File #:

66-LA-6270

Serial Scope:

1-7

FD-36 (Rev. 5-22-78)

FBI

TRANSMIT VIA:
- [ ] Teletype
- [ ] Facsimile
- [x] Airtel

PRECEDENCE:
- [ ] Immediate
- [ ] Priority
- [ ] Routine

CLASSIFICATION:
- [ ] TOP SECRET
- [ ] SECRET
- [ ] CONFIDENTIAL
- [ ] UNCLAS E F T O
- [ ] UNCLAS

Date 5/14/79

TO: DIRECTOR, FBI
(ATTENTION: LEGAL COUNSEL DIVISION)

FROM: SAC, LOS ANGELES (66-6270)

SUBJECT: CONGRESSMAN PAUL N. MC CLOSKEY
(CALIFORNIA);
ALLEGATIONS REGARDING MISUSE
OF THE FREEDOM OF INFORMATION ACT (FOIA)
PERTAINING TO REQUEST OF ELMER "GERONIMO"
PRATT
BUDED - 5/18/79

Re Bureau airtel to Los Angeles, dated 4/23/79.

Enclosed for the Bureau are the original and five copies of an LHM in response to captioned inquiry.

ADMINISTRATIVE

The Bureau is referred to a previous Los Angeles LHM captioned, "DARTHARD MAURICE EDWARD PERRY" dated 12/3/75, Los Angeles file 66-6270, in response to Bureau teletype to Los Angeles 12/2/75, captioned "HOUSE STUDY," which LHM set forth in summary form and in positive statements information which PERRY had furnished concerning past members of the defunct Black Panther Party (BPP) in Los Angeles, California. Office of Legal Counsel may wish to review that LHM for pertinents in connection with the current congressional inquiry.

66-6270-7

4 - Bureau (Enc. 6)
(1 - 170-20684) (PERRY)(Info)
4 Los Angeles
(2 - 66-6270)
(2 - 170-2658)
WOH:lbf
(8)

Approved: _____ Transmitted _____ (Number) (Time) Per _____ FBI/DOJ

2
LA 66-6270

Identities of Special Agents making indices and file reviews at Los Angeles in letterhead memorandum are Special Agents RICHARD A. SCHUSSLER and WILLIAM OTTO HEATON.

NW 55236 DocId:32989814 Page 3

FD-36 (Rev. 5-22-78)

FBI

TRANSMIT VIA:
- [ ] Teletype
- [ ] Facsimile
- [x] Airtel

PRECEDENCE:
- [ ] Immediate
- [ ] Priority
- [ ] Routine

CLASSIFICATION:
- [ ] TOP SECRET
- [ ] SECRET
- [ ] CONFIDENTIAL
- [ ] UNCLAS E F T O
- [ ] UNCLAS

Date 5/14/79

TO: DIRECTOR, FBI
(ATTENTION: LEGAL COUNSEL DIVISION)

FROM: SAC, LOS ANGELES (66-6270)

SUBJECT: CONGRESSMAN PAUL N. MC CLOSKEY
(CALIFORNIA);
ALLEGATIONS REGARDING MISUSE
OF THE FREEDOM OF INFORMATION ACT (FOIA)
PERTAINING TO REQUEST OF ELMER "GERONIMO"
PRATT
BUDED - 5/18/79

Re Bureau airtel to Los Angeles, dated 4/23/79.

Enclosed for the Bureau are the original and five copies of an LHM in response to captioned inquiry.

ADMINISTRATIVE

The Bureau is referred to a previous Los Angeles LHM captioned, "DARTHARD MAURICE EDWARD PERRY" dated 12/3/75, Los Angeles file 66-6270, in response to Bureau teletype to Los Angeles 12/2/75, captioned "HOUSE STUDY," which LHM set forth in summary form and in positive statements information which PERRY had furnished concerning past members of the defunct Black Panther Party (BPP) in Los Angeles, California. Office of Legal Counsel may wish to review that LHM for pertinents in connection with the current congressional inquiry.

66-6270-7

4 - Bureau (Enc. 6)
(1 - 170-20684) (PERRY)(Info)
(4) - Los Angeles
(2) - 66-6270)
(2 - 170-2658)
WOH:lbf
(8)

SEARCHED
INDEXED
SERIALIZED
FILED

Approved: _____ Transmitted _____ (Number) (Time) Per _____ FBI/DOJ

Identities of Special Agents making indices and file reviews at Los Angeles in letterhead memorandum are Special Agents RICHARD A. SCHUSSLER and WILLIAM OTTO HEATON.

NW 55236 DocId:32989814 Page 5

6 - Bureau
4 - Los Angeles
2 - 66-6270)
(2 - 170-2658)
WOH:lbf
(10)

66-6270-6

SEARCHED
INDEXED
SERIALIZED

OFFICE COPY

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Los Angeles, California
May 14, 1979

CONGRESSMAN PAUL N. MC CLOSKEY
(CALIFORNIA);
ALLEGATIONS REGARDING MISUSE OF
THE FREEDOM OF INFORMATION ACT (FOIA)
PERTAINING TO REQUEST OF
ELMER "GERONIMO" PRATT

This investigation is predicated upon receipt of FBI Headquarters instructions to initiate an investigation by search of the Los Angeles FBI Office indices and files in response to a congressional inquiry by Congressman Paul N. McCloskey (California) for facts which would support or refute allegations regarding misuse of the Freedom of Information Act (FOIA) pertaining to request of Elmer "Geronimo" Pratt.

Elmer Gerard Pratt was convicted by the Los Angeles County District Attorney's Office in 1972 for the December 18, 1968, execution style murder of a 27 year old young woman on a tennis court in Santa Monica, California. Her husband, a surviving victim, subsequently made eyewitness identification of Pratt as the gunman.

Defense Attorneys for Pratt filed FOIA requests with the FBI. FBI Headquarters, Washington, D. C. informed attorneys for Pratt that there was no record prior to January, 1969, in FBI files relating to Pratt. Attorneys for Pratt contend he was either, or both, a target of Counterintelligence Program (Cointelpro) or was under FBI physical surveillance on December 18, 1968, evidence of which would prove that Pratt was not at the scene of the murder, or would otherwise exonerate him of the crime. Attorneys for Pratt have produced for Congressman McCloskey a declaration of Darthard Perry, marked as executed at San Francisco, California, on February 9, 1978; and an affidavit of Darthard Perry dated March 3, 1979.

This document contains neither recommendations or conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

CONGRESSMAN PAUL N. MC CLOSKEY
(CALIFORNIA);
ALLEGATIONS REGARDING MISUSE OF
THE FREEDOM OF INFORMATION ACT (FOIA)
PERTAINING TO REQUEST OF
ELMER "GERONIMO" PRATT

Congressman McCloskey questioned the veracity of the Bureau's FOIA response in that the former FBI informant, Darthard Perry, has come forth with allegations that he was a paid informant for the FBI reporting on matters relating to Pratt as early as December, 1968.

Senator McCloskey inquired if the Darthard Perry allegations suggested the following:

1) That Pratt was "framed" on the murder charge as part of the Bureau's Cointelpro;

2) That the FBI had surveillances on Black Panther members in December, 1968, which would confirm Pratt's claim that he was at a party meeting in Oakland, California, on the day of the murder;

3) That the FBI conspired in an attempt to "set up" Pratt by planning an escape by him in 1974 or 1975.

FBI Headquarters directed the following specific inquiries be conducted by the FBI, Los Angeles Division:

1) Conduct a careful and thorough review of field office files to determine if there is any information therein that would tend to exonerate Pratt of the murder conviction.

2) Obtain responses from Special Agent William Otto Heaton with regard to the allegations of Darthard Maurice Edward Perry in affidavit of March 3, 1979, and declaration of February 9, 1978.

NW 55236 DocId:32989814 Page 8

3) Attempt to determine the true identity of "Michael Quinn" referred to by Perry and secure a response from him.

Review of Los Angeles Indices and Files Regarding Elmer Gerard Pratt

On May 2, 1979, a review of the Los Angeles indices on the name Elmer "Geronimo" Pratt reflected an index card for case captioned, "Elmer Gerald Pratt, Black Panther Party (BPP), Los Angeles 157-3436* (1/69)." This original index card is dated January, 1969. There are no other index cards reflecting any main file on Pratt prior to January, 1969. A second index card dated April, 1969, corrects the name to "Elmer G. Pratt, BPP" for the same file, Los Angeles 157-3436. A search of indices reflects no other reference index cards prior to January, 1969. The earliest reference index card is also dated January, 1969, for "Elmer Gerard Pratt, Bradford Hall, UCLA, Negro male, born September 13, 1947," in Los Angeles 157-1618-1373 page four.

A review of the FBI Los Angeles Field Office file on Elmer Gerard Pratt reflects no FBI investigation or reference to Pratt prior to January 18, 1969.

The active investigation of Elmer Gerard Pratt in main file Los Angeles 157-3436 was opened on January 27, 1969. That specific investigation, focusing on Elmer Gerard Pratt, was predicated upon information reported to the Director, FBI by Los Angeles teletype dated January 18, 1969, captioned, "Black Panther Party - Racial Matter" and located in Los Angeles files at the aforementioned Los Angeles 157-1618-1373 page four.

NW 55236 DocId:32989814 Page 9

CONGRESSMAN PAUL N. MC CLOSKEY
(CALIFORNIA);
ALLEGATIONS REGARDING MISUSE OF
THE FREEDOM OF INFORMATION ACT (FOIA)
PERTAINING TO REQUEST OF
ELMER "GERONIMO" PRATT

Therein, appears the information that a supervising officer of the 77th Street Division, Los Angeles Police Department (PD) advised the Los Angeles FBI on January 18, 1969, that the residence of a deceased BPP member who had been killed in a shooting on the campus of UCLA by rival Black Extremist Faction, had been surveilled during the early hours of January 17, 1969, and a number of individuals arrested at the residence or in the vicinity of the residence after leaving or approaching it and had been charged with Conspiracy to Commit Assault with a Deadly Weapon, after weapons were found on their persons or in their presence. Among some 16 individuals arrested was Elmer Gerard Pratt, Bradford Hall, UCLA, Negro male, date of birth September 13, 1947. Taken from the residence and the vehicles driven by the arrested persons were two M-59 Assault Rifles; two .12 gauge shotguns; one 30/30 caliber rifle; three .45 caliber automatic pistols; two .38 caliber revolvers; two .22 caliber revolvers; one 7.62 millimeter pistol; one 9 millimeter pistol; one telescopic sight; three gas masks; six gallons of liquid believed to be flamable; 16 flares; one pipe bomb; two knives; one hatchet; one machate; one bayonet; two pounds of Dupont black powder; medical equipment; telephone relay equipment; instructions for making explosive devices; a large amount of BPP literature; BPP documents; and a large amount of ammunition for the above rifles, pistols, and shotguns.

Based on the above articulable facts indicating those persons arrested may have been planning to undertake violent acts aimed at the members of a rival Black Extremist Faction, the main file investigation on Elmer Gerard Pratt was opened subsequently, on January 27, 1969. It is noted the murder in Santa Monica, California, for which Pratt was subsequently convicted and is presently incarcerated occurred December 18, 1968.

NW 55236 DocId:32989814 Page 10

CONGRESSMAN PAUL N. MC CLOSKEY
(CALIFORNIA);
ALLEGATIONS REGARDING MISUSE OF
THE FREEDOM OF INFORMATION ACT (FOIA)
PERTAINING TO REQUEST OF
ELMER "GERONIMO" PRATT

Review of Los Angeles File on Counterintelligence Program (Cointelpro)

On May 2, 1979, a review of the FBI, Los Angeles, Office indices and field office file on Cointelpro reflects no mention of Elmer Gerard "Geronimo" Pratt, and reflects no mention of Darthard Perry. The file contains nothing to show that Pratt was a target of, or ever mentioned in Cointelpro.

Records Establishing Whereabouts of Darthard Maurice Edward Perry in December, 1968

Records of the Los Angeles FBI Field Office on Darthard Maurice Edward Perry reflect he is a former Extremist Informant who first voluntarily appeared in the office of the FBI, Los Angeles, on February 12, 1974. He was thereafter subsequently operated as an informant until March 31, 1975.

An examination of the files to ascertain Perry's whereabouts on December 18, 1968, at the time of the murder in Santa Monica, California, for which Pratt was convicted reflects the following information as to Perry:

Darthard Maurice Edward Perry born September 4, 1949, at Kansas City, Missouri, enlisted in the United States Army for three years on November 18, 1966, and was assigned Serial Number RA16958166 and attained the rank of Private E-1, effective February 7, 1969. After basic training, he was assigned to overseas duty in the United States Army, Europe, where he served a total of one year and 20 days, from February 22, 1968, until separation proceedings and discharge under honorable conditions on March 17, 1969, for unsuitability. His last duty assignment and major command was Medical Company, 130 General Hospital, United

NW 55236 DocId:32989814 Page 11

States Army, Europe, Nurnberg, West Germany. He had a total service time of two years, three months and seven days from the date of enlistment. During the period February 22, 1968, to February 25, 1969, Private Darthard Maurice Edward Perry was assigned to three duty sections in the United States Army Hospital, Nurnberg, West Germany, under different supervising officers and noncommissioned officers. His assignments in that hospital are listed below:

1) On or about February 23, 1968, to on or about July 23, 1968, Food Service Division, under supervision of Sergeant First Class (SFC) James C. Clark, Captain Karen E. Friedlund, and Major Angela Bigley.

2) On or about July 24, 1968, to on or about September 24, 1968, Medical Company, under the supervision of SFC Charlie C. Collins, and Captain Edward D. Wilson.

3) On or about September 25, 1968, to on or about November 26, 1968, Linen Exchange, Supply and Service Division, under the supervision of Sergeant Charles Freeman.

4) On or about November 27, 1968, to on or about December 12, 1968, Medical Company, under the supervision of Captain David L. Richardson.

5) On or about December 13, 1968, to February 25, 1969, Food Service Division, under the supervision of SFC Willie Milon and Captain George Fatual.

From the above record, it appears Darthard Maurice Perry was under constant military supervision in Nurnberg, West Germany, on or about December 18, 1968, at the time of the murder in Santa Monica, California, for which Elmer "Geronimo" Pratt was convicted.

NW 55236 DocId:32989814 Page 12

CONGRESSMAN PAUL N. MC CLOSKEY
(CALIFORNIA);
ALLEGATIONS REGARDING MISUSE OF
THE FREEDOM OF INFORMATION ACT (FOIA)
PERTAINING TO REQUEST OF
ELMER "GERONIMO" PRATT

Responses of Special Agent William Otto Heaton
to Darthard Maurice Edward Perry Affidavit
and Allegations Concerning Elmer
"Geronimo" Pratt

Special Agent William Otto Heaton has been a Special Agent of the FBI since May 22, 1967, when he entered on duty. Following an initial training period, he was transferred to San Diego, California, and one year later was transferred to Los Angeles, California, on October 7, 1968. For the following two years he worked Selective Service Act cases exclusively. On March 29, 1971, he was transferred to an Organized Crime Squad, and on December 1, 1973, was assigned to a squad handling Domestic Security Matters under the supervision of Supervisor Richard Bloeser. Agent Heaton was assigned principally to the investigation of the Black Guerrilla Family (BGF), a California prison gang which advocates the assassination of judges and overthrow of the government of the United States.

Special Agent Heaton has read the communication from the Director, FBI, to the Special Agent in Charge of the Los Angeles, San Francisco, and Boston Divisions captioned, "Congressman Paul N. McCloskey (California); Allegations Regarding Misuse of the Freedom of Information Act (FOIA) Pertaining to Request of Elmer "Geronimo" Pratt," and accompanying documents consisting of an affidavit of Darthard Perry dated March 3, 1979, and a declaration of Darthard Perry executed on February 9, 1978, at San Francisco, California.

In regards to the Perry affidavit of March 3, 1979, Special Agent (SA) William Heaton submits the following specific replies by corresponding paragraph number:

NW 55236 DocId:32989814 Page 13

CONGRESSMAN PAUL N. MC CLOSKEY
(CALIFORNIA);
ALLEGATIONS REGARDING MISUSE OF
THE FREEDOM OF INFORMATION ACT (FOIA)
PERTAINING TO REQUEST OF
ELMER "GERONIMO" PRATT

---

1) From personal knowledge and official business records of the Los Angeles Division of the FBI, SA William Otto Heaton knows Darthard Maurice Edward Perry was not an informant for the FBI prior to February, 1974. SA Heaton first met Perry on February 12, 1974, when Perry voluntarily appeared at the Los Angeles FBI. Mr. Perry, whose appearance was unsolicited, stated he wished to volunteer his assistance in regards to the Symbionese Liberation Army (SLA), a terrorist organization, which had recently surfaced in the San Francisco, California, area claiming credit for the kidnaping of Patricia Hearst on February 4, 1974. Perry was interviewed by SAs Brendan O. Cleary and William Otto Heaton. While Perry was being interviewed on February 12, 1974, FBI, Los Angeles Office indices were personally searched by SA Heaton, and at that time disclosed one closed main file captioned, "Darthard Perry," dated February, 1970, Los Angeles 157-4937.

That closed file was immediately reviewed by SA Heaton and reflected a prior preliminary investigation to identify Perry predicated upon a referral of information from the Los Angeles Police Department to the FBI of the fact that the name Darthard Perry had been found on an undated BPP "Personal Report" or membership application following an LA PD raid and shoot out on December 8, 1969, at the BPP, Los Angeles headquarters. The BPP was organized in December, 1966, at Oakland, California, by Huey P. Newton and Bobby George Seale and at one time openly advocated the use of guns and guerrilla tactics in a revolutionary program and openly advocated the overthrow of the United States Government by force and violence until 1971. The closed FBI file reflected investigation was opened in February, 1970, to determine Darthard Perry's involvement in the BPP. His parents in Kansas City, Missouri, had subsequently advised Perry was last known to be in Sacramento, California. The Sacramento FBI Office has assumed origin on the case but closed the matter by letter to the Bureau, dated September 21, 1972, advising efforts to locate Perry for personal interview had been negative. Apparently he had telephonically contacted the Sacramento FBI Office on August 12, 1971, inquiring as to why the Kansas City FBI

NW 55236 DocId:32989814 Page 14

Office had contacted his parents. An effort to set up an appointment for interview in Sacramento was not successful. Inasmuch as the identity of Perry was established and there was no indication he had ever been accepted as a member of the BPP, the case was closed.

Prior to Perry's departure from the FBI Los Angeles Office on February 12, 1974, he was asked if it was his BPP "Personal Report" shown to him and he confirmed it was. On February 12, 1974, Mr. Perry voluntarily submitted to being fingerprinted and photographed in the Los Angeles FBI Office for identification purposes, and after interview he departed the FBI, Los Angeles Office.

2) Darthard Perry did not in December, 1968, conduct a surveillance on any member of the BPP, including Elmer "Geronimo" Pratt. During the period March, 1974, through March, 1975, Perry was assigned to furnish information on subjects under pending, lawful FBI investigations. As a matter of official Bureau practice, Perry did submit written reports which he signed, as well as telephonic reports, and was paid for his services and expenses during that period. None of Perry's reports document activities of Pratt. To SA Heaton's knowledge, Perry never knew Pratt, never communicated with Pratt and never furnished any eyewitness accounts as to the activities of Pratt. Perry is not known to have ever had any firsthand face to face dealings with Pratt. If Perry ever met or knew Pratt prior to 1974, the FBI files contain no credible evidence of that fact. SA Heaton is confident that from February, 1974, to March, 1975, Perry never met Pratt or had any dealings with Pratt. SA Heaton is unaware of any subsequent personal contacts after March, 1975, that Perry may have had with Pratt. Pratt would have been well-known to Perry by reputation or word-of-mouth. Pratt was a well publicized and notorious convicted criminal member of the BPP and a

NW 55236 DocId:32989814 Page 15

self-avowed member of the Black Liberation Army (BLA). The BLA was a loose knit urban guerrilla warfare organization whose self-described purpose was to overthrow the United States Government by creating a climate of terror. BLA members are credited with the murder of eight police officers and the wounding of 28 others and in excess of 20 known bank robberies since May, 1971. SA Heaton personally held discussions with Perry in regard to the SLA and the Black Guerrilla Family and other terrorists and/or criminally oriented groups to assess Perry's knowledge of extremist subjects and his potential for informant coverage where needed by the Bureau. SA Heaton's recollection of these discussions is clearly that Perry had never met Pratt and did not have any prior association with Pratt.

3) Darthard Perry was paid under Special Agent in Charge (SAC), Los Angeles and Bureau authorization and did personally sign 3x5 inch receipt cards. Perry did furnish expense receipts to justify purchases made on occasion. Perry was never authorized, directed, assigned or requested by the FBI or SA Heaton to travel on any official assignment out of the Los Angeles Division. SA Heaton has no knowledge or recollection of Perry traveling on personal business out of the Los Angeles Division during the period February, 1974, to March, 1975. No travel vouchers exist or ever existed for Darthard Maurice Edward Perry.

In regards to a copy of a declaration of Darthard Perry dated February 9, 1978, at San Francisco, California, setting forth more detailed allegations by Perry, it is noted Perry was known by the names Darthard Maurice Edward Perry, also known as Darthard Perry, Ed Riggs, and code name Othello, while an informant for the FBI from February 12, 1974, to March 31, 1975. He was not known as Bill Perry or number RA149581666. He has claimed numerous aliases since 1975. SA Heaton submits the following specific replies to the declaration of Perry by corresponding paragraph number in the declaration:

NW 55236 DocId:32989814 Page 16

CONGRESSMAN PAUL N. MC CLOSKEY
(CALIFORNIA);
ALLEGATIONS REGARDING MISUSE OF
THE FREEDOM OF INFORMATION ACT (FOIA)
PERTAINING TO REQUEST OF
ELMER "GERONIMO" PRATT

---

1) Darthard Maurice Edward Perry, also known as Darthard Perry, Ed Riggs, code name Othello, was not an FBI informant, officially or in any other capacity, prior to February 12, 1974. The day when Perry voluntarily appeared in the Los Angeles Division of the FBI approximately two weeks after the SLA, a terrorist organization, surfaced in San Francisco, California, and claimed credit for the kidnaping of Patricia Hearst on February 4, 1974. Perry offered to work for the Bureau in that case. However, by interview it was determined he had no knowledge or information of value concerning that case at that time. On February 12, 1974, Perry voluntarily submitted to being fingerprinted and photographed for identification purposes, and after interview, Perry departed the Los Angeles FBI Office. He was subsequently recontacted by SA Heaton on March 6, 1974, with regard to further assessing Perry's informant potential. The BPP was considered defunct and no longer in existence in Los Angeles, California, in 1974. Perry did not attend or report on any meetings or activities of the BPP as an organization. There was no pending or active ongoing FBI investigation of the BPP in Los Angeles, California, during February, 1974, to March, 1975, the dates of official FBI contact with Darthard Maurice Edward Perry.

2) Darthard Maurice Edward Perry was interviewed by SA Brendan O. Cleary and SA William Otto Heaton on February 12, 1974. Thereafter, SA Cleary had very limited contact with Perry. SA Heaton has no recollection of ever having used the term "Black Radicals" to describe the type of cases he was assigned, and SAs Cleary and Heaton were equals as Special Agents.

3) SA Heaton is presently assigned to the San Fernando Valley Resident Agency of the FBI, Los Angeles Division, where he was transferred on official business on July 24, 1975. The San Fernando Valley Resident Agency (RA) is located in Tarzana, California.

NW 55236 DocId:32989814 Page 17

CONGRESSMAN PAUL N. MC CLOSKEY
(CALIFORNIA);
ALLEGATIONS REGARDING MISUSE OF
THE FREEDOM OF INFORMATION ACT (FOIA)
PERTAINING TO REQUEST OF
ELMER "GERONIMO" PRATT

---

4) SA Heaton has no knowledge of any FBI Age or employee by the name of "Michael Quinn." SA Heaton does not know any Michael Quinn in the FBI.

5) During the period March 21, 1974, to Marc 1975, under FBI established procedure and Bureau authc Perry received payments for actual expenses incurred a for his services on a cash-on-delivery basis commensur with the assessed value of the information furnished. Payment was made in cash, for which he signed a receip Mr. Perry was authorized by the Bureau to receive up t a maximum of $300 monthly for services and expenses a paid a total $2,404.98. Perry received no other reim ment for services or expenses. Perry received no pay before the date of his first appearance in the Los An Division FBI, February 12, 1974, or after the date of termination as an informant on March 31, 1975.

6) In the personal knowledge of SA William Heaton, Darthard Perry never worked for or with the Los Angeles PD, specifically the Criminal Conspiracy To SA Heaton's knowledge, Perry never met Officer Lie Lee Castretas of the Los Angeles PD, Criminal Conspir Section. SA Heaton has never known and has no reaso believe that Lieutenant Castretas is or was a primar between the Central Intelligence Agency (CIA) and th Angeles PD. Under established Bureau procedures, Pe was an FBI informant, and as such was instructed to information only to the Bureau. Any information fur by Perry concerning a criminal subject of another la enforcement agency would have been disseminated by t and not given directly by Perry. Perry's knowledge that agency or officers was obtained by Perry from a himself knowing such facts and by discussions betwee and SA Heaton. Specifically, an extremist fugitive was wanted on warrants charging bomb making and wea possession by both the Los Angeles PD and the Bureau

NW 55236 DocId:32989814 Page 18

Alcohol, Tobacco and Firearms (ATF). Perry furnished information which located that subject for arrest following his return from out of state to California. The subject knew Detective Castretas. The subject later told Perry the subject was going to kill Castretas. That threat was disseminated to the Los Angeles PD, for the protection of the life of the officer.

7) SA Heaton did meet with Perry at various locations on the streets in automobiles at or near his residence, and near the Los Angeles Headquarters of the FBI, and spoke with Perry on the telephone from that location. SA Heaton worked on the 14th floor of the Federal Building, a fact known to Perry. As noted earlier, Perry was in the FBI Office on February 12, 1974, and after interview was escorted through the FBI Office to be fingerprinted and photographed, and was escorted out of the office.

8) The alleged visit of Darthard Perry to San Quentin Prison in late 1974 or 1975 is believed by SA Heaton to be a total fiction by Perry. Perry was not assigned to visit Pratt and never reported making any personal visit to Pratt. If Perry in fact made any visit to San Quentin Prison in 1974 or 1975, such was without the knowledge, assignment, request or direction of the FBI.

9) During the time Perry was an informant for the FBI and in late 1974 or early 1975, he did claim making contact with extremist subjects and members and supporters of the Black Liberation Army (BLA). However, Perry's alleged contacts, and reports thereof, are the only known evidence of their occurrence.

10) From personal recollection, SA Heaton is of the opinion and belief that Elmer "Geronimo" Pratt

NW 55236 DocId:32989814 Page 19

was not returned to Los Angeles from San Quentin Prison for resentencing and was not housed again in the Los Angeles County Jail during 1974 or early 1975. A court hearing on an appeal or a resentencing of Pratt did occur in late 1974 or early 1975. From personal knowledge, SA Heaton is quite certain that neither he nor SA Brendan O. Cleary ever contacted Perry and said, "The Bureau had fucked him up," meaning Pratt, "and had put his ass where it belongs. The Bureau was going to fuck him up again with his people."

11) SA Heaton did show Perry regularly and according to normal procedure, photographs of subjects for assistance in identification, or of fugitives for assistance in locating. He was furnished a few FBI Wanted Flyers. He was furnished with publicly available extremist and terrorist literature, and written notations by Agent Heaton to attempt to direct Perry for the purpose of obtaining information within the jurisdiction of the FBI. Darthard Perry was furnished photographs of a Los Angeles County Courthouse or Jail, and he was furnished in connection with one official investigation two deceased infant birth certificates, not a violation of any law, inasmuch as information had been received from other sources that members of the BLA in Los Angeles, California, were planning an attempted violent jail break for Pratt should he be brought to Los Angeles, California, a less secure confinement than San Quentin Prison. Perry was reporting these persons were planning a "more efficient Marin County shoot out" to free Pratt should he be returned to Los Angeles County.

12) SA Heaton supplied the "phony birth certificates" to Perry in reliance on his aforementioned assertions and reports of being in contact with BLA subjects and of their being receptive to Perry being a free lance writer who wanted to obtain an interview and to be of assistance to Elmer "Geronimo" Pratt. Perry was not given any cover story or false identification for his own use. Prior to

NW 55236 DocId:32989814 Page 20

his first appearance at the FBI on February 12, 1974, Perry had already assumed the name Ed Riggs as a free lance writer. The shift in context from Perry's being guided to penetrate the BLA to that of instigating a breakout for Pratt or to "involving" others is in the opinion and belief of SA Heaton, attributable to subsequent tutoring by persons who wished to utilize Perry to defame the FBI.

13) Here Perry is correct. The objective was that Perry would utilize the photographs of a Los Angeles County Courthouse and the deceased infant birth certificates to establish his bonafides as one willing to assist "the underground" and thereby to place Perry in a position where he would have firsthand knowledge of any planned jail breaks for Pratt by extremist supporters.

14) SA Heaton personally shares none of the information and belief, or knowledge of Darthard Perry that Elmer Pratt was set up on a killing that occurred December 19, 1968. SA Heaton has no knowledge of and has never acquired any information anywhere that the FBI was monitoring Pratt and knew all along he was in Oakland, California, on the night of December 19, 1968.

15) SA William Heaton has always been of the understanding that the "planned" breakout of Elmer Pratt from the Los Angeles County Jail never occurred because the court subsequently ordered Pratt not to be brought to the Los Angeles County Jail for security reasons, or other judicial reasons unknown to SA Heaton. It is believed that acts of violence and planned escape attempts were avoid by the court's action. As a matter of speculation, Perry may not have convinced any member of the BLA to allow him to participate in a planned escape of Pratt. By all accounts read by SA Heaton, the escape attempt of George Jackson, the bloodiest in the history of the State of California,

NW 55236 DocId:32989814 Page 21

at San Quentin Prison on August 21, 1971, was not a "planned assassination" of Jackson. The deceased guards who had their throats slit might have refused to join that type of "planned assassination."

SA Heaton additionally asserts on personal knowledge and belief that Darthard Maurice Edward Perry was never utilized as a part of Cointelpro. SA Heaton was not aware of Cointelpro during its existence. To his knowledge, SA Heaton never assisted any Cointelpro matter. SA Heaton never discussed Cointelpro with Perry. SA Heaton presently is not aware and has no information to believe that Elmer Pratt was ever a target of Cointelpro. SA Heaton presently has no knowledge of any information within the FBI suggesting that Pratt or anyone was framed for any murders, as a part of Cointelpro or any other operation of the FBI.

SA Heaton submits for consideration the fact that after Perry was no longer an informant, during the period October, 1975, to March, 1976, Darthard Perry's credibility for truthfulness was completely impeached in a Federal trial in a tax case captioned, "U. S. versus John David Gardner, Number 75-524 (Criminal) before the Honorable William Matthew Byrne, Jr., U. S. District Judge, Los Angeles, California." Because of rumored wrongdoing by the FBI attributable to Perry, he was brought in on subpoena first as a government witness and then as a defense witness during both pretrial and post conviction hearings. Darthard Perry provided numerous false declarations under oath in said proceedings. Darthard Perry made the following statements and allegations under oath, after being furnished with a court appointed defense attorney, in United States District Court, Central District of California, Los Angeles, California:

1) While working as an extremist informant, he conducted electronic surveillance of the California State Democratic Headquarters and all state Democratic Legislatures during the period 1969 until 1975.

NW 55236 DocId:32989814 Page 22

2) While working as an extremist informant, he video taped the inside of California State Assemblyman Leon Ralph's Los Angeles Office, took documents from that office, and then gave these documents to the FBI.

3) The FBI conducted a program of harassment and physical surveillance against Mervyn Dymally, State of California Lieutenant Governor, and John David Gardner, the subject of the Internal Revenue Service tax case.

4) That Perry placed monitoring devices at the State Capital, Sacramento, California, at the direction of the FBI and taped conversations between Gardner, Ralph or Dymally.

The above allegations and statements, as well as a portion of a taped telephone conversation by Perry to an FBI Agent were published in the "Los Angeles Free Press," a local underground or alternative newspaper. After extensive testimony involving citizen witnesses who testified that the things attributed to them by Perry did not occur, and marked by expansive disclosure and cooperation by the FBI and the United States Attorney's Office at Los Angeles, California, the Judge, Honorable William Matthew Byrne, Jr., ruled he found no evidence to support the testimony of Perry.

The trial of the defendant in that case, John David Gardner, who never had any connection whatsoever previously to Perry, proceeded and he was convicted. Subsequently, attorneys for the defendant, Gardner, filed additional affidavits by Perry opening post conviction hearings. In the post conviction hearings, Perry contended

NW 55236 DocId:32989814 Page 23

to defense counsel and to the court that he was still an FBI informant paid to infiltrate the defense and to prejudice the court against the defense by lying to the court and making it appear that the defense had put him up to it. The defense even submitted Perry to a polygraph test then conceded he had flunked miserably, although he passed two questions, in substance being he had been an FBI informant and that he had been paid by SA Heaton. At one point in the post conviction hearings, Perry insisted on testifying over the objection and against the advise of a court appointed public defender, and even after being advised of his rights by the judge with a view to the possibility of a perjury prosecution by the government.

On one occasion, the judge issued a bench warrant, and Perry was arrested to secure his appearance at the hearing. At the conclusion of the post conviction hearings, the judge again ruled he found no truthfulness in the testimony of Perry.

SA Heaton states categorically that Darthard Maurice Edward Perry's alleged activities as an FBI informant prior to February, 1974, are false. Some of what Perry claims after February, 1974, to March, 1975, bears some recognizable basis in facts. SA Heaton is aware of some, but not all of Perry's activities or associations since March, 1975. However, SA Heaton has seen, read, and responded to a number of Perry's subsequent allegations and note they change to fit circumstances and the audience Perry is trying to impress. The FBI has received information that persons to whom Perry has made various allegations are aware that Perry is not telling the truth, but believe they can use him to their advantage and to do harm to the FBI.

SA Heaton is informed and believes that certain persons are using the known false statements of Darthard

NW 55236 DocId:32989814 Page 24

Perry for their own ends anytime they can find a new forum for presenting them. As an example, SA Heaton is informed that a document entitled, "Manipulation of Organizations, Especially Cleaver vs. Newton Factions," given by Perry to the Governor's Protective Service in Sacramento, California, and previously responded to by affidavits of SA Heaton and Cleary dated August 4, 1975, and August 6, 1975, respectively, and also utilized in the United States versus John David Gardner trial to impeach Perry, was in fact written for Perry by Donald Freed. SA Heaton was telephonically informed by Perry on May 1, 1975, after he was no longer an official informant, that Perry was beginning to fear for his life and that he had been in personal discussions with Donald Freed, head of the Citizens Research Investigating Committee (CRIC). Freed, a white male, is a Hollywood fiction writer, member of the Socialists Workers Party, founder of the defunct Friends of the Black Panther Party, author and producer of the movie, "Executive Action," starring Burt Lancaster, advancing a conspiratorial theory of government involvement in the assassination of former President John F. Kennedy; a collaborator with a former Los Angeles PD informant Louis Tackwood in the book, "The Glass House Tapes," an alleged expose of police provocation and procedures.

Most recently, by newspaper accounts, Donald Freed was a star alibi witness at the trial of Huey Newton on felony murder charges in Oakland, California.

In conclusion, SA Heaton has no knowledge of any murders encouraged or plotted by the FBI. SA Heaton has no knowledge of any frame-up of murderers, being Elmer Gerard "Geronimo" Pratt or any other person. SA Heaton avows no personal, direct, indirect, firsthand or second-hand knowledge of any extenuating, mitigating, exonerating, or exculpatory evidence concerning Elmer "Geronimo" Pratt, for any crime on which he may have been charged and convicted.

NW 55236 DocId:32989814 Page 25

CONGRESSMAN PAUL N. MC CLOSKEY
(CALIFORNIA);
ALLEGATIONS REGARDING MISUSE OF
THE FREEDOM OF INFORMATION ACT (FOIA)
PERTAINING TO REQUEST OF
ELMER "GERONIMO" PRATT

SA William Otto Heaton declares without reservations that allegations attributable to Perry as related to Heaton are without factual basis and untrue, except where otherwise indicated.

Possible True Identity of Michael Quinn

The following statement is submitted by SA Thomas S. O'Quinn, the only Agent assigned to the Los Angeles Division of the FBI whose name bears resemblance to "Michael Quinn:"

> "I, Thomas S. O'Quinn, am a Special Agent of the Federal Bureau of Investigation, assigned to the Los Angeles Field Office. I arrived on duty in Los Angeles in February, 1974. During my first six months in Los Angeles, I was assigned to work extremist matters on the same squad as SA William Otto Heaton. At some point during that six months, I accompanied another Agent, SA Raymond A. Mislock, to witness his making an authorized informant payment to Darthard Perry on behalf of SA Heaton, who was unable to make the meeting. During this meeting, I was introduced to Darthard Perry. I was merely an observer. I neither gave Perry any assignments nor received any information from him, then or at any other time. Since then I have not seen or communicated with Darthard Perry in any way, form or fashion."

It is noted that other Agents of the Los Angeles Division of the FBI have observed Perry while accompanying SA Heaton during the term of Perry's informant status, or were in United States District Court during Perry's

NW 55236 DocId:32989814 Page 26

testimony in the tax case, United States versus John David Gardner, or were involved in subsequent investigations involving Perry for interception of communication or perjury matters. None of their names have any resemblance to "Michael Quinn."

It is further noted that Perry testified in the tax case as mentioned above, that he received a document (from an unknown individual) which was signed by Special Agent "Quinlan," and which contained the names of people under surveillance that were friends of Mervyn Dymally. No such Agent was identifiable by the Bureau.

. . .

NW 55236 DocId:32989814 Page 27

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Los Angeles, California
May 14, 1979

CONGRESSMAN PAUL N. MC CLOSKEY
(CALIFORNIA);
ALLEGATIONS REGARDING MISUSE OF
THE FREEDOM OF INFORMATION ACT (FOIA)
PERTAINING TO REQUEST OF
ELMER "GERONIMO" PRATT

This investigation is predicated upon receipt of FBI Headquarters instructions to initiate an investigation by search of the Los Angeles FBI Office indices and files in response to a congressional inquiry by Congressman Paul N. McCloskey (California) for facts which would support or refute allegations regarding misuse of the Freedom of Information Act (FOIA) pertaining to request of Elmer "Geronimo" Pratt.

Elmer Gerard Pratt was convicted by the Los Angeles County District Attorney's Office in 1972 for the December 18, 1968, execution style murder of a 27 year old young woman on a tennis court in Santa Monica, California. Her husband, a surviving victim, subsequently made eyewitness identification of Pratt as the gunman.

Defense Attorneys for Pratt filed FOIA requests with the FBI. FBI Headquarters, Washington, D. C. informed attorneys for Pratt that there was no record prior to January, 1969, in FBI files relating to Pratt. Attorneys for Pratt contend he was either, or both, a target of Counterintelligence Program (Cointelpro) or was under FBI physical surveillance on December 18, 1968, evidence of which would prove that Pratt was not at the scene of the murder, or would otherwise exonerate him of the crime. Attorneys for Pratt have produced for Congressman McCloskey a declaration of Darthard Perry, marked as executed at San Francisco, California, on February 9, 1978; and an affidavit of Darthard Perry dated March 3, 1979.

This document contains neither recommendations or conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

CONGRESSMAN PAUL N. MC CLOSKEY
(CALIFORNIA);
ALLEGATIONS REGARDING MISUSE OF
THE FREEDOM OF INFORMATION ACT (FOIA)
PERTAINING TO REQUEST OF
ELMER "GERONIMO" PRATT

Congressman McCloskey questioned the veracity of the Bureau's FOIA response in that the former FBI informant, Darthard Perry, has come forth with allegations that he was a paid informant for the FBI reporting on matters relating to Pratt as early as December, 1968.

Senator McCloskey inquired if the Darthard Perry allegations suggested the following:

1) That Pratt was "framed" on the murder charge as part of the Bureau's Cointelpro;

2) That the FBI had surveillances on Black Panther members in December, 1968, which would confirm Pratt's claim that he was at a party meeting in Oakland, California, on the day of the murder;

3) That the FBI conspired in an attempt to "set up" Pratt by planning an escape by him in 1974 or 1975.

FBI Headquarters directed the following specific inquiries be conducted by the FBI, Los Angeles Division:

1) Conduct a careful and thorough review of field office files to determine if there is any information therein that would tend to exonerate Pratt of the murder conviction.

2) Obtain responses from Special Agent William Otto Heaton with regard to the allegations of Darthard Maurice Edward Perry in affidavit of March 3, 1979, and declaration of February 9, 1978.

NW 55236 DocId:32989814 Page 29

3) Attempt to determine the true identity of "Michael Quinn" referred to by Perry and secure a response from him.

Review of Los Angeles Indices and Files Regarding Elmer Gerard Pratt

On May 2, 1979, a review of the Los Angeles indices on the name Elmer "Geronimo" Pratt reflected an index card for case captioned, "Elmer Gerald Pratt, Black Panther Party (BPP), Los Angeles 157-3436* (1/69)." This original index card is dated January, 1969. There are no other index cards reflecting any main file on Pratt prior to January, 1969. A second index card dated April, 1969, corrects the name to "Elmer G. Pratt, BPP" for the same file, Los Angeles 157-3436. A search of indices reflects no other reference index cards prior to January, 1969. The earliest reference index card is also dated January, 1969, for "Elmer Gerard Pratt, Bradford Hall, UCLA, Negro male, born September 13, 1947," in Los Angeles 157-1618-1373 page four.

A review of the FBI Los Angeles Field Office file on Elmer Gerard Pratt reflects no FBI investigation or reference to Pratt prior to January 18, 1969.

The active investigation of Elmer Gerard Pratt in main file Los Angeles 157-3436 was opened on January 27, 1969. That specific investigation, focusing on Elmer Gerard Pratt, was predicated upon information reported to the Director, FBI by Los Angeles teletype dated January 18, 1969, captioned, "Black Panther Party - Racial Matter" and located in Los Angeles files at the aforementioned Los Angeles 157-1618-1373 page four.

NW 55236 DocId:32989814 Page 30

CONGRESSMAN PAUL N. MC CLOSKEY
(CALIFORNIA);
ALLEGATIONS REGARDING MISUSE OF
THE FREEDOM OF INFORMATION ACT (FOIA)
PERTAINING TO REQUEST OF
ELMER "GERONIMO" PRATT

Therein, appears the information that a supervising officer of the 77th Street Division, Los Angeles Police Department (PD) advised the Los Angeles FBI on January 18, 1969, that the residence of a deceased BPP member who had been killed in a shooting on the campus of UCLA by rival Black Extremist Faction, had been surveilled during the early hours of January 17, 1969, and a number of individuals arrested at the residence or in the vicinity of the residence after leaving or approaching it and had been charged with Conspiracy to Commit Assault with a Deadly Weapon, after weapons were found on their persons or in their presence. Among some 16 individuals arrested was Elmer Gerard Pratt, Bradford Hall, UCLA, Negro male, date of birth September 13, 1947. Taken from the residence and the vehicles driven by the arrested persons were two M-59 Assault Rifles; two .12 gauge shotguns; one 30/30 caliber rifle; three .45 caliber automatic pistols; two .38 caliber revolvers; two .22 caliber revolvers; one 7.62 millimeter pistol; one 9 millimeter pistol; one telescopic sight; three gas masks; six gallons of liquid believed to be flamable; 16 flares; one pipe bomb; two knives; one hatchet; one machate; one bayonet; two pounds of Dupont black powder; medical equipment; telephone relay equipment; instructions for making explosive devices; a large amount of BPP literature; BPP documents; and a large amount of ammunition for the above rifles, pistols, and shotguns.

Based on the above articulable facts indicating those persons arrested may have been planning to undertake violent acts aimed at the members of a rival Black Extremist Faction, the main file investigation on Elmer Gerard Pratt was opened subsequently, on January 27, 1969. It is noted the murder in Santa Monica, California, for which Pratt was subsequently convicted and is presently incarcerated occurred December 18, 1968.

NW 55236 DocId:32989814 Page 31

CONGRESSMAN PAUL N. MC CLOSKEY
(CALIFORNIA);
ALLEGATIONS REGARDING MISUSE OF
THE FREEDOM OF INFORMATION ACT (FOIA)
PERTAINING TO REQUEST OF
ELMER "GERONIMO" PRATT

Review of Los Angeles File on Counterintelligence Program (Cointelpro)

On May 2, 1979, a review of the FBI, Los Angeles, Office indices and field office file on Cointelpro reflects no mention of Elmer Gerard "Geronimo" Pratt, and reflects no mention of Darthard Perry. The file contains nothing to show that Pratt was a target of, or ever mentioned in Cointelpro.

Records Establishing Whereabouts of Darthard Maurice Edward Perry in December, 1968

Records of the Los Angeles FBI Field Office on Darthard Maurice Edward Perry reflect he is a former Extremist Informant who first voluntarily appeared in the office of the FBI, Los Angeles, on February 12, 1974. He was thereafter subsequently operated as an informant until March 31, 1975.

An examination of the files to ascertain Perry's whereabouts on December 18, 1968, at the time of the murder in Santa Monica, California, for which Pratt was convicted reflects the following information as to Perry:

Darthard Maurice Edward Perry born September 4, 1940, at Kansas City, Missouri, enlisted in the United States Army for three years on November 18, 1966, and was assigned Serial Number RA16958166 and attained the rank of Private E-1, effective February 7, 1969. After basic training, he was assigned to overseas duty in the United States Army, Europe, where he served a total of one year and 20 days, from February 22, 1968, until separation proceedings and discharge under honorable conditions on March 17, 1969, for unsuitability. His last duty assignment and major command was Medical Company, 130 General Hospital, United

NW 55236 DocId:32989814 Page 32

States Army, Europe, Nurnberg, West Germany. He had a total service time of two years, three months and seven days from the date of enlistment. During the period February 22, 1968, to February 25, 1969, Private Darthard Maurice Edward Perry was assigned to three duty sections in the United States Army Hospital, Nurnberg, West Germany, under different supervising officers and noncommissioned officers. His assignments in that hospital are listed below:

1) On or about February 23, 1968, to on or about July 23, 1968, Food Service Division, under supervision of Sergeant First Class (SFC) James C. Clark, Captain Karen E. Friedlund, and Major Angela Bigley.

2) On or about July 24, 1968, to on or about September 24, 1968, Medical Company, under the supervision of SFC Charlie C. Collins, and Captain Edward D. Wilson.

3) On or about September 25, 1968, to on or about November 26, 1968, Linen Exchange, Supply and Service Division, under the supervision of Sergeant Charles Freeman.

4) On or about November 27, 1968, to on or about December 12, 1968, Medical Company, under the supervision of Captain David L. Richardson.

5) On or about December 13, 1968, to February 25, 1969, Food Service Division, under the supervision of SFC Willie Milon and Captain George Fatual.

From the above record, it appears Darthard Maurice Perry was under constant military supervision in Nurnberg, West Germany, on or about December 18, 1968, at the time of the murder in Santa Monica, California, for which Elmer "Geronimo" Pratt was convicted.

NW 55236 DocId:32989814 Page 33

CONGRESSMAN PAUL N. MC CLOSKEY
(CALIFORNIA);
ALLEGATIONS REGARDING MISUSE OF
THE FREEDOM OF INFORMATION ACT (FOIA)
PERTAINING TO REQUEST OF
ELMER "GERONIMO" PRATT

Responses of Special Agent William Otto Heaton
to Darthard Maurice Edward Perry Affidavit
and Allegations Concerning Elmer
"Geronimo" Pratt

Special Agent William Otto Heaton has been a Special Agent of the FBI since May 22, 1967, when he entered on duty. Following an initial training period, he was transferred to San Diego, California, and one year later was transferred to Los Angeles, California, on October 7, 1968. For the following two years he worked Selective Service Act cases exclusively. On March 29, 1971, he was transferred to an Organized Crime Squad, and on December 1, 1973, was assigned to a squad handling Domestic Security Matters under the supervision of Supervisor Richard Bloeser. Agent Heaton was assigned principally to the investigation of the Black Guerrilla Family (BGF), a California prison gang which advocates the assassination of judges and overthrow of the government of the United States.

Special Agent Heaton has read the communication from the Director, FBI, to the Special Agent in Charge of the Los Angeles, San Francisco, and Boston Divisions captioned, "Congressman Paul N. McCloskey (California); Allegations Regarding Misuse of the Freedom of Information Act (FOIA) Pertaining to Request of Elmer "Geronimo" Pratt," and accompanying documents consisting of an affidavit of Darthard Perry dated March 3, 1979, and a declaration of Darthard Perry executed on February 9, 1978, at San Francisco, California.

In regards to the Perry affidavit of March 3, 1979, Special Agent (SA) William Heaton submits the following specific replies by corresponding paragraph number:

NW 55236 DocId:32989814 Page 34

CONGRESSMAN PAUL N. MC CLOSKEY
(CALIFORNIA);
ALLEGATIONS REGARDING MISUSE OF
THE FREEDOM OF INFORMATION ACT (FOIA)
PERTAINING TO REQUEST OF
ELMER "GERONIMO" PRATT

---

1) From personal knowledge and official business records of the Los Angeles Division of the FBI, SA William Otto Heaton knows Darthard Maurice Edward Perry was not an informant for the FBI prior to February, 1974. SA Heaton first met Perry on February 12, 1974, when Perry voluntarily appeared at the Los Angeles FBI. Mr. Perry, whose appearance was unsolicited, stated he wished to volunteer his assistance in regards to the Symbionese Liberation Army (SLA), a terrorist organization, which had recently surfaced in the San Francisco, California, area claiming credit for the kidnaping of Patricia Hearst on February 4, 1974. Perry was interviewed by SAs Brendan O. Cleary and William Otto Heaton. While Perry was being interviewed on February 12, 1974, FBI, Los Angeles Office indices were personally searched by SA Heaton, and at that time disclosed one closed main file captioned, "Darthard Perry," dated February, 1970, Los Angeles 157-4937.

That closed file was immediately reviewed by SA Heaton and reflected a prior preliminary investigation to identify Perry predicated upon a referral of information from the Los Angeles Police Department to the FBI of the fact that the name Darthard Perry had been found on an undated BPP "Personal Report" or membership application following an LA PD raid and shoot out on December 8, 1969, at the BPP, Los Angeles headquarters. The BPP was organized in December, 1966, at Oakland, California, by Huey P. Newton and Bobby George Seale and at one time openly advocated the use of guns and guerrilla tactics in a revolutionary program and openly advocated the overthrow of the United States Government by force and violence until 1971. The closed FBI file reflected investigation was opened in February, 1970, to determine Darthard Perry's involvement in the BPP. His parents in Kansas City, Missouri, had subsequently advised Perry was last known to be in Sacramento, California. The Sacramento FBI Office has assumed origin on the case but closed the matter by letter to the Bureau, dated September 21, 1972, advising efforts to locate Perry for personal interview had been negative. Apparently he had telephonically contacted the Sacramento FBI Office on August 12, 1971, inquiring as to why the Kansas City FBI

NW 55236 DocId:32989814 Page 35

Office had contacted his parents. An effort to set up an appointment for interview in Sacramento was not successful. Inasmuch as the identity of Perry was established and there was no indication he had ever been accepted as a member of the BPP, the case was closed.

Prior to Perry's departure from the FBI Los Angeles Office on February 12, 1974, he was asked if it was his BPP "Personal Report" shown to him and he confirmed it was. On February 12, 1974, Mr. Perry voluntarily submitted to being fingerprinted and photographed in the Los Angeles FBI Office for identification purposes, and after interview he departed the FBI, Los Angeles Office.

2) Darthard Perry did not in December, 1968, conduct a surveillance on any member of the BPP, including Elmer "Geronimo" Pratt. During the period March, 1974, through March, 1975, Perry was assigned to furnish information on subjects under pending, lawful FBI investigations. As a matter of official Bureau practice, Perry did submit written reports which he signed, as well as telephonic reports, and was paid for his services and expenses during that period. None of Perry's reports document activities of Pratt. To SA Heaton's knowledge, Perry never knew Pratt, never communicated with Pratt and never furnished any eyewitness accounts as to the activities of Pratt. Perry is not known to have ever had any firsthand face to face dealings with Pratt. If Perry ever met or knew Pratt prior to 1974, the FBI files contain no credible evidence of that fact. SA Heaton is confident that from February, 1974, to March, 1975, Perry never met Pratt or had any dealings with Pratt. SA Heaton is unaware of any subsequent personal contacts after March, 1975, that Perry may have had with Pratt. Pratt would have been well-known to Perry by reputation or word-of-mouth. Pratt was a well publicized and notorious convicted criminal member of the BPP and a

NW 55236 DocId:32989814 Page 36

self-avowed member of the Black Liberation Army (BLA). The BLA was a loose knit urban guerrilla warfare organization whose self-described purpose was to overthrow the United States Government by creating a climate of terror. BLA members are credited with the murder of eight police officers and the wounding of 28 others and in excess of 20 known bank robberies since May, 1971. SA Heaton personally held discussions with Perry in regard to the SLA and the Black Guerrilla Family and other terrorists and/or criminally oriented groups to assess Perry's knowledge of extremist subjects and his potential for informant coverage where needed by the Bureau. SA Heaton's recollection of these discussions is clearly that Perry had never met Pratt and did not have any prior association with Pratt.

3) Darthard Perry was paid under Special Agent in Charge (SAC), Los Angeles and Bureau authorization and did personally sign 3x5 inch receipt cards. Perry did furnish expense receipts to justify purchases made on occasion. Perry was never authorized, directed, assigned or requested by the FBI or SA Heaton to travel on any official assignment out of the Los Angeles Division. SA Heaton has no knowledge or recollection of Perry traveling on personal business out of the Los Angeles Division during the period February, 1974, to March, 1975. No travel vouchers exist or ever existed for Darthard Maurice Edward Perry.

In regards to a copy of a declaration of Darthard Perry dated February 9, 1978, at San Francisco, California, setting forth more detailed allegations by Perry, it is noted Perry was known by the names Darthard Maurice Edward Perry, also known as Darthard Perry, Ed Riggs, and code name Othello, while an informant for the FBI from February 12, 1974, to March 31, 1975. He was not known as Bill Perry or number RA149581666. He has claimed numerous aliases since 1975. SA Heaton submits the following specific replies to the declaration of Perry by corresponding paragraph number in the declaration:

NW 55236 DocId:32989814 Page 37

CONGRESSMAN PAUL N. MC CLOSKEY
(CALIFORNIA);
ALLEGATIONS REGARDING MISUSE OF
THE FREEDOM OF INFORMATION ACT (FOIA)
PERTAINING TO REQUEST OF
ELMER "GERONIMO" PRATT

---

1) Darthard Maurice Edward Perry, also known as Darthard Perry, Ed Riggs, code name Othello, was not an FBI informant, officially or in any other capacity, prior to February 12, 1974. The day when Perry voluntarily appeared in the Los Angeles Division of the FBI approximately two weeks after the SLA, a terrorist organization, surfaced in San Francisco, California, and claimed credit for the kidnaping of Patricia Hearst on February 4, 1974. Perry offered to work for the Bureau in that case. However, by interview it was determined he had no knowledge or information of value concerning that case at that time. On February 12, 1974, Perry voluntarily submitted to being fingerprinted and photographed for identification purposes, and after interview, Perry departed the Los Angeles FBI Office. He was subsequently recontacted by SA Heaton on March 6, 1974, with regard to further assessing Perry's informant potential. The BPP was considered defunct and no longer in existence in Los Angeles, California, in 1974. Perry did not attend or report on any meetings or activities of the BPP as an organization. There was no pending or active ongoing FBI investigation of the BPP in Los Angeles, California, during February, 1974, to March, 1975, the dates of official FBI contact with Darthard Maurice Edward Perry.

2) Darthard Maurice Edward Perry was interviewed by SA Brendan O. Cleary and SA William Otto Heaton on February 12, 1974. Thereafter, SA Cleary had very limited contact with Perry. SA Heaton has no recollection of ever having used the term "Black Radicals" to describe the type of cases he was assigned, and SAs Cleary and Heaton were equals as Special Agents.

3) SA Heaton is presently assigned to the San Fernando Valley Resident Agency of the FBI, Los Angeles Division, where he was transferred on official business on July 24, 1975. The San Fernando Valley Resident Agency (RA) is located in Tarzana, California.

NW 55236 Docid:32989814 Page 38

4) SA Heaton has no knowledge of any FBI Agent or employee by the name of "Michael Quinn." SA Heaton does not know any Michael Quinn in the FBI.

5) During the period March 21, 1974, to March 19, 1975, under FBI established procedure and Bureau authority, Perry received payments for actual expenses incurred and for his services on a cash-on-delivery basis commensurate with the assessed value of the information furnished. Payment was made in cash, for which he signed a receipt. Mr. Perry was authorized by the Bureau to receive up to a maximum of $300 monthly for services and expenses and was paid a total $2,404.98. Perry received no other reimbursement for services or expenses. Perry received no payments before the date of his first appearance in the Los Angeles Division FBI, February 12, 1974, or after the date of his termination as an informant on March 31, 1975.

6) In the personal knowledge of SA William Otto Heaton, Darthard Perry never worked for or with the Los Angeles PD, specifically the Criminal Conspiracy Section. To SA Heaton's knowledge, Perry never met Officer Lieutenant Lee Castretas of the Los Angeles PD, Criminal Conspiracy Section. SA Heaton has never known and has no reason to believe that Lieutenant Castretas is or was a primary connection between the Central Intelligence Agency (CIA) and the Los Angeles PD. Under established Bureau procedures, Perry was an FBI informant, and as such was instructed to furnish information only to the Bureau. Any information furnished by Perry concerning a criminal subject of another law enforcement agency would have been disseminated by the FBI and not given directly by Perry. Perry's knowledge of that agency or officers was obtained by Perry from a subject himself knowing such facts and by discussions between Perry and SA Heaton. Specifically, an extremist fugitive subject was wanted on warrants charging bomb making and weapon possession by both the Los Angeles PD and the Bureau of

NW 55236 DocId:32989814 Page 39

Alcohol, Tobacco and Firearms (ATF). Perry furnished information which located that subject for arrest following his return from out of state to California. The subject knew Detective Castretas. The subject later told Perry the subject was going to kill Castretas. That threat was disseminated to the Los Angeles PD, for the protection of the life of the officer.

7) SA Heaton did meet with Perry at various locations on the streets in automobiles at or near his residence, and near the Los Angeles Headquarters of the FBI, and spoke with Perry on the telephone from that location. SA Heaton worked on the 14th floor of the Federal Building, a fact known to Perry. As noted earlier, Perry was in the FBI Office on February 12, 1974, and after interview was escorted through the FBI Office to be fingerprinted and photographed, and was escorted out of the office.

8) The alleged visit of Darthard Perry to San Quentin Prison in late 1974 or 1975 is believed by SA Heaton to be a total fiction by Perry. Perry was not assigned to visit Pratt and never reported making any personal visit to Pratt. If Perry in fact made any visit to San Quentin Prison in 1974 or 1975, such was without the knowledge, assignment, request or direction of the FBI.

9) During the time Perry was an informant for the FBI and in late 1974 or early 1975, he did claim making contact with extremist subjects and members and supporters of the Black Liberation Army (BLA). However, Perry's alleged contacts, and reports thereof, are the only known evidence of their occurrence.

10) From personal recollection, SA Heaton is of the opinion and belief that Elmer "Geronimo" Pratt

NW 55236 DocId:32989814 Page 40

was not returned to Los Angeles from San Quentin Prison for resentencing and was not housed again in the Los Angeles County Jail during 1974 or early 1975. A court hearing on an appeal or a resentencing of Pratt did occur in late 1974 or early 1975. From personal knowledge, SA Heaton is quite certain that neither he nor SA Brendan O. Cleary ever contacted Perry and said, "The Bureau had fucked him up," meaning Pratt, "and had put his ass where it belongs. The Bureau was going to fuck him up again with his people."

11) SA Heaton did show Perry regularly and according to normal procedure, photographs of subjects for assistance in identification, or of fugitives for assistance in locating. He was furnished a few FBI Wanted Flyers. He was furnished with publicly available extremist and terrorist literature, and written notations by Agent Heaton to attempt to direct Perry for the purpose of obtaining information within the jurisdiction of the FBI. Darthard Perry was furnished photographs of a Los Angeles County Courthouse or Jail, and he was furnished in connection with one official investigation two deceased infant birth certificates, not a violation of any law, inasmuch as information had been received from other sources that members of the BLA in Los Angeles, California, were planning an attempted violent jail break for Pratt should he be brought to Los Angeles, California, a less secure confinement than San Quentin Prison. Perry was reporting these persons were planning a "more efficient Marin County shoot out" to free Pratt should he be returned to Los Angeles County.

12) SA Heaton supplied the "phony birth certificates" to Perry in reliance on his aforementioned assertions and reports of being in contact with BLA subjects and of their being receptive to Perry being a free lance writer who wanted to obtain an interview and to be of assistance to Elmer "Geronimo" Pratt. Perry was not given any cover story or false identification for his own use. Prior to

NW 55236 DocId:32989814 Page 41

his first appearance at the FBI on February 12, 1974, Perry had already assumed the name Ed Riggs as a free lance writer. The shift in context from Perry's being guided to penetrate the BLA to that of instigating a breakout for Pratt or to "involving" others is in the opinion and belief of SA Heaton, attributable to subsequent tutoring by persons who wished to utilize Perry to defame the FBI.

13) Here Perry is correct. The objective was that Perry would utilize the photographs of a Los Angeles County Courthouse and the deceased infant birth certificates to establish his bonafides as one willing to assist "the underground" and thereby to place Perry in a position where he would have firsthand knowledge of any planned jail breaks for Pratt by extremist supporters.

14) SA Heaton personally shares none of the information and belief, or knowledge of Darthard Perry that Elmer Pratt was set up on a killing that occurred December 19, 1968. SA Heaton has no knowledge of and has never acquired any information anywhere that the FBI was monitoring Pratt and knew all along he was in Oakland, California, on the night of December 19, 1968.

15) SA William Heaton has always been of the understanding that the "planned" breakout of Elmer Pratt from the Los Angeles County Jail never occurred because the court subsequently ordered Pratt not to be brought to the Los Angeles County Jail for security reasons, or other judicial reasons unknown to SA Heaton. It is believed that acts of violence and planned escape attempts were avoid by the court's action. As a matter of speculation, Perry may not have convinced any member of the BLA to allow him to participate in a planned escape of Pratt. By all accounts read by SA Heaton, the escape attempt of George Jackson, the bloodiest in the history of the State of California,

NW 55236 DocId:32989814 Page 42

at San Quentin Prison on August 21, 1971, was not a "planned assassination" of Jackson. The deceased guards who had their throats slit might have refused to join that type of "planned assassination."

SA Heaton additionally asserts on personal knowledge and belief that Darthard Maurice Edward Perry was never utilized as a part of Cointelpro. SA Heaton was not aware of Cointelpro during its existence. To his knowledge, SA Heaton never assisted any Cointelpro matter. SA Heaton never discussed Cointelpro with Perry. SA Heaton presently is not aware and has no information to believe that Elmer Pratt was ever a target of Cointelpro. SA Heaton presently has no knowledge of any information within the FBI suggesting that Pratt or anyone was framed for any murders, as a part of Cointelpro or any other operation of the FBI.

SA Heaton submits for consideration the fact that after Perry was no longer an informant, during the period October, 1975, to March, 1976, Darthard Perry's credibility for truthfulness was completely impeached in a Federal trial in a tax case captioned, "U. S. versus John David Gardner, Number 75-524 (Criminal) before the Honorable William Matthew Byrne, Jr., U. S. District Judge, Los Angeles, California." Because of rumored wrongdoing by the FBI attributable to Perry, he was brought in on subpoena first as a government witness and then as a defense witness during both pretrial and post conviction hearings. Darthard Perry provided numerous false declarations under oath in said proceedings. Darthard Perry made the following statements and allegations under oath, after being furnished with a court appointed defense attorney, in United States District Court, Central District of California, Los Angeles, California:

1) While working as an extremist informant, he conducted electronic surveillance of the California State Democratic Headquarters and all state Democratic Legislatures during the period 1969 until 1975.

NW 55236 DocId:32989814 Page 43

2) While working as an extremist informant, he video taped the inside of California State Assemblyman Leon Ralph's Los Angeles Office, took documents from that office, and then gave these documents to the FBI.

3) The FBI conducted a program of harassment and physical surveillance against Mervyn Dymally, State of California Lieutenant Governor, and John David Gardner, the subject of the Internal Revenue Service tax case.

4) That Perry placed monitoring devices at the State Capital, Sacramento, California, at the direction of the FBI and taped conversations between Gardner, Ralph or Dymally.

The above allegations and statements, as well as a portion of a taped telephone conversation by Perry to an FBI Agent were published in the "Los Angeles Free Press," a local underground or alternative newspaper. After extensive testimony involving citizen witnesses who testified that the things attributed to them by Perry did not occur, and marked by expansive disclosure and cooperation by the FBI and the United States Attorney's Office at Los Angeles, California, the Judge, Honorable William Matthew Byrne, Jr., ruled he found no evidence to support the testimony of Perry.

The trial of the defendant in that case, John David Gardner, who never had any connection whatsoever previously to Perry, proceeded and he was convicted. Subsequently, attorneys for the defendant, Gardner, filed additional affidavits by Perry opening post conviction hearings. In the post conviction hearings, Perry contended

NW 55236 DocId:32989814 Page 44

to defense counsel and to the court that he was still an FBI informant paid to infiltrate the defense and to prejudice the court against the defense by lying to the court and making it appear that the defense had put him up to it. The defense even submitted Perry to a polygraph test then conceded he had flunked miserably, although he passed two questions, in substance being he had been an FBI informant and that he had been paid by SA Heaton. At one point in the post conviction hearings, Perry insisted on testifying over the objection and against the advise of a court appointed public defender, and even after being advised of his rights by the judge with a view to the possibility of a perjury prosecution by the government.

On one occasion, the judge issued a bench warrant, and Perry was arrested to secure his appearance at the hearing. At the conclusion of the post conviction hearings, the judge again ruled he found no truthfulness in the testimony of Perry. .

SA Heaton states categorically that Darthard Maurice Edward Perry's alleged activities as an FBI informant prior to February, 1974, are false. Some of what Perry claims after February, 1974, to March, 1975, bears some recognizable basis in facts. SA Heaton is aware of some, but not all of Perry's activities or associations since March, 1975. However, SA Heaton has seen, read, and responded to a number of Perry's subsequent allegations and note they change to fit circumstances and the audience Perry is trying to impress. The FBI has received information that persons to whom Perry has made various allegations are aware that Perry is not telling the truth, but believe they can use him to their advantage and to do harm to the FBI.

SA Heaton is informed and believes that certain persons are using the known false statements of Darthard

NW 55236 DocId:32989814 Page 45

Perry for their own ends anytime they can find a new forum for presenting them. As an example, SA Heaton is informed that a document entitled, "Manipulation of Organizations, Especially Cleaver vs. Newton Factions," given by Perry to the Governor's Protective Service in Sacramento, California, and previously responded to by affidavits of SA Heaton and Cleary dated August 4, 1975, and August 6, 1975, respectively, and also utilized in the United States versus John David Gardner trial to impeach Perry, was in fact written for Perry by Donald Freed. SA Heaton was telephonically informed by Perry on May 1, 1975, after he was no longer an official informant, that Perry was beginning to fear for his life and that he had been in personal discussions with Donald Freed, head of the Citizens Research Investigating Committee (CRIC). Freed, a white male, is a Hollywood fiction writer, member of the Socialists Workers Party, founder of the defunct Friends of the Black Panther Party, author and producer of the movie, "Executive Action," starring Burt Lancaster, advancing a conspiratorial theory of government involvement in the assassination of former President John F. Kennedy; a collaborator with a former Los Angeles PD informant Louis Tackwood in the book, "The Glass House Tapes," an alleged expose of police provocation and procedures.

Most recently, by newspaper accounts, Donald Freed was a star alibi witness at the trial of Huey Newton on felony murder charges in Oakland, California.

In conclusion, SA Heaton has no knowledge of any murders encouraged or plotted by the FBI. SA Heaton has no knowledge of any frame-up of murderers, being Elmer Gerard "Geronimo" Pratt or any other person. SA Heaton avows no personal, direct, indirect, firsthand or second-hand knowledge of any extenuating, mitigating, exonerating, or exculpatory evidence concerning Elmer "Geronimo" Pratt, for any crime on which he may have been charged and convicted.

NW 55236 DocId:32989814 Page 46

CONGRESSMAN PAUL N. MC CLOSKEY
(CALIFORNIA);
ALLEGATIONS REGARDING MISUSE OF
THE FREEDOM OF INFORMATION ACT (FOIA)
PERTAINING TO REQUEST OF
ELMER "GERONIMO" PRATT

SA William Otto Heaton declares without reservations that allegations attributable to Perry as related to Heaton are without factual basis and untrue, except where otherwise indicated.

Possible True Identity of Michael Quinn

The following statement is submitted by SA Thomas S. O'Quinn, the only Agent assigned to the Los Angeles Division of the FBI whose name bears resemblance to "Michael Quinn:"

> "I, Thomas S. O'Quinn, am a Special Agent of the Federal Bureau of Investigation, assigned to the Los Angeles Field Office. I arrived on duty in Los Angeles in February, 1974. During my first six months in Los Angeles, I was assigned to work extremist matters on the same squad as SA William Otto Heaton. At some point during that six months, I accompanied another Agent, SA Raymond A. Mislock, to witness his making an authorized informant payment to Darthard Perry on behalf of SA Heaton, who was unable to make the meeting. During this meeting, I was introduced to Darthard Perry. I was merely an observer. I neither gave Perry any assignments nor received any information from him, then or at any other time. Since then I have not seen or communicated with Darthard Perry in any way, form or fashion."

It is noted that other Agents of the Los Angeles Division of the FBI have observed Perry while accompanying SA Heaton during the term of Perry's informant status, or were in United States District Court during Perry's

NW 55236 DocId:32989814 Page 47

testimony in the tax case, United States versus John David Gardner, or were involved in subsequent investigations involving Perry for interception of communication or perjury matters. None of their names have any resemblance to "Michael Quinn."

It is further noted that Perry testified in the tax case as mentioned above, that he received a document (from an unknown individual) which was signed by Special Agent "Quinlan," and which contained the names of people under surveillance that were friends of Mervyn Dymally. No such Agent was identifiable by the Bureau.

NW 55236 DocId:32989814 Page 48

0-9 (Rev. [illegible]-27-76)

TRANSMIT VIA: AIRTEL

PRECEDENCE:

CLASSIFICATION:

DATE: 4/23/79

To: SACs, Los Angeles
San Francisco
Boston

From: Director, FBI

CONGRESSMAN PAUL N. McCLOSKEY (CALIF.);
ALLEGATIONS REGARDING MISUSE OF THE
FREEDOM OF INFORMATION ACT (FOIA)
PERTAINING TO REQUEST OF
ELMER "GERONIMO" PRATT

Enclosed for receiving offices are copies of the following documents:

1) Letter from Congressman McCloskey to Director Webster dated 4/6/79, which enclosed two affidavits signed by Darthard Perry, dated 2/9/78 and 3/3/79 respectively; a letter from Congressman McCloskey to Mr. Stewart Hanlon, Esq., dated 4/6/79; and a memo from Congressman McCloskey to Cathy Sands (staff member of the House Government Operations Committee) dated 3/1/79.

2) Affidavit of SA Brendon O. Cleary dated 8/4/78.

3) Affidavit of SA Brendon O. Cleary dated 8/6/75.

4) Affidavit of SA William Otto Heaton dated 8/4/75.

Representatives of Legal Counsel Division, FBIHQ, met with Congressman McCloskey in Washington, D.C., with respect to the enclosed letter of 4/6/79. The Congressman indicated that he would like to be supportive of amending the FOIA to rectify the adverse impact the Act has had on law enforcement. He advised, however, that before he could commit himself to such a position, he would need assurances that certain

Enclosures (7)

(This line for LEFT MARGIN.)

(Do not type BEYOND THIS MARGIN.)

(Do not type below this line.)

66-6270-5

SEARCHED ..... INDEXED .....
SERIALIZED ..... FILED .....
APR 25 1979
FBI - LOS ANGELES

Schussler

cc to 170-2658

FBI/DOJ

Airtel to SACs, Los Angeles
San Francisco
Boston

RE: Congressman Paul N. McCloskey (Calif.);
Allegations Regarding Misuse of the
Freedom of Information Act (FOIA)
Pertaining to Request of
Elmer "Geronimo" Pratt

allegations relating to the misuse of the FOIA by the FBI with regard to captioned matter are unfounded.

The Congressman indicated that Pratt was convicted in 1970 for the 12/18/68 murder of a young woman in Los Angeles, California. The attorney representing Pratt, who is now a Senior Assistant District Attorney in Los Angeles, has informed the Congressman that he sincerely believes Pratt to be innocent. Congressman McCloskey stated that the information he received indicated that the conviction of Pratt was apparently based upon the eyewitness identification of an individual given under doubtful conditions.

Congressman McCloskey further related that in attempting to gather new evidence, Pratt filed an FOIA request in the hope of gaining documents that would prove Pratt was not at the scene of the murder on 12/18/68. Congressman McCloskey noted, however, that Pratt was informed by the FBI that FBI Headquarters had no records relating to him dating prior to January of 1969. For your information, this representation is in fact correct as Pratt has been duly advised by FBIHQ that no records exist at FBIHQ dating prior to 1/69.

Congressman McCloskey stated that he had some question about the Bureau's response inasmuch as a former FBI informant by the name of Darthard Perry has come forth with an affidavit (enclosed) suggesting the following:

1) That Pratt was "framed" on the murder charge as part of the Bureau's COINTELPRO;

2) That the FBI had surveillances on Black Panther Party (BPP) members in 12/68 which would confirm Pratt's claim that he was at a Party meeting in Oakland, California on the day of the murder.

3) That the FBI conspired in an attempt to "set-up" Pratt by planning an escape by him in 1974 or 1975.

Congressman McCloskey pointed out that in this affidavit of 2/9/78 and in a subsequent affidavit of 3/3/79, which

NW 55236 DocId:32989814 Page 50

Airtel to SACs, Los Angeles
San Francisco
Boston

RE: Congressman Paul N. McCloskey (Calif.);
Allegations Regarding Misuse of the
Freedom of Information Act (FOIA)
Pertaining to Request of
Elmer "Geronimo" Pratt

is also enclosed, Perry alleges that he was a paid informant of the FBI reporting on BPP matters including matters relating to Pratt as early as December of 1968.

The Congressman stated that attorneys for Pratt have made available to him copies of releases the FBI has made to Pratt under the FOIA. Congressman McCloskey noted, however, that in reviewing these releases, he was unable to determine whether Perry's allegations and Pratt's contentions of innocence are true. Congressman McCloskey stated that in view of the information that has come to his attention, he would like assurances from the FBI that the FOIA has not been abused in this case by the withholding of evidence which would tend to clear Pratt of the murder charges.

In reviewing Perry's affidavit of 2/9/78 and 3/3/79, you will note that Perry alleges he was paid a substantial amount for services rendered as an informant dating back to 1968. A review of Bureau files indicates that this allegation may be exagerated inasmuch as our records disclose that Perry was an Extremist Informant (EI) of the Los Angeles Division from 2/74 to 3/75 and was only authorized to receive up to $250 per month for services and $50 per month for expenses. Perry was carried as an EI in case captioned: "Darthard Maurice Edward Perry, aka; Former EI; Bureau File #157-20684, Los Angeles File #170-2658." We also note that Perry has in the past made allegations of misconduct against SA's Heaton and Cleary which were refuted to the satisfaction of the Bureau in signed affidavits by these Agents (see enclosed affidavits).

It is further noted that Perry also names in his affidavit of 2/9/78 a "Michael Quinn" as a Special Agent with whom he had contact. There is, however, no record of a Michael Quinn being on the Bureau roles. There was a Paul E. Quinn assigned to the Los Angeles Division, but our records indicate that he recently retired from the Bureau.

In an effort to resolve the concerns of Congressman McCloskey, you are requested to conduct the following inquiries:

Airtel to SACs, Los Angeles
San Francisco
Boston

RE: Congressman Paul N. McCloskey (Calif.);
Allegations Regarding Misuse of the
Freedom of Information Act (FOIA)
Pertaining to Request of
Elmer "Geronimo" Pratt

1) SACs, Boston and Los Angeles should secure responses from SA's Cleary and Heaton with regard to the allegations made by Perry in his affidavits of 2/9/78 and 3/3/79. It is preferred that the response be particularized to correspond to the paragraphs set forth in Perry's affidavits. It is suggested that SA's Heaton and Cleary refer to the enclosed materials for background information.

2). SAC, Los Angeles should attempt to determine the true identity of Michael Quinn and, if possible, make reasonable efforts to secure a response from him. You may make the enclosed documents available to him for his review.

3) SACs, Los Angeles and San Francisco should conduct a careful and thorough review of field office files to determine if there is any information contained therein that would tend to exonerate Pratt of the murder conviction alluded to above. If it is ascertained in your file review that other field offices have any records pertaining to Pratt, you should set out appropriate leads to those field offices to conduct a similar review.

4) Your responses should be directed to the attention of Legal Counsel Division in an LHM suitable for dissemination. Please note that the LHMs will not be disseminated outside the Bureau other than to the Department of Justice, if necessary. Responses should be furnished to reach the Bureau by c-o-b, 5/18/79.

NW 55236 DocId:32989814 Page 52

PAUL N. McCLOSKEY, JR.
12TH DISTRICT, CALIFORNIA

COMMITTEE ON
GOVERNMENT OPERATIONS
AND
COMMITTEE ON
MERCHANT MARINE
AND FISHERIES

Congress of the United States
House of Representatives
Washington, D.C. 20515

205 CANNON BUILDING
WASHINGTON, D.C. 20515
(202) 225-5411

DISTRICT OFFICE:
305 GRANT AVENUE
PALO ALTO, CALIFORNIA 94306
(415) 326-7383

April 6, 1979

Mr. William H. Webster
Director
Federal Bureau of Investigation
19th and Pennsylvania Ave., NW
Washington, D.C. 20535

Dear Director Webster:

Pursuant to a conversation with Jim Farrington and Chris Mazzella of the FBI yesterday, I enclose herewith a memorandum to the Government Operations Committee staff, dated March 1, 1979, as well as two affidavits of a former FBI informer, Darthard Perry. These affidavits have been furnished to me by counsel for Elmor "Geronimo" Pratt, a former member of the Black Panther Party and subject to FBI surveillance under the COINTEL Program of the late 1960s and early 1970s. Pratt was convicted of a murder which occurred during the COINTEL Program, a fact which was not known to his attorney at the time of his trial.

Mr. Pratt's attorneys are engaged in an FOI Act lawsuit with the FBI at the present time. While it would be inappropriate for either me or the Government Operations Committee to intrude upon that lawsuit, the precise facts of the case may give us a good case study for consideration as to possible amendment of the Act. I have been concerned for some time that the FOI Act may impose an undue burden on law enforcement, but at the same time, in cases where informant testimony has been critical in a criminal conviction, it is clear that law enforcement agencies will have to bend over backwards to assure the public that no miscarriage of justice has occurred. At the present time, I am uncertain as to how the law should be amended to accomplish both results.

With respect to the Perry affidavits, however, the issues raised therein are serious enough, in my judgment, to warrant an immediate and thorough internal investigation by the FBI.

I have personal knowledge of the integrity and reputation of the California attorneys who are representing Mr. Pratt, and who have stated their personal belief in his innocence. Likewise, the attorney who defended him at the time of his conviction in Southern California, and who was unaware of the COINTEL Program's existence and targetting of Mr. Pratt at that time, is presently a Senior Assistant District Attorney in Los Angeles. It is his belief also that Mr. Pratt is innocent of the charge for which he was convicted.

THIS STATIONERY PRINTED ON PAPER MADE WITH RECYCLED FIBERS

By reason of the foregoing, I would appreciate your early response on the following three points:

1. Should the FOI Act be amended (and specifically how) to protect the FBI from undue public intrusion into the law enforcement process, yet protecting defendants such as Pratt who, at time of trial, are unaware of FBI programs such as COINTEL?

2. Using the Pratt case as a case study in procedures the FOI Act, are there any specific restrictions which should be added to the FOI Act or any existing restrictions which should be removed with respect to informants such as Darthard Perry?

3. Will you institute an internal FBI investigation of the Pratt case to determine whether there is any evidence in the files to indicate the possibility of Pratt's innocence or doubt as to Pratt's guilt?

Thank you for your attention. Your work as FBI Director thus far has given many of us a great deal of pleasure and confidence in the future.

Sincerely,

Paul N. McCloskey, Jr.

PNMcC:tw:cs
Enclosures

PAUL N. McCLOSKEY, JR.
12TH DISTRICT, CALIFORNIA

COMMITTEE ON
GOVERNMENT OPERATIONS
AND
COMMITTEE ON
MERCHANT MARINE
AND FISHERIES

Congress of the United States
House of Representatives
Washington, D.C. 20515.

205 CANNON BUILDING
WASHINGTON, D.C. 20515
(202) 225-5411

DISTRICT OFFICE:
305 GRANT AVENUE
PALO ALTO, CALIFORNIA 94306
(415) 326-7383

April 6, 1979

Stuart Hanlon, Esq.
Tamburello, Hanlon & Bresciani
294 Page Street
San Francisco, CA 94102

Dear Stuart:

Cathy Sands and I met yesterday with Jim Farrington of the Office of Legal Counsel of the FBI and Chris Mazzella of their Congressional Liaison Office.

I gave them copies of the two Darthard Perry affidavits, as well as a copy of my own memorandum to Cathy Sands of March 1, 1979, a copy of which is enclosed. I also enclose a copy of my letter of this date to Director Webster which is self-explanatory.

Mr. Farrington asked that I ask you and/or Mr. Lubell to submit copies of the Darthard Perry affidavits directly to Director Webster under your letterhead. I am not sure precisely as to why the FBI feels that you should submit this information directly to the Director, but in view of the FOI lawsuit, I assume this is an appropriate request.

The question of Pratt's guilt or innocence is entirely separate and distinct from the question of the FOI Act's interpretation, and while it would be improper for me or the Government Operations Committee to intrude in any way with respect to the FOI litigation, the facts of that case as it evolves may give us the best possible means to understand the precise problems that the current language of the Act creates for both the FBI and for defense counsel in cases like the Pratt case.

With respect to Pratt's guilt or innocence the FBI concurs that every last scrap of evidence that might potentially be of assistance to Pratt or which might cast doubt on his guilt should be brought forward by the FBI. I am sure that Director Webster and the FBI, as presently constituted, will be fully cooperative in this regard, but I intend to follow through, with a Congressional investigation into the Pratt case if this proves necessary.

I would welcome your comments and suggestions.

Sincerely,

Paul N. McCloskey, Jr.

THIS STATIONERY PRINTED ON PAPER MADE WITH RECYCLED FIBERS

DARTHARD PERRY, being duly sworn, deposes and says:

1. During the year 1968, I was working for the Federal Bureau of Investigation (Bureau), as an intelligence gatherer or informer.

2. In December of 1968, I conducted surveillance on "targeted" members of the Black Panther Party, including Elmer Geronimo Pratt as part of my duties for the Bureau. During the month of December, I was assigned to cover the activities of Pratt and I handed in to the Bureau handwritten and telephone reports of my surveilance of Pratt. As a matter of the Bureau's procedures my reports should have been filed and should have been included in typed reports covering the month of December 1968, and involving Pratt and the Black Panther Party. These typed reports should be in the permanent files of the Bureau.

3. Payment cards, travel vouchers and expense vouchers for my services in 1968, concerning my surveillance of Pratt and the Black Panther Party are also part of the Bureau's permanent files.

Darthard Perry
DARTHARD PERRY

Sworn to before me, this
3rd day of March 1979

Jonathan Lubell
Jonathan Lubell, esq.
Notary Public

JONATHAN W. LUBELL
Notary Public, State of New York
No. 31-2416580

DECLARATION OF DARTHARD PERRY

I, DARTHARD PERRY, also known as ED RIGGS, also known as BILL PERRY, also known as OTHELLO, also knows as No. RA14958 1666, under penalty of perjury states as follows:

1. I was a resident of Los Angeles, California, during the years 1968 through 1975, and became an Intelligence Gatherer for the Federal Bureau of Investigation some time during the fall of 1968. As an Intelligence Gatherer, I was to inform on and observe the activities of the Black Panther Party as it operated in the Los Angeles area during all of 1968 and through all and parts of subsequent years up to and including 1975.

2. I worked with Brendan Cleary who was in charge of black radicals for the Federal Bureau of Investigation. I am informed and believe that Cleary was the superior to William Otto Heaton and Michael Quinn, named below. To my knowledge, Cleary is still active in that capacity with the FBI in Los Angeles.

3. I also worked with William Otto Heaton, a special agent for the Federal Bureau of Investigaion. To my knowledge, Heaton is no longer with the Bureau in Los Angeles, but, is employed by the Bureau in an area near Los Angeles, possibly Van Nuys.

4. I also worked with Michael Quinn, a special agent for the Federal Bureau of Investigation. To my knowledge, Quinn is still a special agent in Los Angeles.

5. I was paid on a bimonthly basis from some time in the Federal Bureau of Investigation and

1968 to the end of 1975 in cash by the Federal Bureau of Investigation and its agents. I was paid approximately $100 every two weeks for the information at the beginning of my employment, namely in 1968, 1969, and 1970. By 1973 I was making approximately $2400 per month for the information regarding organizations and individuals all of which was supplied to the Federal Bureau of Investigation and its agents. Each meeting with the FBI occurred in an arbitrary location, a restaurant, bar, street corner, etc.

6. Very often my work involved the Los Angeles Police Department, specifically, the Criminal Conspiracy Section. I did on several occasions assist Lt. Castretas of the LAPD, Criminal Conspiracy Section and the Central Intelligence Agency of the United States Government. I am informed and believe that he is the primary connection between the CIA and the Los Angeles Police Department.

7. I met with the above named employees of the FEderal Bureau of Investigation, namely Cleary, Neaton and Quinn, on the street, in automobiles, and at the Wilshire Boulevard Office (known as the V. A. Center in Westwood) of the Federal Bureau of Investigation on the 14th floor, during this period of time and spoke with them on the telephone.

8. In late 1974 or early 1975, in the company of Special Agent Michael Quinn I visited San Quentin Prison in Tamal, California. I posed as a newsman from NBC and a correspondent from the WAtts Writers Workshop. We were met at the East Count Gate by a guard and escorted to the visiting area. The

of our 'visit' was to interview Elmer Pratt also known as Geronimo. I was placed in a small room for the visit with Pratt, Quinn waited outside and monitored the visit. There were no barriers between Pratt and myself. I also brought him messages from his friends Long John and Christi Farlei. The visit lasted approximately 45 minutes. I was to acquaint myself with Pratt so that on his subsequent visit to Los Angeles for re-sentencing, it would be easier to "break" him out of the Los Angeles County Jail.

9. I was to return to San Quentin in two to three weeks with Long John and Christi. Long John and Christi were to pose as my camera people, bringing with them cameras and video equipment supplied without their knowledge by the Federal Bureau of Investigation and its agents. The return visit never happened as Long John suspected something and refused to return to the prison with me.

10. In late 1974 or early 1975, Elmer Pratt was returned to Los Angeles for resentencing and was housed in the Los Angeles jail. I was contacted by Brendan Cleary of the Federal Bureau of Investigation and told that "the Bureau had fucked him up, (meaning Pratt), and had put his ass where it belongs. The Bureau was going to fuck him up again with his people".

11. Special Agent William Otto Heaton accompanied me to the area surrounding the Los Angeles County jail where the photographs seen in Exhibits "A-1" through "A-7" were taken. The photographs were part of a plan to "break" Pratt out of jail

and allow him to go "underground".

12. I was also supplied with "phony birth certificates" see Exhibit B, which I was to give to the Black Liberation Army, namely to Christi Farlei and Long John, for purposes of obtaining "phony" identification for Elmer Pratt and others I would involve in the "break out".

13. Through information and belief, I have knowledge that the reason the Bureau supplied me with the "phony birth certification" was an attempt by the Bureau to gain access to the Underground. The Bureau felt it could keep tabs on anyone going "underground" this way and also learn the operation of the "underground" and the whereabouts of various fugitives.

14. Through information and belief, I have knowledge that Elmer Pratt was set up on the killing that occurred on December 19, 1968. Brendan Cleary told me that the Bureau was monitoring Pratt and knew all along he was in Oakland, California on the night of December 19, 1968. It is my understanding that Pratt's co-defendant did the actual killing and then put Pratt as the trigger man. It is my further understanding that this same co-defendant testified to the above facts and received a light sentence.

15. The Federeral Bureau of Investigation 'planned' breakout of Elmer Pratt from the Los Angeles County Jail never occurred because I could not convince any member of the Black Liberation Army or Christi Farlei or Long John to participate in such an illegal activity and to put Elmer Pratt in such

close proximity to possible physical harm or to perhaps a 'planned assassination' similar to the 'planned assassination' of George Lester Jackson on August 21, 1971 at San Quentin Prison in Tamal California.

I certify and declare under penalty of perjury that the foregoing is true and correct. Executed February 9, 1978, at San Francisco, California.

Darthard Perry

DARTHARD PERRY

March 1, 1979

MEMORANDUM

TO: Cathy Sands

FROM: Pete McCloskey

Elmer "Geronimo" Pratt was born in Louisiana on September 13, 1947. At age 17, he enlisted in the Army on June 17, 1965, at New Orleans.

He completed airborne training and served in Viet Nam on two occasions, receiving the Soldier's Medal for heroism, the Army Commendation Medal and Purple Heart, as well as the Parachute Badge, Combat Infantryman's Badge and Expert's Badge for the M-14 Rifle. He was honorably discharged as a Sergeant (E-5) at Fort Bragg after three years service, on May 27, 1968.

Pratt thereafter moved to Los Angeles and enrolled in UCLA's Hi-Potential program, where he apparently became involved with the Black Panther Party movement then headquartered in Oakland.

On January 17, 1969, he was arrested by the Los Angeles Police Department for alleged conspiracy to commit assault with a deadly weapon and possession of deadly weapons, both of which charges were later dismissed. This was his first arrest, save for a damage-to-school-property charge in Louisiana when he was 17. The occasion of the arrest was the killing of two Black Panther Party members at UCLA, Alprentice "Buncy" Carter and John Huggins.

On June 2, 1969, the Los Angeles office of the FBI filed a summary report on Pratt, under the predication: "Investigation was instituted in this matter to determine the extent of Elmer Gerard Pratt's affiliation with the Black Panther Party." In the June 2 report, the FBI indicated a review of Pratt's military records on March 21, 1969, at the Army Personnel Center in St. Louis, and on April 23, 1969, agents of the Los Angeles office "located and interviewed" Pratt at a home owned by his brother, John A. Pratt, at 2506 Hillcrest Drive, Los Angeles.

The June 2 summary report stated that a review of the records of an unidentified organization, on January 28, 1969, and May 16, 1969, had "failed to manifest any information regarding" Pratt, but that on May 6, Pratt and four others had surrendered to the L.A. Municipal Court on outstanding warrants for the alleged beating and unlawful detention of one Ollie Taylor on April 24, 1969.

The report also reflects statements from unidentified informants, commencing on January 2, 1969, which suggested that Pratt was a heroin addict, and a dedicated member of the Black Panther Party, "extremely ambitious to prove himself to the Central Office in Oakland," a believer in killing policemen, and that he had traveled to Oakland on at least three occasions, February 8, 1969, February 16, 1969, and March 2, 1969. He was alleged to have been a bodyguard for Eldridge Cleaver in the past, and currently Deputy Minister of Defense.

One informant advised that Pratt was among several members of the L.A. Black Panther Party who are conducting small robberies and burglaries in and around the Los Angeles area.

NW 55236 DocId:32989814 Page 63

The Black Panther Party at that time was described by the FBI in the following language:

BLACK PANTHER PARTY
Also Known As
Black Panther Party for Self Defense

According to its official newspaper, the Black Panther Party (BPP) was started during December, 1966 in Oakland, California, to organize black people so they can take control of the life, politics, and the destiny of the black community. It was organized by BOBBY GEORGE SEALE, BPP Chairman, and HUEY P. NEWTON, BPP Minister of Defense. NEWTON is presently serving a sentence of 2 to 15 years on a conviction of manslaughter in connection with the killing of an Oakland police officer.

The official newspaper, "The Black Panther" which further describes itself as the "Black Community News Service", states that the BPP advocates the use of guns and guerrilla tactics in its revolutionary program to end oppression of the black people. Residents of the black community are urged to arm themselves against the police who are consistently referred to in the publication as "pigs" who should be killed.

"The Black Panther" issue of September 7, 1968, contains an editorial by BPP Minister of Education, GEORGE MASON MURRAY, which ends with the following:

"Black men. Black people, colored persons of America, revolt everywhere! Arm yourselves. The only culture worth keeping is a revolutionary culture. Change. Freedom everywhere. Dynamite! Black Power. Use the gun. Kill the pigs everywhere."

Included in the introduction to an article appearing in the October 5, 1968, edition of "The Black Panther" is the statement "...we will not dissent from American Government. We will overthrow it".

Issues of "The Black Panther" regularly contain quotations from the writings of Chairman MAO Tse-tung of the People's Republic of China and feature MAO's statement that "political power grows out of the barrel of a gun."

The national headquarters of the BPP is located at 3106 Shattuck Avenue, Berkeley, California. Branches have been established at various locations throughout the United States.

Following the June 2, 1969 Report, the FBI's files indicate a continuing interest and receipt of information regarding the Black Panther Party members and Pratt, but the FBI has steadfastly maintained, in direct response to Pratt's attorneys, that they have no records on Pratt dating from prior to January 1969.

This is crucial to Pratt's present position because in 1970 he was charged with having committed a crime in Los Angeles on December 18, 1968, only a few weeks before he allegedly came to the FBI's attention for the first time. The December 18 murder was the famous "Tennis Court" case, where a young couple was robbed at gunpoint just after they had entered a public tennis court. After being forced to lie down and giving up some $35 in cash, one of the two young black robbers inexplicably fired several shots, wounding the man and killing the woman.

Two years later, under doubtful conditions, the man identified Pratt as the individual who had fired the shots. He was convicted by a jury thereafter. Pratt's lawyer is now an Assistant District Attorney in Los Angeles and continues to believe Pratt was innocent.

Subsequent to his conviction, Pratt had a long and stormy period of incarceration with suggestions made that he had been "framed," and that while in prison he was guilty of assault on a guard and plans to escape. Recently, an FBI informer known as Darthard Perry has come forward to raise the following questions with respect to Pratt:

1. The suggestion that Pratt was framed on the alleged "Tennis Court" murder of December 18, 1968, as part of COINTELPRO operation of the FBI.
2. The suggestion that FBI has surveillance records of Black Panther Party members in December 1968, which would confirm Pratt's claim that he was at a Party meeting in Oakland on that date.
3. The suggestion that Pratt was framed for an alleged assault on a San Quentin guard in 1975.
4. The suggestion that an attempt was made to "set up" Pratt by planning an "escape" by him in 1974 or 1975.

If Perry's affidavit (attached hereto as Exhibit A) is correct, we should make a strong inquiry to the FBI and LAPD individuals involved, to find out whether or not the COINTEL Program was used to obtain Pratt's arrest, conviction, and subsequent prolonged incarceration.

Of crucial importance is Pratt's contention that he was in Oakland at a Black Panther Leadership meeting on the night of December 18, when the "Tennis Court" murder occurred. A number of Black Panther witnesses testified on his behalf that he was in Oakland; and this would be consistent with the FBI's own records after they allegedly commenced surveillance of Pratt and the Los Angeles Black Panthers early in 1969.

Pratt's lawyers have formulated the theory that the FBI must have come across Pratt prior to January 27, 1969, in that they were undoubtedly keeping the Black Panther Leadership under surveillance, both in Los

Angeles and Oakland, during the fall of 1968. They have asked that the FBI search its records on the Black Panther leaders who testified that Pratt was in Oakland on December 18, confirm whether or not the FBI had them under surveillance during the fall of 1968, and determine whether or not in such surveillance, Pratt was identified. These individuals are named as follows:

Gloria Smith	David Hilliard
Bobby Seale	Melvin Cotten Smith
Julio Butler	Linda Redd
Kathleen Cleaver	Shirley Hewitt
Richard Daniel Johns	Elaine Brown

In the papers that Pratt's attorneys have received from the FBI, Jonathan W. Lubell's letter of May 24, 1978, to Stuart Hanlon lists eight documents received by Lubell which seemed to infer that FBI records for December 1968 or earlier might have some reference to Pratt.

If such records do indicate that Pratt was in Oakland on December 18, 1978, then of course we would have a clear miscarriage of justice.

The COINTEL Program was conceived by former FBI Director Hoover as an effort to cripple the revolutionary organizations which grew up during the latter years of the Vietnam war. These included the Black Panthers, Symbionese Liberation Army, "U.S., Inc.", etc. Hoover asked his FBI field offices to submit "imaginative and hardhitting" counter-intelligence measures aimed at crippling the Black Panther Party" by exploiting its tension with "U.S., Inc.". COINTELPRO was not terminated until April 1971; its tactics used included "framing or setting up" suspected revolutionary leaders for controversy and assassination, and might well have included, in the fertile imagination of the FBI or LAPD the framing of Geronimo Pratt.

Pratt was convicted on informer testimony, and we have recently seen, in the case of former Black Panther leader, Huey Newton, that the charge of an informer's testimony can cause the whole case to fall.

Inasmuch as the FBI is now asking us to investigate the entire operation of the FOI Act, I think the Pratt case furnishes an excellent case example. We should go over to the FBI and go through all of the original documents submitted by the FBI in the Pratt case, examine the documents that were excluded or from which material has been deleted, and reach an independent judgment as to whether the Act should be amended or not, or if a miscarriage of justice has in fact occurred.

AFFIDAVIT

I, Special Agent Brendan O. Cleary, have been employed by the Federal Bureau of Investigation (FBI) for approximately seven and one-half years and was so employed on February 12, 1974, when I first met and interviewed Darthard Maurice Edward Perry. On that date, Mr. Perry voluntarily appeared at the FBI Office in Los Angeles, California, 11000 Wilshire Boulevard. Mr. Perry, whose appearance at the FBI Office was unsolicited, indicated he wished to volunteer his assistance in regard to both the Black Panther Party (BPP) and the Symbionese Liberation Army (SLA), a terrorist organization which had recently surfaced in San Francisco, California, claiming credit for the kidnaping of Patricia Hearst.

Mr. Perry voluntarily submitted to be fingerprinted and photographed for identification purposes and after interview, departed the Los Angeles FBI Office.

I had only two conversations of substance with Mr. Perry, one the personal interview on February 12, 1974, at the FBI Office, and the other a telephonic conversation on June 5, 1974. Any other discussions I had with Mr. Perry were telephonic in nature and designed only to inform Special Agent William Otto Heaton that Mr. Perry had called.

On July 14, 1975, a document was received at the Los Angeles Division of the FBI entitled, "Manipulation of Organizations, Especially Cleaver vs. Newton Factions," reportedly prepared by Mr. Perry.

I have read this document and set forth the following denials of allegations contained therein, noting again my only personal contact with Mr. Perry was on February 12, 1974:

On Page 2 of the aforementioned document there is mention of Special Agent Brendan O. Cleary stating in a joking sort of way that Cotton Smith had worked for the FBI. I can recall no such conversation and to my knowledge, Melvin Carl Smith, also known as Cotton, had never worked for the FBI.

The only other contact I ever had with Mr. Perry of substance was on June 5, 1974, at which time Mr. Perry telephonically advised me that Byron Bartlett, a former member of the BPP, had made application to the Los Angeles Police Department to become a police officer.

I never discussed a McNeal Nelson or the Community Freedom School (CFS) with Mr. Perry as mentioned on Page 7 of his document.

I never discussed an Angela Davis Defense Fund rally or Bobby Seale, a former BPP chairman, with Mr. Perry in the framework as set forth on Page 13 of Mr. Perry's document. I never received any video tapes or still pictures as set forth on Page 13 of Mr. Perry's document.

I have read the foregoing statement consisting of one page. It is true and correct to the best of my knowledge.

Signed August 6, 1975, at Los Angeles, California.

BRENDAN O. CLEARY
Special Agent, FBI

Sworn to and subscribed to before me, August 6, 1975, at Los Angeles, California.

Supervisor RICHARD H. BLOESER

AFFIDAVIT

I, Special Agent William Otto Heaton, have been employed by the Federal Bureau of Investigation (FBI) for over eight years and was so employed on February 12, 1974, when I first met and interviewed Darthard Maurice Edward Perry.

On February 12, 1974, Mr. Perry voluntarily appeared at the Los Angeles office of the FBI. Mr. Perry, whose appearance was unsolicited, stated he wished to volunteer his assistance as regards both the Black Panther Party (BPP) and the Symbionese Liberation Army (SLA), a terrorist organization which had recently surfaced in San Francisco, California, claiming credit for the kidnapping of Patricia Hearst on February 4, 1974.

Mr. Perry voluntarily submitted to being fingerprinted and photographed for identification purposes, and after interview, departed the Los Angeles FBI office.

From March 6, 1974, Darthard Perry voluntarily furnished information to the Los Angeles Division FBI of various extremist groups and individuals for which he was paid for his services and expenses, until March 31, 1975, at which time contact initiated by me was terminated.

On July 14, 1975, a document was received in the Los Angeles Division of the FBI entitled, "Manipulation of Organizations, Especially Cleaver vs Newton Factions," reportedly prepared by Darthard Maurice Edward Perry.

I, Special Agent (SA) William Otto Heaton, have read the aforementioned document. I make the following affirmative statement of fact as known to me:

I SA William Otto Heaton, categorically deny each and every allegation of alleged impropriety attributed to me in the statements or publications of Darthard Maurice Edward Perry.

I, SA William Otto Heaton, emphatically deny the allegation of criminal conduct contained in Mr. Perry's atrocious falsehood that he planted bombs (contraband) at the direction of, and furnished by me, for the purpose of framing any citizen on bomb possession charges.

I, SA William Otto Heaton, emphatically deny the allegation of criminal conduct contained in his spurious statement that he planted an illegal bugging device at the direction of, and furnished by me, in a radio station manager's office.

I, SA William Otto Heaton, further deny generally and specifically the following allegations of other impropriety:

I deny that I encouraged, requested, or directed Mr. Perry to act as an "agent provocateur," or to engage in the dissemination of false information for the purpose of disrupting or interferring with the lawful activities of any citizen.

I deny that I have planned any plots with Mr. Perry, or have given him any cover story. I deny that I have been involved in, or have any personal information or knowledge of any murders, provocations, terrorist acts committed by me, or any other law enforcement officer. I deny the allegation that Mr. Perry has ever had access to Government records, files, archives, or "dossiers." Mr. Perry was regularly, according to established procedure, shown photographs of fugitives and subjects for identification and assistance to locate; he was given FBI wanted flyers; public publications; and publicly available extremist and terrorist literature; and furnished written notations by me to attempt to direct him for the purpose of obtaining information within the jurisdiction of the FBI. During my association with Mr. Perry, I have come to know as a matter of personal knowledge that he is a capable reader, and has spent considerable time reading radical newspapers and publications. However, he has great difficulty with handwriting, and has no typing ability to my knowledge.

I deny that I planned any law enforcement raids following, or based on Mr. Perry's activities or information. A Federal fugitive was arrested on an outstanding warrant based directly on Mr. Perry's information locating the fugitive. I deny that I ever requested or directed from Mr. Perry any information on any citizen not actually suspected or actually the subject of a lawful inquiry under Federal statutes or FBI jurisdiction. Information volunteered by Mr. Perry on persons not verifiable, or not within the jurisdiction of the FBI, was not made a matter of record or action by me or disseminated to any other agency.

I deny that I requested or directed Mr. Perry to infiltrate any legitimate news agency or civil rights organization, or any university or institution of learning. Mr. Perry was specifically advised by me that the FBI was not concerned with the legitimate activities or any college, its students, or faculty.

I deny that I ever requested or ordered Mr. Perry to commit any violations of law, or requested or directed him to entrap any person in a violation of any law.

I deny that I ever requested or ordered Mr. Perry to get any job as a security guard or to seek any employment.

I deny that I ever used in Mr. Perry's presence any foul language to describe any person.

I deny that I ever gave any checks to Mr. Perry. He was never instructed to open any checking account or to incur any debts or obligations on behalf of the FBI.

I deny the allegation that Mr. Perry's home was purchased for him by the FBI. For the period March 21, 1974, through March 19, 1975, Mr. Perry, under FBI established procedure and Bureau authority, received payments for actual expenses incurred and for his services on a cash on delivery basis commensurate with the value of information furnished.

NW 55236 DocId:32989814 Page 71

Payment was made in cash, for which he signed a receipt. Where possible he was required to substantiate expenses by receipts or other evidence of cost. All payments were made a matter of detailed record. Mr. Perry was paid up to a maximum of $300.00 monthly for services and expenses for a total of $2,404.98.

During my entire association with Mr. Perry, I instructed him and regularly reminded him, that he was not an employee of the FBI, that his activities were at all times entirely voluntary, that his relationship with the FBI was confidential, that payments for services were income and strictly on a cash on delivery basis for the value of verifiable information, and that he was never to engage in any illegal acts or commit any violations of criminal law.

I, SA William Otto Heaton, having read the document attributed to Mr. Perry make the following denials concerning the inconsistencies, falsity of information, and allegations of impropriety contained therein on a page by page basis:

The history of the Black Panther Party (BPP), or any circumstances regarding the Panthers alleged split between the followers of Huey Newton or Eldridge Cleaver, both fugitives, were never discussed by me with Mr. Perry. I have no personal knowledge of those events or the source of Mr. Perry's information.

I have no knowledge of any murders encouraged or plotted by the FBI.

I have no personal knowledge of an individual identified as Cotton Smith, or the remarks attributed by Mr. Perry to any Special Agent of the FBI concerning the status or activities of Cotton Smith. I have never gone through any Panther Party newspapers checking out names and pictures and dates of incidents with Mr. Perry. I have never described any investigative subjects in the terms used by Mr. Perry as being the objects of "a running joke." Mr. Perry has not examined any files, "personnel records," "archives," or "microfilms" on the 14th floor of the Federal Building, Los Angeles Division of the FBI. Mr. Perry was interviewed in the FBI office upon his initial contact by voluntary appearance February 12, 1974.

Mr. Perry was never offered rewards as an incentive to locate subjects, except in the instance of Patricia Hearst's kidnapping case when Mr. Randolph Hearst publicly offered a $50,000.00 reward for information leading to her safe return, a reward which has since been rescinded.

Emery Evans was the name of an individual known to Mr. Perry, suggested by him as a possible extremist subject. No active investigation was ever initiated. Sharon Carr is Sharon Hazel Williams, a Federal fugitive with a warrant outstanding for her arrest. There is no "price on her head." There was no reward offered to Mr. Perry for Bernardine Dorn of the Weather Underground.

The activities of the US organization as described by Mr. Perry in his conclusions of the events surrounding a shooting incident at the University of California at Los Angeles (UCLA) campus are entirely his own fabrications.

NW 55236 DocId:32989814 Page 72

The allegation by Mr. Perry concerning "infiltration of organizations by agent provocateurs" is his own fabrications. The death of "Jomo," true name Joe Douglas Nelson, remains an unsolved murder. McNeil Nelson, brother of Joe Douglas Nelson, is not known to have initiated guerrilla warfare training in Saugus, California. The FBI did not participate in the arrest of McNeil Nelson or any other members of his Community Freedom School (CFS) at or near any rifle range in 1974. Mr. Perry was furnished, at his request, an instamatic camera (Bureau property) and an Akai Video Portapac for one quarter inch videotape (non-Bureau property) to assist him in his contacts with persons to obtain information. The instamatic camera valued at approximately $35.00, he subsequently claimed to have lost.

Mr. Perry was never requested or directed to obtain phony identification for McNeil Nelson, nor to furnish money to procure handguns, nor to instruct McNeil Nelson where to buy weapons. Mr. Perry was never requested or ordered to encourage anyone to rob banks. I never stated to Mr. Perry "it was about time for the fall of the Community Freedom School."

The Los Angeles Division FBI did not coordinate any raid with the Los Angeles Police Department (LAPD) on the CFS. A wanted murder suspect was arrested at the CFS and bombs and destructive devices were found at the CFS during the course of a lawful police investigation. McNeil Nelson was subsequently charged on Federal statutes by the Alcohol, Tobacco and Firearms Division (ATF) of the United States Treasury Department, and is currently a fugitive from justice for failure to appear in court. I had no advance information that there were bombs or destructive devices in the CFS.

Mr. Perry was never instructed in or furnished a cover story to join the Watts Writer's Workshop. He was already so employed, he claimed, and documented upon his first visit to the FBI office, February 12, 1974, and was then utilizing the name Ed Riggs.

Persons named Jesse Jackson or Jesse Boyd and organizations described as PUSH or any other campus group were never discussed with Mr. Perry.

Mr. Perry was never requested or directed to report on any Black Pride Program at California State University at Long Beach (CSLB). He never videotaped or turned over any pictures on any college or university personnel, students, or social affairs as he describes. No active investigation was ever undertaken on Jeffery Lakes, or "Sleepy" Montgomery, reportedly personnel at CSLB known to Mr. Perry, whom he suggests as militant subjects. No information was ever received from Mr. Perry regarding the activities of Bobby Seale as described by Mr. Perry. The entire information set forth by Mr. Perry concerning Seale, his bodyguards, the Angela Davis Defense Fund people, other security people interviewed and photographed is a total fabrication by Mr. Perry, or if he was ever present at such a function, it was an event which occurred prior to February 12, 1974, when I first met Mr. Perry.

Mr. Perry was not requested or ordered to furnish a "layout of the building" of radio station KPFK, North Hollywood, California. He was not instructed to videotape or bug Will Lewis,

NW 55236 DocId:32989814 Page 73

Manager of KPFK. He was asked following the SLA events in Los Angeles, California, in May - June, 1974, for any information which could be of assistance in the Bureau's efforts to apprehend SLA fugitives and kidnap victim Patricia Hearst. Mr. Perry initiated contact with Will Lewis and did make available an original and only copy of a videotape interview of Will Lewis. No action was taken based on the videotape as it was amateurish and of no value. Mr. Perry furnished no photographs of KPFK. Mr. Perry did furnish information concerning his personal conversation with Will Lewis.

Inasmuch as KPFK was not "bugged," I never made the statement claimed by Mr. Perry, "the bug has been placed very well, (we're) getting all the information."

Mr. Perry was never "in bondage" to me. He was repeatedly informed by me that his cooperation was entirely voluntary, and that he would never be asked to do anything illegal or against his conscience, nor would illegal acts be condoned or tolerated. Upon first learning on May 9, 1974, of Mr. Perry's probation violation status with the Sacramento County Probation Department on a misdemeanor violation arrest and conviction from July 26, 1971, I immediately on the next personal contact with Mr. Perry, on May 16, 1974, obtained his explanation of the matter and on that occasion and thereafter encouraged him to make direct contact with the Sacramento or the Los Angeles County Probation Departments to resolve the matter. No action was ever taken to intercede on his behalf.

Mr. Perry's "second infiltration of KPFK" was after termination of his informant status March 31, 1975, and entirely on his own volition to seek employment, as he later volunteered to me on April 16, 1975. His stories to KPFK personnel, Will Lewis, or others were entirely his own fabrications and unknown to me until revealed to me by Mr. Perry on May 1, 1975. Mr. Perry's communications to Will Lewis and others were not planned with me.

Mr. Perry admits in his statement, making telephone calls to me at the Los Angeles FBI office from KPFK radio station with Will Lewis listening in and recording the conversation from his end, without my knowledge or consent; a violation of California Penal Code, Section 630, the California Invasion of Privacy Act. This call occurred April 18, 1975. Mr. Perry called me subsequently at the Los Angeles FBI office on May 1, 1975, and May 24, 1975, pleading that he was in trouble and in fear for his life. He acknowledged the taperecording by Will Lewis at KPFK and that other personnel and associates of Will Lewis had "thrown it up to him." He stated he feared he would be a target for retaliation by black extremist individuals.

Mr. Perry was not called back to Los Angeles by me and was not confronted by "a team from Washington, D. C." and was never "drilled for six and a half hours" in any interview. Mr. Perry did volunteer information that Will Lewis, manager of radio station KPFK, Donald Freed, fiction author, Tommy Thompson, Los Angeles Free Press reporter, and others were after Mr. Perry for his story and were out to use him for their own financial gain and political reasons. Mr. Perry was reminded by me of his prior confidential relationship with the Bureau for his own protection, and that the confidential relationship would be honored by the Bureau.

NW 55236 DocId:32989814 Page 74

Mr. Perry never called the FBI concerning, nor advised me of any, notice of eviction from his residence.

Mr. Perry voluntarily signed a "statement of cooperation" on September 19, 1974, not a "secret act." The signed statement of cooperation states that Mr. Darthard Perry voluntarily agreed to cooperate with the FBI in a matter affecting the security of the United States. That he considered it a patriotic duty to so cooperate and agreed to maintain the relationship in strict confidence. That he understood he is not an employee of the FBI and would not represent himself as such. That he would not make any disclosure or exploit in any way information which he may obtain on any activity in which he may engage on behalf of the FBI, both while actively associated with the FBI and thereafter, unless authorized to do so by the Bureau.

Mr. Perry's statement that there is a special informant status, "special agent provocateur" which is a "sort of combination demolition assassin mercenary," who receives a year's training at Quantico, Virginia, are his own fabrications.

Mr. Perry was not told to watch any house the day before the SLA shootout May 17, 1974, in Los Angeles, California, and his alleged observations are entirely his own fabrications.

Mr. Perry was never requested or directed to obtain any job at the Los Angeles Airport.

Again, Mr. Perry was not involved in any radical groups at CSLB or California State College at Los Angeles (CSCLA) on behalf of the FBI.

Wilbur "Popeye" Jackson was killed June 8, 1975, in San Francisco, California, by an unknown subject, and was never discussed with Mr. Perry. The killing of "Popeye" Jackson received prominent front page coverage in an article in the June 20, 1975, issue of the Los Angeles Free Press.

Mr. Perry has no information from "dossiers" of the FBI concerning Joseph Romero or Russell Little, convicted conspiracy murderers and members of the SLA, who have been prominently reported on in Los Angeles newspapers.

The statement of Mr. Perry concerning the death of James Carr, is a matter of conjecture popular with persons Mr. Perry has attempted to exploit for financial gain on a false story of activity on behalf of the FBI, and was never discussed by me with him. The Los Angeles Times newspaper, March 29, 1975, part two, page one, carried a story "Police Knew Escape Plots Court Told, Chief Davis Denies Charge Tied to Two Unsuccessful Attempts," concerning the death of James Carr.

Mr. Perry's association with the FBI was terminated by me on March 31, 1975. His termination was predicated on information indicating a developing financial desperation encouraging him to furnish false information; on his initiating activity without my authorization; and on his seeking employment in the legitimate news media, which would have presented a questionable conflict of interest in his continuing to furnish information to the FBI.

NW 55236 DocId:32989814 Page 75

I have read the above affidavit consisting of seven pages and it is true and correct to the best of my knowledge.

Signed August 4, 1975, at Los Angeles, California.

William Otto Heaton

SA WILLIAM OTTO HEATON

Sworn to and subscribed to before me, August 4, 1975, at Los Angeles, California.

Richard H. Bloeser

Supervisor RICHARD H. BLOESER

NW 55236 DocId:32989814 Page 76

uffolk, ss

Boston, Massachusetts
August 4, 1978

A F F I D A V I T

IBERIA HAMPTON, ET AL.,

v.

EDWARD V. HANRAHAN, ET AL.

(U.S.C.A., 7TH CIR.)

CIVIL ACTION NO. 77-1698, 77-1210, 77-1370

I, Brendan O. Cleary, being duly sworn, do hereby depose and say:

1. I have been a Special Agent of the Federal Bureau of Investigation since March 4, 1968, when I entered on duty. Following an initial training period, I was then transferred to Tampa, Florida, and shortly thereafter to Saint Petersburg, Florida, where I worked general criminal matters from July of 1968 to July of 1969. In July of 1969, I was transferred to Los Angeles, California, where I was assigned to a squad handling domestic intelligence matters under the supervision of Supervisor Richard Bloeser. These investigations included the Black Panther Party.

2. In this regard, on February 12, 1974, I was instructed by my supervisor, Richard Bloeser, along with Special Agent William Otto Heaton, to interview an individual named Maurice Darthard Perry who had appeared voluntarily and unsolicited at the Federal Bureau of Investigation Office, 11000 Wilshire Boulevard, Los Angeles, California.

3. I recall assisting in the conduct of this interview of Perry, who indicated he wished to assist the Federal Bureau of Investigation in its investigation of the Patricia Hearst kidnapping case. In this regard, I recall Perry being advised by either myself or Special Agent Heaton to use the name "Othello" in any further contacts.

4. This matter was then assigned by Supervisor Blooser to Special Agent William Otto Heaton and from the date of the initial interview on February 12, 1974, I recall only one telephonic contact with Perry, then using the name "Othello". That telephonic contact on a date unrecalled, was instituted by Perry in which he asked for Special Agent Heaton. I instructed Perry to call back later as Heaton was not in.

From the date of the initial interview on February 12, 1974, I never saw Maurice Darthard Perry again until a subsequent federal criminal trial in Los Angeles, William Dardinar v. the United States, at which time, I was called as a witness for the prosecution in a suppression of evidence hearing to refute allegations made by Perry. Perry, at that time was a witness for the defense. The date of this trial is unrecalled by me, but believed to have been in 1977.

5. As regards a copy of an unsigned and undated Declaration, setting forth alleged contacts by me in the Los Angeles area, I submit the following specific reply by corresponding paragraph number as it directly relates to me:

2. As previously stated, I investigated matters relating to the Black Panther Party but was never in a supervisory capacity over Special Agent Heaton or Michael Quinn, whose name I have never heard before as being in the Federal Bureau of Investigation. I was not in charge of "black radical" investigations for the Federal Bureau of Investigation and in fact was and continue to be an investigative Special Agent without supervisory authority. I am currently assigned to the Boston, Massachusetts Division of the Federal

Bureau of Investigation working general criminal cases within the Federal Bureau of Investigation's jurisdiction.

5. I never paid any money to "Othello" and can only recall one telephone call in which I instructed "Othello" to call back when Special Agent Heaton was out of the office. I never met "Othello" (Perry) anywhere but on that one occasion when he voluntarily appeared at the Federal Bureau of Investigation Office on February 12, 1974. (Though, I reiterate I did observe Perry at criminal proceedings mentioned previously.)

7. As previously stated the only time I ever met and talked to "Othello" (Perry) personally was at the Federal Bureau of Investigation Office, 17th floor, 11000 Wilshire Boulevard, Los Angeles on February 12, 1974.

8. I emphatically deny any knowledge of or contact with William O'Neal and the alleged administering of "sooo barbital sleeping powder", in Kool-Aid to Fred Hampton.

I declare without reservations that allegations set forth in declaration provided by "Othello" as related to me are without factual basis and untrue except as I have indicated above.

BRENDAN O. CLEARY

Sworn to before me this
14th day of August, 1978

Notary Public

My Commission Expires 2/28/83

FD-36 (Rev. 5-22-64)

FBI

Date: 12/3/75

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIRMAIL
(Priority)

TO: DIRECTOR, FBI

FROM: ADIC, LOS ANGELES (66-6270)

SUBJECT: HOUSTUDY

Re Bureau teletype to Los Angeles dated 12/2/75, captioned, "HOUSTUDY".

Enclosed for the Bureau are six copies of a letterhead memorandum (LHM) captioned DARTHARD MAURICE EDWARD PERRY, who is a former extremist informant. DARTHARD PERRY is the subject of Los Angeles file 170-2658, Bufile 157-20684.

3 - Bureau (Encl. 6)
(2 - HOUSTUDY)
(1 - 157-20684)
2 - Los Angeles
(1 - 170-2658)

66-6270-4

WOH/sk
(5)

FILE COPY

Approval: _____ M Per _____
Special Agent in Charge

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Los Angeles, California
December 3, 1975

DARTHARD MAURICE EDWARD PERRY

Darthard Maurice Edward Perry, FBI Number 866 431 G, voluntarily appeared at the Los Angeles FBI Office on February 12, 1974, and claimed he wished to offer his assistance as an informant as regards the Black Panther Party (BPP), a characterization of which is contained in the appendix hereto, and the Symbionese Liberation Army (SLA), a characterization of which is contained in the appendix hereto, the latter having received publicity in the news media from the February 4, 1974, kidnapping of Patricia Campbell Hearst. Darthard Perry was interviewed by Special Agents William Otto Heaton and Brendan O. Cleary. He was found to have no information concerning the SLA but to have a somewhat extensive knowledge of former leaders and events concerning the BPP.

Darthard Perry advised he was a 1969 Los Angeles BPP chapter applicant but that he had never been admitted to membership and had never participated in activities of the BPP.

At the time of initial interview on February 12, 1974, Darthard Perry claimed he was then employed and had been employed for the past several years by the Watts Writer's Workshop, Los Angeles, California. He produced a publication entitled, Watts Writer's Workshop bearing his photograph over the name Ed Riggs, Video Workshop. There is no publication date on the pamphlet but the latest date appearing therein is 1969.

6 - Bureau
(2 - HOUSTUDY)
(1 - 157-20684)
2 - Los Angeles (66-6270)
(1 - 170-2658)

WOH/sk
(8)

OFFICE COPY

ıer recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

DARTHARD MAURICE EDWARD PERRY

Darthard Perry described the Watts Writer's Workshop as a theatrical work group providing a forum for the expression and promotion of black theatrical talent, founded in August, 1965.

From March 6, 1974, until March 21, 1975, Darthard Perry was in active FBI informant status. The BPP had ceased to be a viable organization in the Los Angeles, California area by 1972. Darthard Perry was never guided, directed, or targeted by any FBI Agent to penetrate the BPP as it had ceased to exist in the Los Angeles area, nor to penetrate the Watts Writer's Workshop in Los Angeles, California, and the FBI has never conducted an investigation of the Watts Writer's Workshop. Darthard Perry never furnished any information concerning Watts Writer's Workshop activities or personnel.

However, Darthard Perry did furnish information to the Los Angeles FBI of various extremist individuals identified as former members of the BPP, principally members or followers of the Black Liberation Army (BLA), a characterization of which is contained in the appendix hereto.

On May 31, 1974, Perry advised that Renee Moore, also known as "Peaches" Moore, was urging urban guerrilla warfare in the black community of Los Angeles, California, and that she was in contact with a BLA member, John William Washington, also known as Long John.

On June 5, 1974, Perry advised that Byron Walter Bartlett, a former BPP activist had applied for and was seeking to obtain employment as a police officer by the Los Angeles Police Department without his prior background being known to that law enforcement agency.

NW 55236 DocId:32989814 Page 82

DARTHARD MAURICE EDWARD PERRY

On June 19, 1974, Perry advised that "Peaches" Moore went to San Francisco, California, on Monday, June 17, 1974, following her appearance on a radio talk show at station KPFK-FM, North Hollywood, California, on which she advocated urban guerrilla warfare.

On June 24, 1974, Perry advised he attended a meeting on June 23, 1974, of a BLA cell led by John William Washington, in Los Angeles, California. Conversation centered on ways to free Elmer Gerard Pratt, also known as "Geronimo", a former BPP leader and titular head of the California BLA, incarcerated in San Quentin Prison for life on a murder charge. The conversation concerned emulating Arab terrorist groups and planning a jail break which would be a more efficient Marin County shoot out.

On June 24, 1974, Perry advised that Long John Washington was contacting Perry telephonically from Pomona, California. Washington refused to furnish a telephone number or residence. Washington has refused to allow pictures to be taken of him or his group. On July 5, 1974, Perry advised Long John Washington visited Perry at his residence.

On June 26, 1974, Perry advised that Long John Washington wanted photographs of the Los Angeles County Jail and Courthouse to assist in planning an anticipated jail break for Elmer G. Pratt.

On July 8, 1974, Perry advised that he recognized the photograph of a Federal fugitive Sharon Hazel Williams, a former member of the Los Angeles chapter of the defunct BPP. Perry described the possible recent sighting of her in the Watts, California area.

On July 11, 1974, Perry advised that Long John Washington had no information concerning the California National Guard Armory burglary of weapons on or about July 3 or 4, 1974, from its location at 700 North Alameda, Compton, California. In Perry's opinion, BLA members in Los Angeles were not involved.

NW 55236 DocId:32989814 Page 83

DARTHARD MAURICE EDWARD PERRY

On August 8, 1974, Perry advised that the BLA under the Los Angeles leadership of John William Washington, was not planning any immediate violence or hostile activity during the upcoming Watts Festival.

On November 4, 1974, Perry advised that over the weekend of November 8 through 10, 1974, Byron Walter Bartlett left Los Angeles, California, going to Kansas City, Missouri, where he intended to reside with a grandmother.

On November 13, 1974, Perry advised that he met Albert Earlington Armour recently after having left a message with his mother in Los Angeles, California. Armour stated the BPP was not active in any political or extremist activity. Armour claimed he was selling a little marijuana and cocaine. Perry advised that he was unable to subsequently locate Armour at the employment or residence address that Armour furnished.

On November 26, Perry advised of having observed Albert Armour driving a white over brown Mercury Cougar by himself in Inglewood, California, apparently residing in that area.

On November 26, 1974, Perry advised that he had sat in the spectators section of the courtroom at the pretrial hearing of BLA members Harold Taylor, Raymond Boudreaux and John Bowman, and there met Christi Marie Farlice, active in BLA activities, who lives with Long John Washington. Perry thereafter attended, as a spectator, the pretrial hearings of Taylor, Boudreaux, and Bowman on December 11, 12, and 13, 1974, in Los Angeles County Superior Court, Los Angeles, California. The former BPP members, identified as members of the BLA, are charged with a 1971 shoot out with the Los Angeles Police Department. Perry claimed he struck up a conversation with courtroom spectators Christi Farlice and Valerie Bowman, sister of defendant John Henry Bowman. Perry claimed

NW 55236 DocId:32989814 Page 84

he accompanied Christi Farlice to meet John William Washington at a radical bookstore. Perry advised that Chrisit Farlice was very actively involved in the affairs of the BLA and letter writing to imprisoned members. Perry advised there was no discussion of any plans to commit any acts of violence during the trial of Bowman, Boudreaux, and Taylor. Perry advised that Long John Washington complained that the anticipated courtroom appearance of Elmer G. Pratt had been terminated, and that no attempt could be made to free Pratt.

On January 30, 1975, Perry claimed that Long John Washington and Christi Farlice continued to refuse to give him a telephone number or location of their residence. Perry claimed they were planning a trip to Northern California to engage in unspecified activities and they claimed to continue to be involved in organizing a defense fund committee for BLA members Taylor, Bowman, and Boudreaux.

On February 2, 1975, Perry advised that Long John Washington claimed there were ten members of his BLA cell in Los Angeles consisting of three women and seven men. According to Perry, Washington wanted false identification for himself, Christi Farlice, and his cell members. Perry claimed that according to Washington, Christi Farlice was working on some type of confidential basis for the attorneys defending BLA members Taylor, Boudreaux and Bowman. Washington claimed he could buy automatic weapons.

On February 9, 1975, Perry claimed Long John Washington was accompanying an alleged member of the Kansas City BPP named Robert C. Bond over the weekend of February 8 and 9, 1975. Perry claimed that Washington again brought up the idea of obtaining false identification for the purpose of attempting fraudulent enlistments in the United States Military Service with the objective of obtaining weapons. Perry claimed Washington was pressing Perry to furnish

NW 55236 DocId:32989814 Page 85

the false identification.

On March 26, 1975, Perry advised that Valerie Bowman had furnished Perry a new residence address in San Francisco, California, where she claimed to be residing with two other BLA brothers and that she attended the first day trial of the San Quentin Six in San Francisco, California. The San Quentin Six are inmates accused of murder in the August 21, 1971, bloodiest escape attempt in the history of San Quentin.

Darthard Perry's active informant status with the Los Angeles FBI was terminated March 31, 1975. Perry advised on that date, he was incurring economic hardship caused by the lack of full time employment and wanted to terminate his informant status for an indeterminate period of time.

NW 55236 DocId:32989814 Page 86

BLACK LIBERATION ARMY

The Black Liberation Army (BLA) is a loose-knit urban guerrilla organization whose self-described purpose is to overthrow the Government. In announcing the BLA's purpose, the 2/29/72 issue of "Right On!," its official publication stated. . . "The purpose of the BLA is the same as that of the Tupamaros in Uruguay, Frelimo in Mozambique, and all the other liberation forces. The BLA is simply brothers and sisters who have gone underground to put all the revolutionary rhetoric and theory into practice. . . ."

Since May, 1971, the BLA has been involved in armed confrontations with law enforcement officials resulting in eight police officers being killed and another 28 being wounded or injured. Since July, 1971, the BLA has been involved in excess of 20 known bank robberies totaling over $494,000, which money is used to finance its activities.

NW 55236 DocId:32989814 Page 87

BLACK PANTHER PARTY - CLEAVER FACTION (BPP-CF)

The Black Panther Party - Cleaver Faction (BPP-CF) based in New York, New York, follows the violent revolutionary philosophy of its leader, Eldridge Cleaver, calling for the overthrow of the United States Government by creating a climate of terror accomplished by using urban guerrilla tactics. Bernice Jones, leader of the BPP-CF in New York City, in describing the purpose of the organization, stated "We are a revolutionary organization whose sole function is to wage revolution in America."

NW 55236 DocId:32989814 Page 88

BLACK PANTHER PARTY
FORMERLY KNOWN AS THE BLACK PANTHER PARTY FOR SELF-DEFENSE

The Black Panther Party (BPP), organized in December, 1966, at Oakland, California, by Huey P. Newton and Bobby George Seale, has the publicly-stated purpose of organizing black people to take control of the life, politics and destiny of the black community. The Party, operating the Black Panther Intercommunal News Service, publishes a newspaper called "The Black Panther," which at one time openly advocated the use of guns and guerrilla tactics in a revolutionary program to end the oppression of the black people but since early 1971 has spoken for a survival program pending revolution. BPP national headquarters, aka Black Panther Intercommunal Headquarters, is located in Oakland, California.

While openly advocating direct overthrow of the U. S. Government by force and violence until 1971, leaders have since avoided extreme statements in favor of calling for action within the established order. Newton, in an interview appearing in the May, 1973, issue of "Playboy" magazine, stated the Panthers' chief ambition is to change the American Government by any means necessary but that ultimately such change will be through armed violence.

Despite its claimed dedication to community service, indicators of the BPP's continued attraction to violence persist. Since July, 1974, Newton and other BPP members have been arrested in Oakland, California, for threatening police officers, murder of a 17-year-old female and the pistol whipping of Newton's tailor. Newton failed to appear on these charges and is now a local fugitive. Additionally, one died and three were wounded as a result of a shooting at a BPP-sponsored dance in Oakland, California, in October, 1974.

NW 55236 DocId:32989814 Page 89

SYMBIONESE LIBERATION ARMY

The Symbionese Liberation Army (SLA) was reportedly formed in the Summer of 1973, in California. An SLA document captioned, "Declaration of Revolutionary War and the Symbionese Program," dated 8/21/73, states " . . . Therefore, we of the Symbionese Federation of the SLA . . . do now, by the rights of our children and people and by force of arms and with every drop of our blood, declare revolutionary war against the fascist, capitalist class. We support by force of arms the just struggles of all oppressed people for self-determination and independence within the United States and the world, and hereby offer to all liberation movements, revolutionary workers' groups and peoples' organizations our total aid and support for the struggle for freedom and justice for all people and races . . ." The SLA has claimed credit for the 11/6/73 assassination of Dr. Marcus Foster, Oakland, California, School Superintendent; the 2/4/74 kidnaping of Patricia Campbell Hearst, daughter of newspaper publisher-owner Randolph A. Hearst; and the 4/15/74 robbery of the Hibernia Bank, San Francisco, California, in the furtherance of its revolutionary objectives. Six members of the SLA were involved in a shoot-out with the FBI and Los Angeles, California, police on 5/17/74, resulting in their deaths. Although no current information has been developed indicating the group has been active in areas other than California, other groups and individuals have surfaced claiming adherence to the SLA's revolutionary tenets.

WA454

NR047 WA CODE

412PM IMMEDIATE 12-02-75 DLA

TO LOS ANGELES

FROM DIRECTOR

HOUSTUDY

THE U. S. HOUSE OF REPRESENTATIVES SELECT COMMITTEE ON INTELLIGENCE HAS REQUESTED SPECIFIC MATERIAL CONCERNING DARTHARD MAURICE EDWARD PERRY. BUREAU FILES CONTAIN INSUFFICIENT INFORMATION TO COMPLY WITH A PORTION OF THIS REQUEST.

YOU ARE REQUESTED TO SUBMIT BY RETURN MAIL AN AIRTEL AND LETTERHEAD MEMORANDUM SUMMARIZING INFORMATION FURNISHED BY PERRY CONCERNING THE BLACK PANTHER PARTY AND THE WATTS WRITERS WORKSHOP IN LOS ANGELES. INCLUDE ANY SPECIFIC MATERIAL CONCERNING THE GUIDANCE, DIRECTION, AND TARGETING OF PERRY BY AGENTS TO PENETRATE THESE TWO GROUPS.

END

66-6270-3

SEARCHED ___ INDEXED ✓
SERIALIZED ___ FILED ___
DEC 1975
FBI—LOS ANGELES

66-6270-2

SEARCHED
INDEXED
SERIALIZED
FILED

FD-36 (Rev. 5-22-64)

FBI

Date: 11/14/75

Transmit the following in _____
(Type in plaintext or code)

Via TELETYPE IMMEDIATE
(Priority)

TO BUREAU AJN

FROM: LOS ANGELES (66-6270)

HOUSTUDY

REBUTELCAL TO SAC RALPH J. RAMPTON THIS DATE.

WITH RESPECT TO CONTEMPLATED REQUEST FOR SAs WILLIAM OTTO HEATON, STEPHEN W. MOSS AND BRENDAN O. CLEARY TO APPEAR BEFORE STAFF OF HOUSE SELECT COMMITTEE, MONDAY MORNING NEXT, LOS ANGELES INTERPOSES SERIOUS OBJECTIONS AS A MATTER OF POLICY BASED UPON THE FOLLOWING REASONS:

(1) DARTHARD PERRY AND SAS HEATON AND MOSS HAVE BEEN ORDERED BY USDJ MATTHEW BYRNE TO APPEAR IN HIS COURT AT 10 AM, NOVEMBER 18 NEXT IN CONTINUANCE OF PRE-TRIAL HEARING IN THE JOHN DAVID GARDNER CASE. THE BUREAU IS AWARE THIS HEARING IS FOR THE PURPOSE OF DETERMINING WHETHER ANY GOVERNMENT MISCONDUCT EXISTS AS ALLEGED BY PERRY AND CONSTITUTES A FULL JUDICIAL REVIEW OF PERRY'S ALLEGATIONS WHICH SHOULD CERTAINLY TAKE PRECEDENCE OVER ANY CONGRESSIONAL INQUIRY.

(2) ~~THE U. S. ATTORNEY IN COORDINATION WITH THE LOS ANGELES DISTRICT ATTORNEY'S OFFICE~~ The Los Angeles District Attorney's OFFICE IN COORDINATION with the U.S. Attorney's OFFICE HAS CAUSED THE ISSUANCE

1-170-2658

RJR:ss (2)

Approved: _____ Sent 1107A M Per _____
Special Agent in Charge

U.S.Government Printing Office: 1972 — 455-574

OF A SUBPOENA FROM THE LOS ANGELES COUNTY GRAND JURY TO THE CLERK OF THE USDC FOR THE PRODUCTION OF TAPES ALLEGEDLY MADE BY PERRY OF CONVERSATIONS OVER THE TELEPHONE WITH SA HEATON WHICH IS A VIOLATION OF CALIFORNIA PENAL CODE. THE ARTICLE IN THE LOS ANGELES FREE PRESS HAS ALSO BEEN REVIEWED BY THE LOS ANGELES DISTRICT ATTORNEY'S OFFICE AS EVIDENCE OF THE ABOVE VIOLATION. IT IS CONTEMPLATED PERRY WILL BE SUBPOENAED BEFORE THIS GRAND JURY.

(3) SA HEATON HAS FILED SUIT IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES ON NOVEMBER 6 FOR DAMAGES AND INJUNCTION RELIEF PURSUANT TO THE PENAL CODE SECTION OF CALIFORNIA WHICH PROVIDES CIVIL ACTION IN THE MATTER OF PUBLICATION OF ALLEGED CONVERSATIONS OVER THE TELEPHONE BETWEEN SA HEATON AND PERRY. DETAILS OF THIS SUIT ARE BEING FORWARDED BY MAIL TO THE BUREAU BUT CONSTITUTE FURTHER REASON FOR SA HEATON TO RESIST ANY PUBLIC TESTIMONY AT THIS TIME CONCERNING THE SPURIOUS ALLEGATIONS OF PERRY.

THE BUREAU HAS BEEN PROVIDED APPROPRIATE AFFIDAVITS BY AGENTS DENYING PERRY'S ALLEGATIONS AND ANY IMPROPER CONDUCT. THE MATTERS ALLEGED BY PERRY ARE BEING GIVEN THREE PRONG REVIEW AS NOTED ABOVE IN LOS ANGELES AND IT APPEARS

ANY DISCUSSION BY THE AGENTS OUTSIDE THIS AREA WOULD CONSTITUTE AN INTERFERENCE WITH THE ORDERLY JUDICIAL PROCESS ~~CLEARLY~~ PREVAILING IN LOS ANGELES. LOS ANGELES BELIEVES THE BUREAU SHOULD REQUEST A DELAY ON THESE GROUNDS AND ADVISE THE HOUSE SELECT COMMITTEE THAT UNTIL THESE PROCEEDINGS ARE CONCLUDED THE AGENTS WILL NOT BE MADE AVAILABLE. IT IS OBVIOUS PERRY AND THOSE WHO BACK HIM ARE ATTEMPTING TO CLOUD THE ISSUES BEFORE THE COURTS IN CALIFORNIA BY MAKING ALLEGATIONS BEFORE THE HOUSE SELECT COMMITTEE AND WE SHOULD NOT BE PARTY TO THE FURTHERANCE OF THIS TACTIC.

NR022 WA CODE

3:36PM NITEL 6-13-75 VLJ

TO ALL SACS

FROM DIRECTOR (62-116464)

PERSONAL ATTENTION

HOUSTUDY 75.

REBUTELS MAY 2, 20, 1975, "SENSTUDY 75."

BUFILE 62-116464 AND CODE NAME "HOUSTUDY -5" DESIGNATED FOR ALL MATTERS RELATING TO HOUSE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES AND BUREAU'S HANDLING OF MATTERS PERTAINING THERETO. USE THIS FILE NUMBER AND CAPTION FOR MATTERS RELATING TO HOUSE COMMITTEE AS SEPARATE FROM SENSTUDY 75 FOR MATTERS RELATING TO SENATE COMMITTEE.

END

Rampton R

Kentin AW

Stantzell JS

Linberg EL

Bloeser

66-6279-1

~~66-1700~~

SEARCHED INDEXED
SERIALIZED FILED
JUN 13 1975
FBI—LOS ANGELES