

Huey Convicted in Oakland

Huey must be set free!

Fifth Estate Collective

1968

The Black Panthers have begun a campaign for the immediate admission to bail of their Minister of Defense, Huey P. Newton, who was convicted Sept. 8th of voluntary manslaughter in the shooting death, Oct. 28th of last year, of an Oakland, California policeman.

Eldridge Cleaver, Panther Minister of Information and Peace and Freedom Party candidate for President, said in San Francisco, that the verdict in the eight week trial was "totally unacceptable...a compromise verdict," and stated that petitions were being prepared for circulation demanding that Newton be allowed to post bond.

Newton was tried on a blanket indictment that charged him with first degree murder in the death of Patrolman John Frey, assault with a deadly weapon, in the wounding of Officer Herbert Heanes, and the kidnapping of Dell Ross. Newton had allegedly forced Ross to drive him to the hospital for treatment of a gunshot wound he had received in the incident.

Newton was convicted of manslaughter when the jury, after four days of deliberation, skipped over possible convictions of both first and second degree murder. Newton was acquitted of the charge that he shot Officer Beattles, and the kidnapping count was dropped when Ross refused to testify, claiming that he had perjured himself before the Grand Jury that indicted Newton. Charles Garry, Newton's attorney, expressed dissatisfaction at the outcome of the trial and said that the verdict would be appealed. expected acquittal on all counts," Garry said. "It is an inconsistent verdict contrary to the evidence...a compromise that reflects the political nature of the charge. Either [a defendant] is guilty of original charges or not guilty." Garry added that he intended to take the case "to the highest court in the land." Conviction on the manslaughter charge carries a sentence of 2 to 15 years. Sentence will be pronounced on the conviction on September 27th.

During the trial, the most bitter racial arguments were directed at the Oakland Police Department, repeatedly described as racist and as persecuting the Black Panthers.

Patrolman Frey was described by many defense witnesses as a racist who took pleasure in harassing blacks who lived in his beat area in West Oakland's black ghetto.

The important evidence appeared to revolve around the testimony of three prosecution and two defense witnesses.

The defense witnesses were Newton, who was on the stand for most of two days, and Gene McKinny, who testified for only a few minutes and has since been in jail for contempt of court when he refused to answer questions.

McKinny came as a surprise witness for the defense. He said he was in the car with Newton when Patrolman Frey stopped them. When asked by Garry if he had shot either policeman, McKinny refused to answer on the grounds that to do so might incriminate him. The judge held that he had waived his right not to testify against himself by saying that he was present when the shooting took place, and informed McKinny that a further refusal would constitute contempt of court. Then, when McKinny refused to answer a question about when he met Newton that day, he was found in contempt. McKinny went to jail but he left the hint that he might have shot the two policemen.

Newton's testimony about the shooting began with a blanket denial that he shot anyone. He said Patrolman Frey recognized him when the car in which Newton was riding was stopped after turning into a darkened Oakland street.

After Officer Heanes joined them, Frey ordered Newton out of the car and marched him to the rear toward Heanes' car, the last in the line of three vehicles. The policeman and the black militant talked. Then, said Newton: "He (Frey) hooked me in the face with his left arm. I was dazed and went down to one knee. I saw him draw his service revolver and I felt something like boiling hot soup spilled on my stomach. There were shots all around and the world was spinning. I don't know what happened."

The three major witnesses for the prosecution, were Patrolman Heanes, Henry Grier, a bus driver; and John Davis, an Oakland Police Department criminologist.

Heanes said he never saw a gun in Newton's hand, but that he saw him struggle with Frey just before a bullet struck his own arm. Heanes said that in one of his "momentary flashes of recollection" he could recall trying to shoot Newton in the stomach with the gun held in his unwounded left hand.

Grier, whose testimony sometimes conflicted in detail with the testimony of Heanes and with statements he gave earlier to the police, said he saw Newton and Frey walking along the street as his bus lights illuminated the 5 a.m. street scene.

Grier said he saw Newton reach inside his coat or shirt, pull out a gun, whirl and struggle with Frey.

A shot was fired, he said, and Heanes fell to the street. Then said Grier, he saw Newton fire into Frey's body.

Frey's gun was not recovered after the shooting. The state could not produce a 9-mm. pistol it argued Newton had carried and used to wound the two policemen with his first shots. In fact, Frey was shot with his own .38 caliber service revolver.

Throughout the trial, Garry objected to the heavy security precautions. Witnesses, spectators and reporters were searched each time they entered the courtroom. Guards rode the single elevator that stopped at the seventh floor where the courtroom is situated. More guards stood outside the doors and others inside the courtroom, some in uniform.

Entrance to the courthouse was limited to one door. Guards with sidearms patrolled the corridors, and guarded the first floor elevator doors. Newton was delivered to the courtroom by a back stairway, and wore handcuffs that were removed when he entered the courtroom.

After evidence was completed in the trial greater security precautions were installed. Protective wire screen was placed on courthouse windows, and new and more restrictive rules placed on admittance to the building.

Two days after the verdict was announced Oakland Police shot up the Grove Street headquarters of the Black Panther Party. The attack came at about 1:30 a.m. on September 10. There was no one in the office at the time and no injuries were reported.

More than a dozen rifle shots were fired into the office apparently aimed at a large poster of Huey Newton which was visible from the street. Two white policemen were charged with the attack and were formally dismissed from the department.

Police officials contended that the incident was an individual act on the part of the two cops "who were acting outside the scope of their duties," and denied that the act represented the attitude of the Oakland Police Department as a whole. Community residents however took a different view of the matter; A black minister stated that "these policemen were just carrying Mayor Redding's prediction that violence would erupt after a verdict was handed down...This shooting is not surprising. It's typical of the police we have to deal with."

Panther leaders said they would not be provoked into irrational actions by the incident. Eldridge Cleaver summed up the feeling of many "He's not guilty, but they're going to keep him in jail to satisfy the bloodthirsty racists."

The "Free Huey" campaign now centers on getting Newton out of jail on appeal bond. Telegrams and letters of support for Newton may be sent to: Judge Monroe Friedman, Alameda County Courthouse, 1225 Fulton St., Oakland, California, with copies to Black Panther Party, 4421 Grove St., Oakland.

Contributions for Newton's defense may be sent to: Free Huey Committee, 625 Castro St., San Francisco, California.

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