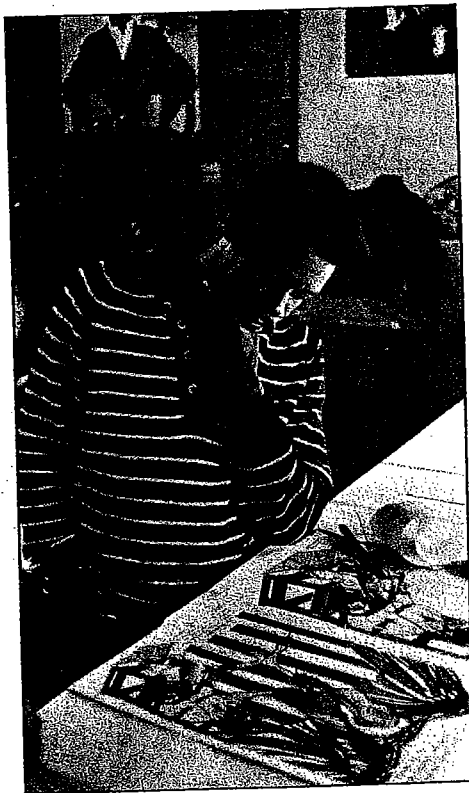
Crystal Gray were standing on an Oakland street corner hustling Johns. There were other prostitutes in the vicinity as well. It was a slow evening, a Monday before midnight. Crystal and Kathleen—or Kathy, as she was called by the other women—smoked a joint together. They were both feeling "mellow," as Crystal later testified at a preliminary hearing, when a big, fancy metallic-colored car cruised by their corner. Crystal hailed the occupants with a "Hey, baby!" The car kept going and stopped at the light. Both women noted with some appreciation that the car was a Mark IV Continental. Ten or fifteen minutes later, Crystal noticed the same car again, parked at the corner on a side street. She saw one of the occupants—"the light-skinned one"—get out.

"Which one of you ladies called me,"

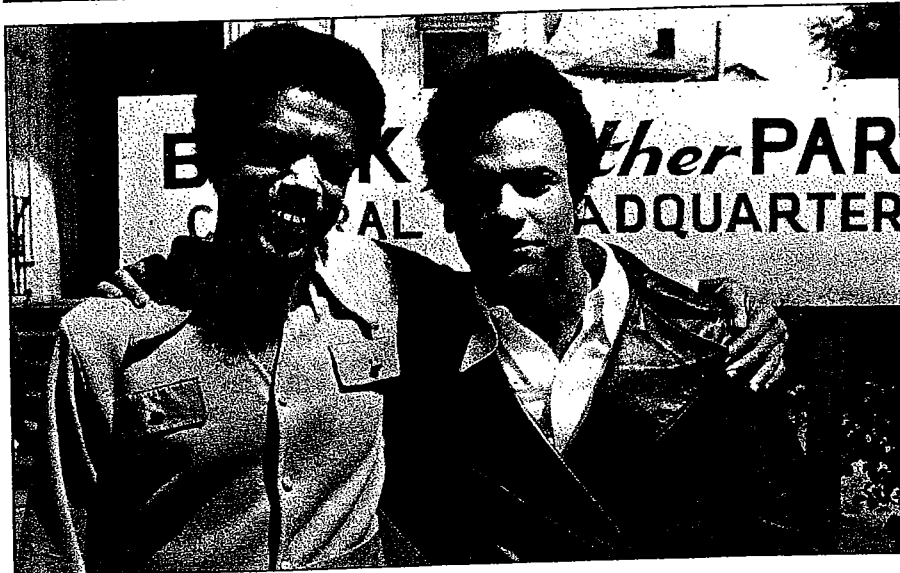
ing home to continue life-sustaining treatment, the shock of the move was too great for the small spark of life still left in her. She died.

Three prostitutes identified Huey Newton as the man who pulled the gun on Kathy. One of them was Crystal Gray, and her testimony, authorities believed, would be the most convincing to a jury.

Eleven days after the shooting of Kathleen Smith, two young women stopped in at the Lamp Post, an Oakland bar nominally owned by Newton's cousin Jimmy Ward but run by the Panthers. They ordered hamburgers and then, according to the police statement of one of the women, Helen Robinson, Robert Heard came to the table and began to "get smart" with her friend, Diane Washington. Washington sassed back



Internal Strife: Over the years, Newton has broken with many of his closest friends and allies from the Party's early days. His first serious rift came with Eldridge Cleaver (at left in top photo, visiting Newton in jail in 1968. Man at center is unidentified); There seemed to be strategic reasons, among others, for the split with Cleaver. But Newton's 1974 expulsion of long-time friend David Hilliard (left) mystified those close to the Party; Another Newton intimate, Panther co-founder Bobby Seale (at left in photo below, posing with Newton), "resigned" from the Party in 1974. Reportedly, Newton had beaten Seale while other Panthers trained their guns on him.



and it turned mean. Heard whispered something to a "little guy," and the next thing they knew, the "little one" came over and grabbed the other woman, Helen Robinson, by the jacket. He yanked her off her chair, and then he and Heard began pushing her back and forth. They each socked her whenever she came within their grasp. The "little guy" was Huey Newton, the two women said.

According to Robinson's statement, the two men then knocked her to the floor. Eventually someone in the bar—Robinson is not sure who—grabbed her by the collar and threw her into the street. Several times she tried to return to get Washington out, but each time she was rebuffed.

It was seven or eight minutes before Washington managed to escape from the bar. Robinson noted that Washington's lip was "big and bleeding, her jaw was swollen and her eye was kind of black." Robinson said that Washington had actually made her way out of the bar at one point, but that Huey Newton came out after her and "dragged her right back in." The women called police that night, and six days later made a complete report and identified Newton and Heard from a series of 12 photos marked with numbers—no names.

The Lamp Post bar incident had occurred in the early morning, about four a.m. Later that day, in the afternoon, there was more bloodshed, this time in Newton's apartment. The victim was Preston Callins, a handsome, middle-aged, middle-class black tailor. His account of the incident, two days after it happened, was tape recorded by police.

Callins said that three weeks earlier he had been introduced to Newton at the Lamp Post by a mutual friend. The two had met before but didn't really know each other. Callins did know, however, that Newton ordered his clothes from a men's store in San Francisco, and that the store, in turn, farmed its orders out to Callins. Callins told this to Newton in the Lamp Post and suggested they eliminate the middle man—that Callins make Newton's clothes for him directly. Newton agreed, gave Callins his phone number and suggested he give him a call. After trying for several days, Callins finally reached Newton and was invited to come over and measure him for a suit.

The tailor arrived with his materials packed in a sample case. Newton greeted him and began showing him around the penthouse apartment. "He did everything but get down to business," Callins later told police. "He was drinkin' some cognac. I think he paid \$19 a bottle for this cognac . . . and he was drinkin' the whole time . . . and drunk as a skunk. Very potent stuff. I asked him to pour me just a little taste. I wanted to see how it tastes, you know." In a

show of hospitality, Newton told Callins he would order a bottle of the same cognac for him to take home, and he did so by speaking into an intercom to a woman in another room.

Seated comfortably now in the presence of another man whom Callins said was Newton's brother-in-law or possibly his uncle, the two began to talk. "He says, 'I'll tell you what. Everybody's been rippin' me off, Preston, on getting clothes made,'" Callins recalled. "Now, if you give me a full price on a suit, one price," he said, "I'll have all of my clothes made from you." I said, "I can make you a suit for \$180 with my material."

But Callins said he never got around to showing Newton the materials in his sample case. "I had a suit that I had on that he kept telling me he didn't like . . . and I said, 'Well, I didn't bring this

kicked me in the mouth, and by that time I was tired of being hit. I jumped up and hit him in the mouth . . . knocked him upside the wall . . . by that time I was bleedin'. I was bleedin' a lot . . . I had lost, I bet you, three or four . . . pints of blood. I couldn't be no match for that little youngster there."

Callins managed to make it to the apartment door, unlock it and stumble out into the hallway, but Newton followed. Now he had a different gun. The first was of no use to him any more: The grips, Callins told police, had broken on his head. Callins tried to hide in a small recess of the hallway.

"He says, 'I'm gonna kill you!' He came and he followed me . . . and he made me go back, and by that time I was just bleeding everywhere. By the time I

Callins to take home. The two bodyguards then ushered Callins downstairs, placed newspaper on the floor of the car (so Callins wouldn't bleed on the carpet) and drove him home. They ordered him out and chucked his sample case onto the sidewalk beside him. As Callins fumbled with his garage door lock, he fainted. His wife called the police and an ambulance.

Callins was taken to Kaiser Hospital in Redwood City, where his four depressed skull fractures required neurosurgery. When police visited him in intensive care to take his statement, Callins told them, "Every time he hit me with that pistol you could hear the bones crash."

In a preliminary hearing last fall, three years later, Alameda County Deputy District Attorney Tom Orloff called Callins to the stand to give testimony against Newton on the pistol-whipping charges. The tailor shocked the courtroom when he said that while he remembered the beating, he could no longer recall the perpetrator. He said his memory loss was a result of the injuries he suffered. Despite the playing in court of his tape-recorded statement to police shortly after the beating, in which he clearly described Newton as the sole assailant, Callins could not be shaken from his testimony. What Callins failed to tell the court, *New Times* has learned, was that he had recently received \$6,000 from the Newton side.

Callins refuses to comment on his testimony. When asked about the money, his lawyer, Howard Moore, denies Callins was paid off for his silence. "Anybody has the right to sue anybody in civil court," he fumes, implying that the \$6,000 represented settlement of claims Callins had against Newton. Alameda County records, though, show that Callins never filed suit. Sheldon Otis, Newton's lawyer, says that Callins passed along "verbal demands for civil damages for injuries to his person." Beyond that, Otis refuses to comment on the matter. (He was not involved in arranging for the payment.) Howard Moore puts it this way: "Mr. Callins had a claim against Mr. Newton for personal injuries and that claim has been resolved."

By the end of August 1974, police had filed a variety of felony counts against Newton. There was the assault charge stemming from the Fox Lounge altercation with the plainclothes cops, which was later amended to include charges relating to the shooting of Kathleen Smith, the beating of Preston Callins and the incident with the two young women at the Lamp Post. When Kathleen Smith died nearly three months later, the charges were amended again—to include a murder count.

But Newton was long gone by then. Sources say he had fled to Mexico, and from there, by boat, to Cuba. The Cu-

An eyewitness says that when Newton beat Seale bodyguard Carl Colar, he even ordered Len Colar, Carl's brother, to train his gun on the victim. Newton then hit Carl with fists and a lead pipe

suit over here for you to like . . . I'll show you some samples.' But he wouldn't let me show him any . . . So he said somethin' like, he said, 'Oh, god-dammit. I've been ripped off! Blah, blah, blah, blah.'

"I said, 'Oh, baby, don't feel that way,' and when I said 'baby,' that's what started the whole thing, because I have a habit of callin' my friends . . . 'baby,' you know—my wife, my brothers, my other friends, I call 'baby,' and he didn't like that.

"He jumps up and he goes buggy. 'Nobody calls me no damn baby.'" Then, Callins said, Newton marched from the dining area where they had been sitting and returned with a .357 revolver. "I'm sitting talking to his brother-in-law across the table," Callins said, "and he [Newton] whacked me . . . I mean a hard blow right across the back of my head while I was sitting at the table. Blood shot everywhere. Then he turned around and whacked me on the other side . . . Then he said, 'I'm gonna shoot you!' And I said, 'Aw, man, you gonna invite me to your home to start some stuff for nothing. What's wrong with you?'"

"So he says, 'Uh, man, you called me a baby and I don't like you no way. You're a little bit yellower than I am. I don't like you.'" I said, 'Aw, man, get off of this shit!' So then he hit me again, and he hit me and knocked me on the floor . . . he

got to his door I just fell on the floor. Blood all down the hall, and all in his apartment. I saw his brother-in-law. I told him, I says, 'You, you must be out of your mind . . . Can't you stop this maniac from doing what he's doin'?'"

The other man tried to calm Newton down. In the meantime, Callins said, Newton had called in two of his bodyguards.

Newton beat him again, according to Callins' statement, and then brought out a tape recorder and tried to pressure Callins into making statements that would exonerate him. "He asked . . . questions like, 'Did you come in my house and molest me?' I said, 'No.' . . . And each time he hit me. Each time he slapped me . . . Boom! . . . He said, 'Didn't you do me wrong in my house?' I says, 'No, I didn't do wrong, I came here in peace. I came to make your clothes . . . you offered me a drink, I took a little shot, and you got drunk, and then you started hittin' me upside the head with your pistol and I couldn't stand it. That's why I hit you back!'"

Callins said the two bodyguards then brought a car around from the garage. Callins was ordered out of the building. He asked for his sample case, and the "big fellow" (whom he later identified as Robert Heard) retrieved it for him. Oddly, Callins said Newton ordered Heard to get the gift bottle of cognac for

bans granted him sanctuary on the condition that he keep his nose clean, live modestly and work. Newton agreed.

When Newton failed to show up for a preliminary hearing in late August, Panther lawyer Charles Garry met with reporters to announce that Newton had jumped bail and fled because pimps in Oakland had put out a contract on his life. To prove it, Garry played a tape-recorded phone conversation he had had with then-police chief Charles Gain. Gain had called Garry to say that an underworld source had tipped off police to the contract. But Gain's phone call had actually taken place almost a year before Newton left the country.

As Newton fled to Cuba, it seemed to many in Oakland that the Party was breathing its last gasps. But that judg-

of the grant money funneled into the Party came from the Law Enforcement Assistance Administration [LEAA], and was earmarked for a Panther program to help juvenile delinquents. Bay Area leftists noted with amusement that the LEAA, formed in the days of "law and order" to aid local criminal justice systems, was a favorite agency of the Nixon Administration.)

During Elaine Brown's tenure, Oakland's first black mayor, Lionel Wilson, and Alameda County's first black supervisor, John George, were both helped into office by the crucial campaign support of the Panthers. One year before his election, John George had been Brown's campaign chairman when she herself ran for a seat on the city council in 1975. (She waged an impressive campaign and finished second.) "She got all

antee from the development's backers that a percentage of the jobs would go to hard-pressed minorities.

"She said she didn't give a damn about the freeways, all she wanted was the jobs," says J. Anthony Kline, legal affairs secretary to the governor, who attended the meeting. "She was very convincing. We did what she wanted done. We agreed to complete the freeway."

But despite the high regard in which she was held by officials in Oakland and Sacramento, there were others who quietly referred to Elaine Brown as the "Dragon Lady." Sources say she had a pronounced vengeful streak. A local television reporter, for example, says Brown (who was then press spokeswoman for the Party) called him after he had broken the story of Bobby Seale's disappearance and "resignation." The reporter says Brown told him, "We know who you are, and if you come to Oakland, you're in trouble." After that, he says, he stopped pursuing the Seale story and has not wanted to cover the Panthers since.

Elaine Brown's precise relationship to the Squad is not clear. It is known, though, that the group continued its criminal activities during her administration. And there are no reports that she moved against it. Some Squad members served as her bodyguards; but unlike Newton, Brown did not tour the streets and bars with the Squad on shake-down runs.

During Newton's three-year absence, there were a series of robberies, shootings and murders that police regard as the work of the Squad. Other sources close to the Panthers share that belief. Witnesses in most of these cases refused to make formal identifications; in others, identifications were impossible because the assailants wore ski masks.

All of the cases are unsolved, save one murder for which a Panther, George Robinson, was convicted. (The conviction was later reversed because of an illegal police search.) But Oakland and Berkeley police, who are careful not to simply list any unsolved crime as Panther-related, see Squad involvement in the following cases:

● Tommy Jackson was a doorman at The Brass Rail, a Berkeley after-hours bar operating as a "private social club" and regarded in the surrounding community as a headquarters at the time for cocaine dealers. At 6 a.m. on August 27, 1974, the 19-year-old Jackson was admitting a customer when a car pulled to the curb and several black men inside opened fire with shotguns. Jackson was killed and several customers in the bar were wounded. Club owner Wilbert La Tour had reportedly balked at Squad demands for money, although he denied it to the police. Case still unsolved.

The Brass Rail was the scene of two other murders. Willie Ralph Duke, 24,

Because of Newton's charm, some supporters ignored the dark rumors they heard about him. "I like him," a black politician once said. "That is why I may continue to excuse and excuse"

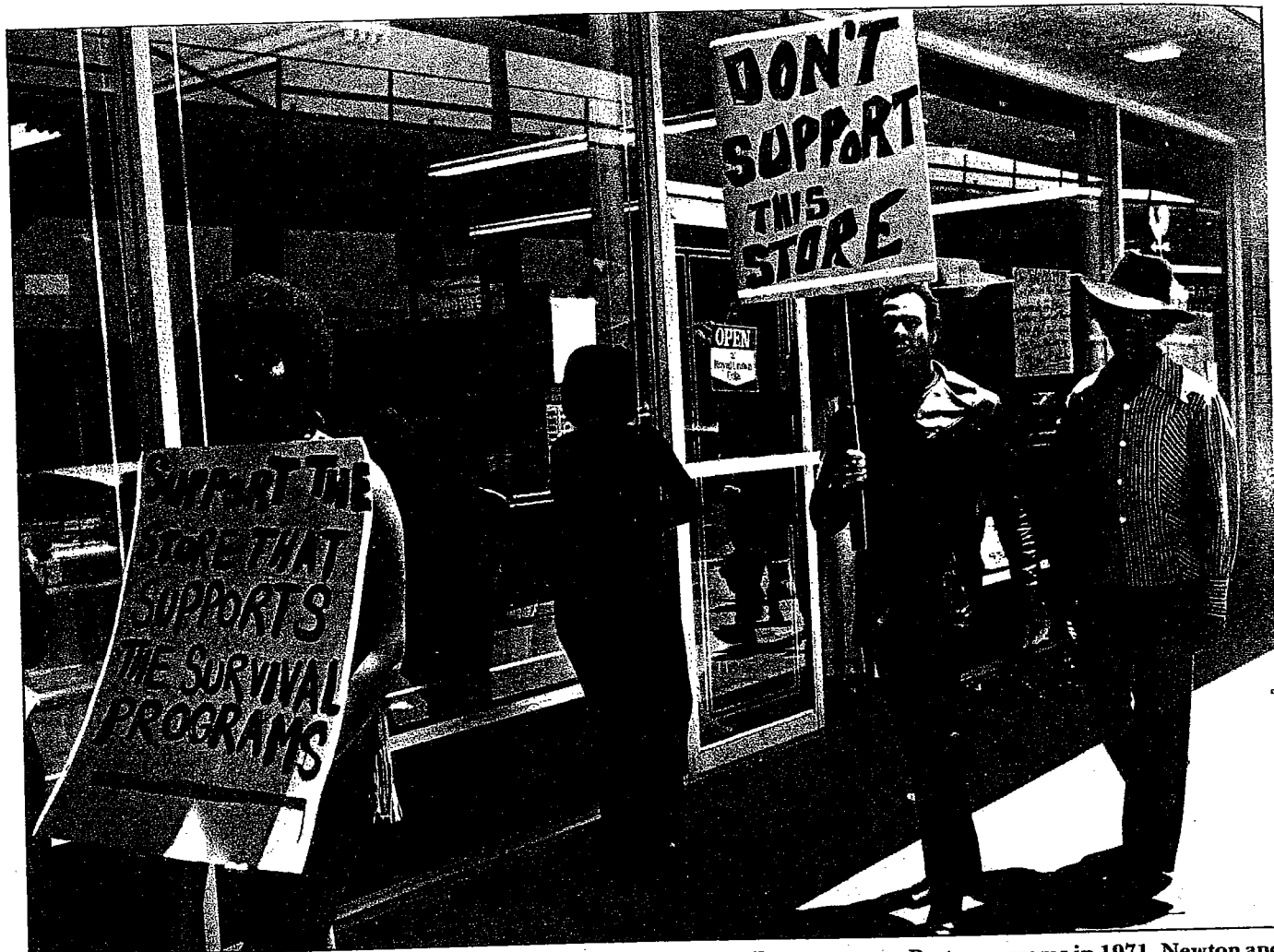
ment was premature. There were to be three years of impressive and previously unimaginable Panther inroads into the Oakland political establishment. This would all occur under Elaine Brown, Newton's successor.

The glamorous, 34-year-old Brown had come to Oakland four years earlier from Los Angeles, where she had interrupted a singing career to work for the Panthers. She was smart, articulate and completely loyal to Newton—qualities that helped her rise quickly through the ranks. With Newton's blessings as he left the country, Brown became chairperson of the Party. Even from Havana he remained Number One, conferring regularly with Brown by telephone—monitored by the CIA—and more private messages delivered by trusted couriers. But it was Elaine Brown who engineered the Party's sudden acquisition of respectability.

Brown buzzed about Oakland in a red Mercedes and always dressed with the panache of a young woman executive. She had a flair for public relations, using the Panther school, begun under Newton, to gain favorable publicity for the Party, and to impress state and county officials. And from Alameda County, the cities of Oakland and Berkeley, the state of California, as well as private donors, she landed a series of service and educational grants for the Party that came to over \$300,000. (Part

the Democratic groups' endorsements," George says. "They recognized that the Panthers were moving into the legitimate political arena and that it was better to work with them than against them." In previous Panther attempts at public office, most Democratic politicians had been skittish about forming alliances with a Party that had Newton at the helm. In Newton's absence, the way was open for cooperation and trade-offs.

Elaine Brown's rapport with politicians didn't stop at the Alameda County line. In 1976 she went to the Democratic National Convention as a Jerry Brown delegate, and the governor couldn't have failed to notice that when nearly all of his other California delegates had switched their votes to Jimmy Carter (in a show of unity once his nomination was assured), Elaine Brown remained steadfast in voting for him. Perhaps that is why the governor agreed to see her when she came to Sacramento to lobby for completion of the Grove Shafter Freeway in Oakland, a project stalled by his freeze on highway construction funds. Speaking on behalf of an ad hoc organization formed largely by Republican businessmen in Oakland, Elaine Brown argued that without the Grove Shafter Freeway, a huge downtown development planned for Oakland would not be built. Thousands of jobs were at stake, she said, and she had won a guar-



Seeking a Piece of the Action: When local liquor stores refused to contribute money to Party programs in 1971, Newton and other Panthers organized a boycott

was a heroin dealer who, police informants said, was making payoffs to the Squad. He had reportedly missed a payment because he had lost the money gambling. While Duke was drinking at The Brass Rail on January 25, 1975, with three Panthers and club owner La Tour, Billy Carr approached Duke and suggested they step outside. Police have theorized that the 21-year-old Carr was attempting to warn Duke that he was going to be killed. As both men began to walk away from the bar, say witnesses, the three Panthers suddenly pulled guns. Two of them opened fire and shot Duke. Carr tried to stop them and was also shot. Both men died. Neither La Tour, who saw the shooting, nor the other witnesses would name the three gunmen. Case unsolved.

La Tour himself was found murdered four months later. Oakland police, acting on a tip that he was dead, went to La Tour's apartment and found his car gone. A week later another tip was received that La Tour's car could be found in the San Francisco International Airport garage with his dead body inside. It was. Long dead. The body had been stuffed head-first into a sleeping bag and jammed into the trunk of the

car. Case unsolved.

● On April 26, 1975, Vernon McInnis, a dope dealer known on the streets as "Preacher Man," was gunned down by two shotgun blasts and five .45 caliber shots. Several days before his murder, McInnis had been approached in the Lamp Post to buy a copy of the Panther newspaper. He refused, reportedly saying that the Panthers "rip people off." The remark led to an argument with Panthers Robert Heard and George Robinson, both Squad members. McInnis was bounced from the bar and killed several days later. George Robinson was convicted of the murder, but the conviction was reversed because police had improperly conducted their search of his car when he was arrested. (The district attorney's office is appealing the reversal.) Although the motive established at the trial was the Lamp Post altercation, several sources familiar with the case believe the killing had much more to do with drug-related payoffs to Panthers.

● Two other shootings involving shotguns were thought to be the work of Panthers because the spent shells found at the scenes had markings almost identical to those in the McInnis case. Police

could not act on the evidence, though, because there were no eyewitnesses (as there were in the McInnis case) and because shotgun casing marks are not as specific as those from hand guns. One case involved Philip Cole, an owner of the Black Knight bar. Cole was reported to have been the victim of Panther extortion, although he angrily denies it. On September 12, 1974, he was shot at on the street. (The bullets missed.) Cole could not identify his assailants. In the other case, a week before the Vernon McInnis murder, two men were shot soon after leaving the Lamp Post. Willie White lost both an arm and a leg in the shotgun blast, and James Harris died from the wounds he received in the back of the head. Both men had been in an argument with a Lamp Post cocktail waitress that had widened to include others. Case unsolved.

● In February 1975, one dope dealer was robbed at his home by two armed blacks in ski masks, and another dealer was kidnapped by three black men and killed. Police suspect the Panthers because of reports that both men were being shaken down by the Squad.

Finally, there is the still unexplained

murder of Betty Van Patter, the Party's attractive, 45-year-old white bookkeeper. She was a Berkeley liberal who dabbled in the more faddish aspects of the occult, but was nevertheless described by a former associate as "a first-rate bookkeeper, very responsible."

Van Patter landed her job in the summer of 1974. She was hired originally to keep books for the Panther school, but her duties expanded soon after to include bookkeeping for the Party itself and for the Lamp Post bar. Although pleased to be working for the Panthers, Van Patter told some friends that the Lamp Post was not paying its taxes, and that money was taken directly out of the cash register and passed along to Party members. Van Patter was known to be fastidious about her work, and she didn't like going along with accounting procedures she considered shaky.

Betty Van Patter disappeared on Friday, December 13, 1974, after having stopped in at one of her favorite Berkeley bars. She had entered alone, say acquaintances, and was unusually quiet. Several people who were in the bar recall that a black man came in, handed her a note and then left. Van Patter left the bar, alone, at about 9:30 p.m. and was never seen alive again. Her corpse was found 35 days later, floating in San Francisco Bay. Probable cause of death, said the coroner's report, was "a powerful blow to the skull." Death had been immediate.

It is not known whether the Panthers had anything to do with Van Patter's murder. But there are indications that Elaine Brown had grown irritated with the Party's bookkeeper. Asked about Van Patter after her disappearance, Brown angrily described her to a Panther colleague as an "idiot" and "stupid," charging that Van Patter wouldn't come to work if the "moon was out of phase." But her biggest complaint about Van Patter was that she was inquisitive, and vocal in her complaints about irregularities in the Party ledgers. "Betty wanted to know too much of everything," Elaine Brown confided. "And she was getting into the Lamp Post." In response, Brown told the colleague, she fired Van Patter. "I was scared of her getting into my [city council] campaign books and all the other stuff," Brown said. "She started asking about where money was going. She started telling me about why Jimmy's taxes need to be paid." (Jimmy Ward, Huey Newton's cousin, is the owner of the Lamp Post.)

Van Patter's murder could not have come at a worse time for Elaine Brown, who was then running for the Oakland City Council. Four days after the body was found, police questioned Brown in the office of Panther lawyer Charles Garry. She insisted she had terminated Betty Van Patter's employment on December 6—a full week before Van Pat-



New Respectability: Elaine Brown became chairperson of the Party in 1974, after Newton fled to Cuba

ter's disappearance. Brown produced "copies" of Van Patter's severance check, work record and notice of termination to support her claims.

But Fred Hiestand, a lawyer who has done work for the Party, told police he had seen Van Patter on Tuesday, December 10—on Panther business. The day after he saw Van Patter, Hiestand saw Elaine Brown. He told police Brown announced to him at that time her intention of firing Van Patter at the next opportunity.

If the discrepancies in Brown's statements had become public knowledge, her campaign could have collapsed. But none of it leaked. And the case is still unsolved.

As Elaine Brown ran the Party in Oakland (with the Panthers' new-found respectability untarnished by the violence police link to the squad), Huey

Newton cooled his heels in Cuba. He had no particular desire to assimilate into the socialist society around him, Cuban sources say. Newton held no regular job; he hung out. And he closely watched developments in the United States (a Democrat in the White House, disclosures of FBI illegalities involving Panthers) and, of course, developments in Oakland. He picked his time—last summer—and returned to stand trial for the murder of Kathleen Smith and the beating of Preston Callins.

Newton must have been heartened by the favorable publicity that greeted his return. The press played up to him, dutifully recording his praise of the Cubans and his charges of police and FBI harassment of the Party. But while he may have been winning a public relations battle, his trial loomed ahead as a much tougher fight. Crystal Gray, the eyewitness to the Kathleen Smith shooting, was still firm in her identification of Newton as the killer, despite her admission that she suffered from night blindness and was high on marijuana at the time of the shooting.

Then came "Richmond"—the shorthand way that people in the Bay Area now refer to the frightening incident of October 23, 1977. After Richmond, the Party would begin quickly to crumble.

On that night last October, Mary Matthews, a 56-year-old black woman, was having trouble sleeping. Lying awake in bed, she heard someone tampering with the front door of her home in Richmond, California, 15 miles north of Oakland. It was about five a.m.

"Who is it?" she yelled. No response. She thought whoever it was had gone away.

But a short time later she heard someone pulling on the screen door in the rear of her house. Mary Matthews called, "Who is it? What do you want?" There was no answer. The noises continued.

Quickly then, she leaped out of bed—although usually she is slow and considered in her movements. She retrieved her .38 revolver and, without wasting a gesture, dialed Richmond police. While holding the phone she heard the sudden sound of ripping metal and realized the screen door had been torn completely off its hinges.

Someone was out to kill her. It had to

"So then he hit me again, and he hit me and knocked me on the floor... he kicked me in the mouth, and by that time I was tired of being hit... I was bleedin' a lot"

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The Candidates: Bobby Seale and Elaine Brown leave Oakland City Hall after filing nomination papers in 1973—he for mayor of Oakland, she for a city council seat

be that, she thought, because there was so little in the house that anyone would want to steal.

As she recited her address to the police the first shot was fired outside. The lock, she thought, he's shooting off the lock. She dropped the telephone receiver on the floor, pointed the gun at the back door and fired. The very act of firing the gun she had kept for so long, but never used, panicked her further—that, and a fusillade of return fire, the muzzle flashes coming through the doorway and lighting up her kitchen. She ran to a small room in the rear of her house to hide, locking the door behind her. Cowering in there behind the furniture, it seemed forever before she heard the crackling of police radios that indicated she might finally be safe.

Outside Mary Matthews' door was a pool of blood and a 12-gauge shotgun. On the sidewalk lay the dead body of a black man. From the trail of smeared blood, police could tell the man had been dragged and then dropped; and the blood went beyond the dead body, indicating another assailant had been wounded. In searching the area along the Richmond ghetto street, a block of corrugated metal warehouses interspersed with a few houses and vacant lots, police found a second shotgun, an automatic rifle and ammunition. They also found discarded clothing similar to that worn by the dead man. From these items, police surmised there were at least three assailants, and that the discarded blue overalls and watch caps were probably donned to be shed after the killing in order to make eyewitness identification difficult. It was a cold, planned murder attempt.

But why Mary Matthews? It didn't make sense. What would anyone have against this middle-aged mother and

grandmother who worked as a book-keeper out of her own modest home?

The answer came from the pink clapboard house directly behind Mary Matthews'. She owns that house as well, renting its two apartments to single mothers with children. One of the women was dark-skinned and pretty, barely five feet tall. She approached the police and said she was the one the gunman had come to kill, not Mary Matthews. She identified herself as Raphaele Gary—known on the streets as Crystal Gray.

Newton was due in court the very next day, October 24, for a preliminary hearing in the Kathleen Smith murder case. Crystal Gray was also scheduled to be there to testify against him. (The charges involving the altercation with plainclothes cops at the Fox Lounge and the beating of the two young women at the Lamp Post were eventually reduced to misdemeanors and severed from the Smith and Preston Callins cases. All charges are still pending. The Smith-Callins trial will probably begin in August or September.)

It was hours before Richmond police verified the fingerprints of the body in blue overalls outside Mary Matthews' house. The dead man was Louis T. Johnson, a 27-year-old Black Panther who lived in Berkeley in a house with other Party members. In a preliminary autopsy performed later that day, a bullet was removed from the back of Johnson's skull. Mary Matthews was blameless—it was not her gun that had shot him. Johnson had been hit accidentally by one of his fellow assailants.

It was a botch. They had attacked the wrong house—and they failed to kill anyone but one of their own. Moreover, another of the assailants had been wounded in the hand, judging by one of

the gloves police found on the scene: It was ripped and bloodied.

What had happened in Richmond was not publicly revealed until the following morning, when Deputy District Attorney Tom Orloff broke the bizarre news in Oakland's Municipal Court. In an outraged voice, Orloff called the incident in Richmond a "planned assassination" attempt of the "most important witness" in his case against Newton. Orloff linked the dead assailant to Newton, saying among other things that Johnson had recently visited Newton when he was briefly jailed after returning from Cuba. But outside the courtroom—free on \$80,000 cash bail—Newton denied any involvement in, or knowledge of, the Richmond affair, hinting at nefarious doings by the police. "At this point I wouldn't be surprised if the police set anything up," he said. He claimed not to know Louis Johnson. (Crystal Gray was given police protection and began her testimony later that week.)

Newton's suggestions of a police set-up looked unlikely when, four days later, it was revealed that Flores Forbes—a Squad member arrested with Newton at the Fox Lounge—had sought emergency treatment at an Oakland hospital for

earlier that day. He tried to convince the reporters that Panther Flores Forbes was only peripherally connected to the Party, but local newspapers had already revealed that Forbes was on the payroll of a Panther youth service program and was intimately involved in some of the Party's violent activities.

Sipping cognac, Newton conceded that the gunmen may have been "overzealous and figured that they would hunt down a witness." But he nevertheless denied that he or the Party were involved. He insisted that both Johnson and Forbes had quit the Party "a few weeks before the trial started. I don't remember exactly what date." But in any event, Newton said, they were no longer Panthers at the time of the Richmond attack.

A few days after that interview, several tourists in the Nevada desert about 40 miles from Las Vegas heard a moaning sound a few yards off the road. Then they noticed a man's feet sticking out from under a pile of rocks. The tourists snapped a Polaroid picture of the shallow grave and brought it to local rangers, who rushed to the site and unearthed a seriously wounded black man, buried alive and left for dead. He had been shot twice and was paralyzed

After Newton jumped bail and fled to Cuba, Elaine Brown became Party chairperson. Under her leadership, the Panthers made impressive inroads into Oakland's political establishment

a gunshot wound in the hand consistent with the torn, bloody glove found in Richmond.

Forbes arrived at the hospital with his hand bandaged, using an old music book as a crude splint. Unwrapping the bandages, the attending physician saw that the whole back of Forbes' hand had been torn away. Forbes told the doctor he had been injured in an industrial accident with a rivet gun. The man who accompanied Forbes, Panther Nelson Malloy, backed his story, but the doctor knew a bullet wound when he saw one, and said he would have to report it to the police. At that, the two men fled the hospital.

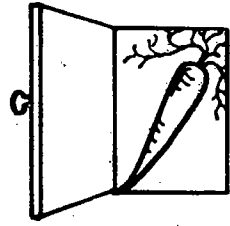
Publicity about Richmond was potentially so damaging to Newton's case, and the Party itself, that Newton finally agreed to meet with two reporters. Looking thinner than before he left for Cuba, Newton was attractively decked out in a pin-striped three-piece suit donned for a courtroom appearance

from the neck down.

When Las Vegas police questioned him in the hospital, the man gave a fake name and said he had been robbed and shot while hitchhiking; eventually, though, he admitted to police that he was Nelson Malloy, the man who had accompanied Flores Forbes to the Oakland hospital the day after the Richmond assault. The story Malloy finally told sounded like something out of the annals of the Mafia—loyal soldiers turning on other loyalists when ordered from above.

Forbes, Malloy said, had come to his house after the attempt on Mary Matthews' life. Malloy had only recently arrived in Oakland, summoned by Newton bodyguard Robert Heard. Before that, Malloy had worked in the Panthers' small Winston-Salem, North Carolina, chapter to set up a free ambulance service for poor blacks in the community. He was dedicated, a believer. After moving west, Malloy went to

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Panthers as Victims: Gunman Louis Johnson (left) was killed in the Richmond attack and Squad member Flores Forbes (far right) was wounded. Forbes then fled to Las Vegas with the help of Panther Nelson Malloy (center), who was later shot and left for dead.

work at the Party's free health clinic in Berkeley, impressing clinic personnel with his diligence and aptitude.

Perhaps Forbes went to Malloy for help because of his paramedic skills. Malloy bandaged Forbes' shattered hand and wrapped it in the music book splint, but his medical experience was insufficient and he knew it. He told Forbes that surgery was necessary, and that he could not perform it.

It was then that the two men went to the hospital in Oakland, only to flee in fear that the doctor would turn them in. According to Malloy's account to police, they remained in hiding until Oakland Panther Rollin Reid drove them to the airport the next day. Forbes and Malloy took a Western Airlines flight to Las Vegas. There they were met by Panther Allen Lewis, who drove Forbes to a Las Vegas hospital where he was treated under a phony name. Malloy told police that both Reid and Lewis arrived several days later at his hotel room with "orders" to drive him to Houston because Las Vegas was getting "too hot." Malloy dutifully climbed in the back of a rented van and the three left Las Vegas.

About 45 minutes later, Malloy said, Reid and Lewis stopped the van for a "rest break." Malloy said he was standing beside the van when the two men pulled pistols and shot him in the back and left arm. He dropped to the ground but remained conscious while they dragged him off the roadway and piled rocks on top of him.

Malloy believes—and police in the Bay Area agree—that Flores Forbes was executed by Lewis and Reid. Police describe the shooting of Malloy and the probable murder of Forbes as a "house-

cleaning" effort to prevent any possible implication of Panther higher-ups who may have ordered the Richmond assassination attempt. Lewis and Reid, being sought for the shooting of Malloy, have disappeared.

Much of the support for Huey Newton prior to Richmond began to seriously erode when the dead gunman outside Mary Matthews' home proved to be Panther Louis Johnson. The chilling account told by the permanently paralyzed Nelson Malloy about Forbes, Lewis and Reid seemed to confirm the Party's involvement in Richmond. And when the Bay Area press heavily covered Malloy's release from the Las Vegas hospital, in a wheelchair, and his return home to a Winston-Salem hospital ward aboard a plane chartered by his aggrieved family and old friends, the Panthers had never looked worse. Alameda County Supervisor John George, for example, a long-time Newton supporter, was deeply troubled by the direction the Party had taken.

But suddenly there was another blow, and it had the potential to harm Newton and the Party in the local political arena as much as the Richmond and Malloy incidents: Party chairperson Elaine Brown had disappeared.

The disappearance triggered rumors that Brown might be dead. She wasn't, but there were other accounts that she had been physically beaten in a climactic power struggle with Newton after his return. So persistent were these reports that in Los Angeles (where Brown had reportedly fled after a speedy exodus from her Oakland apartment in the middle of the night), police circulated to local hospitals a description of her al-

leged injuries—severe swelling of one eye and a broken nose.

Nearly a month after her disappearance, Brown's letter of resignation from the Party was finally made public in the Bay Area press. Saying her decision to quit was "made with Huey's understanding," she wrote of "unhappiness in personal matters . . . My mental and physical strength, after 10 years, were waning, in fact nearly collapsing." A doctor who has treated Party members says, however, that colleagues in Los Angeles told him that Brown did receive the injuries described in police circulars, and that she was treated for them. (Repeated attempts to reach Elaine Brown were unsuccessful. She did not respond to messages left for her at an office in Los Angeles where she is reportedly editing film scripts and writing songs.)

The theories surrounding Brown's sudden departure have run the gamut from unrequited love for Newton (who married his long-time secretary, Gwen Fontaine, in Cuba) to opposition to the Richmond assassination attempt, to the reassertion of male dominance of the Party now that Newton had returned. But whatever the reason, her resignation, along with Newton's return and the Richmond attack, began to signal the end of the Party's era of legitimacy. Richmond, especially, was a jolt to many sympathizers, who now found it impossible to overlook reports of Panther brutality.

The Party's problems were soon compounded by disclosures that Panthers had mismanaged investments and government grants. The grants had been administered by an offshoot of the non-profit Educational Opportunities Cor-



Promoting a Gentler Side: Newton poses last fall next to a bus carrying Panther school children

poration (EOC). This offshoot, the EOC Service Corporation, was created under Elaine Brown's leadership to run the Party's school. One man formerly close to the Panthers says that funds channeled through the EOC Service Corporation were used to "keep the Squad sweet," meaning to establish steady income and fringe benefits for the heavies. This was confirmed in part by a newspaper account that grant dollars approved for Panther programs paid the rent for Robert Heard and Squad member Larry Henson in an expensive apartment on Oakland's Lake Shore Avenue. Oakland *Tribune* reporters Pearl Stewart and Lance Williams broke that story and also reported that Heard and Henson, as well as Flores Forbes and another Panther facing serious charges, were all on the payrolls of the Party's grant-funded projects.

When he learned of the Panthers' financial irregularities last fall, Oakland Mayor Lionel Wilson resigned from the board of the Party's school, where he had served even before his election. A city audit of publicly funded Panther programs, meanwhile, showed a wide pattern of irregularities. (For example, investigators could find no evidence that Panthers on the programs' payrolls were even "physically in attendance," although their paychecks were cashed,

bearing signatures that looked like possible forgeries to city auditors.) These irregularities might have been overlooked, or allowed to be rectified by the Party, were it not for the controversy surrounding Newton and the Richmond affair. Eventually, when the city council voted to cancel Oakland's contracts with the Panthers, the move was uncontested. (Mayor Wilson abstained because of his former board position.) Some in Oakland think the city council action still might not have been so drastic if the Panthers had not, on one particular application for school grants, listed Newton as the head of the EOC. "It was just plain stupid of the Party," one observer says. "They should have kept Huey completely out of it."

Mismanagement and misappropriation are old charges against the Panthers when it comes to money. One doctor who formerly worked at the Party's free health clinic says bitterly that "the clinic always came last." Funds awarded to the health facility by the City of Berkeley "were frequently siphoned off and used for other projects, like Bobby Seale's campaign for mayor [of Oakland in 1973]," the doctor says.

Amazingly, the Party has maintained a steady flow of money over the years, despite grumblings from some supporters that money went only to the highest

echelon of the Party, and that Newton let other members rot in jail while he and ranking Panthers always made bail.

Considering all the money donated to the Panthers, the Party by now could have been financially solid if there had been careful investment and moderate spending. But there wasn't. "They could have been big, real big, as rich as the Muslims," one former supporter says. "But they blew it. They were always fucking up with money." Several weeks ago, the IRS put a \$200,000 lien against the now-defunct Stronghold Consolidated Productions, Inc., the New York-based Panther corporation set up to handle the flow of money from Newton's books. The corporation, which also purchased real estate for the Party, was accused by the IRS of not paying its corporate taxes from 1971 to 1973. There is even some indication that the IRS might hold Newton personally accountable for the money. If he or the Party as a whole must pay the lien, it could well bankrupt both.

Now there is no one left in the Party with any power to challenge Newton's supremacy. The identification of the Panthers with Newton and Newton alone is complete. "I am we," he has sometimes said, and one suspects he sees himself as inseparable from the

Party. What he does, Newton has written, he does in the name of all black people.

But what he has done, in fact, is to destroy the Party he created. The grants are gone now. The clinic and school still have their doors open, but the Panther newspaper has published only intermittently in recent months. Each week brings more defections from the already decimated Party. They often take place unnoticed, but the impact is great—as when newspaper editor Michael Fultz quietly slipped out of town in May. It was people like Fultz who did the back-breaking legitimate work of the Party. Now, what remains is an isolated Huey Newton, surrounded by his muscle and his lawyers.

New Times recently asked Newton for an interview but he declined. He would grant one, he said, if this story concerned the Panther school—and only the school.

Even as Newton awaits trial on the Smith-Callins charges, violence continues to swirl around him and the Party. At 4 a.m. on a Sunday in late March—two days after an Alameda County board recommended to the Oakland City Council that grant money for the Panthers be cut off—a \$5,000 Datsun 260 Z belonging to Oakland *Tribune* reporter Pearl Stewart was fire-bombed. Two hours earlier, a separate fire had been set in a boxcar next to a *Tribune* warehouse. The door of the boxcar had been pried open and the newsprint stored inside torched.

Stewart had been writing articles critical of the Panthers for months. Coincidentally, she lived in the apartment building where Panthers Henson and Heard had lived until it was revealed (in one of her stories) that their apartment was paid for with EOC grant money. Stewart says the locks on the security garage, where her car was parked, had not been changed since Heard and Henson moved out. (Although she points out that the garage could be entered without a resident key if someone were intent upon doing so.) The fire-bombing incident was a chilling reminder of Richmond, and it was not lost on the Oakland City Council, which acted the following day to halt all funds for the Panthers.

Newton spends much of his time these days in Santa Cruz, where he is working toward a doctorate at the University of California. He is in a program called "History of Consciousness." Enrolling at Santa Cruz shortly after returning from Cuba helped bolster his public image; and Newton also scored points by landing an appointment in February as a student teacher at Merritt College, a nonpaying job that will count toward his Ph.D. (Newton's brother Melvin runs the school's liberal arts department.) It didn't matter that Newton

showed up late for his first class, looking and sounding as if he had a hangover (he had been celebrating his 36th birthday the night before). It mattered only that the job carried respectability.

But even as he pursues his Ph.D. there are reports that Newton has returned to his old routines. Once again he is said to be frequenting the bars in Oakland and Berkeley, accompanied by Squad members. And once again stories of extortion demands are making the rounds. "He's back to his same old stuff," one source says, "hitting up the clubs, the pimps and the dope dealers." Not all of the barroom sorties involve extortion. On May 11, in the small town of Seacliff, 20 miles south of Santa Cruz, Newton and Robert Heard got into a barroom fight with a 26-year-old white, Kenny Hall. The sheriffs' office has been unable to reconstruct the events precisely but has determined that during the fight at least one handgun was drawn and at least two shots were fired. Heard and Newton were both seen with a gun, according to the sheriffs' office. Hall was unarmed. Afterward, Newton and Heard fled the bar but were arrested later that night. Kenny Hall was treated for a minor head injury, suffered when he was knocked into a glass divider.

Police in the Bay Area find the situation frustrating. Their hands are tied because victims and witnesses will rarely step forward to testify against Newton or his friends. Police cite the recent inci-

lines and prompted Deputy District Attorney Tom Orloff back in Oakland to ask that Newton's bail in the Smith-Callins case be raised from \$80,000 (which Newton had posted in cash) to \$200,000. (Panther watchers were already amazed at the speed with which Newton had raised the \$50,000 cash bail for the Seacliff incident.) After several days, the judge in the Smith-Callins case set an additional cash bail for Newton at \$75,000. Newton showed up in court on May 19, the day the bail decision was to be handed down, with a slew of supporters from the Party, including Panther school children, to face the crowd of reporters. At his side was his wealthy, long-time supporter, Hollywood producer Bert Schneider. Newton was placed in custody for a scant 15 minutes before the extra \$75,000 surety bond came through. When it did, he was released. (On June 15, news broke that Newton's lawyer, Sheldon Otis, had bowed out of the case and been replaced by Michael Kennedy, a close friend of Schneider's.)

Now it appears to be a waiting game all around. The police, stymied by reluctant witnesses, won't move against Newton without solid evidence, for there is sensitivity about Panther cries of police harassment. Besides, law enforcement officials believe they have a solid case against Newton on the current charges, and that he will be put away. Victims of continuing Panther extortion are also

Each week brings more defections from the Party. Now, what remains is an isolated Huey Newton, surrounded by his muscle and his lawyers

dent at the Cafe D'Elegance, an after-hours club in Berkeley. Newton was there, making his rounds, when a pimp reportedly accosted him and complained about the shake-downs of his women. Newton, said one witness, ordered his bodyguards to draw their guns. No one was permitted to leave while Newton ranted and lectured his captive audience on political theory for about a half-hour. But nobody in the club that night ever pressed charges.

Undoubtedly, much of the reluctance to testify against Newton stems from fear. But there is also a lingering feeling among some blacks and white radicals that Newton was once an important leader in the fight for equality, and that sending him to prison would serve the interests of racists.

The Seacliff brawl made local head-

waiting. Their attitude is, Why bother doing something about it now? Why risk trouble when it will be resolved in the courts? Huey will be convicted, and the rest of them will be too weak to continue.

But some believe that Newton will do anything to avoid prison, despite his boast years ago that he could do hard time because there was a side of him that liked solitude. These observers believe Newton will jump bail and leave the country once again—although it is not certain whether Cuba would receive him so readily this time.

And there are others who think Newton is intent on self-destruction, on going down in a blaze of glory. Look at the titles of his books, they say—*To Die for the People* and *Revolutionary Suicide*. ●