

Hilliard Says Cleaver, Police Caused Battle

OAKLAND, Calif., June 4 (UPI)—Was the 1968 shootout between Black Panthers and the Oakland police the fault of the police and Eldridge Cleaver or of David Hilliard?

Differing views of the shootout were presented in opening statements at Hilliard's trial for attempted murder and assault as a result of that shootout, which ended with the death of Panther Bobby Hutton.

Defense attorney Vincent Hallinan said Wednesday that Cleaver, the Panther leader now in Algeria, and the police were responsible.

Prosecutor Frank Vukota told the all-white jury of seven men and five women that he would prove that Hilliard, Black Panther chief of staff, took part in what he called "an ambush" on police.

Two Oakland police officers and two Panthers, including Cleaver, also were wounded in the April 6 gun battle.

Cleaver was arrested and charged after the shootout but later fled the country. From Algiers he runs a Panther faction contending for leadership with the West Coast organization run by Hilliard, Bobby Seale and Huey Newton.

Hallinan told the jury that when the shooting started, Hilliard fled because "he feared for his life" and was found under a bed in a house next door.

Hallinan said Cleaver had become fearful of police after the assassination of Martin Luther King Jr.

Two days later, Hallinan said, Hilliard was walking along a street and was intercepted by two cars containing

Panther members with guns. Then a police car stopped to inspect the Panther vehicle, Hallinan said.

Cleaver bolted, Hallinan said, and police fired two shots over his head. Hallinan said Cleaver fired back and the gunfight was on.

2 More Panthers Ask Charges Be Dropped

NEW HAVEN, Conn., June 4 (AP)—Black Panthers Rory Hithe and Landon Williams have moved for dismissal of capital charges against them in the May 1969 slaying of Alex Rackley, maintaining that "massive publicity" would make a fair trial impossible.

Hithe and Williams are charged in the same killing for which Black Panther chairman Bobby Seale and Panther Ericka Huggins were in trial for more than six months.

Charges against Seale and Mrs. Huggins were dropped after the jury said it couldn't reach a verdict. Superior Court Judge Harold M. Mulvey then dismissed all charges against them, saying it would be impossible to find a second impartial jury.

A brief filed May 27 by lawyers for Hithe and Williams referred to Mulvey's ruling and said the same "massive publicity . . . directly and indirectly affects the Hithe-Williams cases."

Hithe and Williams are charged with aiding and abetting murder, kidnaping resulting in death and lesser offenses.

Williams and Hithe arrived in Connecticut April 9 after abandoning a 22-month-extradition fight in Colorado.