

S. Widens Probe Of Black Panthers

post 1/14/70

By Frank Murray
Associated Press

SAN FRANCISCO, Jan. 13—A team of Justice Department lawyers operating under sealed orders from Attorney General John N. Mitchell is aiding a federal grand jury here in a broad-scale investigation of the national Black Panther Party.

The scope of the inquiry has been expanded significantly since it began last May, according to government sources who would not allow use of their names. They said it centers at present on the party's finances and activities of its members.

Evidence being presented to the jury, these sources said, concerns possible violations of the federal riot conspiracy law and of the controversial Smith Act, which prohibits advocating violent overthrow of the government or call for revolution through assassination of public officials.

The Panthers have their national headquarters in nearby Berkeley.

U. S. Attorney Cecil F. Poole said the investigation is being handled by five attorneys from the Justice Department's criminal division in Washington.

"They sent them in without prior warning to me or consultation," Poole said in an interview. "Whatever they say they're doing, they're out to get the Black Panthers."

A Justice Department spokesman in Washington responded: "We're not out to get any group."

Poole said similar grand jury probes are under way in Chicago and New Haven, Conn. A department spokesman refused to comment on his point, but Mitchell announced on Dec. 15 that a seven-man team of government attorneys would handle a Chicago grand jury investigation of the Dec. 4 slaying of two Black Panther leaders by Chicago police.

See PROBE, A7, Col. 4

PROBE, From A1

The Panthers, who advocate black pride and armed self-defense, have clashed repeatedly with police. Recent raids uncovered caches of arms and ammunition at local Panther headquarters in Chicago and Los Angeles.

Poole, the nation's only Negro U.S. attorney, has resigned effective Jan. 31 from the post he has held since 1961. In an interview, he criticized the Panthers' references to policy as "digs" and their stockpiling of arms.

"Generally, I'm not on speaking terms with the Panthers," he said. "Yet to move exclusively against them takes a peculiar kind of hard shell, weighting the bad they stand for against their value as a cohesive force in the black community, the only one."

Poole expressed doubts about the Justice Department's confidence in his ability to handle a sensitive racial matter. "I don't know whether they trust me or not," he said. "If it were anybody but the Black Panthers, though, I think I'd be prosecuting."

In Washington, a department spokesman said, "For the record, the Justice Department trusts all of its U.S. attorneys."

Poole said the original authorization for the special attorneys' role in the jury probe was signed by Will R. Wilson, assistant attorney general in charge of the department's criminal division. However, a federal judge ruled the Wilson authorization was insufficient.

Poole said he then personally telephoned Mitchell for a new approval. Mitchell gave him the approval on the phone, Poole said, and followed it up with telegraphic and other formal papers, now filed under seal with the court clerk here.

Three officials of the party newspaper, "The Black Panther," have been subpoenaed to appear before the grand jury on Wednesday. They were instructed to bring financial, circulation and business records of the newspaper and original manuscripts of several articles appearing in the Nov. 22, Dec. 2 and Jan. 3 editions.

The articles cited in the subpoenas include threats against President Nixon, statements in support of North Vietnam, calls to "do away with ... pigs," and remarks about armed struggle and revolution.

"When you read those issues, they should give you a clue as to why the government is interested in their activities," said Victor Woerhede, a Justice Department attorney, in a brief interview here.

"Particularly the assassination threats," added Jerome Helbron, another department attorney.

Both attorneys refused to characterize the probe as a crackdown on the Panthers.

"We're investigating several clients of Mr. Charles Garry," he said, smiling. "If they are Panthers, I suppose he'd know that."

Garry, a San Francisco attorney, has served for two years as general counsel to the Black Panther Party. He said his clients would answer the subpoenas on Wednesday but would neither testify nor present the records sought by the government.

Panther officials receiving the subpoenas were Raymond (Masai) Hewitt, managing editor of the weekly newspaper and the party's minister of education; John Seale, the newspaper's production manager and brother of party president Bobby Seale; and Samuel Napiel, circulation manager of the paper which, according to Garry, puts out 100,000 copies a week.

The jury has already returned one indictment. That one charged the Panthers' chief of staff, Dave Hilliard, with threatening the life of President Nixon in a Moratorium Day speech Nov. 15. Hilliard is now free on \$30,000 bond.