

Black Panther Trial

Liberation News Service

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OAKLAND, CALIF., July 16 (LNS) A tense crowd of several thousand chanted outside the Alameda County Courthouse here as the trial of Huey Newton entered its second day.

Newton, Black Panther Party Minister for Defense, and Peace and Freedom Party candidate for the U.S. Congress, has been imprisoned since October 28 of last year, when he was arrested in a hospital and charged with the murder of an Oakland cop. Newton and a second Oakland cop were wounded in the confrontation, the first in a series of attempted assassinations of the Panther leadership by Oakland police.

Newton also faces charges of kidnapping and attempted murder.

The trial, thus far, has consisted of defense motions concerning the selection of the jury. Defense attorney Gerry moved to throw out the jury list in the basis that it is not representative of the community and especially of the West Oakland ghetto. He moved to exclude all prospective white jurors due to the racist nature of the country, unconscious racial attitudes, and the gap which exists between black and white cultures.

The Defense used the Kerner report as a basis for much of its argument. Gerry issued a statement, based on Kerner Report figures, saying that 70% of white Americans have built-in unconscious racial prejudices, and thus, that there could be no way of selecting an unbiased jury from the present lists.

The jury lists in California are drawn "at random" from the lists of registered voters.

Gerry introduced affidavits to support the Kerner Commission finding that, given the nature of racism, especially in the North, persons who admit to some prejudice probably have less than those who claim to have none. Thus it is almost impossible to select an unprejudiced jury by examination.

During the first two days of the trial, Gerry called several witnesses to support his jury motions.

Alameda County Jury Commissioner Edward T. Schnarr cited in his testimony two categories of people usually excluded by jury selection. He mentioned "hardship" cases, or persons with dependents who would suffer a loss of pay while on jury duty, and women supporting children.

Gerry said that this, in fact, amounts to racial and class exclusion.

The second witness, Dr. Jan Dizard, professor of sociology at the University of California at Berkeley, said that less than half of the adult residents of the West Oakland ghetto are registered voters.

Floyd Hunter, a man of extensive establishment credentials, was the third witness. Hunter is a professor of sociology and anthropology at Berkeley, a founder of the Social Sciences Research Institute in Berkeley, and has done research for the U.S. Department of Commerce. His testimony concerned social pressures which tend to lower voter registration in black communities.

During the testimony so far, the judge, Monroe Friedman, has demonstrated an apparent inability or unwillingness to understand the intent of the testimony. Once he shouted, "If there's anyone in Alameda County—black, white, yellow or brown, who's not allowed to register, I want to know about it!" Only physical or legalistic impediments to voter registration seemed to make sense to him.

While Hunter was testifying, the Judge commented, "I'd be glad to allow you weeks to discuss sociological matters, but what we are concerned with here is the selection of a panel."

As the early-stage legal hassle of the first two days continued inside the courtroom, a large demonstration was in progress outside.

The several thousand demonstrators were a mixed lot. They included men in business suits, housewives, young white activists, and several hundred highly disciplined Panthers.

The Panthers led the crowd in chanting, "Free Huey," and "Try Police, Not Huey." One of the placards held by a Panther outside the main courtroom entrance bore the inscription, "If Huey's feet don't touch the ground, the sky's the limit."

Some chanted, "No More Pigs—Sock It to Me—Oink, Oink!" "Pigs" is an unaffectionate term for officers of the law.

The only serious disturbance so far occurred late Monday morning when several young white men and women lowered the American flag which had been flying outside the main entrance.

Fourteen Oakland cops immediately rushed in and cleared the area, knocking several people down in the process. In the ensuing confusion, the flag disappeared.

The police arrested one young man, apparently on charges arising from the flag incident, and hustled him inside the court house amidst angry shouts of "Kill the Pigs" from several hundred onlookers.

After the cops left, a bright yellow balloon, with a red peace insignia painted on it, was hoisted up the flagpole.

The Newton trial, due to its inflammable nature, is receiving much play from the San Francisco media, and is a topic of great interest in the Bay Area. Newton's defense attempted to have the trial moved to the spacious Oakland auditorium so that it could be as open and public as possible. The court rejected the appeal.

The Alameda County courtroom seats only 62 persons and even press and Newton's family are having trouble getting in. 21 special passes were allotted to the press to be given out on a first come, first served basis. However, preferential treatment has been given to the establishment press, and radical journalists have had difficulty obtaining passes.

Passes allotted to the family, Huey's fiancée, and his minister were unexpectedly revoked by the Alameda County sheriff. The sheriff's office said that passes would be honored only if the family would submit to be photographed and fingerprinted by the fuzz.

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