

File #:

66- LA - 6270

Serial Scope:

1-7

FBI

TRANSMIT VIA:

- Teletype
- Facsimile
- 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.

4 - Bureau (Enc. 6)

- (1 - 170-20684) (PERRY) (Info)
- (4) Los Angeles
- (2) - 66-6270)
- (2 - 170-2658)

KWOH:lb
(8)

66-6270-7

CEL

[Handwritten initials]

Approved: *[Signature]* Transmitted _____ (Number) _____ (Time) Per _____ (Number) _____ (Time)

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.

2*

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KWOH:lbf
 (8)

66-6270-7
 SEARCHED
 INDEXED
 SERIALIZED
 FILED

Approved: _____

Transmitted _____
 (Number) (Time)

Per _____

FBI/DOJ

2
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6 - Bureau

④ - Los Angeles

② - 66-6270

(2 - 170-2658)

WOH:lbf

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66-6270-6

SEARCHED

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UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Los Angeles, California

May 14, 1979

*In Reply, Please Refer to
File No.*

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

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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.

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- 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.

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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 flammable; 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.

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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

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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.

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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:

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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

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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

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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:

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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.

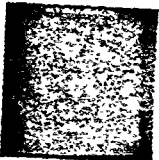
3) SA Heaton is presently assigned to the San Fernando Valley Resident Agency of the FBI, Los Angeles Division, where he was transferred on official business on July 24, 1975. The San Fernando Valley Resident Agency (RA) is located in Tarzana, California.



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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 1975, under FBI established procedure and Bureau authorization Perry received payments for actual expenses incurred 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 paid a total \$2,404.98. Perry received no other reimbursement for services or expenses. Perry received no payment before the date of his first appearance in the Los Angeles 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 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 contact 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 provide 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 Bureau and not given directly by Perry. Perry's knowledge of that agency or officers was obtained by Perry from a source of himself knowing such facts and by discussions between Perry and SA Heaton. Specifically, an extremist fugitive was wanted on warrants charging bomb making and weapon possession by both the Los Angeles PD and the Bureau.

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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

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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

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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,

