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Panther Leader Cleared Of Nixon Death Threat

By Bernard Hurwitz

SAN FRANCISCO, May 4 (AP)—David Hilliard, Black Panther chief of staff, was freed today of a charge of threatening President Nixon's life after the government refused to disclose contents of wiretapped conversations.

Federal Judge William Gray, ruling that wiretapping was illegal, said the government had the option of divulging the transcripts or dismissing the indictment.

U.S. Attorney James Browning said, "I am not authorized to disclose the contents of the transcripts offered to the judge in camera (in private).

The government will not comply with the order."

The judge then dismissed the indictment, which had charged Hilliard with threatening the President's life in a speech at an antiwar rally in Golden Gate Park Nov. 15, 1969.

Hilliard 27, had been free on \$30,000 cash bail. The trial had been expected to begin Wednesday.

Browning said he intends to ask the Ninth Circuit Court of Appeals for a writ to vacate Judge Gray's order.

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The government contended that the wiretaps involving Hilliard had no relation to the charge and that he was never the direct object of them but participated in numerous conversations which were tapped for other purposes.

Hilliard's speech at the rally was filmed and recorded on television. He said: "We will kill Richard Nixon; we will kill any (obscenity) that stands in the way of our freedom."

The defense did not deny it but contended it was merely oratorical rhetoric and not to be taken seriously.

In dismissing the indictment, Gray said, "The court holds there is no national security exception from the requirement of the Fourth Amendment."

"The government could have complied with this requirement by going to a magistrate and obtaining a warrant for surveillance."

Referring to the government contention that there was a problem of leaks on obtaining a warrant, the judge said this was insufficient "to warrant deviation from the constitutional process."

He noted that other Presidents at times had ordered wiretaps in domestic matters but, "The fact that they acted in excess of their power is no reason that such power should be granted now."

The judge said that if appeals in similar cases should be decided differently by the U.S. Supreme Court, the dismissal, could be withdrawn and the indictment reinstated.

The government contended on the Hilliard case that it had made a reasonable exer-

cise of surveillance power, but Gray said, "Reasonableness is no substitute for constitutional protection."

Hilliard said outside the court, "I attribute this good work and victory to our attorneys. The people have had their eye on this case."

"The people will not accept the dictatorial government of the President, Attorney General John Mitchell, Gov. Ronald Reagan and that clique."

"It was robbery that they held us up for \$30,000"

"The \$30,000 bail was posted by Charles Garry, a white lawyer who has defended many Black Panthers."



Associated Press

Black Panther David Hilliard confers with his attorney, Benjamin Dreyfuss.