

## Justice Undelivered: Open Letter to the Grand Jury

The publication of former officer Eugene Ralph Jennings' testimony of the murder of Robert "Lil Bobby" Hutton on April 6, 1968 will never soften the blow that the African- American communities withstand when the members of the community are murdered by the hands of racist police. According to the testimony of former Oakland Police Officer Eugene Ralph Jennings, many of the police officers were recruited from Florida, and brought with them racist attitudes and the hierarchy of white male privilege. The arrogance of racist white male privilege was not only detrimental to the Bay Area black community, but black police officers as well. In this respect, Mr. Jennings' experience with the police state was synonymous with the experiences of the black community and Bobby Hutton. The major difference is that Jennings was able to walk away with his life.

The abuse of African-Americans by the police department in the Bay Area was no secret; police officers regularly walked tall in their locker rooms after whuppin' black heads. Blacks were routinely shot by the police. It was from these conditions that the cry for black self defense aroused and the Black Panther Party for Self Defense was born. Organizer Huey P. Newton, originally from Louisiana, was no stranger to the practice of white racist brutality. Additionally, Lil Bobby Hutton's family fled Pot Liquor, Arkansas from nightriders. The Newton and Hutton family experiences in the South were alarmingly similar to other blacks in the Bay. The hooded white sheets were replaced by police uniforms worn by the Oakland and Emeryville Police Departments as well as the "Blue Meanies", officers of Alameda County. It was no coincidence that the South and the West practiced brutality against black people.

The 1960s was a decade for social disturbance, and organizing. The Civil Rights Movement was in full swing and the Black Power Movement had come alive. However, these two movements did not primarily focus on the immediate urgency of the occupancy of the police state and brutality in black communities. The Black Panther Party for Self Defense was born in major California cities as did chapters in other cities nationwide; in fact, the Panthers became international. Its birth resulted as a result of police brutality in black communities. Within the United States a major premise of the ten point party platform dealt with the police state/occupancy and its brutality. The Party challenged and exposed the very foundation of American justice. It became the voice for the crying black community's plea for the cessation of police brutality and murder within the community.

According to Eugene Jennings, he joined the police department as a result of witnessing police brutality upon black people. His motivation was to become a better officer who could serve the needs of black people. At the time that he joined the Oakland PD, the number of black police officers numbered less than fifteen out of approximately 680. The total number of women was less than ten. There was a heavy recruitment of officers from the South. One of the requirements for recruitment was to have combat duty experience. The combination of these two elements (racist attitudes and combat experience) resulted in daily deadly consequences for black people. As a case in point, Jennings stated that racist statements were a mainstay in the locker rooms; specifically, the shooting of Charles Evers, brother of Medgar Evers, was referred to by officers as: "Yeah, if that nigger walked into my neighborhood, I would have shot him too". Police

officers also made statements referring to black reaction to the shooting as “The natives will be restless tonight”.

As a result of the death of Martin Luther King, Jr., the Oakland Police Department began to hire more black officers, many of whom were also recruited from the South. Due to the racism in the department, eventually these black officers formed their own police officers association. However, the recruitment and hiring of black officers was a direct result of the black population revolting against the forced living conditions and police brutality in their communities. A case in point was the murder of Denzil Dowell (April 1967) in Richmond, California. Dowell was killed by the Martinez Sheriff Department who labeled his death as a “justifiable homicide”. As a result of the investigation by the Black Panther Party (BPP), it was determined that Dowell died unarmed and with his hands raised in surrender.

As black people turned away from traditional forms of protest, the BPP became an icon to many. With the rapid growth of the BPP in Oakland, the Oakland Police Department began to aggressively suppress the efforts of the Party to organize. Research shows that COINTEL-PRO and the Oakland Police Department collaborated in conducting illegal wire taps, surveillance, search and seizure, and general harassment of Party members and supporters. Jennings mentions that the police had the names and license plate numbers of Party members and supporters that resulted in many arrests and harassment charges. The police also utilized informants and snitches in their operational attacks upon the Party. These tactics utilized by the police resulted in the unnecessary injuries, unjustified imprisonments, and untimely deaths of black people.

On the night of April 6, 1968, police officer Eugene R. Jennings witnessed the murder of Bobby Hutton by Oakland and Emeryville police officers. Eldridge Cleaver and Bobby Hutton were engaged in a gun battle with the police. Jennings states in his deposition to the police department briefing that he arrived at the scene at 1218 28<sup>th</sup> Street in Oakland and took position across the street on top of a brick building (building is still standing). He did not see who was actually shooting, but saw “ flashes coming from the basement” from the house across the street. From his observation the house had caught on fire. Jennings further states that Cleaver and Hutton came out of the basement, surrendered to the police and were surrounded. The police brutalized both Cleaver and Hutton. According to Jennings’ testimony, Hutton stumbled after being pushed from behind, not trying to escape. (During the deposition, the police investigation attempted to coerce Jennings to state that Hutton was trying to escape or run). At this point an officer stepped forward and shot Hutton in the head, and other officers followed suit. Jennings’ description of Hutton’s murder mirrors the version told by Eldridge Cleaver.

It is interesting to note that Jennings’ testimony was similar to another black police officer who was present at the scene, Gynne Pierson, but Jennings’ statement was discarded and was he labeled a “liar” by the police. In fact, Jennings’ testimony was not presented to the Grand Jury. As a result of his testimony, he faced adverse reactions by his fellow officers; he had a gun pulled upon him by a fellow officer.

There are two questions to be answered: 1) why was Jennings’ testimony not presented to the Grand Jury ; and 2) why did Jennings’ take so long to come forth with this evidence? In answering the first question, there is an obvious cover-up by the police regarding Hutton’s murder. The answer to the second question is that Jennings’ felt that since his life was threatened, he faced an audience that was not ready to reveal the truth.

Although this case is 37 years old, the quest for justice has not been delivered. Currently Grand Juries in the Bay Area have been investigating incidents involving black activists in the 1970s. The Grand Jury needs to focus and investigate the case of Bobby Hutton's murder, for this is a case of justice undelivered.