

6/10/71

Dear Paul, Valentine

I phoned you yesterday while I was in town in case you wanted to see the most recent letter from Wanda. It had a few interesting things I'll tell you about. Later.

The immediate purpose of this letter (to you and the Editor in Charge of Self-Flagellation?) is to explain the two enclosed pieces from San Francisco papers.

You will recall that we had a long talk or talks about the Epstein piece which I described as thinly-described NJ propaganda intended to prompt the reactions like the Post's and to obfuscate the real issues by slogging upon what is not central, Garry's loose talk with numbers. I then told you what I had learned in the Bay area from whites when I was there the late summer of 1968.

These stories confirm what I was then told. I was given further details. I may or may not recall them clearly after all this time or they may or may not have been accurate. My sources were two professional people deeply concerned about the state of society and official illegalities.

What the Panthers were really doing, beginning with the shock of the King assassination is coiling the black community. This happened in several cities. It might be interesting to compare just property damage in S.F. and say Washington to see if there can be a measure of effectiveness of this coiling action. There was little Panther activity in DC then, and if it was ever significant I am unaware of it. However, in the Bay area it was alone in or at its strongest.

The story I got is that the police haled the Panthers up at their house. After a while and I think some shooting action, the youngest, was sent out to surrender. He went first, and these stories do indicate. They were all unarmed. I think he had also stripped to his shorts so there'd be no misunderstanding or feeling that he might have a hidden weapon. I think he was also waving something intended as a white flag.

This belated admission, this too-late evidence of official suppression of the most relevant evidence, is something I have been concerned with for years. No concept of justice or of any genuinely free society can survive it. Yet instead of causing censure of the lawyers responsible, and it is a violation of the canons, it generally advances their careers (via Memphis, where both prosecutors is adjutely became judges). Going back to the Aaron Burr case, this has also been illegal.

On another subject, I have yet to hear from Leonard at the Times, or from Geoffrey Wolff, to whom I'd asked him to send a copy of my letter and of the enclosed, my 8/66 letter to Wolff, then at the Post. I think the reason is obvious and perhaps still libellous....Nothing further from Jerry on his allegations of threats to freeze him by the FBI. I've asked him to get sworn statements from his sources and to keep a diary. He is planning to try and see James Saturday.

Best

Former Policeman

Bobby Hutton Case Witness Surfaces

By Charles Houce

After three years a secret witness to the death of Bobby Hutton, 17-year-old Black Panther killed in a hail of police bullets in Oakland, has surfaced.

The witness is Gwynne Peirson, a black former Oakland policeman with 22 years service. He was on the scene of the gunfight in West Oakland on April 6, 1968, when Hutton died.

Several weeks after the killing, Peirson told The Chronicle in a confidential interview:

"Bobby Hutton didn't have to die. The thing just got out of control."

ANONYMITY

Peirson asked for — and got — anonymity from The Chronicle. His version of the affair was published on May 21, 1968, but he was not identified at that time.

The official version of the incident, triggered when Eldridge Cleaver and a carload of Panthers opened fire on two Oakland policemen, has it that the unarmed Hutton was killed while trying to escape after officers took him into custody.

But Peirson confidentially told The Chronicle shortly after Hutton's death that "Hutton was walking with his hands in the air . . . he stumbled and brought his hands down . . . there was a series of shots . . ."

THESIS

Peirson surfaced yesterday after publishing his account of the killing in a master's thesis submitted to the School of Criminology at the University of California at Berkeley.

And he said he gave his version of the affair shortly after it happened to investigators from the Alameda county district attorney's office.

A second witness to the killing — who must still remain anonymous — also talked to The Chronicle shortly after Peirson did.

The version of the affair

this witness gave — a version also submitted to investigators — goes further than Peirson's in accusing police of misconduct.

This version was also submitted to investigators.

But in the final report that went to the Grand Jury, neither version appeared. Instead, there was the testimony of five policemen, three of whom said they fired on Hutton.

COUNTY

Spokesmen for Alameda county said they had no immediate comment on the Peirson allegations yesterday.

Peirson, now a lecturer and training director at the Department of Administration of Justice at the University of Missouri in St. Louis, reaffirmed his version of the shooting yesterday in a telephone interview.

He confirmed that after submitting his report of the Hutton killing he "was harassed" by brother officers. "I was blackballed and there were allegations I was not doing my job well."

RETIRE

Peirson retired last year with a knee injury and he is on a disability pension.

Peirson, in his 76-page thesis and in his interview with The Chronicle, said he never actually saw who shot Hutton "because he was surrounded by policemen."

However, the second witness who also gave investigators a report on the affair, did have a grandstand view of the affair.

This version, also published in the May 21, 1968, Chronicle article, said:

"Bobby Hutton was kicked by a policeman, stumbled, and then a panicky officer fired a pistol bullet into his head.

"Other police . . . lost their heads and within the space of a few seconds pumped four more bullets into Hutton's falling body."

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New Version of Hutton Slaying

By Dexter Waugh

Three years after the fatal shooting of Black Panther Party Treasurer Bobby Hutton by Oakland police, a new version of what happened the night of April 6, 1968, has come to light.

Gwynne Peirson, a black Oakland police officer present during the Panther-police shootout, now says Hutton was killed not because he broke and ran but because police "got out of control."

The incident, which occurred the weekend of Martin Luther King's assassination, was a turning point in Black Panther Party affairs. It led to the flight to Algiers by the party's prominent minister of information, Eldridge Cleaver, who faced charges of parole violation and other charges arising from the flight.

The Alameda County Grand Jury, which ruled the police action lawful, heard five police witnesses who said the 17 year old Hutton

was shot while trying to escape.

Peirson was not asked to testify.

Other versions by police witnesses were hinted at the time but never surfaced. Civilian witnesses, including reporters, were not allowed near the area during the battle and its immediate aftermath, and consequently the circumstances of Hutton's

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death remain something of a mystery.

Court cases presented against six of the eight Panthers arrested that night have focused on the assault on two police officers which set off the chain of events that ended in Hutton's killing. The manner of Hutton's death was ruled immaterial to these proceedings. Peirson was never called as a witness, either by defense or prosecution.

Peirson, 49, quit the Oakland force last year after 22 years of service. He has written about the incident three years later in his criminology master's thesis for the University of California.

He said officers started "shoving" Eldridge Cleaver and Hutton as they surrendered and emerged from the basement of a house on 23th Street in West Oakland, where they had taken refuge after the shooting of two Oakland officers.

Peirson told The Examiner

that the police were "all worked up for various reasons. They were getting ready to do almost anything."

In his thesis, he wrote that "because of the physical contact between Hutton and the officers, and also because Hutton was walking with his hands in the air at the time, he stumbled while walking and brought his hands down. When his hands came down there was a series of six to nine shots and Bobby Hutton was killed."

Peirson, in an interview, said he didn't "think it was murder. It's just that the thing was completely out of control. They had been firing for half an hour, never knowing where you are shooting — at least I didn't see anything to shoot at. In the end, they didn't have any control over what happened."

Across Street

Peirson said he was standing across the street from the house, behind a telephone pole. Near him an Emeryville policeman who had come to help was kneeling behind a car, pumping off rounds from a 12 gauge shotgun.

"He shot up a whole box of shotgun shells, and I don't know what he was shooting at. But he shot up the box and when he was finished he got up and left."

Peirson's testimony differs from testimony given to the Grand Jury two weeks after

the shooting by five other police officers, three of whom said they shot at Hutton.

The officers, who were standing closer to Hutton than Peirson was, told the Grand Jury basically the same story.

They said Cleaver and Hutton emerged from the basement and, accompanied by several officers who had gone down a walkway beside the house to get to them, came to the front of the house.

Their testimony indicated one or more of the group — suspects and officers — fell to the ground. Reports differed. But the testifying officers agreed they saw Hutton come up in a "running position."

Hutton got about eight or ten steps away, running in a "crouched position," according to one officer. The officers said they heard other policemen yelling, "Look out! He's running."

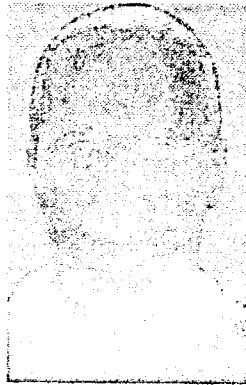
One testifying officer, hearing the shouts, turned around and fired two rounds from his service revolver at Hutton, who was "approximately five feet from me ... running westbound on the sidewalk."

Not Seen

Another said he had his "carbine slung over my shoulder and I just brought it right around, and I was still in sort of a crouched position, and I fired. Three times."

Peirson received a disability retirement from the Oakland force last year. He said he had passed the promotional exam for sergeant more than once. Although placed on the eligibility list, he was not promoted while others were.

He now works as a lecturer and training director at the University of Missouri's criminology department in St. Louis.



GWYNNE PEIRSON
Never was called

Peirson wrote in his thesis that he stated to a team of police and district attorney's investigators that Hutton did not make any attempt to escape before being shot.

"Approximately a month later selected statements were submitted to the Grand Jury. In addition, several officers were called to testify before that jury. As a result of the statements and the testimony ... the jury found that Bobby Hutton was killed while trying to escape and that therefore his death was 'justifiable homicide'."

Peirson wrote that he was not called to testify, that his statement was not seen by the Grand Jury, and that in fact his statement, taken down by a stenographer, was never transcribed from shorthand.

Alameda County District Attorney Lowell Jensen said he could not make any comment as to why Peirson's views were excluded.

Peirson told The Examiner that when his opinion became known to other officers, "pressure" was exerted against him.

Peirson was born and raised in Oakland. He has two sons, aged 12 and 22. He joined the Oakland force in 1947 as a patrolman.

He worked 11 years in the patrol division and 11 years as a homicide investigator.