

Huey Newton

FBI File #HQ 62-117442

Section 1

FBI

Date: 12/3/76

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

Via AIRTEL _____
(Precedence)

Assoc. Dir.	_____
Dep. AD Adm.	_____
Dep. AD Inv.	_____
Asst. Dir.:	
Adm. Serv.	_____
Ext. Affairs	_____
Fin. & Pers.	_____
Gen. Inv.	_____
Ident.	_____
Intell.	_____
Legal Coun.	_____
Plan. & Insp.	_____
Rec. Mgt.	_____
S. & T. Serv.	_____
Spec. Inv.	_____
Training	_____
Telephone Rm.	_____
Director's Sec'y	_____

TO: DIRECTOR, FBI
FROM: SAC, WFO (62-New) (P)

ATTN: LEGAL COUNSEL DIVISION

THE BLACK PANTHER PARTY, Et Al.
v. EDWARD LEVI, Et Al.
USDC, D.C.
CIVIL ACTION FILE NO. 76-2205

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE SEP 3 1983 BY 9803 RDD/aff

Enclosed for the Bureau are three copies of a summons and complaint in captioned matter in which CLARENCE M. KELLEY, Director, Federal Bureau of Investigation (FBI), WILLIAM C. SULLIVAN, former Assistant Director, FBI and The Estate of J. EDGAR HOOVER are named defendants.

One copy of the summons and complaint was served at WFO on 12/3/76 by a representative of the U.S. Marshal Service, Washington, D.C. (WDC).

62-117442-4

One copy of the summons and complaint is being furnished to the United States Attorney, Washington, D.C. by separate communication.

WFO will follow captioned matter through U.S. District Court for the District of Columbia.

ENCLOSURE

REC-26

SEARCHED

2-Bureau (Enc. 3)
1-WFO

DFH:jmm
(3)

only 1 cc km 7338

SEP 26 1977

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

295

FOR THE

District of Columbia

76-2295

CIVIL ACTION FILE NO. _____

THE BLACK PANTHER PARTY, et al.

Plaintiff

v.

SUMMONS

EDWARD LEVI, et al.

Defendant

To the above named Defendant - Clarence M. Kelley

You are hereby summoned and required to serve upon Bruce J. Terris

plaintiff's attorney, whose address is 1908 Sunderland Place, N.W.
Washington, D.C. 20036

an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

JAMES F. DAVEY

J. A. Wood
Clerk of Court.
Deputy Clerk.

Date: 12/1/76

[Seal of Court]

NOTE: This summons is based pursuant to Rule 4 of the Federal Rules of Civil Procedure.

FBI
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE SEP 3 1993 BY 9803 RDD/et

62-117412-X

ENCLOSURE

I received this summons and served it together with the complaint herein as follows:

By _____

[Handwritten Signature]
MARSHAL OF THE DISTRICT

MARSHAL'S FEES
Travel \$ _____
Service _____

By _____
United States Marshal
Deputy United States Marshal

Subscribed and sworn to before me, a _____ this _____
day of _____, 19____
[SEAL]

Note—Affidavit required only if service is made by a person other than a United States Marshal or his Deputy.

No. _____
United States District Court
FOR THE _____

v.

SUMMONS IN CIVIL ACTION

Returnable not later than _____ days
after service.

Attorney for Plaintiff

FPI No. 3-573-1004 9214

MD- 7386

THE BLACK PANTHER PARTY
8501 East 14th Street
Oakland, California
(415) 638-0195;

HURVY P. NEWTON
8501 East 14th Street
Oakland, California
(415) 638-0195;

ELAINE BROWN
8501 East 14th Street
Oakland, California
(415) 638-0195;

1208

DONALD FISHER
2337 Greenfield Ave.
Los Angeles, CA 90064
(213) 478-1166;

BERTON SCHNEIDER
933 N. LaBrea
Los Angeles, CA 90036
(213) 374-8066;

THOMAS AND FLORA GLENN
4551 Reinhardt
Oakland, CA 94618
(415) 530-6666;

JOHN GEORGE
120-11th St.
Oakland, California
(415) 451-6800;

FATHER EARL NEIL
Associate Officer
Community Action & Human Development
Executive Council of the
Episcopal Church
815-2nd Avenue
New York, New York 10017
(212) 867-8400

JOHN AND ELIZABETH HUGGINS
200 Osborne Avenue
New Haven, Connecticut 06511
(203) 397-5184;

Plaintiffs

v.

EDWARD LEVI
Attorney General of the United States;

JOHN MITCHELL

ROBERT MARDIAN

SEARCHED
SERIALIZED
INDEXED
FILED

75-2203

Civil Action No. _____

CLEARENCE M. KELLEY
Director
Federal Bureau of Investigation
Washington, D.C.;

WILLIAM C. SULLIVAN;

ESTATE OF J. EDGAR HOOVER;

GEORGE C. MOORE;

GEORGE BUSH
Director
Central Intelligence Agency
Washington, D.C.;

WILLIAM E. COLEBY;

RICHARD BEEMS;

WILLIAM E. SHERR
Secretary of the Treasury
Washington, D.C.;

REX DAVIS
Director
Bureau of Alcohol, Tobacco &
Firearms of the Treasury
Department
Washington, D.C.;

HAROLD SERR;

DONALD C. ALEXANDER
Commissioner
Internal Revenue Service
Washington, D.C.;

JOHNNIE M. WALTERS;

RANDOLPH W. THROWER;

TOM CHARLES HUSTON;

HOWARD H. CALLOWAY
Secretary of the Army
Washington, D.C.;

HAROLD R. AARON
Assistant Chief of Staff for
Army Intelligence
Washington, D.C.;

BENJAMIN F. BAULAR
Postmaster General
United States Postal Service
Washington, D.C.;

WINTON M. BLOUNT;

JOHN DOE 1-5,
RICHARD DOE 1-5,
JANE DOE 1-5;

INDIVIDUALS AND MEMBER OFFICERS
AND FORMER OFFICIAL CAPTIVES,

Defendants.

JURISDICTION

1. This is a class action for declaratory and injunctive relief, and an individual action for money damages, arising under the Constitution and laws of the United States, more particularly, the First, Fourth, Fifth and Ninth Amendments to the Constitution, the Civil Rights Act of 1971 [42 U.S.C. 54101], the National Security Act of 1947 [50 U.S.C. 5403], the Internal Revenue Act [26 U.S.C. 57605], and the Postal Service Act [39 U.S.C. 5403]. Jurisdiction of this Court is invoked pursuant to the following statutes: 28 U.S.C. 51331(a), for actions arising under the Constitution or laws of the United States; 28 U.S.C. 51340, for civil actions arising under an Act of Congress concerning internal revenue; 28 U.S.C. 51343, for damages caused by conspiracies to deprive citizens of their civil rights; and 28 U.S.C. 51361, for actions to compel officers or employees of the United States or any agency thereof to perform a duty owed to plaintiffs. The matter in controversy, exclusive of interest and costs, exceeds \$10,000.00.

INTRODUCTION

2. This action by the Black Panther Party and its supporters seeks redress against past and present high government officials because of the concerted plan conceived and implemented by said officials since 1967 to destroy the Party politically and financially. The illegal means by which defendants have conspired to achieve destruction of the Party range from the extreme of causing assassination of Panther leaders to the more commonplace, albeit still unlawful practice of, burglaring and bugging plaintiffs' offices and homes. All of the plaintiffs and those they represent have, because of their political activities, beliefs, and associations, been subjected to the practices complained of herein by defendant government officials who, despite official

assassinations
burglaries
bugging

denials to the contrary, persist to this day in their efforts to repress and harass plaintiffs.

PARTIES

Huey P. Newton

3. Plaintiff Black Panther Party was founded by Huey P. Newton in 1966. It is an association of black and poor persons who are committed to improving the social and economic condition of minority and poor people and to eradicating the societal ills of racism, economic class discrimination and oppression of all kinds. The principal office of plaintiff Party is in Oakland, California where its newspaper is published and where the many survival and other programs it has initiated and sponsored are focused. These programs provide free services and goods to those in need, including transportation for senior citizens, legal and ambulance services, food, and testing of black and other subject persons for sickle cell anemia. Plaintiff Party brings this action on behalf of itself and its past and present members.

4. Plaintiff Huey P. Newton is the Founder and Chief Theoretician of the Party. He is a resident of Oakland, California, but, because of the unlawful activities of the defendants directed against him and detailed herein, is presently residing outside the jurisdiction of the United States until it is safe for him to return.

Elaine Brown

5. Plaintiff Elaine Brown is the authorized Chairperson for the Party. She is a citizen of the United States and a resident of Oakland, California.

Donald Freed

6. Donald Freed is a published author and open supporter, both politically and financially, of the Party and its activities. He is a citizen of the United States and a resident of Los Angeles, California.

Berton Schneider

7. Berton Schneider is a producer and director of films and an open supporter, both politically and financially, of the

Party and its activities. He is a citizen of the United States and a resident of Beverly Hills, California.

8. Thomas and Flora Gladwin are active supporters of the Black Panther Party. They are citizens of the United States and residents of Oakland, California.

9. John George is an attorney and a member of the Board of Supervisors of Alameda County, California. He is a supporter of the Party and a resident of Oakland, California.

10. Patler Earl Neil is a long-time supporter of the Black Panther Party and assisted in the implementation of its breakfast program for children. He is a citizen of the United States and a resident of New York, N.Y.

11. John and Elizabeth Huggins are the parents of assassinated Black Panther Party member, John Huggins. They are citizens of the United States and residents of New Haven, Connecticut.

12. All of the plaintiffs and those they represent have suffered substantial injury as a result of the unlawful actions taken by defendants for the purpose of punishing, harassing and burdening the plaintiffs because of their political beliefs, expressions and associations.

13. Defendant Edward Levi is the current Attorney General of the United States.

14. Defendant John Mitchell is a former Attorney General of the United States.

15. Defendant Robert Mardian is a former Assistant Attorney General for Internal Security.

* 16. Defendant Clarence M. Kelley is the present Director of the Federal Bureau of Investigation (FBI).

* 17. Defendant William C. Sullivan is a former Assistant Director of the FBI.

* 18. The Estate of J. Edgar Hoover is sued herein because he was a former Director of the FBI.

Thomas Gladwin
Flora Gladwin
John George

Patler Earl Neil

John Huggins
Elizabeth Huggins
John Huggins - deceased

★
Federal Intelligence Section of the F

20. Defendant George Bush is the current Director of the CIA.
 21. Defendant William E. Colby is a former Director of the CIA.
 22. Defendant Richard Helms is a former Director of the Central Intelligence Agency (CIA).
 23. Defendant William E. Simon is the present Secretary of the Treasury.
 24. Defendant John Lewis is the current Director of the Bureau of Alcohol, Tobacco & Firearms of the Treasury Department.
 25. Defendant Harold Surr is a former Director of the Bureau of Alcohol, Tobacco & Firearms within the Treasury Department.
 26. Defendant Donald C. Alexander is the current Commissioner of the Internal Revenue Service (IRS).
 27. Defendant Johnnie M. Walters was Commissioner of IRS from August, 1971 to March 1973.
 28. Defendant Randolph W. Thrower was Commissioner of IRS from July, 1969 to January, 1971.
 29. Defendant Tom Charles Huston was an assistant to the President of the United States.
 30. Defendant Howard H. Calloway is the Secretary of the Army.
 31. Defendant Harold R. Aaron is the Assistant Chief of Staff for Army Intelligence.
 32. Defendant Benjamin F. Baillet is the current Postmaster General of the United States Postal Service.
 33. Defendant Wilson M. Blount is a former Postmaster General of the United States Postal Service.
 34. John Doe 1 - 5, Richard Roe 1 - 5, and Jane Doe 1 - 5, are unknown employees of the Justice Department, the
- ★

FBI, the CIA, the Treasury Department, the Bureau of Alcohol, Tobacco and Firearms of the Treasury Department, the IRS, the White House, Army, the Postal Service and other agencies of the federal government that conspired with each other and/or the above-named defendants and their agents in taking and promoting unlawful actions intended to harm and, in fact, causing injury to plaintiffs herein.

35. Each of the defendants is being sued in his or her individual and official or former official capacities. Each defendant held the official position stated herein at times relevant to the allegations of this complaint, and each defendant was acting under the color of his or her official capacity at the times complained of herein.

CLASS ACTION ALLEGATIONS

36. Plaintiffs bring this action as a class action under the Federal Rules of Civil Procedure 23 (a), 23 (b), and 23(c)(4).

class of living members

37. Plaintiffs Party, Newton and Brown represent past and present living members of the Black Panther Party who, because of their political beliefs and activities as expressed by their membership in the Party, were and are subject to unlawful and harmful actions by defendants.

class of those representing estates of deceased members

38. Plaintiffs John and Elizabeth Huggins represent the estates of Party members who, while they were alive, suffered harassment, punishment and injury, including for some death, as a result of the conspiratorial actions of defendants and their agents complained of herein.

class of supporters

39. Plaintiffs Freed, Schneider, Thomas and Flora Gladwin, George and Nail represent a class of persons throughout the United States who, because of their open political or financial support of the Party and its activities, were or continue to be subject to illegal and injurious actions by defendants.

40. The number of individuals in each of these classes is too large to make joinder practicable.

41. Defendants have acted on grounds generally applicable to each class, thereby making injunctive and declaratory relief appropriate with respect to each class.

42. The claims of the named plaintiffs are typical of the claims of the classes they represent.

43. There are questions of law and fact common to the members of each class in this action. The common questions of fact relate to the subjecting of class members to invidious and damaging actions by defendants because of plaintiffs' political beliefs and activities. The common questions of law relate to the Constitutional and other violations of law that flow from the governmental imposition of burdens upon, and efforts to punish and harm, those whose political beliefs and activities are opposed by defendants.

44. Plaintiffs will fairly and adequately protect the interests of each class. Plaintiffs are represented by attorneys experienced in the field of Constitutional litigation. Plaintiffs know of no conflicts of interest among members of the classes with regard to the issues in this case.

THE FACTS

45. In 1967, the FBI formed a special counter-intelligence program, called COINTELPRO, intended, in the Bureau's own sanitized words, to "expose, disrupt, misdirect, discredit or otherwise neutralize the activities of black nationalists." A specific purpose of COINTELPRO was to prevent the rise of a "messiah," a charismatic black leader who might "unify and electrify" black persons. Martin Luther King, Jr. was named as a potential "messiah" in the FBI's own secret memoranda establishing COINTELPRO, but, after the assassination of King in 1968, the FBI shifted its focus to the Party and its leadership, particularly Huey P. Newton,

COINTELPRO
P. 187

P-148

...continuing with then Director J. Edgar Hoover's public pronouncement that the Party constituted "the greatest threat to the internal security of the country...". Of the 295 total actions taken by the COINTELPRO program alone to disrupt black groups, 233 - or 79% - were specifically directed toward destruction of plaintiff Party. Approximately \$100,000,000 of taxpayers' money was expended for COINTELPRO, over \$7 million of it allocated for 1976 alone to pay off informants and provocateurs (twice the amount allocated in this same period by the FBI to pay organized crime informants.)

44. With the election of Richard M. Nixon as President of the United States in 1968, the Administration addressed itself, in the words of former White House Counsel John Dean, to "the matter of how we can maximize the fact of our incumbency in dealing with persons known to be active in their opposition to our Administration. Stated a bit more bluntly -- how we can use the available federal machinery to screw our political enemies."

White House
- Enemies List

45. A "White House Enemies List" was drawn up by officials in the Nixon Administration. In its original form, this list contained the names of only two parties or organizations, one of which is plaintiff Black Panther Party. Later, a longer version of this list contained additional names of many prominent and widely respected figures in the fields of politics, labor, the media and academia, including other plaintiffs herein. The existence and circulation of this "Enemies List" confirmed for defendants the Administration's approval of their efforts to target plaintiffs for concerted action to cause them injury, and in some instances, death.

Houston Plan

46. A detailed plan, commonly known as the Houston Plan after its White House designated co-ordinator, Tom Charles Huston, was approved by the former director of the FBI, the CIA, the Defense Intelligence Agency and the National Security Agency in 1970. This plan spelled out the means by which defendants and their agents

... and to employ the plaintiff... Their actions included, inter alia, warrantless electronic surveillance of plaintiffs, illegal opening and reading of plaintiffs' mail, breaking and entering of plaintiffs' homes and offices for the copying or theft of information and material, and the widespread use of informants and agent provocateurs. Although this proposed plan was first approved and allegedly later disapproved by former President Richard Nixon because J. Edgar Hoover decided not to co-operate, these tactics had already been used by defendants against plaintiffs and continue to be used.

47. The full nature and extent of the actions taken by defendants against plaintiffs cannot be ascertained without discovery. Only recently the Select Committee on Intelligence of both houses of the United States Congress reported numerous unconstitutional and unlawful actions taken by defendants against plaintiffs. These actions include documented efforts by defendants to promote violence between the Party and other minority organizations, to disrupt the Party by promoting internal dissention, to falsely discredit the Party to the public, its members and supporters, and to prevent the Party and its supporters from expressing their views. Plaintiffs have learned of other actions taken by defendants and their agents which indicate the intensity and severity of harm done to plaintiffs by this conspiracy of governmental officials. As in any conspiracy, it is difficult to pinpoint exactly which of the named defendants bears primary responsibility for each injury inflicted upon and suffered by plaintiffs, but there is no doubt that all of the named defendants, individually or in concert, caused and are legally responsible for, inter alia, the following actions.

HARASSMENT AND ASSASSINATION OF PARTY MEMBERS

48. Defendants and their agents have knowingly, intentionally and willfully harassed, abused and injured plaintiff Party members in numerous unlawful and violent ways, including

DISCOVERY
LIKE A CONSPIRACY

CONSPIRACY

ASSASSINATION

the assassination of Party leaders or assisting in their assassination by others, to wit:

A. From 1963 to the present, defendants engaged in unlawful mail opening, interception of telephone and other conversations and physical surveillance of Party leaders, members and supporters. For example, despite recent revelations about the unlawful activities directed by the FBI against plaintiffs, defendant FBI agents still take down the names and license numbers of guests who visit the residence of plaintiff Elaine Brown. Privileged conversations between plaintiffs and their legal counsel have been intercepted and information conveyed in those conversations has been used by defendants and their agents to cause plaintiffs physical and emotional harm.

B. Defendants and their agents have also committed innumerable burglaries, or "black bag" jobs, where files, including investigatory and research files on pending litigation, and lists containing the names and addresses of Party members, supporters and contributors have been stolen.

C. Defendants and their agents have instigated, encouraged and, on information and belief, planned, supervised or coordinated armed raids by local city police departments on offices and homes of plaintiff Party members. These raids -- which have, for example, been directed against Party offices in Los Angeles, California; Chicago, Illinois; New Orleans, Louisiana, Kansas City, Missouri and numerous other cities -- caused serious injury to the Party, its members and its property. The raids have, on information and belief, been instigated, planned or directed by defendants and their agents for the purpose of harassing, injuring, and punishing plaintiffs because of their political beliefs and not for any legitimate law enforcement purpose.

INTERCEPTION
OF PRIVILEGED
CONVERSATIONS
WITH ATTORNEYS

BURGLARIES
BLACK BAG JOBS

ARMED RAIDS

FALSE ARREST OF
NEWTON by
A.T.P.

D. On or about July 30, 1974, Huey P. Newton was falsely arrested by agents of the Bureau of Alcohol Tobacco and Firearms, in cooperation with other defendants, and charged with the federal crime of being an ex-felon in possession of a firearm. Said agents of defendants knew that plaintiff Newton neither possessed a firearm nor was an ex-felon, but wrongfully placed the false criminal charge against plaintiff to discredit, embarrass and humiliate him and the Party. This charge was dropped after plaintiff Newton had been confined for two days as a result of it.

IRS AUDITS

E. Defendant agents and officials of the IRS have audited the tax returns of plaintiff Newton for three consecutive years. These audits and a falsely alleged back tax liability in excess of \$50,000 have been instigated because of plaintiff Newton's political beliefs and leadership position within plaintiff Party and for the purpose of harassing him, causing him and the Party great expense in time, energy and money, and in the hope of ultimately convicting him of some technical violation of the massive and confusing tax laws.

1971 informant
to observe
NEWTON &
illegally
& robbed
files

F. In 1971, defendants placed an undercover agent or operative in the apartment unit next to the 25th floor highrise apartment of Huey P. Newton, Founder and Chief Theoretician of the Party. The rental of the agent's apartment was paid for with FBI funds. This agent or operative remained in said apartment for several months and during that time illegally spied on Newton, his guests, and associates and unlawfully overheard and reported on conversations between them. During the time said agent or operative was residing in this apartment, plaintiff Newton's apartment was robbed of Party files containing the names and addresses of Party members, supporters and contributors and other valuable and privileged information.

Said agent or operative's last action while residing as a tenant next to Huey P. Newton was to engage in a "shoot-out" with Oakland police officers in the hallway outside Newton's apartment doorway. The police alleged they had come to arrest the agent or operative for unpaid traffic tickets and that he opened fire on them from inside his apartment. Said agent or operative was arrested, and no one injured. Plaintiffs are informed and believe that the shoot-out was staged either to draw plaintiff Newton out into the hallway where he could be assassinated or, in the alternative, the agent or operative -- who was on parole from a California prison -- was being removed by defendants, with or without knowledge of the Oakland police as to his "official" assignment, for defendants and their agents, because he had failed to assassinate or set-up for assassination, Huey P. Newton.

G. On December 4, 1969, Chicago Party members Fred Hampton and Mark Clark were shot and killed and four other Party members seriously wounded in a pre-dawn raid by Chicago police under the direction of the Cook County States' Attorney's Office. Federal civil litigation concerning this murder has thus far revealed that an informant or operative of the FBI, one William O'Neal, had been planted by the FBI as a provocateur in the Party. O'Neal not only provided the FBI with a detailed floor plan of the Chicago Panther headquarters, complete with an "X" over the bed where Fred Hampton was sleeping when he was shot and killed, but, on information and belief, O'Neal or another agent or employee of defendants drugged Hampton before he was shot to insure that he would be in bed when police fired into the headquarters.

shootout at
Newton's
with informant

killings of
Fred Hampton
& Mark Clark

FBI informant
William O'Neal

INCITING AND CAUSING VIOLENCE BY OTHERS AGAINST PLAINTIFFS

49. Defendants and their agents wilfully, maliciously, knowingly and intentionally fostered and caused suspicion, hostility and violence by others toward and against the plaintiff Party, sometimes resulting in the death of Party members, to wit:

*COINTELPRO?
that may have
resulted in death*

*HOVER MEMO
re BP
COINTELPRO*

A. In November 1968, former FBI director J. Edgar Hoover instructed fourteen FBI field officers by memoranda to "submit imaginative and hard-hitting counterintelligence measures aimed at crippling the Black Panther Party . . . in order to fully capitalize upon Party and US differences . . ." One of these counterintelligence measures was the drawing and mailing by the defendant FBI officials of derogatory cartoons to plaintiff Party offices and homes depicting Party leaders as "ineffectual, inadequate, and . . . corrupt . . ." These cartoons were made to look as if they were from US, a black nationalist organization. Defendant FBI officials also knew that US members, assisted and encouraged by agent provocateurs of defendants, were holding firearms practice and purchasing large amounts of ammunition. Defendants and their agents took no action to in any way discourage or prevent this training with and stockpiling of weapons.

P 188, 189, 190, 192

*US firearms
practice &
weapons
purchases*

B. In January, 1969, defendants assisted in and promoted the assassination of two Party members at the University of California at Los Angeles: Alprentice "Bunchy" Carter and John Huggins. The person observed committing the assassinations by numerous eye-witnesses was allegedly a member of the US organization. This person, plaintiffs are informed and believe, fled the jurisdiction with the knowledge and cooperation of the defendants and their agents. Two other persons, also admittedly members of the US organization, were tried and convicted for conspiracy in the Carter-Huggins assassination.

*ASSASSINATIONS
at U of Calif, LA*

They escaped in 1974 from the maximum security prison San Quentin, with the assistance of defendants. They have not been apprehended to this date.

MAY 23, 69
Killing of
John Savage
August 14, 69
wounding of 2 party
members
Killing of Bell
AUG 18, 69

C. On May 23, 1969, Party members John Savage was shot and killed by an alleged US member. Later, on August 14, 1969, two Party members were wounded by an US member. The next day Party member Sylvester Bell was killed in San Diego, California also allegedly by US members.

COINTELPRO

D. Defendant FBI officials responded to these murders of plaintiff Party members by proposing yet additional derogatory cartoons to cause further violence against the Party. Moreover, the FBI defendants candidly stated in a September 18, 1969, internal memorandum that "a substantial amount of the unrest [mentioned above] is directly attributable to this program [i.e., COINTELPRO]."

FBI approval of
sending threatening letters
at Chicago

E. In 1968 and 1969 defendant FBI officials approved and ordered the sending of both forged and false anonymous threatening and warning letters to the leadership of the Chicago Chapter of the Party and another Chicago based black organization, the P-Stone Nation (also known as the Blackstone Rangers). The purpose of these letters and other false and misleading information conveyed by operatives, agents and employees of defendants acting as if they were good faith members of the Party or the Rangers, was to cause the same kinds of violence caused between US and the Party. On information and belief, plaintiff Party did suffer violence to its members and supporters as a result of defendants actions in this regard.

Blackstone
Rangers

USE OF AGENTS AND INFORMANTS TO DISCREDIT PARTY
BY URBAN AND COUNTRYSIDE BRANCHES IN ILLINOIS

50. Defendants and their agents placed provocateurs, operative and informants within plaintiff Party and employed, directed or rewarded said persons to commit violence and incite others within the Party to violence for the purpose, and with the effect, of weakening the Party internally and losing its public support, to wit:

provocateurs -
operatives -
informants -

William O'Neal
allegedly
constructed
electric
chair

FBI DIRECTED
O'NEAL'S ACTIONS

A. William O'Neal, the informant and agent provocateur for defendant FBI officials described in paragraph 483 herein, constantly tried to persuade Chicago plaintiff Party members to resort to violence. He constructed an electric chair to be used on alleged informants (in fact, innocent Party members), but it was disassembled on Chicago Party chairman Fred Hampton's orders. O'Neal stockpiled dangerous weapons, including plastic explosives, and urged other Party members to participate in armed robberies and the bombing of an armory. Defendant FBI officials knew of, and approved or directed, O'Neal's actions as evidenced in an FBI internal memorandum that admits O'Neal was used "... in harassing and impelling the criminal activities of the Black Panther Party locally."

NEW HAVEN
CHAPTER

Alex Rackley
murder

B. In 1969 defendants placed an experienced operative or undercover agent in the New Haven Chapter of the Party for the purpose of persuading and directing Party members of that Chapter to commit unlawful and irrational actions that would damage and discredit the Party. Specifically, said operative accused an innocent member of the Party, Alex Rackley, of being a "police agent," and then proceeded to direct and participate in his torture-murder. Said operative then turned "state's

evidence" to accuse Party leaders who had no knowledge of said murder and who deplored it, of ordering Rackley's murder. Though this agent or operative was convicted by a jury, the leaders he tried to implicate were not. Nonetheless, immense damage was done to the Party in terms of public reputation, finances and morale of its members and supporters. Said operative or agent spent only the briefest time in prison because, on information and belief, he was placed through defendants' efforts in a work-study program at an Ivy League institution of higher learning. He now holds a comfortable position at an Eastern college which, on information and belief, plaintiffs allege he also obtained through the efforts of defendants and their agents.

C. Defendants knew that Huey P. Newton opposed the use of violence except in self-defense. They also knew that he favored the building of black community power through the implementation of social and economic survival programs and close cooperation with churches and other indigenous institutions. Hence, defendants, on information and belief, committed their financial and technical resources and personnel to support Eldridge Cleaver and his followers within the Party who openly advocated the arbitrary use of violence. Defendants supported Cleaver for the purpose and with the effect of weakening or destroying the Party internally and losing it significant public support.

supported Eldridge
Cleaver against
Huey Newton to
weaken party

SABOTAGING AND DISCREDITING OF CONSTRUCTIVE PARTY PROGRAMS

51. Defendants and their agents not only supported, encouraged and committed violence in the name of plaintiff Party, but also embarked on a deliberate campaign to sabotage and destroy constructive social and economic programs of the Party, to wit:

A. An early successful and popular program of plaintiff Party was the provision of free, hot breakfasts to minor children in the black communities throughout the United States. This program was dependant on efforts of plaintiff Party members and volunteer contributions of food and other provisions from local merchants, businessmen and churches. Finding little to objectively criticize about this program other than vague charges about propagandizing the participating children (which simply meant teaching them ideas defendants disliked), defendants and their agents decided to destroy the program.

B. In 1962 an alleged member of the Party residing in Sacramento, California, drew up a so-called "comic book" depicting police as caricature "pigs" for purposes of political propaganda, and sent it to the Oakland, California headquarters of the Party for review and comment. This "comic book" was then reviewed and rejected for publication or circulation by the leadership of the Party because it was thought to be non-reflective of Party philosophy too crude and in bad taste. An operative or informant, however, stole one of the few drafts of this proposed publication and delivered it to FBI defendants and their agents who added captions that advocated violence, printed thousands of copies bearing plaintiff Party's name, and circulated

efforts to destroy
the hot breakfast
program

used comic
book to damage
breakfast
program

them throughout the country, particularly to merchants and businesses contributing to the breakfast program. Those who received these so-called comics and the media were falsely told and led to believe by defendants and their agents that the booklets were given out to children participating in the breakfast program. These misrepresentations and deceptive acts were done by defendants and their agents in order to damage the Party and the breakfast program.

C. Churches which assisted the plaintiff Party in its breakfast program were also harassed by defendants and their agents and deterred from continuing support. In 1969, for example, the San Diego office of defendant FBI officials placed telephone calls and wrote anonymous letters to the Auxiliary Bishop of the San Diego Diocese of the Catholic Church falsely claiming to be parishioners upset about Father Frank Curran's support of the breakfast program. Within one month of these calls and other injurious actions taken by defendants, Father Curran was transferred from the San Diego Diocese to the State of New Mexico. Defendant FBI officials and their agents reported in their internal memoranda that Father Curran had been "neutralized" and that the breakfast program in San Diego had been destroyed.

D. Another constructive program that the plaintiff Party has undertaken to the displeasure of defendants and their agents is the free testing of black and other subject persons for Sickle Cell Anemia. To destroy this program, which is centered in Oakland, California, defendants have urged local

FBI San Diego
wrote anonymous
letters to
Catholic Church
to destroy
breakfast program

efforts to
destroy the
Sickle Cell
Anemia Program

police in Oakland and surrounding communities to arrest for unlawful solicitation plaintiff Party members who seek street donations to the Sickle Cell program. The pressure from defendants and local police to make these arrests has been so great, and the police attitude toward plaintiffs created largely by defendants and their agents so hostile, that even after the San Francisco solicitation ordinance under which plaintiffs had been arrested was declared unconstitutional by a California Court, San Francisco police continued to arrest plaintiff Party members. In addition, defendants and their agents, on information and belief, contacted local media people and persuaded them to publish articles and broadcasts falsely attacking the legitimacy of plaintiff Party's Sickle Cell Anemia program so as to reduce contributions to the program.

E. In 1972, plaintiff Party members and leaders were instrumental in founding an independent non-profit corporation called the Educational Opportunities Corporation, Inc. (EOC). This corporation primarily sponsors a model school for approximately one-hundred and thirty-five elementary grade children in Oakland, California. Since its formation, agents and operatives of defendant FBI AND IRS officials have called upon teachers and contributors of the school to question them and deter them from having any further contact with or support for the school.

FBI efforts in Oakland
re EOC program

SUPPRESSING FREE EXPRESSION AND MISREPRESENTING THE PARTY

52. Defendants and their agents interfered with and suppressed plaintiff Party members' and associates' rights to express their views to the public and misrepresented their true views to the public for the purpose, and with the effect, of lowering the Party's political and financial support, to wit:

efforts to
cancel college
appearances

A. Colleges, universities and other institutions that invited representatives of the Party to speak and answer questions were contacted by defendants and their agents and urged to cancel the engagements. When friendly persuasion did not work to cancel the speaking engagements, defendants and their agents telephoned anonymously to officials at said colleges, universities or other institutions and warned them of violence if plaintiff members were permitted to speak. In addition, defendants and their agents would contact members of the plaintiff Party or their families and warn them that if they made the intended speaking engagements as promised they would be killed or injured. All of these actions were taken for the purpose, and often with the effect, of preventing their representatives from expressing their views publicly.

sabotage of the
BLACK PANTHER
NEWSPAPER

B. Plaintiff Party publishes and distributes THE BLACK PANTHER, a weekly newspaper with a national circulation. Defendants and their agents have sought to suppress the publication and distribution of this newspaper by sabotaging its offices, destroying numerous shipments of the paper, vandalizing trucks carrying the paper, instigating arrests of street vendors of the newspaper, and pressuring commercial airliners that transport the paper nationally to charge a higher rate than that normally charged other organizations shipping similar printed matter. Defendants and their agents also persuaded the Postal Service to charge the

plaintiff Party a higher postage rate for mailing paid subscriptions than what is normally afforded similar publications. Defendant IRS officials and their agents served summonses on banks seeking information about the Party and its paper for the purpose of destroying the publication and circulation of THE BLACK PANTHER.

C. Defendants and their agents compiled information containing half-truths and out-right fabrications and disseminated this information to friendly sources within local radio and television stations and newspapers throughout the country so that false and harmful stories about the Party, its leaders and activities would be conveyed to the public. At the same time, defendants and their agents have, on information and belief, urged the media to discourage the printing, publishing or dissemination of any true information about positive programs and activities that the Party has been engaged in since its inception.

D. When plaintiff Party leaders have been scheduled to appear for public speaking or on television radio broadcasts, defendants have provided false information, or privileged but embarrassing information gained by unlawful means, to hecklers, callers-in and, in some instances, "friendly" media sources so that the Party would be discredited with the public and its supporters. Defendants and their agents also instigated, for example, the arrest of former Chicago Party Leader Fred Hampton when he was about to appear on a local television program. The arrest was intended to, and did, embarrass, humiliate and discredit the plaintiff Party with the public and its supporters.

media use
against Party

misuse of
television &
radio

OTHER GENERAL HARASSMENT OF MEMBERS AND SUPPORTERS

53. Defendants and their agents have engaged in a wide variety of actions beyond those categorized generally and set forth specifically hereinabove. All of these actions have been and are maliciously, unlawfully and intentionally undertaken pursuant to a systematic plan and goal of destroying the Party, and inflicting its members and supporters. These actions by defendants and their agents include, inter alia:

A. Informing or contacting businesses and persons with whom plaintiffs were employed or had an economic relationship about plaintiffs' political views and activities for the purpose and with the effect of damaging plaintiffs' economic interests.

damaging economic interests

B. Informing family or other persons associated with plaintiffs of allegedly immoral activity by plaintiffs in order to disrupt and injure the plaintiffs in these relationships.

informing families of plaintiffs' immoral activity

C. Destroying plaintiffs' personal and real property.

destroying personal and real property

D. Making plaintiff supporters of the Party falsely appear to be hostile to the Party by "leaking" to the Party forged documents bearing a supporter's signature and attacking or ridiculing the Party.

making party appear hostile

E. Sending or "leaking" forged documents or false information to plaintiff supporters that reasonably places said supporters in apprehension for their lives or safety because the documents or information falsely threatens them in the name of plaintiff Party.

falsely making supporters apprehensive for their lives

questioning party members

physical surveillance opening mail evesdropping

disregard of constit. rights individually & collectively

F. Calling upon plaintiffs and questioning them about their and other Party members' and supporters' activities for the purpose of "chilling" plaintiffs' right to free expression and association.

G. Placing plaintiffs' under physical surveillance, opening their mail, evesdropping on their conversations and committing other acts in violation of plaintiffs' rights to associational privacy.

H. All of the acts complained of herein were committed by defendants and their agents, individually and in concert, and were done wilfully, intentionally, maliciously, in bad faith and with a knowing and reckless disregard of plaintiffs' constitutional rights. Said acts of defendants and their agents were undertaken for the unlawful purpose, and with the effect, of punishing, harassing and burdening plaintiffs because their political beliefs, activities and associations were and are opposed by defendants. All of the defendants and agents were or are personally involved in the conspiracy herein alleged and their conduct has caused grave and substantial damage to plaintiffs entitling plaintiffs to damages against the defendants and their agents.

FIRST CLAIM FOR RELIEF

54. As alleged in paragraphs one through fifty-three, the actions of defendants and their agents violated and continue to violate the First Amendment rights of plaintiffs and the classes they represent to freedom of expression and association.

Second Claim for Relief

55. As alleged in paragraphs one through fifty-three, the acts of defendants and their agents in using their investigatory, law enforcement and other official powers to selectively and discriminatorily retaliate against and punish plaintiffs for their political beliefs, expressions and associations, violated plaintiffs' rights to due process and equal protection of the law as guaranteed by the Fifth Amendment to the United States Constitution.

Third Claim for Relief

56. As alleged in paragraphs one through fifty-three, defendants and their agents violated and continued to violate the Fourth, Fifth and Ninth Amendment Rights of the plaintiffs and the members of the classes they represent to be free from unreasonable governmental invasions and abridgements of their personal and associational privacy.

Fourth Claim for Relief

57. As alleged in paragraphs one through fifty-three, the acts of defendants and their agents complained of herein constitute a conspiracy to deprive plaintiffs and the classes they represent of the equal protection of the law in violation of Title 42 United States Code, Section 1985.

Fifth Claim for Relief

58. As alleged in paragraphs one through fifty-three, the acts of defendants and their agents in conspiring to

discriminate and discriminating against plaintiffs with respect to use of the mails violates 39 U.S.C. §403 which prohibits any undue or unreasonable discrimination among users of the mails.

Sixth Claim for Relief

59. As alleged in paragraphs one through fifty-three, the actions of CIA defendants and their agents and the other defendants and their agents who knowingly conspired with them, violate 50 U.S.C. §403 which prohibits the CIA from exercising any law enforcement powers or internal security functions.

Seventh Claim for Relief

60. As alleged in paragraphs one through fifty-three, the acts of defendants and their agents in conspiring to examine and investigate plaintiff's finances and associations were unnecessary to any legitimate tax purposes and in violation of 26 U.S.C. §7505(b).

61. Plaintiffs and the members of the classes they represent have suffered and will continue to suffer deprivation of their constitutional and statutory rights unless granted the relief prayed for in this complaint. Plaintiffs have no plain, adequate or complete remedy at law against the policies and practices of defendants. Injunctive and declaratory relief are necessary in order to adequately protect the rights of plaintiffs and the classes they represent.

RELIEF

WHEREFORE, plaintiffs pray that this Court:

1. Declare, pursuant to 28 U.S.C. §2201-2202 that defendants and their agents, employees, and adjuncts conspired to and have acted unlawfully in subjecting plaintiffs to injury because of their political beliefs, expressions and association by placing plaintiffs under surveillance, intercepting and opening plaintiffs' mail, instigating the arrest of plaintiffs, interrogating plaintiffs, their families and associates, misrepresenting plaintiffs' views to others, forging plaintiffs' names and identities to threatening and other documents, committing harmful acts to persons and property and falsely attributing said acts to plaintiffs, inciting plaintiffs to violence, interfering with plaintiff Party's Community programs, suppressing and interfering with the printing, circulation and distribution of plaintiff Party's newspaper and other literature, interfering with and abridging plaintiffs' rights to freedom of expression and association, damaging plaintiffs' and their associates' property and causing plaintiffs' physical harm and emotional distress.

2. Grant appropriate equitable relief in the form of a preliminary and permanent injunction restraining defendants, their agents, employees, adjuncts and successors from conspiring to subject, and subjecting plaintiffs to injury because of their political beliefs, expression and association by placing plaintiffs under surveillance, intercepting and opening plaintiffs' mail, instigating the arrest of plaintiffs, interrogating plaintiffs, their families and associates, misrepresenting plaintiffs' views to others, forging plaintiffs' names and identities to threatening and other documents, committing harmful acts to persons and property and falsely

attributing said acts to plaintiffs, inciting plaintiffs' to violence, interfering with plaintiff Party's Community programs, suppressing and interfering with the printing, circulation and distribution of plaintiff Party's newspaper and other literature, interfering with and abridging plaintiffs' rights to freedom of expression and association, damaging plaintiffs' and their associates' property and causing plaintiffs' physical harm and emotional distress.

3. Grant appropriate equitable relief in the form of a preliminary and permanent injunction restraining defendants and their agents, employees and adjuncts from destroying any of the files, memoranda, tapes, film, photographs, documents or other materials relevant to past and present actions of defendants and their agents against plaintiffs until this litigation is ultimately resolved; and

4. Award plaintiffs damages in excess of \$50,000,000, the precise amount to be ascertained upon trial, for repeated and continuous violations of plaintiffs' Constitutional rights and to hold the defendants named herein jointly and severally liable for such damages;

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. _____
 Dep. AD Adm. _____
 Dep. AD Inv. _____
 Asst. Dir.:
 Adm. Serv. _____
 Ext. Affairs _____
 Fin. & Pers. _____
 Gen. Inv. _____
 Ident. _____
 Inspection _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Eval. _____
 Rec. Mgnt. _____
 Spec. Inv. _____
 Training _____
 Telephone Rm. _____
 Director Sec'y _____

TO : The Associate Director *PB/KK*

DATE: 12/21/76

FROM : Legal Counsel *[Signature]*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3/19/84 BY 9803 RDD/ef

SUBJECT: THE BLACK PANTHER PARTY, et al., v.
EDWARD LEVI, et al.
(U.S.D.C., D.C.)
CIVIL ACTION FILE NO. 76-2205

PURPOSE: To advise that captioned civil action was served on the Washington Field Office (WFO) on 12/3/76, and to request that the General Investigative Division (GID) review the attached complaint and thereafter assist the Legal Counsel Division in the preparation for the defense of this civil action.

SYNOPSIS & DETAILS: By airtel dated 12/3/76, WFO advised that one copy of a summons and complaint in captioned civil action had been served on WFO on 12/3/76, by a representative of the United States Marshals Service. Captioned civil action has been filed by the Black Panther Party (BPP) and eight individuals who claim to be members and/or supporters of the BPP. The complaint styles itself as a class action, with the named party plaintiffs seeking to represent all past and present BPP members. Among the defendants, in addition to Mr. Levi, are the Director, the Estate of J. Edgar Hoover, William C. Sullivan and various present and former heads of the Central Intelligence Agency (CIA), Treasury Department, Internal Revenue Service (IRS), Department of the Army, United States Postal Service and fifteen unnamed defendants.

The claimants allege that the defendants conspired to achieve the destruction of the BPP by means of a concerted plan conceived and implemented in 1967, to ruin the BPP both politically

Enclosures **(ENCLOSURE)**

62-117442-XI
21 JAN 18 1977

- 1 - Mr. Gallagher **ENC. BEHIND FILE**
Attn:
- 1 - Mr. Mintz
- 1 - Mr. Stassinis
- 2 -

CONTINUED - OVER

[Large handwritten signature]

b6
b7C

RCB:ljd
(6)



Memorandum to the Associate Director

Re: The Black Panther Party, et al., v. Edward Levi, et al.

and financially. Cited as parts of, or examples of this "concerted plan" are the COINTELPRO activities formerly carried out by the FBI against the BPP, the "White House enemies list", the "Houston Plan", illegal warrantless electronic surveillance, and various acts of harassment and assassination of party members. The plaintiffs seek injunctive relief and damages in excess of 50 million dollars.

The attached complaint is extremely broad and this Division's reading of it leads us to conclude that the plaintiffs are not so much interested in receiving damages as they are in obtaining discovery of every record concerning the BPP and its members maintained by the defendant agencies. This being the case, it is requested that knowledgeable personnel in the GID review the attached complaint and furnish the Legal Counsel Division a reasonable estimate of the number of volumes we maintain concerning our investigation of the BPP and the individual plaintiffs listed in the complaint. This information will be provided the Civil Division to aid them in responding to discovery requests which we can anticipate will be filed shortly in this civil action.

Finally, it is the Legal Counsel Division's opinion that the class action elements of the plaintiff's complaint are poorly stated and it may be possible to confine this action to the BPP organization and those plaintiffs who are named in the complaint. In the attached letter to the Assistant Attorney General, Civil Division, the Department is advised of the service of this complaint on the FBI and that the FBI did not conspire, by means of any concerted plan, with the other named defendants, to destroy the BPP politically and financially.

CONTINUED - OVER

Memorandum to the Associate Director

Re: Black Panther Party, et al., v. Edward Levi, et al.

RECOMMENDATIONS: (1) That the attached complaint be reviewed by knowledgeable personnel in the General Investigative Division and that information concerning the approximate number of volumes maintained regarding our investigation of the Black Panther Party and the individual named defendants be furnished Legal Counsel for transmission to the Department.

[Handwritten initials]

APPROVED:

Director.....
Assoc. Dir.....
Dep. AD Adm.....
Dep. AD Inv.....

Adm. Serv.....
Ext. Affairs.....
Fin. & Pers.....
Gen. Inv.....
Ident.....
Intell.....

Legal Coun.....
Plan. & Insp.....
Rec. Mgnt.....
S. & T. Serv.....
Spec. Inv.....
Training.....

[Handwritten initials]

(2) That the attached memorandum to the Assistant Attorney General, Civil Division, attention Departmental Attorney Whitaker, be approved and sent.

[Handwritten initials]

APPROVED:

Director.....
Assoc. Dir.....
Dep. AD Adm.....
Dep. AD Inv.....

Adm. Serv.....
Ext. Affairs.....
Fin. & Pers.....
Gen. Inv.....
Ident.....
Intell.....

Legal Coun.....
Plan. & Insp.....
Rec. Mgnt.....
S. & T. Serv.....
Spec. Inv.....
Training.....

[Handwritten initials]

[Handwritten initials]

[Handwritten initials]
1/26/77

[Handwritten initials]
1/27/77

United States District Court

FOR THE

SINCLAIR, J.

District of Columbia

76- 2205

CIVIL ACTION FILE NO. _____

THE BLACK PANTHER PARTY, et al.

Plaintiff

v.

EDWARD LEVI, et al.

Defendant

SUMMONS

To the above named Defendant : Clarence M. Kelley

You are hereby summoned and required to serve upon Bruce J. Terris

plaintiff's attorney, whose address 1908 Sunderland Place, N.W.
Washington, D.C. 20036

an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

JAMES F. DAVEY

Joe A. Wood, Jr.

Clerk of Court.

Deputy Clerk.

Date: 12/1/76

[Seal of Court]

NOTE:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

FBI
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE SEP 3 1993 BY 9803 RDD/elt

I hereby certify and return, that on the

day of

19

I received this summons and served it together with the complaint herein as follows:

UNITED STATES MARSHAL SERVICE
1032
WASHINGTON, D.C.

Deputy United States Marshal
James H. Dawley

MARSHAL'S FEES: I have on file with me a copy of the fee schedule which will be

Travel \$ _____ at which I received service upon you and your

Service By _____ Deputy United States Marshal.

Subscribed and sworn to before me, a

day of _____, 19____, at _____, D.C. 20036

[SEAL]

Note: Affidavit required only if service is made by a person other than a United States Marshal or his Deputy.

to be returned to the undersigned at the address in the return

SUMMONS IN CIVIL ACTION

Returnable not later than _____ days after service.

United States District Court
FOR THE

No. _____

Attorney for Plaintiff

FBI No. 5-73 200N-8826

58-5502

UNITED STATES DISTRICT COURT

FOR THE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THE BLACK PANTHER PARTY
8501 East 14th Street
Oakland, California
(415) 638-0195;

HUEY P. NEWTON
8501 East 14th Street
Oakland, California
(415) 638-0195;

ELAINE BROWN
8501 East 14th Street
Oakland, California
(415) 638-0195;

DONALD FREED
2337 Greenfield Ave.
Los Angeles, CA 90064
(213) 478-1169;

BERTON SCHNEIDER
933 N. LaBrea
Los Angeles, CA 90038
(213) 874-5050;

THOMAS AND FLORA GLADWIN
4551 Reinhardt
Oakland, CA 94618
(415) 530-6668;

JOHN GEORGE
120-11th St.
Oakland, California
(415) 451-6800;

FATHER EARL NEIL
Associate Officer
Community Action & Human Development
Executive Counsel of the
Episcopal Church
815-2nd Avenue
New York, New York 10017
(212) 867-8400

JOHN AND ELIZABETH HUGGINS
200 Osborne Avenue
New Haven, Connecticut 06511
(203) 387-3184;

Plaintiffs

v.

EDWARD LEVI
Attorney General of the United States;

JOHN MITCHELL

ROBERT MARDIAN

Member of Class B.I.C.C.

SIRICA, J.

76- 2205

Civil Action No. _____

CLARENCE M. KELLEY
Director
Federal Bureau of Investigation
Washington, D.C.;

WILLIAM C. SULLIVAN;

ESTATE OF J. EDGAR HOOVER;

GEORGE C. MOORE;

GEORGE BUSH
Director
Central Intelligence Agency
Washington, D.C.;

WILLIAM E. COLBY;

RICHARD HELMS;

WILLIAM E. SIMON
Secretary of the Treasury
Washington, D.C. ;

REX DAVIS
Director
Bureau of Alcohol, Tobacco &
Firearms of the Treasury
Department
Washington, D.C.;

HAROLD SERR;

DONALD C. ALEXANDER
Commissioner
Internal Revenue Service
Washington, D.C.;

JOHNNIE M. WALTERS;

RANDOLPH W. THROWER;

TOM CHARLES HUSTON;

HOWARD H. CALLOWAY
Secretary of the Army
Washington, D.C.;

HAROLD R. AARON
Assistant Chief of Staff for
Army Intelligence
Washington, D.C.;

BENJAMIN F. BAILAR
Postmaster General
United States Postal Service
Washington, D.C.;

WINTON M. BLOUNT;

JOHN DOE 1-5,
RICHARD DOE 1-5,
JANE DOE 1-5;

INDIVIDUALLY AND IN THEIR OFFICIAL
AND FORMER OFFICIAL CAPACITIES,

Defendants.

CLASS ACTION COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF

JURISDICTION

1. This is a class action for declaratory and injunctive relief, and an individual action for money damages, arising under the Constitution and laws of the United States, more particularly, the First, Fourth, Fifth and Ninth Amendments to the Constitution, the Civil Rights Act of 1871 [42 U.S.C. §1985], the National Security Act of 1947 [50 U.S.C. §403], the Internal Revenue Act [26 U.S.C. §7605], and the Postal Service Act [39 U.S.C. §403]. Jurisdiction of this Court is invoked pursuant to the following statutes: 28 U.S.C. §1331(a), for actions arising under the Constitution or laws of the United States; 28 U.S.C. §1340, for civil actions arising under an Act of Congress concerning internal revenue; 28 U.S.C. §1343, for damages caused by conspiracies to deprive citizens of their civil rights; and 28 U.S.C. §1361, for actions to compel officers or employees of the United States or any agency thereof to perform a duty owed to plaintiffs. The matter in controversy, exclusive of interest and costs, exceeds \$10,000.00.

INTRODUCTION

2. This action by the Black Panther Party and its supporters seeks redress against past and present high government officials because of the concerted plan conceived and implemented by said officials since 1967 to destroy the Party politically and financially. The illegal means by which defendants have conspired to achieve destruction of the Party range from the extreme of causing assassination of Panther leaders to the more commonplace, albeit still unlawful practice of, burglarizing and bugging plaintiffs' offices and homes. All of the plaintiffs and those they represent have, because of their political activities, beliefs, and associations, been subjected to the practices complained of herein by defendant government officials who, despite official

denials to the contrary, persist to this day in their efforts to repress and harass plaintiffs.

PARTIES

3. Plaintiff Black Panther Party was founded by Huey P. Newton in 1966. It is an association of black and poor persons who are committed to improving the social and economic condition of minority and poor people and to eradicating the societal ills of racism, economic class discrimination and oppression of all kinds. The principal office of plaintiff Party is in Oakland, California where its newspaper is published and where the many survival and other programs it has initiated and sponsored are focused. These programs provide free services and goods to those in need, including transportation for senior citizens, legal and ambulance services, food, and testing of black and other subject persons for sickle cell anemia. Plaintiff Party brings this action on behalf of itself and its past and present members.

4. Plaintiff Huey P. Newton is the Founder and Chief Theoretician of the Party. He is a resident of Oakland, California, but, because of the unlawful activities of the defendants directed against him and detailed herein, is presently residing outside the jurisdiction of the United States until it is safe for him to return.

5. Plaintiff Elaine Brown is the authorized Chairperson for the Party. She is a citizen of the United States and a resident of Oakland, California.

6. Donald Freed is a published author and open supporter, both politically and financially, of the Party and its activities. He is a citizen of the United States and a resident of Los Angeles, California.

7. Berton Schneider is a producer and director of films and an open supporter, both politically and financially, of the

Party and its activities. He is a citizen of the United States and a resident of Beverly Hills, California.

8. Thomas and Flora Gladwin are active supporters of the Black Panther Party. They are citizens of the United States and residents of Oakland, California.

9. John George is an attorney and a member of the Board of Supervisors of Alameda County, California. He is a supporter of the Party and a resident of Oakland, California.

10. Father Earl Neil is a long-time supporter of the Black Panther Party and assisted in the implementation of its breakfast programs for children. He is a citizen of the United States and a resident of New York, N.Y.

11. John and Elizabeth Huggins are the parents of assassinated Black Panther Party member, John Huggins. They are citizens of the United States and residents of New Haven, Connecticut.

12. All of the plaintiffs and those they represent have suffered substantial injury as a result of the unlawful actions taken by defendants for the purpose of punishing, harassing and burdening the plaintiffs because of their political beliefs, expressions and associations.

13. Defendant Edward Levi is the current Attorney General of the United States.

14. Defendant John Mitchell is a former Attorney General of the United States.

15. Defendant Robert Mardian is a former Assistant Attorney General for Internal Security.

16. Defendant Clarence M. Kelley is the present Director of the Federal Bureau of Investigation (FBI).

17. Defendant William C. Sullivan is a former Assistant Director of the FBI.

18. The Estate of J. Edgar Hoover is sued herein because he was a former Director of the FBI.

19. Defendant George C. Moore is a former chief of the Racial Intelligence Section of the FBI.

20. Defendant George Bush is the current Director of the CIA.

21. Defendant William E. Colby is a former Director of the CIA.

22. Defendant Richard Helms is a former Director of the Central Intelligence Agency (CIA).

23. Defendant William E. Simon is the present Secretary of the Treasury.

24. Defendant Rex Davis is the current Director of the Bureau of Alcohol, Tobacco & Firearms of the Treasury Department.

25. Defendant Harold Serr is a former Director of the Bureau of Alcohol, Tobacco & Firearms within the Treasury Department.

26. Defendant Donald C. Alexander is the current Commissioner of the Internal Revenue Service (IRS).

27. Defendant Johnnie M. Walters was Commissioner of IRS from August, 1971 to March 1973.

28. Defendant Randolph W. Thrower was Commissioner of IRS from July, 1969 to January, 1971.

29. Defendant Tom Charles Huston was an assistant to the President of the United States.

30. Defendant Howard H. Calloway is the Secretary of the Army.

31. Defendant Harold R. Aaron is the Assistant Chief of Staff for Army Intelligence.

32. Defendant Benjamin F. Bailar is the current Postmaster General of the United States Postal Service.

33. Defendant Winton M. Blount is a former Postmaster General of the United States Postal Service.

34. Defendant John Doe 1 - 5, Richard Roe 1 - 5, and Jane Foe 1 - 5, are unknown employees of the Justice Department, the

FBI, the CIA, the Treasury Department, the Bureau of Alcohol, Tobacco and Firearms of the Treasury Department, the IRS, the White House, Army, the Postal Service and other agencies of the federal government that conspired with each other and/or the above-named defendants and their agents in taking and promoting unlawful actions intended to harm and, in fact, causing injury to plaintiffs herein.

35. Each of the defendants is being sued in his or her individual and official or former official capacities. Each defendant held the official position stated herein at times relevant to the allegations of this complaint, and each defendant was acting under the color of his or her official capacity at the times complained of herein.

CLASS ACTION ALLEGATIONS

36. Plaintiffs bring this action as a class action under the Federal Rules of Civil Procedure 23 (a), 23 (b), and 23(c)(4).

37. Plaintiffs Party, Newton and Brown represent past and present living members of the Black Panther Party who, because of their political beliefs and activities as expressed by their membership in the Party, were and are subject to unlawful and harmful actions by defendants.

38. Plaintiffs John and Elizabeth Huggins represent the estates of Party members who, while they were alive, suffered harassment, punishment and injury, including for some death, as a result of the conspiratorial actions of defendants and their agents complained of herein.

39. Plaintiffs Freed, Schneider, Thomas and Flora Gladwin, George and Neil represent a class of persons throughout the United States who, because of their open political or financial support of the Party and its activities, were or continue to be subject to illegal and injurious actions by defendants.

40. The number of individuals in each of these classes is too large to make joinder practicable.

41. Defendants have acted on grounds generally applicable to each class, thereby making injunctive and declaratory relief appropriate with respect to each class.

42. The claims of the named plaintiffs are typical of the claims of the classes they represent.

43. There are questions of law and fact common to the members of each class in this action. The common questions of fact relate to the subjecting of class members to invidious and damaging actions by defendants because of plaintiffs' political beliefs and activities. The common questions of law relate to the Constitutional and other violations of law that flow from the governmental imposition of burdens upon, and efforts to punish and harm, those whose political beliefs and activities are opposed by defendants.

44. Plaintiffs will fairly and adequately protect the interests of each class. Plaintiffs are represented by attorneys experienced in the field of Constitutional litigation. Plaintiffs know of no conflicts of interest among members of the classes with regard to the issues in this case.

THE FACTS

45. In 1967, the FBI formed a special counter-intelligence program, called COINTELPRO, intended, in the Bureau's own sanitized words, to "expose, disrupt, misdirect, discredit or otherwise neutralize the activities of black nationalists." A specific purpose of COINTELPRO was to prevent the rise of a "messiah," a charismatic black leader who might "unify and electrify" black persons. Martin Luther King, Jr. was named as a potential "messiah" in the FBI's own secret memoranda establishing COINTELPRO, but, after the assassination of King in 1968, the FBI shifted its focus to the Party and its leadership, particularly Huey P. Newton,

in conformity with then Director J. Edgar Hoover's public pronouncement that the Party constituted "the greatest threat to the internal security of the country...". Of the 295 total actions taken by the COINTELPRO program alone to disrupt black groups, 233 - or 79% - were specifically directed toward destruction of plaintiff Party. Approximately \$100,000,000 of taxpayers' money was expended for COINTELPRO, over \$7 million of it allocated for 1976 alone to pay off informants and provocateurs (twice the amount allocated in this same period by the FBI to pay organized crime informants.)

44. With the election of Richard M. Nixon as President of the United States in 1968, the Administration addressed itself, in the words of former White House Counsel John Dean, to "the matter of how we can maximize the fact of our incumbency in dealing with persons known to be active in their opposition to our Administration. Stated a bit more bluntly -- how we can use the available federal machinery to screw our political enemies."

45. A "White House Enemies List" was drawn up by officials in the Nixon Administration. In its original form, this list contained the names of only two parties or organizations, one of which is plaintiff Black Panther Party. Later, a longer version of this list contained additional names of many prominent and widely respected figures in the fields of politics, labor, the media and academia, including other plaintiffs herein. The existence and circulation of this "Enemies List" confirmed for defendants the Administration's approval of their efforts to target plaintiffs for concerted action to cause them injury, and in some instances, death.

46. A detailed plan, commonly known as the Huston Plan after its White House designated co-ordinator, Tom Charles Huston, was approved by the former director of the FBI, the CIA, the Defense Intelligence Agency and the National Security Agency in 1970. This plan spelled out the means by which defendants and their agents

intended to destroy the plaintiff Party. Their actions included, inter alia, warrantless electronic surveillance of plaintiffs, illegal opening and reading of plaintiffs' mail, breaking and entering of plaintiffs' homes and offices for the copying or theft of information and material, and the widespread use of informants and agent provocateurs. Although this proposed plan was first approved and allegedly later disapproved by former President Richard Nixon because J. Edgar Hoover decided not to co-operate, these tactics had already been used by defendants against plaintiffs and continue to be used.

47. The full nature and extent of the actions taken by defendants against plaintiffs cannot be ascertained without discovery. Only recently the Select Committees on Intelligence of both houses of the United States Congress reported numerous unconstitutional and unlawful actions taken by defendants against plaintiffs. These actions include documented efforts by defendants to promote violence between the Party and other minority organizations, to disrupt the Party by promoting internal dissention, to falsely discredit the Party to the public, its members and supporters, and to prevent the Party and its supporters from expressing their views. Plaintiffs have learned of other actions taken by defendants and their agents which indicate the intensity and severity of harm done to plaintiffs by this conspiracy of governmental officials. As in any conspiracy, it is difficult to pinpoint exactly which of the named defendants bears primary responsibility for each injury inflicted upon and suffered by plaintiffs, but there is no doubt that all of the named defendants, individually or in concert, caused and are legally responsible for, inter alia, the following actions.

HARASSMENT AND ASSASSINATION OF PARTY MEMBERS

48. Defendants and their agents have knowingly, intentionally and wilfully harassed, abused and injured plaintiff Party members in numerous unlawful and violent ways, including

the assassination of Party leaders or assisting in their assassination by others, to wit:

A. From 1968 to the present, defendants engaged in unlawful mail opening, interception of telephone and other conversations and physical surveillance of Party leaders, members and supporters. For example, despite recent revelations about the unlawful activities directed by the FBI against plaintiffs, defendant FBI agents still take down the names and license numbers of guests who visit the residence of plaintiff Elaine Brown. Privileged conversations between plaintiffs and their legal counsel have been intercepted and information conveyed in those conversations has been used by defendants and their agents to cause plaintiffs physical and emotional harm.

B. Defendants and their agents have also committed innumerable burglaries, or "black bag" jobs, where files, including investigatory and research files on pending litigation, and lists containing the names and addresses of Party members, supporters and contributors have been stolen.

C. Defendants and their agents have instigated, encouraged and, on information and belief, planned, supervised or coordinated armed raids by local city police departments on offices and homes of plaintiff Party members. These raids -- which have, for example, been directed against Party offices in Los Angeles, California; Chicago, Illinois; New Orleans, Louisiana, Kansas City, Missouri and numerous other cities -- caused serious injury to the Party, its members and its property. The raids have, on information and belief, been instigated, planned or directed by defendants and their agents for the purpose of harassing, injuring and punishing plaintiffs because of their political beliefs and not for any legitimate law enforcement purpose.

D. On or about July 30, 1974, Huey P. Newton was falsely arrested by agents of the Bureau of Alcohol Tobacco and Firearms, in cooperation with other defendants, and charged with the federal crime of being an ex-felon in possession of a firearm. Said agents of defendants knew that plaintiff Newton neither possessed a firearm nor was an ex-felon, but wrongfully placed the false criminal charge against plaintiff to discredit, embarrass and humiliate him and the Party. This charge was dropped after plaintiff Newton had been confined for two days as a result of it.

E. Defendant agents and officials of the IRS have audited the tax returns of plaintiff Newton for three consecutive years. These audits and a falsely alleged back tax liability in excess of \$50,000 have been instigated because of plaintiff Newton's political beliefs and leadership position within plaintiff Party and for the purpose of harassing him, causing him and the Party great expense in time, energy and money, and in the hope of ultimately convicting him of some technical violation of the massive and confusing tax laws.

F. In 1971, defendants placed an undercover agent or operative in the apartment unit next to the 25th floor highrise apartment of Huey P. Newton, Founder and Chief Theoretician of the Party. The rental of the agent's apartment was paid for with FBI funds. This agent or operative remained in said apartment for several months and during that time illegally spied on Newton, his guests, and associates and unlawfully overheard and reported on conversations between them. During the time said agent or operative was residing in this apartment, plaintiff Newton's apartment was robbed of Party files containing the names and addresses of Party members, supporters and contributors and other valuable and privileged information.

Said agent or operative's last action while residing as a tenant next to Huey P. Newton was to engage in a "shoot-out" with Oakland police officers in the hallway outside Newton's apartment doorway. The police alleged they had come to arrest the agent or operative for unpaid traffic tickets and that he opened fire on them from inside his apartment. Said agent or operative was arrested, and no one injured. Plaintiffs are informed and believe that the shoot-out was staged either to draw plaintiff Newton out into the hallway where he could be assassinated or, in the alternative, the agent or operative -- who was on parole from a California prison -- was being removed by defendants, with or without knowledge of the Oakland police as to his "official" assignment, for defendants and their agents, because he had failed to assassinate or set-up for assassination, Huey P. Newton.

G. On December 4, 1969, Chicago Party members Fred Hampton and Mark Clark were shot and killed and four other Party members seriously wounded in a pre-dawn raid by Chicago police under the direction of the Cook County States' Attorney's Office. Federal civil litigation concerning this murder has thus far revealed that an informant or operative of the FBI, one William O'Neal, had been planted by the FBI as a provocateur in the Party. O'Neal not only provided the FBI with a detailed floor plan of the Chicago Panther headquarters, complete with an "X" over the bed where Fred Hampton was sleeping when he was shot and killed, but, on information and belief, O'Neal or another agent or employee of defendants drugged Hampton before he was shot to insure that he would be in bed when police fired into the headquarters.

INCITING AND CAUSING VIOLENCE BY OTHERS AGAINST PLAINTIFFS

49. Defendants and their agents wilfully, maliciously, knowingly and intentionally fostered and caused suspicion, hostility and violence by others toward and against the plaintiff Party, sometimes resulting in the death of Party members, to wit:

A. In November 1968, former FBI director J. Edgar Hoover instructed fourteen FBI field officers by memoranda to "submit imaginative and hard-hitting counterintelligence measures aimed at crippling the Black Panther Party . . . in order to fully capitalize upon Party and US differences . . ." One of these counterintelligence measures was the drawing and mailing by the defendant FBI officials of derogatory cartoons to plaintiff Party offices and homes depicting Party leaders as "ineffectual, inadequate, and . . . corrupt . . ." These cartoons were made to look as if they were from US, a black nationalist organization. Defendant FBI officials also knew that US members, assisted and encouraged by agent provocateurs of defendants, were holding firearms practice and purchasing large amounts of ammunition. Defendants and their agents took no action to in any way discourage or prevent this training with and stockpiling of weapons.

B. In January, 1969, defendants assisted in and promoted the assassination of two Party members at the University of California at Los Angeles: Alprentice "Bunchy" Carter and John Huggins. The person observed committing the assassinations by numerous eye-witnesses was allegedly a member of the US organization. This person, plaintiffs are informed and believe, fled the jurisdiction with the knowledge and cooperation of the defendants and their agents. Two other persons, also admittedly members of the US organization, were tried and convicted for conspiracy in the Carter-Huggins assassination.

They escaped in 1974 from the maximum security prison San Quentin, with the assistance of defendants. They have not been apprehended to this date.

C. on May 23, 1969, Party member John Savage was shot and killed by an alleged US member. Later, on August 14, 1969, two Party members were wounded by an US member. The next day Party member Sylvester Bell was killed in San Diego, California also allegedly by US members.

D. Defendant FBI officials responded to these murders of plaintiff Party members by proposing yet additional derogatory cartoons to cause further violence against the Party. Moreover, the FBI defendants candidly stated in a September 18, 1969, internal memorandum that "a substantial amount of the unrest [mentioned above] is directly attributable to this program [i.e., COINTELPRO]."

E. In 1968 and 1969 defendant FBI officials approved and ordered the sending of both forged and false anonymous threatening and warning letters to the leadership of the Chicago Chapter of the Party and another Chicago based black organization, the P-Stone Nation (also known as the Blackstone Rangers). The purpose of these letters and other false and misleading information conveyed by operatives, agents and employees of defendants acting as if they were good faith members of the Party or the Rangers, was to cause the same kinds of violence caused between US and the Party. On information and belief, plaintiff Party did suffer violence to its members and supporters as a result of defendants actions in this regard.

USE OF AGENTS AND INFORMANTS TO DISCREDIT PARTY
BY URGING AND COMMITTING VIOLENCE IN ITS NAME

50. Defendants and their agents placed provocateurs, operatives and informants within plaintiff Party and employed, directed or rewarded said persons to commit violence and incite others within the Party to violence for the purpose, and with the effect, of weakening the Party internally and losing it public support, to wit:

A. William O'Neal, the informant and agent provocateur for defendant FBI officials described in paragraph 48G herein, constantly tried to persuade Chicago plaintiff Party members to resort to violence. He constructed an electric chair to be used on alleged informers (in fact, innocent Party members), but it was disassembled on Chicago Party chairman Fred Hampton's orders. O'Neal stockpiled dangerous weapons, including plastic explosives, and urged other Party members to participate in armed robberies and the bombing of an armory. Defendant FBI officials knew of, and approved or directed, O'Neal's actions as evidenced in an FBI internal memorandum that admits O'Neal was used "... in harassing and impelling the criminal activities of the Black Panther Party locally."

B. In 1969 defendants placed an experienced operative or undercover agent in the New Haven Chapter of the Party for the purpose of persuading and directing Party members of that Chapter to commit unlawful and irrational actions that would damage and discredit the Party. Specifically, said operative accused an innocent member of the Party, Alex Rackley, of being a "police agent," and then proceeded to direct and participate in his torture-murder. Said operative then turned "state's

evidence" to accuse Party leaders, who had no knowledge of said murder and who deplored it, of ordering Rackley's murder. Though this agent or operative was convicted by a jury, the leaders he tried to implicate were not. Nonetheless, immense damage was done to the Party in terms of public reputation, finances and morale of its members and supporters. Said operative or agent spent only the briefest time in prison because, on information and belief, he was placed through defendants' efforts in a work-study program at an Ivy League institution of higher learning. He now holds a comfortable position at an Eastern college which, on information and belief, plaintiffs allege he also obtained through the efforts of defendants and their agents.

C. Defendants knew that Huey P. Newton opposed the use of violence except in self-defense. They also knew that he favored the building of black community power through the implementation of social and economic survival programs and close cooperation with churches and other indigenous institutions. Hence, defendants, on information and belief, committed their financial and technical resources and personnel to support Eldridge Cleaver and his followers within the Party who openly advocated the arbitrary use of violence. Defendants supported Cleaver for the purpose and with the effect of weakening or destroying the Party internally and losing it significant public support.

SABOTAGING AND DISCREDITING OF CONSTRUCTIVE PARTY PROGRAMS

51. Defendants and their agents not only supported, encouraged and committed violence in the name of plaintiff Party, but also embarked on a deliberate campaign to sabotage and destroy constructive social and economic programs of the Party, to wit:

A. An early successful and popular program of plaintiff Party was the provision of free, hot breakfasts to minor children in the black communities throughout the United States. This program was dependant on efforts of plaintiff Party members and volunteer contributions of food and other provisions from local merchants, businessmen and churches. Finding little to objectively criticize about this program other than vague charges about propagandizing the participating children (which simply meant teaching them ideas defendants disliked), defendants and their agents decided to destroy the program.

B. In 1969 an alleged member of the Party residing in Sacramento, California, drew up a so-called "comic book" depicting police as caricature "pigs" for purposes of political propaganda, and sent it to the Oakland, California headquarters of the Party for review and comment. This "comic book" was then reviewed and rejected for publication or circulation by the leadership of the Party because it was thought to be non-reflective of Party philosophy too crude and in bad taste. An operative or informant, however, stole one of the few drafts of this proposed publication and delivered it to FBI defendants and their agents who added captions that advocated violence, printed thousands of copies bearing plaintiff Party's name, and circulated

them throughout the country, particularly to merchants and businesses contributing to the breakfast program. Those who received these so-called comics and the media were falsely told and led to believe by defendants and their agents that the booklets were given out to children participating in the breakfast program. These misrepresentations and deceptive acts were done by defendants and their agents in order to damage the Party and the breakfast program.

C. Churches which assisted the plaintiff Party in its breakfast program were also harassed by defendants and their agents and deterred from continuing support. In 1969, for example, the San Diego office of defendant FBI officials placed telephone calls and wrote anonymous letters to the Auxiliary Bishop of the San Diego Diocese of the Catholic Church falsely claiming to be parishoners upset about Father Frank Curran's support of the breakfast program. Within one month of these calls and other injurious actions taken by defendants, Father Curran was transferred from the San Diego Diocese to the State of New Mexico. Defendant FBI officials and their agents reported in their internal memoranda that Father Curran had been "neutralized" and that the breakfast program in San Diego had been destroyed.

D. Another constructive program that the plaintiff Party has undertaken to the displeasure of defendants and their agents is the free testing of black and other subject persons for Sickle Cell Anemia. To destroy this program, which is centered in Oakland, California, defendants have urged local

police in Oakland and surrounding communities to arrest for unlawful solicitation plaintiff Party members who seek street donations to the Sickle Cell program. The pressure from defendants on local police to make these arrests has been so great, and the police attitude toward plaintiffs, created largely by defendants and their agents so hostile, that even after the San Francisco solicitation ordinance under which plaintiffs had been arrested was declared unconstitutional by a California Court, San Francisco police continued to arrest plaintiff Party members. In addition, defendants and their agents, on information and belief, contacted local media people and persuaded them to publish articles and broadcasts falsely attacking the legitimacy of plaintiff Party's Sickle Cell Anemia program so as to reduce contributions to the program.

E. In 1972, plaintiff Party members and leaders were instrumental in founding an independent non-profit corporation called the Educational Opportunities Corporation, Inc. (EOC). This corporation primarily sponsors a model school for approximately one-hundred and thirty-five elementary grade children in Oakland, California. Since its formation, agents and operatives of defendant FBI AND IRS officials have called upon teachers and contributors of the school to question them and deter them from having any further contact with or support for the school.

SUPPRESSING FREE EXPRESSION AND MISREPRESENTING THE PARTY

52. Defendants and their agents interfered with and suppressed plaintiff Party members' and associates' rights to express their views to the public and misrepresented their true views to the public for the purpose, and with the effect, of losing the Party political and financial support, to wit:

A. Colleges, universities and other institutions that invited representatives of the Party to speak and answer questions were contacted by defendants and their agents and urged to cancel the engagements. When friendly persuasion did not work to cancel the speaking engagements, defendants and their agents telephoned anonymously to officials at said colleges, universities or other institutions and warned them of violence if plaintiff members were permitted to speak. In addition, defendants and their agents would contact members of the plaintiff Party or their families and warn them that if they made the intended speaking engagements as promised they would be killed or injured. All of these actions were taken for the purpose, and often with the effect, of preventing their representatives from expressing their views publicly.

B. Plaintiff Party publishes and distributes THE BLACK PANTHER, a weekly newspaper with a national circulation. Defendants and their agents have sought to suppress the publication and distribution of this newspaper by sabotaging its offices, destroying numerous shipments of the paper, vandalizing racks carrying the paper, instigating arrests of street vendors of the newspaper, and pressuring commercial airliners that transport the paper nationally to charge a higher rate than that normally charged other organizations shipping similar printed matter. Defendants and their agents also persuaded the Postal Service to charge the

plaintiff Party a higher postage rate for mailing paid subscriptions than what is normally afforded similar publications. Defendant IRS officials and their agents served summonses on banks seeking information about the Party and its paper for the purpose of destroying the publication and circulation of THE BLACK PANTHER .

C. Defendants and their agents compiled information containing half-truths and out-right fabrications and disseminated this information to friendly sources within local radio and television stations and newspapers throughout the country so that false and harmful stories about the Party, its leaders and activities would be conveyed to the public. At the same time, defendants and their agents have, on information and belief, urged the media to discourage the printing, publishing or dissemination of any true information about positive programs and activities that the Party has been engaged in since its inception.

D. When plaintiff Party leaders have been scheduled to appear for public speaking or on television radio broadcasts, defendants have provided false information, or privileged but embarrassing information gained by unlawful means, to hecklers, callers-in and, in some instances, "friendly" media sources so that the Party would be discredited with the public and its supporters. Defendants and their agents also instigated, for example, the arrest of former Chicago Party leader Fred Hampton when he was about to appear on a local television program. The arrest was intended to, and did, embarrass, humiliate and discredit the plaintiff Party with the public and its supporters.

OTHER GENERAL HARASSMENT OF MEMBERS AND SUPPORTERS

53. Defendants and their agents have engaged in a wide variety of actions beyond those categorized generally and set forth specifically hereinabove. All of these actions have been and are maliciously, unlawfully and intentionally undertaken pursuant to a systematic plan and goal of destroying the Party, and injuring its members and supporters. These actions by defendants and their agents include, inter alia:

A. Informing or contacting businesses and persons with whom plaintiffs were employed or had an economic relationship about plaintiffs' political views and activities for the purpose and with the effect of damaging plaintiffs' economic interests.

B. Informing family or other persons associated with plaintiffs of allegedly immoral activity by plaintiffs in order to disrupt and injure the plaintiffs in these relationships.

C. Destroying plaintiffs' personal and real property.

D. Making plaintiff supporters of the Party falsely appear to be hostile to the Party by "leaking" to the Party forged documents bearing a supporter's signature and attacking or ridiculing the Party.

E. Sending or "leaking" forged documents or false information to plaintiff supporters that reasonably places said supporters in apprehension for their lives or safety because the documents or information falsely threatens them in the name of plaintiff Party.

F. Calling upon plaintiffs and questioning them about their and other Party members' and supporters' activities for the purpose of "chilling" plaintiffs' right to free expression and association.

G. Placing plaintiffs' under physical surveillance, opening their mail, eavesdropping on their conversations and committing other acts in violation of plaintiffs' rights to associational privacy.

H. All of the acts complained of herein were committed by defendants and their agents, individually and in concert, and were done wilfully, intentionally, maliciously, in bad faith and with a knowing and reckless disregard of plaintiffs' constitutional rights. Said acts of defendants and their agents were undertaken for the unlawful purpose, and with the effect, of punishing, harassing and burdening plaintiffs because their political beliefs, activities and associations were and are opposed by defendants. All of the defendants and agents were or are personally involved in the conspiracy herein alleged and their conduct has caused grave and substantial damage to plaintiffs entitling plaintiffs to damages against the defendants and their agents.

FIRST CLAIM FOR RELIEF

54. As alleged in paragraphs one through fifty-three, the actions of defendants and their agents violated and continue to violate the First Amendment rights of plaintiffs and the classes they represent to freedom of expression and association.

Second Claim for Relief

55. As alleged in paragraphs one through fifty-three, the actions of defendants and their agents in using their investigatory, law enforcement and other official powers to selectively and discriminatorily retaliate against and punish plaintiffs for their political beliefs, expressions and associations, violates plaintiffs' rights to due process and equal protection of the law as guaranteed by the Fifth Amendment to the United States Constitution.

Third Claim for Relief

56. As alleged in paragraphs one through fifty-three, defendants and their agents violated and continued to violate the Fourth, Fifth and Ninth Amendment rights of the plaintiffs and the members of the classes they represent to be free from unreasonable governmental invasions and abridgements of their personal and associational privacy.

Fourth Claim for Relief

57. As alleged in paragraphs one through fifty-three, the acts of defendants and their agents complained of herein constitute a conspiracy to deprive plaintiffs and the classes they represent of the equal protection of the law in violation of Title 42 United States Code, Section 1985.

Fifth Claim for Relief

58. As alleged in paragraphs one through fifty-three, the acts of defendants and their agents in conspiring to

discriminate and discriminating against plaintiffs with respect to use of the mails violates 39 U.S.C. §403 which prohibits any undue or unreasonable discrimination among users of the mails.

Sixth Claim for Relief

59. As alleged in paragraphs one through fifty-three, the actions of CIA defendants and their agents and the other defendants and their agents who knowingly conspired with them, violate 50 U.S.C. §403 which prohibits the CIA from exercising any law enforcement powers or internal security functions.

Seventh Claim for Relief

60. As alleged in paragraphs one through fifty-three, the acts of defendants and their agents in conspiring to examine and investigate plaintiff's finances and associations were unnecessary to any legitimate tax purposes and in violation of 26 U.S.C. §7605(b).

61. Plaintiffs and the members of the classes they represent have suffered and will continue to suffer deprivation of their constitutional and statutory rights unless granted the relief prayed for in this complaint. Plaintiffs have no plain, adequate or complete remedy at law against the policies and practices of defendants. Injunctive and declaratory relief are necessary in order to adequately protect the rights of plaintiffs and the classes they represent.

RELIEF

WHEREFORE, plaintiffs pray that this Court:

1. Declare, pursuant to 28 U.S.C. §2201-2202 that defendants and their agents, employees, and adjuncts conspired to and have acted unlawfully in subjecting plaintiffs to injury because of their political beliefs, expressions and association by placing plaintiffs under surveillance, intercepting and opening plaintiffs' mail, instigating the arrest of plaintiffs, interrogating plaintiffs', their families and associates, misrepresenting plaintiffs' views to others, forging plaintiffs' names and identities to threatening and other documents, committing harmful acts to persons and property and falsely attributing said acts to plaintiffs, inciting plaintiffs to violence, interfering with plaintiff Party's Community programs, suppressing and interfering with the printing, circulation and distribution of plaintiff Party's newspaper and other literature, interfering with and abridging plaintiffs' rights to freedom of expression and association, damaging plaintiffs' and their associates' property and causing plaintiffs' physical harm and emotional distress.

2. Grant appropriate equitable relief in the form of a preliminary and permanent injunction restraining defendants, their agents, employees, adjuncts and successors from conspiring to subject, and subjecting plaintiffs to injury because of their political beliefs, expression and association by placing plaintiffs under surveillance, intercepting and opening plaintiffs' mail, instigating the arrest of plaintiffs, interrogating plaintiffs, their families and associates, misrepresenting plaintiffs' views to others, forging plaintiffs' names and identities to threatening and other documents, committing harmful acts to persons and property and falsely

attributing said acts to plaintiffs, inciting plaintiffs' to violence, interfering with plaintiff Party's Community programs, suppressing and interfering with the printing, circulation and distribution of plaintiff Party's newspaper and other literature, interfering with and abridging plaintiffs' rights to freedom of expression and association, damaging plaintiffs' and their associates' property and causing plaintiffs' physical harm and emotional distress.

3. Grant appropriate equitable relief in the form of a preliminary and permanent injunction restraining defendants and their agents, employees and adjuncts from destroying any of the files, memoranda, tapes, film, photographs, documents or other materials relevant to past and present actions of defendants and their agents against plaintiffs until this litigation is ultimately resolved; and

4. Award plaintiffs damages in excess of \$50,000,000, the precise amount to be ascertained upon trial, for repeated and continuous violations of plaintiffs' Constitutional rights and to hold the defendants named herein jointly and severally liable for such damages;

5. Award plaintiffs punitive damages of \$50,000,000, to be apportioned against each of the defendants named herein;

6. Award plaintiffs' reasonable attorneys fees for the prosecution of this action; and

7. Grant such other relief as the Court may deem just and proper.

Respectfully submitted.

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Of Counsel

December 1, 1976

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Clarence M. Kelley
Director
Federal Bureau of Investigation

DATE: 22 DEC 1976

FROM : Rex E. Lee
Assistant Attorney General
Civil Division

GWhitaker:kra
145-12-3025

SUBJECT: *Re* The Black Panther Party, et al. v. Edward
Levi, et al., USDC DC Civil No. 76-2205

As you are aware, the above-referenced lawsuit was filed in the United States District Court for the District of Columbia on December 1, 1976, against 21 named defendants, including FBI Director Kelley, and 15 unidentified defendants. All defendants are sued in their official and individual capacities.

It is our understanding that Bureau documents are often destroyed in the ordinary course of business and the FBI field offices routinely destroy certain older documents. We request that all documents which in any way relate or which might potentially relate to the above-referenced lawsuit be preserved pending outcome of this litigation.

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DEC 25 1976

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FEB 8 1977

Dim. J. J.
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J. J. [Signature]



MAR 1977
5010-110

Assistant Attorney General
Civil Division *GW*
Attention: Mrs. Elizabeth G. Whitaker
Assistant Director - Legal Counsel
Federal Bureau of Investigation

December 22, 1976

FEDERAL GOVERNMENT

- 1 - Mr. Gallagher
Attn:
- 1 - Mr. Mintz
- 1 - Mr. Stassinios
- 2 -

b6
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**THE BLACK PANTHER PARTY, et al., v
EDWARD LEVI, et al.
(U.S.D.C., D.C.)
CIVIL ACTION FILE NO. 76-2205**

Enclosed is one copy of a summons and complaint in captioned civil matter which were served on this Bureau's Washington Field Office on December 3, 1976, by a representative of the United States Marshals Service.

Captioned civil action purports to be a class action brought by the Black Panther Party and various named plaintiffs on behalf of all past and present members of the Black Panther Party. The complaint alleges that FBI Director Kelley, late FBI Director Hoover, William C. Sullivan and various unnamed Agents of the Bureau conspired with the other named and unnamed defendants in a massive conspiracy, conceived and implemented in 1967, to destroy the Black Panther Party politically and financially. The alleged means by which this conspiracy was carried out runs the gamut from assassination of party members and leaders to counterintelligence program activities to spread false rumors about Black Panther Party members with whom the members came in contact.

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FBI

Captioned civil action is presently being studied by this Bureau and we will provide you a more extensive report in this matter at a later date. It is preliminarily our observation that the plaintiffs' real purpose in bringing this action is not to gain the monetary damages they seek, but to obtain the widest discovery

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Ext. Affairs _____
- Fin. & Pers. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Eval. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Training _____
- Telephone Rm. _____
- Director's Sec'y _____

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See NOTE - Next Page

ENCLOSURE
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**Assistant Attorney General
Civil Division**

possible of records maintained by the defendants on the Black Panther Party, its members and Black Panther supporters. Additionally, our reading of the enclosed complaint leads us to observe that the plaintiffs' attempt to style this matter as a class action, while correct in form, is defective in law and fact.

Finally, we assert that, while the Black Panther Party was and is the subject of FBI investigation, which investigations were intensive at times, there is no truth to the plaintiffs' basic allegation that this Bureau conspired with the other named and unnamed defendants in any "concerted plan" to destroy the Black Panther Party politically and financially.

Enclosures (2)

NOTE: Based on Legal Counsel memorandum to the Associate Director dated 12/21/76. ✓

APPROVED: *[Handwritten initials]*

Director.....	Adm. Serv.....	Ident. Div.....
Assoc. Dir.....	Ext. Affairs.....	Plan. & Insp. Div.....
Dep. AD Adm.....	Fin. & Pers.....	Rec. Mgmt. Div.....
Dep. AD Inv.....	Gen. Inv. <i>[Handwritten initials]</i>	S. & T. Div.....
	Ident. Div.....	Spec. Inv. Div.....
	Intell. Div.....	Training Div.....

United States District Court

FOR THE

SIRCA

District of Columbia

76- 2205

CIVIL ACTION FILE NO. _____

THE BLACK PANTHER PARTY, et al.

Plaintiff

v.

SUMMONS

EDWARD LEVI, et al.

Defendant

To the above named Defendant : Clarence M. Kelley

You are hereby summoned and required to serve upon Bruce J. Terris

plaintiff's attorney , whose address 1908 Sunderland Place, N.W.
Washington, D.C. 20036

an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

JAMES F. DAVEY

Joe A. Wood, Jr

Clerk of Court.

Deputy Clerk.

Date: 12/1/76

Seal of Court

NOTE:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

No. _____

United States District Court
FOR THE

vs.

SUMMONS IN CIVIL ACTION

Returnable not later than _____ days
after service.

Attorney for Plaintiff

FPI-11-3-5-73-200M-8926

Note:—Affidavit required only if service is made by a person other than a United States Marshal or his Deputy.

[SEAL]

Subscribed and sworn to before me, a
day of _____, 19____

this

MARSHAL'S FEES

Travel \$ _____

Service _____

By _____

United States Marshal.

Deputy United States Marshal.

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 8/1/83 BY 9803 RDD/BJ

340,772

FBI

I received this summons and served it together with the complaint herein as follows:

I hereby certify and return, that on the

day of

19____

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THE BLACK PANTHER PARTY
8501 East 14th Street
Oakland, California
(415) 638-0195;

HUEY P. NEWTON
8501 East 14th Street
Oakland, California
(415) 638-0195;

EI LAINE BROWN
8501 East 14th Street
Oakland, California
(415) 638-0195;

DONALD FREED
2337 Greenfield Ave.
Los Angeles, CA 90064
(213) 478-1169;

BERTON SCHNEIDER
933 N. LaBrea
Los Angeles, CA 90038
(213) 874-5050;

THOMAS AND FLORA GLADWIN
4551 Reinhardt
Oakland, CA 94618
(415) 530-6668;

JOHN GEORGE
120-11th St.
Oakland, California
(415) 451-6800;

FATHER EARL NEIL
Associate Officer
Community Action & Human Development
Executive Counsel of the
Episcopal Church
815-2nd Avenue
New York, New York 10017
(212) 867-8400

JOHN AND ELIZABETH HUGGINS
200 Osborne Avenue
New Haven, Connecticut 06511
(203) 387-3184;

Plaintiffs

v.

EDWARD LEVI
Attorney General of the United States;

JOHN MITCHELL

ROBERT MARDIAN

STRICTLY CONFIDENTIAL

76- 2205

Civil Action No. _____

CLARENCE M. KELLEY
Director
Federal Bureau of Investigation
Washington, D.C.;

WILLIAM C. SULLIVAN;

ESTATE OF J. EDGAR HOOVER;

GEORGE C. MOORE;

GEORGE BUSH
Director
Central Intelligence Agency
Washington, D.C.;

WILLIAM E. COLBY;

RICHARD HELMS;

WILLIAM E. SIMON
Secretary of the Treasury
Washington, D.C. ;

REX DAVIS
Director
Bureau of Alcohol, Tobacco &
Firearms of the Treasury
Department
Washington, D.C.;

HAROLD SERR;

DONALD C. ALEXANDER
Commissioner
Internal Revenue Service
Washington, D.C.;

JOHNNIE M. WALTERS;

RANDOLPH W. THROWER;

TOM CHARLES HUSTON;

HOWARD H. CALLOWAY
Secretary of the Army
Washington, D.C.;

HAROLD R. AARON
Assistant Chief of Staff for
Army Intelligence
Washington, D.C.;

BENJAMIN F. BAILAR
Postmaster General
United States Postal Service
Washington, D.C.;

WINTON M. BLOUNT;

JOHN DOE 1-5,
RICHARD DOE 1-5,
JANE DOE 1-5;

INDIVIDUALLY AND IN THEIR OFFICIAL
AND FORMER OFFICIAL CAPACITIES,

Defendants.

CLASS ACTION COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF

JURISDICTION

1. This is a class action for declaratory and injunctive relief, and an individual action for money damages, arising under the Constitution and laws of the United States, more particularly, the First, Fourth, Fifth and Ninth Amendments to the Constitution, the Civil Rights Act of 1871 [42 U.S.C. §1985], the National Security Act of 1947 [50 U.S.C. §403], the Internal Revenue Act [26 U.S.C. §7605], and the Postal Service Act [39 U.S.C. §403]. Jurisdiction of this Court is invoked pursuant to the following statutes: 28 U.S.C. §1331(a), for actions arising under the Constitution or laws of the United States; 28 U.S.C. §1340, for civil actions arising under an Act of Congress concerning internal revenue; 28 U.S.C. §1343, for damages caused by conspiracies to deprive citizens of their civil rights; and 28 U.S.C. §1361, for actions to compel officers or employees of the United States or any agency thereof to perform a duty owed to plaintiffs. The matter in controversy, exclusive of interest and costs, exceeds \$10,000.00.

INTRODUCTION

2. This action by the Black Panther Party and its supporters seeks redress against past and present high government officials because of the concerted plan conceived and implemented by said officials since 1967 to destroy the Party politically and financially. The illegal means by which defendants have conspired to achieve destruction of the Party range from the extreme of causing assassination of Panther leaders to the more commonplace, albeit still unlawful practice of, burglarizing and bugging plaintiffs' offices and homes. All of the plaintiffs and those they represent have, because of their political activities, beliefs, and associations, been subjected to the practices complained of herein by defendant government officials who, despite official

denials to the contrary, persist to this day in their efforts to repress and harass plaintiffs.

PARTIES

3. Plaintiff Black Panther Party was founded by Huey P. Newton in 1966. It is an association of black and poor persons who are committed to improving the social and economic condition of minority and poor people and to eradicating the societal ills of racism, economic class discrimination and oppression of all kinds. The principal office of plaintiff Party is in Oakland, California where its newspaper is published and where the many survival and other programs it has initiated and sponsored are focused. These programs provide free services and goods to those in need, including transportation for senior citizens, legal and ambulance services, food, and testing of black and other subject persons for sickle cell anemia. Plaintiff Party brings this action on behalf of itself and its past and present members.

4. Plaintiff Huey P. Newton is the Founder and Chief Theoretician of the Party. He is a resident of Oakland, California, but, because of the unlawful activities of the defendants directed against him and detailed herein, is presently residing outside the jurisdiction of the United States until it is safe for him to return.

5. Plaintiff Elaine Brown is the authorized Chairperson for the Party. She is a citizen of the United States and a resident of Oakland, California.

6. Donald Freed is a published author and open supporter, both politically and financially, of the Party and its activities. He is a citizen of the United States and a resident of Los Angeles, California.

7. Berton Schneider is a producer and director of films and an open supporter, both politically and financially, of the

Party and its activities. He is a citizen of the United States and a resident of Beverly Hills, California.

8. Thomas and Flora Gladwin are active supporters of the Black Panther Party. They are citizens of the United States and residents of Oakland, California.

9. John George is an attorney and a member of the Board of Supervisors of Alameda County, California. He is a supporter of the Party and a resident of Oakland, California.

10. Father Earl Neil is a long-time supporter of the Black Panther Party and assisted in the implementation of its breakfast programs for children. He is a citizen of the United States and a resident of New York, N.Y.

11. John and Elizabeth Huggins are the parents of assassinated Black Panther Party member, John Huggins. They are citizens of the United States and residents of New Haven, Connecticut.

12. All of the plaintiffs and those they represent have suffered substantial injury as a result of the unlawful actions taken by defendants for the purpose of punishing, harassing and burdening the plaintiffs because of their political beliefs, expressions and associations.

13. Defendant Edward Levi is the current Attorney General of the United States.

14. Defendant John Mitchell is a former Attorney General of the United States.

15. Defendant Robert Mardian is a former Assistant Attorney General for Internal Security.

16. Defendant Clarence M. Kelley is the present Director of the Federal Bureau of Investigation (FBI).

17. Defendant William C. Sullivan is a former Assistant Director of the FBI.

18. The Estate of J. Edgar Hoover is sued herein because he was a former Director of the FBI.

19. Defendant George C. Moore is a former chief of the Racial Intelligence Section of the FBI.

20. Defendant George Bush is the current Director of the CIA.

21. Defendant William E. Colby is a former Director of the CIA.

22. Defendant Richard Helms is a former Director of the Central Intelligence Agency (CIA).

23. Defendant William E. Simon is the present Secretary of the Treasury.

24. Defendant Rex Davis is the current Director of the Bureau of Alcohol, Tobacco & Firearms of the Treasury Department.

25. Defendant Harold Serr is a former Director of the Bureau of Alcohol, Tobacco & Firearms within the Treasury Department.

26. Defendant Donald C. Alexander is the current Commissioner of the Internal Revenue Service (IRS).

27. Defendant Johnnie M. Walters was Commissioner of IRS from August, 1971 to March 1973.

28. Defendant Randolph W. Thrower was Commissioner of IRS from July, 1969 to January, 1971.

29. Defendant Tom Charles Huston was an assistant to the President of the United States.

30. Defendant Howard H. Calloway is the Secretary of the Army.

31. Defendant Harold R. Aaron is the Assistant Chief of Staff for Army Intelligence.

32. Defendant Benjamin F. Bailar is the current Postmaster General of the United States Postal Service.

33. Defendant Winton M. Blount is a former Postmaster General of the United States Postal Service.

34. Defendant John Doe 1 - 5, Richard Roe 1 - 5, and Jane Foe 1 - 5, are unknown employees of the Justice Department, the

FBI, the CIA, the Treasury Department, the Bureau of Alcohol, Tobacco and Firearms of the Treasury Department, the IRS, the White House, Army, the Postal Service and other agencies of the federal government that conspired with each other and/or the above-named defendants and their agents in taking and promoting unlawful actions intended to harm and, in fact, causing injury to plaintiffs herein.

35. Each of the defendants is being sued in his or her individual and official or former official capacities. Each defendant held the official position stated herein at times relevant to the allegations of this complaint, and each defendant was acting under the color of his or her official capacity at the times complained of herein.

CLASS ACTION ALLEGATIONS

36. Plaintiffs bring this action as a class action under the Federal Rules of Civil Procedure 23 (a), 23 (b), and 23(c)(4).

37. Plaintiffs Party, Newton and Brown represent past and present living members of the Black Panther Party who, because of their political beliefs and activities as expressed by their membership in the Party, were and are subject to unlawful and harmful actions by defendants.

38. Plaintiffs John and Elizabeth Huggins represent the estates of Party members who, while they were alive, suffered harassment, punishment and injury, including for some death, as a result of the conspiratorial actions of defendants and their agents complained of herein.

39. Plaintiffs Freed, Schneider, Thomas and Flora Gladwin, George and Neil represent a class of persons throughout the United States who, because of their open political or financial support of the Party and its activities, were or continue to be subject to illegal and injurious actions by defendants.

40. The number of individuals in each of these classes is too large to make joinder practicable.

41. Defendants have acted on grounds generally applicable to each class, thereby making injunctive and declaratory relief appropriate with respect to each class.

42. The claims of the named plaintiffs are typical of the claims of the classes they represent.

43. There are questions of law and fact common to the members of each class in this action. The common questions of fact relate to the subjecting of class members to invidious and damaging actions by defendants because of plaintiffs' political beliefs and activities. The common questions of law relate to the Constitutional and other violations of law that flow from the governmental imposition of burdens upon, and efforts to punish and harm, those whose political beliefs and activities are opposed by defendants.

44. Plaintiffs will fairly and adequately protect the interests of each class. Plaintiffs are represented by attorneys experienced in the field of Constitutional litigation. Plaintiffs know of no conflicts of interest among members of the classes with regard to the issues in this case.

THE FACTS

45. In 1967, the FBI formed a special counter-intelligence program, called COINTELPRO, intended, in the Bureau's own sanitized words, to "expose, disrupt, misdirect, discredit or otherwise neutralize the activities of black nationalists." A specific purpose of COINTELPRO was to prevent the rise of a "messiah," a charismatic black leader who might "unify and electrify" black persons. Martin Luther King, Jr. was named as a potential "messiah" in the FBI's own secret memoranda establishing COINTELPRO, but, after the assassination of King in 1968, the FBI shifted its focus to the Party and its leadership, particularly Huey P. Newton,

in conformity with then Director J. Edgar Hoover's public pronouncement that the Party constituted "the greatest threat to the internal security of the country...". Of the 295 total actions taken by the COINTELPRO program alone to disrupt black groups, 233 - or 79% - were specifically directed toward destruction of plaintiff Party. Approximately \$100,000,000 of taxpayers' money was expended for COINTELPRO, over \$7 million of it allocated for 1976 alone to pay off informants and provocateurs (twice the amount allocated in this same period by the FBI to pay organized crime informants.)

44. With the election of Richard M. Nixon as President of the United States in 1968, the Administration addressed itself, in the words of former White House Counsel John Dean, to "the matter of how we can maximize the fact of our incumbency in dealing with persons known to be active in their opposition to our Administration. Stated a bit more bluntly -- how we can use the available federal machinery to screw our political enemies."

45. A "White House Enemies List" was drawn up by officials in the Nixon Administration. In its original form, this list contained the names of only two parties or organizations, one of which is plaintiff Black Panther Party. Later, a longer version of this list contained additional names of many prominent and widely respected figures in the fields of politics, labor, the media and academia, including other plaintiffs herein. The existence and circulation of this "Enemies List" confirmed for defendants the Administration's approval of their efforts to target plaintiffs for concerted action to cause them injury, and in some instances, death.

46. A detailed plan, commonly known as the Huston Plan after its White House designated co-ordinator, Tom Charles Huston, was approved by the former director of the FBI, the CIA, the Defense Intelligence Agency and the National Security Agency in 1970. This plan spelled out the means by which defendants and their agents

intended to destroy the plaintiff Party. Their actions included, inter alia, warrantless electronic surveillance of plaintiffs, illegal opening and reading of plaintiffs' mail, breaking and entering of plaintiffs' homes and offices for the copying or theft of information and material, and the widespread use of informants and agent provocateurs. Although this proposed plan was first approved and allegedly later disapproved by former President Richard Nixon because J. Edgar Hoover decided not to co-operate, these tactics had already been used by defendants against plaintiffs and continue to be used.

47. The full nature and extent of the actions taken by defendants against plaintiffs cannot be ascertained without discovery. Only recently the Select Committees on Intelligence of both houses of the United States Congress reported numerous unconstitutional and unlawful actions taken by defendants against plaintiffs. These actions include documented efforts by defendants to promote violence between the Party and other minority organizations, to disrupt the Party by promoting internal dissention, to falsely discredit the Party to the public, its members and supporters, and to prevent the Party and its supporters from expressing their views. Plaintiffs have learned of other actions taken by defendants and their agents which indicate the intensity and severity of harm done to plaintiffs by this conspiracy of governmental officials. As in any conspiracy, it is difficult to pinpoint exactly which of the named defendants bears primary responsibility for each injury inflicted upon and suffered by plaintiffs, but there is no doubt that all of the named defendants, individually or in concert, caused and are legally responsible for, inter alia, the following actions.

HARASSMENT AND ASSASSINATION OF PARTY MEMBERS

48. Defendants and their agents have knowingly, intentionally and wilfully harassed, abused and injured plaintiff Party members in numerous unlawful and violent ways, including

the assassination of Party leaders or assisting in their assassination by others, to wit:

A. From 1968 to the present, defendants engaged in unlawful mail opening, interception of telephone and other conversations and physical surveillance of Party leaders, members and supporters. For example, despite recent revelations about the unlawful activities directed by the FBI against plaintiffs, defendant FBI agents still take down the names and license numbers of guests who visit the residence of plaintiff Elaine Brown. Privileged conversations between plaintiffs and their legal counsel have been intercepted and information conveyed in those conversations has been used by defendants and their agents to cause plaintiffs physical and emotional harm.

B. Defendants and their agents have also committed innumerable burglaries, or "black bag" jobs, where files, including investigatory and research files on pending litigation, and lists containing the names and addresses of Party members, supporters and contributors have been stolen.

C. Defendants and their agents have instigated, encouraged and, on information and belief, planned, supervised or coordinated armed raids by local city police departments on offices and homes of plaintiff Party members. These raids -- which have, for example, been directed against Party offices in Los Angeles, California; Chicago, Illinois; New Orleans, Louisiana, Kansas City, Missouri and numerous other cities -- caused serious injury to the Party, its members and its property. The raids have, on information and belief, been instigated, planned or directed by defendants and their agents for the purpose of harassing, injuring and punishing plaintiffs because of their political beliefs and not for any legitimate law enforcement purpose.

D. On or about July 30, 1974, Huey P. Newton was falsely arrested by agents of the Bureau of Alcohol Tobacco and Firearms, in cooperation with other defendants, and charged with the federal crime of being an ex-felon in possession of a firearm. Said agents of defendants knew that plaintiff Newton neither possessed a firearm nor was an ex-felon, but wrongfully placed the false criminal charge against plaintiff to discredit, embarrass and humiliate him and the Party. This charge was dropped after plaintiff Newton had been confined for two days as a result of it.

E. Defendant agents and officials of the IRS have audited the tax returns of plaintiff Newton for three consecutive years. These audits and a falsely alleged back tax liability in excess of \$50,000 have been instigated because of plaintiff Newton's political beliefs and leadership position within plaintiff Party and for the purpose of harassing him, causing him and the Party great expense in time, energy and money, and in the hope of ultimately convicting him of some technical violation of the massive and confusing tax laws.

F. In 1971, defendants placed an undercover agent or operative in the apartment unit next to the 25th floor highrise apartment of Huey P. Newton, Founder and Chief Theoretician of the Party. The rental of the agent's apartment was paid for with FBI funds. This agent or operative remained in said apartment for several months and during that time illegally spied on Newton, his guests, and associates and unlawfully overheard and reported on conversations between them. During the time said agent or operative was residing in this apartment, plaintiff Newton's apartment was robbed of Party files containing the names and addresses of Party members, supporters and contributors and other valuable and privileged information.

Said agent or operative's last action while residing as a tenant next to Huey P. Newton was to engage in a "shoot-out" with Oakland police officers in the hallway outside Newton's apartment doorway. The police alleged they had come to arrest the agent or operative for unpaid traffic tickets and that he opened fire on them from inside his apartment. Said agent or operative was arrested, and no one injured. Plaintiffs are informed and believe that the shoot-out was staged either to draw plaintiff Newton out into the hallway where he could be assassinated or, in the alternative, the agent or operative -- who was on parole from a California prison -- was being removed by defendants, with or without knowledge of the Oakland police as to his "official" assignment, for defendants and their agents, because he had failed to assassinate or set-up for assassination, Huey P. Newton.

G. On December 4, 1969, Chicago Party members Fred Hampton and Mark Clark were shot and killed and four other Party members seriously wounded in a pre-dawn raid by Chicago police under the direction of the Cook County States' Attorney's Office. Federal civil litigation concerning this murder has thus far revealed that an informant or operative of the FBI, one William O'Neal, had been planted by the FBI as a provocateur in the Party. O'Neal not only provided the FBI with a detailed floor plan of the Chicago Panther headquarters, complete with an "X" over the bed where Fred Hampton was sleeping when he was shot and killed, but, on information and belief, O'Neal or another agent or employee of defendants drugged Hampton before he was shot to insure that he would be in bed when police fired into the headquarters.

INCITING AND CAUSING VIOLENCE BY OTHERS AGAINST PLAINTIFFS

49. Defendants and their agents wilfully, maliciously, knowingly and intentionally fostered and caused suspicion, hostility and violence by others toward and against the plaintiff Party, sometimes resulting in the death of Party members, to wit:

A. In November 1968, former FBI director J. Edgar Hoover instructed fourteen FBI field officers by memoranda to "submit imaginative and hard-hitting counterintelligence measures aimed at crippling the Black Panther Party . . . in order to fully capitalize upon Party and US differences . . ." One of these counterintelligence measures was the drawing and mailing by the defendant FBI officials of derogatory cartoons to plaintiff Party offices and homes depicting Party leaders as "ineffectual, inadequate, and . . . corrupt . . ." These cartoons were made to look as if they were from US, a black nationalist organization. Defendant FBI officials also knew that US members, assisted and encouraged by agent provocateurs of defendants, were holding firearms practice and purchasing large amounts of ammunition. Defendants and their agents took no action to in any way discourage or prevent this training with and stockpiling of weapons.

B. In January, 1969, defendants assisted in and promoted the assassination of two Party members at the University of California at Los Angeles: Alprentice "Bunchy" Carter and John Huggins. The person observed committing the assassinations by numerous eye-witnesses was allegedly a member of the US organization. This person, plaintiffs are informed and believe, fled the jurisdiction with the knowledge and cooperation of the defendants and their agents. Two other persons, also admittedly members of the US organization, were tried and convicted for conspiracy in the Carter-Huggins assassination.

They escaped in 1974 from the maximum security prison San Quentin, with the assistance of defendants. They have not been apprehended to this date.

C. on May 23, 1969, Party members John Savage was shot and killed by an alleged US member. Later, on August 14, 1969, two Party members were wounded by an US member. The next day Party member Sylvester Bell was killed in San Diego, California also allegedly by US members.

D. Defendant FBI officials responded to these murders of plaintiff Party members by proposing yet additional derogatory cartoons to cause further violence against the Party. Moreover, the FBI defendants candidly stated in a September 18, 1969, internal memorandum that "a substantial amount of the unrest [mentioned above] is directly attributable to this program [i.e., COINTELPRO]."

E. In 1968 and 1969 defendant FBI officials approved and ordered the sending of both forged and false anonymous threatening and warning letters to the leadership of the Chicago Chapter of the Party and another Chicago based black organization, the P-Stone Nation (also known as the Blackstone Rangers). The purpose of these letters and other false and misleading information conveyed by operatives, agents and employees of defendants acting as if they were good faith members of the Party or the Rangers, was to cause the same kinds of violence caused between US and the Party. On information and belief, plaintiff Party did suffer violence to its members and supporters as a result of defendants actions in this regard.

USE OF AGENTS AND INFORMANTS TO DISCREDIT PARTY
BY URGING AND COMMITTING VIOLENCE IN ITS NAME

50. Defendants and their agents placed provocateurs, operatives and informants within plaintiff Party and employed, directed or rewarded said persons to commit violence and incite others within the Party to violence for the purpose, and with the effect, of weakening the Party internally and losing it public support, to wit:

A. William O'Neal, the informant and agent provocateur for defendant FBI officials described in paragraph 48G herein, constantly tried to persuade Chicago plaintiff Party members to resort to violence. He constructed an electric chair to be used on alleged informers (in fact, innocent Party members), but it was disassembled on Chicago Party chairman Fred Hampton's orders. O'Neal stockpiled dangerous weapons, including plastic explosives, and urged other Party members to participate in armed robberies and the bombing of an armory. Defendant FBI officials knew of, and approved or directed, O'Neal's actions as evidenced in an FBI internal memorandum that admits O'Neal was used "... in harassing and impelling the criminal activities of the Black Panther Party locally."

B. In 1969 defendants placed an experienced operative or undercover agent in the New Haven Chapter of the Party for the purpose of persuading and directing Party members of that Chapter to commit unlawful and irrational actions that would damage and discredit the Party. Specifically, said operative accused an innocent member of the Party, Alex Rackley, of being a "police agent," and then proceeded to direct and participate in his torture-murder. Said operative then turned "state's

evidence" to accuse Party leaders, who had no knowledge of said murder and who deplored it, of ordering Rackley's murder. Though this agent or operative was convicted by a jury, the leaders he tried to implicate were not. Nonetheless, immense damage was done to the Party in terms of public reputation, finances and morale of its members and supporters. Said operative or agent spent only the briefest time in prison because, on information and belief, he was placed through defendants' efforts in a work-study program at an Ivy League institution of higher learning. He now holds a comfortable position at an Eastern college which, on information and belief, plaintiffs allege he also obtained through the efforts of defendants and their agents.

C. Defendants knew that Huey P. Newton opposed the use of violence except in self-defense. They also knew that he favored the building of black community power through the implementation of social and economic survival programs and close cooperation with churches and other indigenous institutions. Hence, defendants, on information and belief, committed their financial and technical resources and personnel to support Eldridge Cleaver and his followers within the Party who openly advocated the arbitrary use of violence. Defendants supported Cleaver for the purpose and with the effect of weakening or destroying the Party internally and losing it significant public support.

SABOTAGING AND DISCREDITING OF CONSTRUCTIVE PARTY PROGRAMS

51. Defendants and their agents not only supported, encouraged and committed violence in the name of plaintiff Party, but also embarked on a deliberate campaign to sabotage and destroy constructive social and economic programs of the Party, to wit:

A. An early successful and popular program of plaintiff Party was the provision of free, hot breakfasts to minor children in the black communities throughout the United States. This program was dependant on efforts of plaintiff Party members and volunteer contributions of food and other provisions from local merchants, businessmen and churches. Finding little to objectively criticize about this program other than vague charges about propagandizing the participating children (which simply meant teaching them ideas defendants disliked), defendants and their agents decided to destroy the program.

B. In 1969 an alleged member of the Party residing in Sacramento, California, drew up a so-called "comic book" depicting police as caricature "pigs" for purposes of political propaganda, and sent it to the Oakland, California headquarters of the Party for review and comment. This "comic book" was then reviewed and rejected for publication or circulation by the leadership of the Party because it was thought to be non-reflective of Party philosophy too crude and in bad taste. An operative or informant, however, stole one of the few drafts of this proposed publication and delivered it to FBI defendants and their agents who added captions that advocated violence, printed thousands of copies bearing plaintiff Party's name, and circulated

them throughout the country, particularly to merchants and businesses contributing to the breakfast program. Those who received these so-called comics and the media were falsely told and led to believe by defendants and their agents that the booklets were given out to children participating in the breakfast program. These misrepresentations and deceptive acts were done by defendants and their agents in order to damage the Party and the breakfast program.

C. Churches which assisted the plaintiff Party in its breakfast program were also harassed by defendants and their agents and deterred from continuing support. In 1969, for example, the San Diego office of defendant FBI officials placed telephone calls and wrote anonymous letters to the Auxiliary Bishop of the San Diego Diocese of the Catholic Church falsely claiming to be parishoners upset about Father Frank Curran's support of the breakfast program. Within one month of these calls and other injurious actions taken by defendants, Father Curran was transferred from the San Diego Diocese to the State of New Mexico. Defendant FBI officials and their agents reported in their internal memoranda that Father Curran had been "neutralized" and that the breakfast program in San Diego had been destroyed.

D. Another constructive program that the plaintiff Party has undertaken to the displeasure of defendants and their agents is the free testing of black and other subject persons for Sickle Cell Anemia. To destroy this program, which is centered in Oakland, California, defendants have urged local

police in Oakland and surrounding communities to arrest for unlawful solicitation plaintiff Party members who seek street donations to the Sickle Cell program. The pressure from defendants on local police to make these arrests has been so great, and the police attitude toward plaintiffs, created largely by defendants and their agents so hostile, that even after the San Francisco solicitation ordinance under which plaintiffs had been arrested was declared unconstitutional by a California Court, San Francisco police continued to arrest plaintiff Party members. In addition, defendants and their agents, on information and belief, contacted local media people and persuaded them to publish articles and broadcasts falsely attacking the legitimacy of plaintiff Party's Sickle Cell Anemia program so as to reduce contributions to the program.

E. In 1972, plaintiff Party members and leaders were instrumental in founding an independent non-profit corporation called the Educational Opportunities Corporation, Inc. (EOC). This corporation primarily sponsors a model school for approximately one-hundred and thirty-five elementary grade children in Oakland, California. Since its formation, agents and operatives of defendant FBI AND IRS officials have called upon teachers and contributors of the school to question them and deter them from having any further contact with or support for the school.

SUPPRESSING FREE EXPRESSION AND MISREPRESENTING THE PARTY

52. Defendants and their agents interfered with and suppressed plaintiff Party members' and associates' rights to express their views to the public and misrepresented their true views to the public for the purpose, and with the effect, of losing the Party political and financial support, to wit:

A. Colleges, universities and other institutions that invited representatives of the Party to speak and answer questions were contacted by defendants and their agents and urged to cancel the engagements. When friendly persuasion did not work to cancel the speaking engagements, defendants and their agents telephoned anonymously to officials at said colleges, universities or other institutions and warned them of violence if plaintiff members were permitted to speak. In addition, defendants and their agents would contact members of the plaintiff Party or their families and warn them that if they made the intended speaking engagements as promised they would be killed or injured. All of these actions were taken for the purpose, and often with the effect, of preventing their representatives from expressing their views publicly.

B. Plaintiff Party publishes and distributes THE BLACK PANTHER, a weekly newspaper with a national circulation. Defendants and their agents have sought to suppress the publication and distribution of this newspaper by sabotaging its offices, destroying numerous shipments of the paper, vandalizing racks carrying the paper, instigating arrests of street vendors of the newspaper, and pressuring commercial airliners that transport the paper nationally to charge a higher rate than that normally charged other organizations shipping similar printed matter. Defendants and their agents also persuaded the Postal Service to charge the

plaintiff Party a higher postage rate for mailing paid subscriptions than what is normally afforded similar publications. Defendant IRS officials and their agents served summonses on banks seeking information about the Party and its paper for the purpose of destroying the publication and circulation of THE BLACK PANTHER .

C. Defendants and their agents compiled information containing half-truths and out-right fabrications and disseminated this information to friendly sources within local radio and television stations and newspapers throughout the country so that false and harmful stories about the Party, its leaders and activities would be conveyed to the public. At the same time, defendants and their agents have, on information and belief, urged the media to discourage the printing, publishing or dissemination of any true information about positive programs and activities that the Party has been engaged in since its inception.

D. When plaintiff Party leaders have been scheduled to appear for public speaking or on television radio broadcasts, defendants have provided false information, or privileged but embarrassing information gained by unlawful means, to hecklers, callers-in and, in some instances, "friendly" media sources so that the Party would be discredited with the public and its supporters. Defendants and their agents also instigated, for example, the arrest of former Chicago Party leader Fred Hampton when he was about to appear on a local television program. The arrest was intended to, and did, embarrass, humiliate and discredit the plaintiff Party with the public and its supporters.

OTHER GENERAL HARASSMENT OF MEMBERS AND SUPPORTERS

53. Defendants and their agents have engaged in a wide variety of actions beyond those categorized generally and set forth specifically hereinabove. All of these actions have been and are maliciously, unlawfully and intentionally undertaken pursuant to a systematic plan and goal of destroying the Party, and injuring its members and supporters. These actions by defendants and their agents include, inter alia:

A. Informing or contacting businesses and persons with whom plaintiffs were employed or had an economic relationship about plaintiffs' political views and activities for the purpose and with the effect of damaging plaintiffs' economic interests.

B. Informing family or other persons associated with plaintiffs of allegedly immoral activity by plaintiffs in order to disrupt and injure the plaintiffs in these relationships.

C. Destroying plaintiffs' personal and real property.

D. Making plaintiff supporters of the Party falsely appear to be hostile to the Party by "leaking" to the Party forged documents bearing a supporter's signature and attacking or ridiculing the Party.

E. Sending or "leaking" forged documents or false information to plaintiff supporters that reasonably places said supporters in apprehension for their lives or safety because the documents or information falsely threatens them in the name of plaintiff Party.

F. Calling upon plaintiffs and questioning them about their and other Party members' and supporters' activities for the purpose of "chilling" plaintiffs' right to free expression and association.

G. Placing plaintiffs' under physical surveillance, opening their mail, eavesdropping on their conversations and committing other acts in violation of plaintiffs' rights to associational privacy.

H. All of the acts complained of herein were committed by defendants and their agents, individually and in concert, and were done wilfully, intentionally, maliciously, in bad faith and with a knowing and reckless disregard of plaintiffs' constitutional rights. Said acts of defendants and their agents were undertaken for the unlawful purpose, and with the effect, of punishing, harassing and burdening plaintiffs because their political beliefs, activities and associations were and are opposed by defendants. All of the defendants and agents were or are personally involved in the conspiracy herein alleged and their conduct has caused grave and substantial damage to plaintiffs entitling plaintiffs to damages against the defendants and their agents.

FIRST CLAIM FOR RELIEF

54. As alleged in paragraphs one through fifty-three, the actions of defendants and their agents violated and continue to violate the First Amendment rights of plaintiffs and the classes they represent to freedom of expression and association.

Second Claim for Relief

55. As alleged in paragraphs one through fifty-three, the actions of defendants and their agents in using their investigatory, law enforcement and other official powers to selectively and discriminatorily retaliate against and punish plaintiffs for their political beliefs, expressions and associations, violates plaintiffs' rights to due process and equal protection of the law as guaranteed by the Fifth Amendment to the United States Constitution.

Third Claim for Relief

56. As alleged in paragraphs one through fifty-three, defendants and their agents violated and continued to violate the Fourth, Fifth and Ninth Amendment rights of the plaintiffs and the members of the classes they represent to be free from unreasonable governmental invasions and abridgements of their personal and associational privacy.

Fourth Claim for Relief

57. As alleged in paragraphs one through fifty-three, the acts of defendants and their agents complained of herein constitute a conspiracy to deprive plaintiffs and the classes they represent of the equal protection of the law in violation of Title 42 United States Code, Section 1985.

Fifth Claim for Relief

58. As alleged in paragraphs one through fifty-three, the acts of defendants and their agents in conspiring to

discriminate and discriminating against plaintiffs with respect to use of the mails violates 39 U.S.C. §403 which prohibits any undue or unreasonable discrimination among users of the mails.

Sixth Claim for Relief

59. As alleged in paragraphs one through fifty-three, the actions of CIA defendants and their agents and the other defendants and their agents who knowingly conspired with them, violate 50 U.S.C. §403 which prohibits the CIA from exercising any law enforcement powers or internal security functions.

Seventh Claim for Relief

60. As alleged in paragraphs one through fifty-three, the acts of defendants and their agents in conspiring to examine and investigate plaintiff's finances and associations were unnecessary to any legitimate tax purposes and in violation of 26 U.S.C. §7605(b).

61. Plaintiffs and the members of the classes they represent have suffered and will continue to suffer deprivation of their constitutional and statutory rights unless granted the relief prayed for in this complaint. Plaintiffs have no plain, adequate or complete remedy at law against the policies and practices of defendants. Injunctive and declaratory relief are necessary in order to adequately protect the rights of plaintiffs and the classes they represent.

RELIEF

WHEREFORE, plaintiffs pray that this Court:

1. Declare, pursuant to 28 U.S.C. §2201-2202 that defendants and their agents, employees, and adjuncts conspired to and have acted unlawfully in subjecting plaintiffs to injury because of their political beliefs, expressions and association by placing plaintiffs under surveillance, intercepting and opening plaintiffs' mail, instigating the arrest of plaintiffs, interrogating plaintiffs', their families and associates, misrepresenting plaintiffs' views to others, forging plaintiffs' names and identities to threatening and other documents, committing harmful acts to persons and property and falsely attributing said acts to plaintiffs, inciting plaintiffs to violence, interfering with plaintiff Party's Community programs, suppressing and interfering with the printing, circulation and distribution of plaintiff Party's newspaper and other literature, interfering with and abridging plaintiffs' rights to freedom of expression and association, damaging plaintiffs' and their associates' property and causing plaintiffs' physical harm and emotional distress.

2. Grant appropriate equitable relief in the form of a preliminary and permanent injunction restraining defendants, their agents, employees, adjuncts and successors from conspiring to subject, and subjecting plaintiffs to injury because of their political beliefs, expression and association by placing plaintiffs under surveillance, intercepting and opening plaintiffs' mail, instigating the arrest of plaintiffs, interrogating plaintiffs, their families and associates, misrepresenting plaintiffs' views to others, forging plaintiffs' names and identities to threatening and other documents, committing harmful acts to persons and property and falsely

attributing said acts to plaintiffs, inciting plaintiffs' to violence, interfering with plaintiff Party's Community programs, suppressing and interfering with the printing, circulation and distribution of plaintiff Party's newspaper and other literature, interfering with and abridging plaintiffs' rights to freedom of expression and association, damaging plaintiffs' and their associates' property and causing plaintiffs' physical harm and emotional distress.

3. Grant appropriate equitable relief in the form of a preliminary and permanent injunction restraining defendants and their agents, employees and adjuncts from destroying any of the files, memoranda, tapes, film, photographs, documents or other materials relevant to past and present actions of defendants and their agents against plaintiffs until this litigation is ultimately resolved; and

4. Award plaintiffs damages in excess of \$50,000,000, the precise amount to be ascertained upon trial, for repeated and continuous violations of plaintiffs' Constitutional rights and to hold the defendants named herein jointly and severally liable for such damages;

5. Award plaintiffs punitive damages of \$50,000,000,
to be apportioned against each of the defendants named herein;

6. Award plaintiffs' reasonable attorneys fees for
the prosecution of this action; and

7. Grant such other relief as the Court may deem
just and proper.

Respectfully submitted.

BRUCE J. TERRIS
1908 Sunderland Place, N.W.
Washington, D.C. 20036
(202) 785-1992

FRED J. HIESTAND
COPPELMAN & HIESTAND
Suite 217
CLAREMONT HOTEL
Ashby & Domingo Avenues
Berkeley, California 94705
(415) 849-4041

CHARLES R. GARRY
1256 Market Street
San Francisco, California 94102
(415) 864-3131

Of Counsel

December 1, 1976

10/3/89 SP. AGITAM #291-728

AIRTEL ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

1/12/77

DATE 2/14/82 BY sp2 kpf/ldp

To: SAC, Albany 1 SEP 3 1987 9803 RDN PERSONAL ATTENTION
From: Director, FBI

THE BLACK PANTHER PARTY, ET AL
V. EDWARD LEVI, ET AL., USDC, DC
CIVIL NO. 76-2205 - FILE DESTRUCTION

The Department has advised of a lawsuit by the Black Panther Party (BPP) which was filed in the United States District Court for the District of Columbia on December 1, 1976, against FBI Director Kelley and other defendants. The Department has advised that in connection with this lawsuit all documents which in any way relate or which might potentially relate to this matter be preserved pending the outcome of this litigation. Records in this category are currently governed by the Congressional moratorium on destruction. However, in connection with your existing authority to destroy files in field offices, great care should be taken to insure that no files are destroyed which contain the BPP in the caption of the case or the BPP as a subcaption to any individual investigation irrespective of classification. This restriction will remain in effect until you are advised to the contrary.

It has additionally been noted that the following individuals are listed as plaintiffs in this lawsuit and the restriction for destruction would also apply to them. This would include any files wherein these individuals may be cross referenced into any other investigative file. Therefore, you should prepare a search slip on these individuals to insure that all files or any references relating to them are maintained.

HUEY P. NEWTON
8501 East 14th Street
Oakland, California

ELAINE BROWN
8501 East 14th Street
Oakland, California

- Assoc. Dir. 1 - Each Field Office
- Dep. AD Adm. 1 - Each Legal Attache
- Dep. AD Inv. 1 - Mr. Held
- Asst. Dir.: 1 - Mr. Adams
- Adm. Serv. 1 - Mr. McDermott
- Ext. Affairs 1 - Each Assistant Director
- Fin. & Pers. 1 - Each Assistant Director
- Gen. Inv. 1 - Each Assistant Director
- Ident. 1 - Each Assistant Director
- Inspection _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Eval. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Training _____
- Telephone Rm. _____
- Director Sec'y _____

REC-54
DE-4

117442

5 JAN 25 1977

SEE NOTE PAGE 2.

UNRECORDED COPY FILED IN 66-2205-28

MAILED 2

FBI

MAR 17 1977

MAIN ROOM TELETYPE UNIT

Airtel to SAC, Albany
THE BLACK PANTHER PARTY, ET AL
V. EDWARD LEVI, ET AL., USDC, DC
CIVIL NO. 76-2205 - FILE DESTRUCTION

[Redacted]

[Redacted]

IR+M

JOHN GEORGE
120-11th Street
Oakland, California

b6
b7c

[Redacted]

[Redacted]

[Redacted]

In connection with this restriction, convenience ticklers and duplicate copies (including channelized copies) without action statements are nonrecord material and may be destroyed when administrative needs have been met.

NOTE: Department letter from Rex E. Lee, Assistant Attorney General, Civil Division, to the Director dated December 22, 1976, requested the Bureau to insure that documents as described above are not destroyed in connection with previously authorized destruction criteria pending the outcome of this litigation.

APPROVED: _____

Director _____	Adm. Serv. _____	Legal Coun. _____
Assoc. Dir. _____	Ext. Affairs _____	Plan. & Insp. _____
Dep. AD Adm. _____	Fin. & Pers. _____	Rec. Mgt. _____
Dep. AD Inv. _____	Gen. Inv. _____	S. & T. Serv. _____
	Ident. _____	Spec. Inv. _____
	Intell. _____	Training _____

[Handwritten initials and signatures are present over the routing slip, including "JST/WKB" and "JST"]

12/3/76

AIRTEL

TO: DIRECTOR, FBI
FROM: SAC, WFO (62-New) (P)

ATTN: LEGAL COUNSEL DIVISION

THE BLACK PANTHER PARTY, ET AL.
V. EDWARD LEVI, ET AL.
USDC, D.C.
CIVIL ACTION FILE NO. 76-2295

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/16/92 BY sp2 tgp/clw

SEP 3 1993

9803 RBD/KH

Enclosed for the Bureau are three copies of a summons and complaint in captioned matter in which CLARENCE M. KELLEY, Director, Federal Bureau of Investigation (FBI), WILLIAM C. SULLIVAN, former Assistant Director, FBI and The Estate of J. EDGAR HOOVER are named defendants.

One copy of the summons and complaint was served at WFO on 12/3/76 by a representative of the U.S. Marshal Service, Washington, D.C. (WFO).

One copy of the summons and complaint is being furnished to the United States Attorney, Washington, D.C. by separate communication.

WFO will follow captioned matter through U.S. District Court for the District of Columbia.

2-Bureau (Enc. 3)
1-WFO

RFH:jmw
(2)

ENCLOSURE

117442 2

United States District Court

FOR THE

District of Columbia

76-2205

CIVIL ACTION FILE NO. _____

THE BLACK PANTHER PARTY, et al.

Plaintiff

v.

EDWARD LEVI, et al.

Defendant

SUMMONS

To the above named Defendant : Clarence M. Kelley

You are hereby summoned and required to serve upon Bruce J. Terris

plaintiff's attorney, whose address 1908 Sunderland Place, N.W.
Washington, D.C. 20036

an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

JAMES F. DAVEY

J. R. Wood, Jr. Clerk of Court.
Deputy Clerk.

Date: 12/1/76

[Seal of Court]

NOTE:--This summons is issued pursuant to Rule 1 of the Federal Rules of Civil Procedure.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE SEP 3 1993 BY 9803 RDD/K

60 117442 2

RETURN ON SERVICE OF WRIT

I hereby certify and return, that on the _____ day, 19____

I received this summons and served it together with the complaint herein as follows:

BY _____

By _____

MARSHAL'S FEES _____

Travel \$ _____ United States Marshal.

Service _____ By Deputy United States Marshal.

Subscribed and sworn to before me, a _____ this _____ day of _____, 19____

[SEAL]

Note:—Affidavit required only if service is made by a person other than a United States Marshal or his Deputy.

No. _____	United States District Court FOR THE	v.	SUMMONS IN CIVIL ACTION	_____ days	Returnable not later than _____ after service.	Attorney for Plaintiff
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FD-101-3-23-2004-2224

10- 2000

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THE BLACK PANTHER PARTY
8501 East 14th Street
Oakland, California
(415) 638-0195;

HUEY P. NEWTON
8501 East 14th Street
Oakland, California
(415) 638-0195;

ELAINE BROWN
8501 East 14th Street
Oakland, California
(415) 638-0195;

DONALD FREED
2337 Greenfield Ave.
Los Angeles, CA 90064
(213) 478-1169;

BERTON SCHNEIDER
933 N. LaBrea
Los Angeles, CA 90038
(213) 874-5056;

THOMAS AND FLORA GLADWIN
4551 Reinhardt
Oakland, CA 94618
(415) 530-6668;

JOHN GEORGE
120-11th St.
Oakland, California
(415) 451-6800;

FATHER EARL NEIL
Associate Officer
Community Action & Human Development
Executive Counsel of the
Episcopal Church
815-2nd Avenue
New York, New York 10017
(212) 867-8400

JOHN AND ELIZABETH HUGGINS
200 Osborne Avenue
New Haven, Connecticut 06511
(203) 387-3184;

Plaintiffs

v.

EDWARD LEVI
Attorney General of the United States;

JOHN MITCHELL

ROBERT MARDIAN

76- 2205

Civil Action No. _____

117442 2

CLARENCE M. KELLEY
Director
Federal Bureau of Investigation
Washington, D.C.;

WILLIAM C. SULLIVAN;

ESTATE OF J. EDGAR HOOVER;

GEORGE C. MOORE;

GEORGE EUSH
Director
Central Intelligence Agency
Washington, D.C.;

WILLIAM E. COLBY;

RICHARD HELMS;

WILLIAM D. SIMON
Secretary of the Treasury
Washington, D.C. ;

REX DAVIS
Director
Bureau of Alcohol, Tobacco &
Firearms of the Treasury
Department
Washington, D.C.;

HAROLD SERR;

DONALD C. ALEXANDER
Commissioner
Internal Revenue Service
Washington, D.C.;

JOHNNIE M. WALTERS;

RANDOLPH W. THROWER;

TOM CHARLES HUSTON;

HOWARD H. CALLOWAY
Secretary of the Army
Washington, D.C.;

HAROLD R. AARON
Assistant Chief of Staff for
Army Intelligence
Washington, D.C.;

BENJAMIN F. BAILAR
Postmaster General
United States Postal Service
Washington, D.C.;

WINTON M. BLOUNT;

JOHN DOE 1-5,
RICHARD DOE 1-5,
JANE DOE 1-5;

INDIVIDUALLY AND IN THEIR OFFICIAL
AND FORMER OFFICIAL CAPACITIES,

Defendants.

CLASS ACTION COMPLAINT
DECLARATORY AND INJUNCTIVE RELIEF

JURISDICTION

1. This is a class action for declaratory and injunctive relief, and an individual action for money damages, arising under the Constitution and laws of the United States, more particularly, the First, Fourth, Fifth and Ninth Amendments to the Constitution, the Civil Rights Act of 1871 [42 U.S.C. §1985], the National Security Act of 1947 [50 U.S.C. §403], the Internal Revenue Act [26 U.S.C. §7605], and the Postal Service Act [39 U.S.C. §403]. Jurisdiction of this Court is invoked pursuant to the following statutes: 28 U.S.C. §1331(a), for actions arising under the Constitution or laws of the United States; 28 U.S.C. §1340, for civil actions arising under an Act of Congress concerning internal revenue; 28 U.S.C. §1343, for damages caused by conspiracies to deprive citizens of their civil rights; and 28 U.S.C. §1361, for actions to compel officers or employees of the United States or any agency thereof to perform a duty owed to plaintiffs. The matter in controversy, exclusive of interest and costs, exceeds \$10,000.00.

INTRODUCTION

2. This action by the Black Panther Party and its supporters seeks redress against past and present high government officials because of the concerted plan conceived and implemented by said officials since 1967 to destroy the Party politically and financially. The illegal means by which defendants have conspired to achieve destruction of the Party range from the extreme of causing assassination of Panther leaders to the more commonplace, albeit still unlawful practice of, burglarizing and bugging plaintiffs' offices and homes. All of the plaintiffs and those they represent have, because of their political activities, beliefs, and associations, been subjected to the practices complained of herein by defendant government officials who, despite official

denials to the contrary, persist to this day in their efforts to repress and harass plaintiffs.

PARTIES

3. Plaintiff Black Panther Party was founded by Huey P. Newton in 1966. It is an association of black and poor persons who are committed to improving the social and economic condition of minority and poor people and to eradicating the societal ills of racism, economic class discrimination and oppression of all kinds. The principal office of plaintiff Party is in Oakland, California where its newspaper is published and where the many survival and other programs it has initiated and sponsored are focused. These programs provide free services and goods to those in need, including transportation for senior citizens, legal and ambulance services, food, and testing of black and other subject persons for sickle cell anemia. Plaintiff Party brings this action on behalf of itself and its past and present members.

4. Plaintiff Huey P. Newton is the Founder and Chief Theoretician of the Party. He is a resident of Oakland, California, but, because of the unlawful activities of the defendants directed against him and detailed herein, is presently residing outside the jurisdiction of the United States until it is safe for him to return.

5. Plaintiff Elaine Brown is the authorized Chairperson for the Party. She is a citizen of the United States and a resident of Oakland, California.

6. Donald Freed is a published author and open supporter, both politically and financially, of the Party and its activities. He is a citizen of the United States and a resident of Los Angeles, California.

7. Berton Schneider is a producer and director of films and an open supporter, both politically and financially, of the

Party and its activities. He is a citizen of the United States and a resident of Beverly Hills, California.

8. Thomas and Flora Gladwin are active supporters of the Black Panther Party. They are citizens of the United States and residents of Oakland, California.

9. John George is an attorney and a member of the Board of Supervisors of Alameda County, California. He is a supporter of the Party and a resident of Oakland, California.

10. Father Earl Neil is a long-time supporter of the Black Panther Party and assisted in the implementation of its breakfast programs for children. He is a citizen of the United States and a resident of New York, N.Y.

11. John and Elizabeth Huggins are the parents of assassinated Black Panther Party member, John Huggins. They are citizens of the United States and residents of New Haven, Connecticut.

12. All of the plaintiffs and those they represent have suffered substantial injury as a result of the unlawful actions taken by defendants for the purpose of punishing, harassing and burdening the plaintiffs because of their political beliefs, expressions and associations.

13. Defendant Edward Levi is the current Attorney General of the United States.

14. Defendant John Mitchell is a former Attorney General of the United States.

15. Defendant Robert Mardian is a former Assistant Attorney General for Internal Security.

16. Defendant Clarence M. Kelley is the present Director of the Federal Bureau of Investigation (FBI).

17. Defendant William C. Sullivan is a former Assistant Director of the FBI.

18. The Estate of J. Edgar Hoover is sued herein because he was a former Director of the FBI.

19. Defendant George C. Moore is a former chief of the Racial Intelligence Section of the FBI.
20. Defendant George Bush is the current Director of the CIA.
21. Defendant William E. Colby is a former Director of the CIA.
22. Defendant Richard Helms is a former Director of the Central Intelligence Agency (CIA).
23. Defendant William E. Simon is the present Secretary of the Treasury.
24. Defendant Rex Davis is the current Director of the Bureau of Alcohol, Tobacco & Firearms of the Treasury Department.
25. Defendant Harold Serr is a former Director of the Bureau of Alcohol, Tobacco & Firearms within the Treasury Department.
26. Defendant Donald C. Alexander is the current Commissioner of the Internal Revenue Service (IRS).
27. Defendant Johnnie M. Walters was Commissioner of IRS from August, 1971 to March 1973.
28. Defendant Randolph W. Thrower was Commissioner of IRS from July, 1969 to January, 1971.
29. Defendant Tom Charles Huston was an assistant to the President of the United States.
30. Defendant Howard H. Calloway is the Secretary of the Army.
31. Defendant Harold R. Aaron is the Assistant Chief of Staff for Army Intelligence.
32. Defendant Benjamin F. Bailor is the current Postmaster General of the United States Postal Service.
33. Defendant Winton M. Blount is a former Postmaster General of the United States Postal Service.
34. Defendant John Doe 1 - 5, Richard Roe 1 - 5, and Jane Doe 1 - 5, are unknown employees of the Justice Department, the

FBI, the CIA, the Treasury Department, the Bureau of Alcohol, Tobacco and Firearms of the Treasury Department, the IRS, the White House, Army, the Postal Service and other agencies of the federal government that conspired with each other and/or the above-named defendants and their agents in taking and promoting unlawful actions intended to harm and, in fact, causing injury to plaintiffs herein.

35. Each of the defendants is being sued in his or her individual and official or former official capacities. Each defendant held the official position stated herein at times relevant to the allegations of this complaint, and each defendant was acting under the color of his or her official capacity at the times complained of herein.

CLASS ACTION ALLEGATIONS

36. Plaintiffs bring this action as a class action under the Federal Rules of Civil Procedure 23 (a), 23 (b), and 23(c) (4).

37. Plaintiffs Party, Newton and Brown represent past and present living members of the Black Panther Party who, because of their political beliefs and activities as expressed by their membership in the Party, were and are subject to unlawful and harmful actions by defendants.

38. Plaintiffs John and Elizabeth Huggins represent the estates of Party members who, while they were alive, suffered harassment, punishment and injury, including for some death, as a result of the conspiratorial actions of defendants and their agents complained of herein.

39. Plaintiffs Freed, Schneider, Thomas and Flora Gladwin, George and Neil represent a class of persons throughout the United States who, because of their open political or financial support of the Party and its activities, were or continue to be subject to illegal and injurious actions by defendants.

40. The number of individuals in each of these classes is too large to make joinder practicable.

41. Defendants have acted on grounds generally applicable to each class, thereby making injunctive and declaratory relief appropriate with respect to each class.

42. The claims of the named plaintiffs are typical of the claims of the classes they represent.

43. There are questions of law and fact common to the members of each class in this action. The common questions of fact relate to the subjecting of class members to invidious and damaging actions by defendants because of plaintiffs' political beliefs and activities. The common questions of law relate to the Constitutional and other violations of law that flow from the governmental imposition of burdens upon, and efforts to punish and harm, those whose political beliefs and activities are opposed by defendants.

44. Plaintiffs will fairly and adequately protect the interests of each class. Plaintiffs are represented by attorneys experienced in the field of Constitutional litigation. Plaintiffs know of no conflicts of interest among members of the classes with regard to the issues in this case.

THE FACTS

45. In 1967, the FBI formed a special counter-intelligence program, called COINTELPRO, intended, in the Bureau's own sanitized words, to "expose, disrupt, misdirect, discredit or otherwise neutralize the activities of black nationalists." A specific purpose of COINTELPRO was to prevent the rise of a "messiah," a charismatic black leader who might "unify and electrify" black persons. Martin Luther King, Jr. was named as a potential "messiah" in the FBI's own secret memoranda establishing COINTELPRO, but, after the assassination of King in 1968, the FBI shifted its focus to the Party and its leadership, particularly Huey P. Newton,

in conformity with then Director J. Edgar Hoover's public pronouncement that the Party constituted "the greatest threat to the internal security of the country...". Of the 295 total actions taken by the COINTELPRO program alone to disrupt black groups, 233 - or 79% - were specifically directed toward destruction of plaintiff Party. Approximately \$100,000,000 of taxpayers' money was expended for COINTELPRO, over \$7 million of it allocated for 1976 alone to pay off informants and provocateurs (twice the amount allocated in this same period by the FBI to pay organized crime informants.)

44. With the election of Richard M. Nixon as President of the United States in 1968, the Administration addressed itself, in the words of former White House Counsel John Dean, to "the matter of how we can maximize the fact of our incumbency in dealing with persons known to be active in their opposition to our Administration. Stated a bit more bluntly -- how we can use the available federal machinery to screw our political enemies."

45. A "White House Enemies List" was drawn up by officials in the Nixon Administration. In its original form, this list contained the names of only two parties or organizations, one of which is plaintiff Black Panther Party. Later, a longer version of this list contained additional names of many prominent and widely respected figures in the fields of politics, labor, the media and academia, including other plaintiffs herein. The existence and circulation of this "Enemies List" confirmed for defendants the Administration's approval of their efforts to target plaintiffs for concerted action to cause them injury, and in some instances, death.

46. A detailed plan, commonly known as the Huston Plan after its White House designated co-ordinator, Tom Charles Huston, was approved by the former director of the FBI, the CIA, the Defense Intelligence Agency and the National Security Agency in 1970. This plan spelled out the means by which defendants and their agents

intend to destroy the plaintiff Party. Their actions included, inter alia, warrantless electronic surveillance of plaintiffs, illegal opening and reading of plaintiffs' mail, breaking and entering of plaintiffs' homes and offices for the copying or theft of information and material, and the widespread use of informants and agent provocateurs. Although this proposed plan was first approved and allegedly later disapproved by former President Richard Nixon because J. Edgar Hoover decided not to co-operate, these tactics had already been used by defendants against plaintiffs and continue to be used.

47. The full nature and extent of the actions taken by defendants against plaintiffs cannot be ascertained without discovery. Only recently the Select Committees on Intelligence of both houses of the United States Congress reported numerous unconstitutional and unlawful actions taken by defendants against plaintiffs. These actions include documented efforts by defendants to promote violence between the Party and other minority organizations, to disrupt the Party by promoting internal dissention, to falsely discredit the Party to the public, its members and supporters, and to prevent the Party and its supporters from expressing their views. Plaintiffs have learned of other actions taken by defendants and their agents which indicate the intensity and severity of harm done to plaintiffs by this conspiracy of governmental officials. As in any conspiracy, it is difficult to pinpoint exactly which of the named defendants bears primary responsibility for each injury inflicted upon and suffered by plaintiffs, but there is no doubt that all of the named defendants, individually or in concert, caused and are legally responsible for, inter alia, the following actions.

HARASSMENT AND ASSASSINATION OF PARTY MEMBERS

48. Defendants and their agents have knowingly, intentionally and wilfully harassed, abused and injured plaintiff Party members in numerous unlawful and violent ways, including

the assassination of Party leaders or assisting in their assassination by others, to wit:

A. From 1968 to the present, defendants engaged in unlawful mail opening, interception of telephone and other conversations and physical surveillance of Party leaders, members and supporters. For example, despite recent revelations about the unlawful activities directed by the FBI against plaintiffs, defendant FBI agents still take down the names and license numbers of guests who visit the residence of plaintiff Elaine Brown. Privileged conversations between plaintiffs and their legal counsel have been intercepted and information conveyed in those conversations has been used by defendants and their agents to cause plaintiffs physical and emotional harm.

B. Defendants and their agents have also committed innumerable burglaries, or "black bag" jobs, where files, including investigatory and research files on pending litigation, and lists containing the names and addresses of Party members, supporters and contributors have been stolen.

C. Defendants and their agents have instigated, encouraged and, on information and belief, planned, supervised or coordinated armed raids by local city police departments on offices and homes of plaintiff Party members. These raids -- which have, for example, been directed against Party offices in Los Angeles, California; Chicago, Illinois; New Orleans, Louisiana, Kansas City, Missouri and numerous other cities -- caused serious injury to the Party, its members and its property. The raids have, on information and belief, been instigated, planned or directed by defendants and their agents for the purpose of harassing, injuring and punishing plaintiffs because of their political beliefs and not for any legitimate law enforcement purpose.

D. On or about July 30, 1974, Huey P. Newton was falsely arrested by agents of the Bureau of Alcohol Tobacco and Firearms, in cooperation with other defendants, and charged with the federal crime of being an ex-felon in possession of a firearm. Said agents of defendants knew that plaintiff Newton neither possessed a firearm nor was an ex-felon, but wrongfully placed the false criminal charge against plaintiff to discredit, embarrass and humiliate him and the Party. This charge was dropped after plaintiff Newton had been confined for two days as a result of it.

E. Defendant agents and officials of the IRS have audited the tax returns of plaintiff Newton for three consecutive years. These audits and a falsely alleged back tax liability in excess of \$50,000 have been instigated because of plaintiff Newton's political beliefs and leadership position within plaintiff Party and for the purpose of harassing him, causing him and the Party great expense in time, energy and money, and in the hope of ultimately convicting him of some technical violation of the massive and confusing tax laws.

F. In 1971, defendants placed an undercover agent or operative in the apartment unit next to the 25th floor highrise apartment of Huey P. Newton, Founder and Chief Theoretician of the Party. The rental of the agent's apartment was paid for with FBI funds. This agent or operative remained in said apartment for several months and during that time illegally spied on Newton, his guests, and associates and unlawfully overheard and reported on conversations between them. During the time said agent or operative was residing in this apartment, plaintiff Newton's apartment was robbed of Party files containing the names and addresses of Party members, supporters and contributors and other valuable and privileged information.

Said agent or operative's last action while residing as a tenant next to Huey P. Newton was to engage in a "shoot-out" with Oakland police officers in the hallway outside Newton's apartment doorway. The police alleged they had come to arrest the agent or operative for unpaid traffic tickets and that he opened fire on them from inside his apartment. Said agent or operative was arrested, and no one injured. Plaintiffs are informed and believe that the shoot-out was staged either to draw plaintiff Newton out into the hallway where he could be assassinated or, in the alternative, the agent or operative -- who was on parole from a California prison -- was being removed by defendants, with or without knowledge of the Oakland police as to his "official" assignment, for defendants and their agents, because he had failed to assassinate or set-up for assassination, Huey P. Newton.

G. On December 4, 1969, Chicago Party members Fred Hampton and Mark Clark were shot and killed and four other Party members seriously wounded in a pre-dawn raid by Chicago police under the direction of the Cook County States' Attorney's Office. Federal civil litigation concerning this murder has thus far revealed that an informant or operative of the FBI, one William O'Neal, had been planted by the FBI as a provocateur in the Party. O'Neal not only provided the FBI with a detailed floor plan of the Chicago Panther headquarters, complete with an "X" over the bed where Fred Hampton was sleeping when he was shot and killed, but, on information and belief, O'Neal or another agent or employee of defendants drugged Hampton before he was shot to insure that he would be in bed when police fired into the headquarters.

INCITING AND CAUSING VIOLENCE BY OTHERS AGAINST PLAINTIFFS

49. Defendants and their agents wilfully, maliciously, knowingly and intentionally fostered and caused suspicion, hostility and violence by others toward and against the plaintiff Party, sometimes resulting in the death of Party members, to wit:

A. In November 1968, former FBI director J. Edgar Hoover instructed fourteen FBI field officers by memoranda to "submit imaginative and hard-hitting counterintelligence measures aimed at crippling the Black Panther Party . . . in order to fully capitalize upon Party and US differences . . ." One of these counterintelligence measures was the drawing and mailing by the defendant FBI officials of derogatory cartoons to plaintiff Party offices and homes depicting Party leaders as "ineffectual, inadequate, and . . . corrupt . . ." These cartoons were made to look as if they were from US, a black nationalist organization. Defendant FBI officials also knew that US members, assisted and encouraged by agent provocateurs of defendants, were holding firearms practice and purchasing large amounts of ammunition. Defendants and their agents took no action to in any way discourage or prevent this training with and stockpiling of weapons.

B. In January, 1969, defendants assisted in and promoted the assassination of two Party members at the University of California at Los Angeles: Alprentice "Bunchy" Carter and John Huggins. The person observed committing the assassinations by numerous eye-witnesses was allegedly a member of the US organization. This person, plaintiffs are informed and believe, fled the jurisdiction with the knowledge and cooperation of the defendants and their agents. Two other persons, also admittedly members of the US organization, were tried and convicted for conspiracy in the Carter-Huggins assassination.

They escaped in 1974 from the maximum security prison San Quentin, with the assistance of defendants. They have not been apprehended to this date.

C. on May 23, 1969, Party members John Savage was shot and killed by an alleged US member. Later, on August 14, 1969, two Party members were wounded by an US member. The next day Party member Sylvester Bell was killed in San Diego, California also allegedly by US members.

D. Defendant FBI officials responded to these murders of plaintiff Party members by proposing yet additional derogatory cartoons to cause further violence against the Party. Moreover, the FBI defendants candidly stated in a September 18, 1969, internal memorandum that "a substantial amount of the unrest [mentioned above] is directly attributable to this program [i.e., COINTELPRO]."

E. In 1968 and 1969 defendant FBI officials approved and ordered the sending of both forged and false anonymous threatening and warning letters to the leadership of the Chicago Chapter of the Party and another Chicago based black organization, the P-Stone Nation (also known as the Blackstone Rangers). The purpose of these letters and other false and misleading information conveyed by operatives, agents and employees of defendants acting as if they were good faith members of the Party or the Rangers, was to cause the same kinds of violence caused between US and the Party. On information and belief, plaintiff Party did suffer violence to its members and supporters as a result of defendants' actions in this regard.

USE OF AGENTS AND INFORMANTS TO DISCREDIT PARTY
BY URGING AND COMMITTING VIOLENCE IN ITS NAME

50. Defendants and their agents placed provocateurs, operatives and informants within plaintiff Party and employed, directed or rewarded said persons to commit violence and incite others within the Party to violence for the purpose, and with the effect, of weakening the Party internally and losing it public support, to wit:

A. William O'Neal, the informant and agent provocateur for defendant FBI officials described in paragraph 48G herein, constantly tried to persuade Chicago plaintiff Party members to resort to violence. He constructed an electric chair to be used on alleged informers (in fact, innocent Party members), but it was disassembled on Chicago Party chairman Fred Hampton's orders. O'Neal stockpiled dangerous weapons, including plastic explosives, and urged other Party members to participate in armed robberies and the bombing of an armory. Defendant FBI officials knew of, and approved or directed, O'Neal's actions as evidenced in an FBI internal memorandum that admits O'Neal was used "... in harassing and impelling the criminal activities of the Black Panther Party locally."

B. In 1969 defendants placed an experienced operative or undercover agent in the New Haven Chapter of the Party for the purpose of persuading and directing Party members of that Chapter to commit unlawful and irrational actions that would damage and discredit the Party. Specifically, said operative accused an innocent member of the Party, Alex Rackley, of being a "police agent," and then proceeded to direct and participate in his torture-murder. Said operative then turned "state's

evidence" to accuse Party leaders, who had no knowledge of said murder and who deplored it, of ordering Rackley's murder. Though this agent or operative was convicted by a jury, the leaders he tried to implicate were not. Nonetheless, immense damage was done to the Party in terms of public reputation, finances and morale of its members and supporters. Said operative or agent spent only the briefest time in prison because, on information and belief, he was placed through defendants' efforts in a work-study program at an Ivy League institution of higher learning. He now holds a comfortable position at an Eastern college which, on information and belief, plaintiffs allege he also obtained through the efforts of defendants and their agents.

C. Defendants knew that Huey P. Newton opposed the use of violence except in self-defense. They also knew that he favored the building of black community power through the implementation of social and economic survival programs and close cooperation with churches and other indigenous institutions. Hence, defendants, on information and belief, committed their financial and technical resources and personnel to support Eldridge Cleaver and his followers within the Party who openly advocated the arbitrary use of violence. Defendants supported Cleaver for the purpose and with the effect of weakening or destroying the Party internally and losing it significant public support.

SABOTAGING AND DISCREDITING OF CONSTRUCTIVE PARTY PROGRAMS

51. Defendants and their agents not only supported, encouraged and committed violence in the name of plaintiff Party, but also embarked on a deliberate campaign to sabotage and destroy constructive social and economic programs of the Party, to wit:

A. An early successful and popular program of plaintiff Party was the provision of free, hot breakfasts to minor children in the black communities throughout the United States. This program was dependant on efforts of plaintiff Party members and volunteer contributions of food and other provisions from local merchants, businessmen and churches. Finding little to objectively criticize about this program other than vague charges about propagandizing the participating children (which simply meant teaching them ideas defendants disliked), defendants and their agents decided to destroy the program.

B. In 1969 an alleged member of the Party residing in Sacramento, California, drew up a so-called "comic book" depicting police as caricature "pigs" for purposes of political propaganda, and sent it to the Oakland, California headquarters of the Party for review and comment. This "comic book" was then reviewed and rejected for publication or circulation by the leadership of the Party because it was thought to be non-reflective of Party philosophy too crude and in bad taste. An operative or informant, however, stole one of the few drafts of this proposed publication and delivered it to FBI defendants and their agents who added captions that advocated violence, printed thousands of copies bearing plaintiff Party's name, and circulated

them throughout the country, particularly to merchants and businesses contributing to the breakfast program. Those who received these so-called comics and the media were falsely told and led to believe by defendants and their agents that the booklets were given out to children participating in the breakfast program. These misrepresentations and deceptive acts were done by defendants and their agents in order to damage the Party and the breakfast program.

C. Churches which assisted the plaintiff Party in its breakfast program were also harassed by defendants and their agents and deterred from continuing support. In 1969, for example, the San Diego office of defendant FBI officials placed telephone calls and wrote anonymous letters to the Auxiliary Bishop of the San Diego Diocese of the Catholic Church falsely claiming to be parishoners upset about Father Frank Curran's support of the breakfast program. Within one month of these calls and other injurious actions taken by defendants, Father Curran was transferred from the San Diego Diocese to the State of New Mexico. Defendant FBI officials and their agents reported in their internal memoranda that Father Curran had been "neutralized" and that the breakfast program in San Diego had been destroyed.

D. Another constructive program that the plaintiff Party has undertaken to the displeasure of defendants and their agents is the free testing of black and other subject persons for Sickle Cell Anemia. To destroy this program, which is centered in Oakland, California, defendants have urged local

police in Oakland and surrounding communities to arrest for unlawful solicitation plaintiff Party members who seek street donations to the Sickle Cell program. The pressure from defendants on local police to make these arrests has been so great, and the police attitude toward plaintiffs, created largely by defendants and their agents so hostile, that even after the San Francisco solicitation ordinance under which plaintiffs had been arrested was declared unconstitutional by a California Court, San Francisco police continued to arrest plaintiff Party members. In addition, defendants and their agents, on information and belief, contacted local media people and persuaded them to publish articles and broadcasts falsely attacking the legitimacy of plaintiff Party's Sickle Cell Anemia program so as to reduce contributions to the program.

E. In 1972, plaintiff Party members and leaders were instrumental in founding an independent non-profit corporation called the Educational Opportunities Corporation, Inc. (EOC). This corporation primarily sponsors a model school for approximately one-hundred and thirty-five elementary grade children in Oakland, California. Since its formation, agents and operatives of defendant FBI AND IRS officials have called upon teachers and contributors of the school to question them and deter them from having any further contact with or support for the school.

SUPPRESSING FREE EXPRESSION AND MISREPRESENTING THE PARTY

52. Defendants and their agents interfered with and suppressed plaintiff Party members' and associates' rights to express their views to the public and misrepresented their true views to the public for the purpose, and with the effect, of losing the Party political and financial support, to wit:

A. Colleges, universities and other institutions that invited representatives of the Party to speak and answer questions were contacted by defendants and their agents and urged to cancel the engagements. When friendly persuasion did not work to cancel the speaking engagements, defendants and their agents telephoned anonymously to officials at said colleges, universities or other institutions and warned them of violence if plaintiff members were permitted to speak. In addition, defendants and their agents would contact members of the plaintiff Party or their families and warn them that if they made the intended speaking engagements as promised they would be killed or injured. All of these actions were taken for the purpose, and often with the effect, of preventing their representatives from expressing their views publicly.

B. Plaintiff Party publishes and distributes THE BLACK PANTHER, a weekly newspaper with a national circulation. Defendants and their agents have sought to suppress the publication and distribution of this newspaper by sabotaging its offices, destroying numerous shipments of the paper, vandalizing trucks carrying the paper, instigating arrests of street vendors of the newspaper, and pressuring commercial airliners that transport the paper nationally to charge a higher rate than that normally charged other organizations shipping similar printed matter. Defendants and their agents also persuaded the Postal Service to charge the

plaintiff Party a higher postage rate for mailing paid subscriptions than what is normally afforded similar publications. Defendant IRS officials and their agents served summonses on banks seeking information about the Party and its paper for the purpose of destroying the publication and circulation of THE BLACK PANTHER .

C. Defendants and their agents compiled information containing half-truths and out-right fabrications and disseminated this information to friendly sources within local radio and television stations and newspapers throughout the country so that false and harmful stories about the Party, its leaders and activities would be conveyed to the public. At the same time, defendants and their agents have, on information and belief, urged the media to discourage the printing, publishing or dissemination of any true information about positive programs and activities that the Party has been engaged in since its inception.

D. When plaintiff Party leaders have been scheduled to appear for public speaking or on television radio broadcasts, defendants have provided false information, or privileged but embarrassing information gained by unlawful means, to hecklers, callers-in and, in some instances, "friendly" media sources so that the Party would be discredited with the public and its supporters. Defendants and their agents also instigated, for example, the arrest of former Chicago Party leader Fred Hampton when he was about to appear on a local television program. The arrest was intended to, and did, embarrass, humiliate and discredit the plaintiff Party with the public and its supporters.

OTHER GENERAL HARASSMENT OF MEMBERS AND SUPPORTERS

53. Defendants and their agents have engaged in a wide variety of actions beyond those categorized generally and set forth specifically hereinabove. All of these actions have been and are maliciously, unlawfully and intentionally undertaken pursuant to a systematic plan and goal of destroying the Party, and injuring its members and supporters. These actions by defendants and their agents include, inter alia:

A. Informing or contacting businesses and persons with whom plaintiffs were employed or had an economic relationship about plaintiffs' political views and activities for the purpose and with the effect of damaging plaintiffs' economic interests.

B. Informing family or other persons associated with plaintiffs of allegedly immoral activity by plaintiffs in order to disrupt and injure the plaintiffs in these relationships.

C. Destroying plaintiffs' personal and real property.

D. Making plaintiff supporters of the Party falsely appear to be hostile to the Party by "leaking" to the Party forged documents bearing a supporter's signature and attacking or ridiculing the Party.

E. Sending or "leaking" forged documents or false information to plaintiff supporters that reasonably places said supporters in apprehension for their lives or safety because the documents or information falsely threatens them in the name of plaintiff Party.

F. Calling upon plaintiffs and questioning them about their and other Party members' and supporters' activities for the purpose of "chilling" plaintiffs' right to free expression and association.

G. Placing plaintiffs' under physical surveillance, opening their mail, eavesdropping on their conversations and committing other acts in violation of plaintiffs' rights to associational privacy.

H. All of the acts complained of herein were committed by defendants and their agents, individually and in concert, and were done wilfully, intentionally, maliciously, in bad faith and with a knowing and reckless disregard of plaintiffs' constitutional rights. Said acts of defendants and their agents were undertaken for the unlawful purpose, and with the effect, of punishing, harassing and burdening plaintiffs because their political beliefs, activities and associations were and are opposed by defendants. All of the defendants and agents were or are personally involved in the conspiracy herein alleged and their conduct has caused grave and substantial damage to plaintiffs entitling plaintiffs to damages against the defendants and their agents.

FIRST CLAIM FOR RELIEF.

54. As alleged in paragraphs one through fifty-three, the actions of defendants and their agents violated and continue to violate the First Amendment rights of plaintiffs and the classes they represent to freedom of expression and association.

Second Claim for Relief

55. As alleged in paragraphs one through fifty-three, the action of defendants and their agents in using their investigatory, law enforcement and other official powers to selectively and discriminatorily retaliate against and punish plaintiffs for their political beliefs, expressions and associations violates plaintiffs' rights to due process and equal protection of the law as guaranteed by the Fifth Amendment to the United States Constitution.

Third Claim for Relief

56. As alleged in paragraphs one through fifty-three, defendants and their agents violated and continued to violate the Fourth, Fifth and Ninth Amendment rights of the plaintiffs and the members of the classes they represent to be free from unreasonable governmental invasions and abridgements of their personal and associational privacy.

Fourth Claim for Relief

57. As alleged in paragraphs one through fifty-three, the acts of defendants and their agents complained of herein constitute a conspiracy to deprive plaintiffs and the classes they represent of the equal protection of the law in violation of Title 42 United States Code, Section 1985.

Fifth Claim for Relief

58. As alleged in paragraphs one through fifty-three, the acts of defendants and their agents in conspiring to

discriminate and discriminating against plaintiffs with respect to use of the mails violates 39 U.S.C. §403 which prohibits any undue or unreasonable discrimination among users of the mails.

Sixth Claim for Relief

59. As alleged in paragraphs one through fifty-three, the actions of CIA defendants and their agents and the other defendants and their agents who knowingly conspired with them, violate 50 U.S.C. §403 which prohibits the CIA from exercising any law enforcement powers or internal security functions.

Seventh Claim for Relief

60. As alleged in paragraphs one through fifty-three, the acts of defendants and their agents in conspiring to examine and investigate plaintiff's finances and associations were unnecessary to any legitimate tax purposes and in violation of 26 U.S.C. §7605(b).

61. Plaintiffs and the members of the classes they represent have suffered and will continue to suffer deprivation of their constitutional and statutory rights unless granted the relief prayed for in this complaint. Plaintiffs have no plain, adequate or complete remedy at law against the policies and practices of defendants. Injunctive and declaratory relief are necessary in order to adequately protect the rights of plaintiffs and the classes they represent.

RELIEF

WHEREFORE, plaintiffs pray that this Court:

1. Declare, pursuant to 28 U.S.C. §2201-2202 that defendants and their agents, employees, and adjuncts conspired to and have acted unlawfully in subjecting plaintiffs to injury because of their political beliefs, expressions and association by placing plaintiffs under surveillance, intercepting and opening plaintiffs' mail, instigating the arrest of plaintiffs, interrogating plaintiffs', their families and associates, misrepresenting plaintiffs' views to others, forging plaintiffs' names and identities to threatening and other documents, committing harmful acts to persons and property and falsely attributing said acts to plaintiffs, inciting plaintiffs to violence, interfering with plaintiff Party's Community programs, suppressing and interfering with the printing, circulation and distribution of plaintiff Party's newspaper and other literature, interfering with and abridging plaintiffs' rights to freedom of expression and association, damaging plaintiffs' and their associates' property and causing plaintiffs' physical harm and emotional distress.

2. Grant appropriate equitable relief in the form of a preliminary and permanent injunction restraining defendants, their agents, employees, adjuncts and successors from conspiring to subject, and subjecting plaintiffs to injury because of their political beliefs, expression and association by placing plaintiffs under surveillance, intercepting and opening plaintiffs' mail, instigating the arrest of plaintiffs, interrogating plaintiffs, their families and associates, misrepresenting plaintiffs' views to others, forging plaintiffs' names and identities to threatening and other documents, committing harmful acts to persons and property and falsely

attributing said acts to plaintiffs, inciting plaintiffs' to violence, interfering with plaintiff Party's Community programs, suppressing and interfering with the printing, circulation and distribution of plaintiff Party's newspaper and other literature, interfering with and abridging plaintiffs' rights to freedom of expression and association, damaging plaintiffs' and their associates' property and causing plaintiffs' physical harm and emotional distress.

3. Grant appropriate equitable relief in the form of a preliminary and permanent injunction restraining defendants and their agents, employees and adjuncts from destroying any of the files, memoranda, tapes, film, photographs, documents or other materials relevant to past and present actions of defendants and their agents against plaintiffs until this litigation is ultimately resolved; and

4. Award plaintiffs damages in excess of \$50,000,000, the precise amount to be ascertained upon trial, for repeated and continuous violations of plaintiffs' Constitutional rights and to hold the defendants named herein jointly and severally liable for such damages;

5. Award plaintiffs punitive damages of \$50,000,000, to be apportioned against each of the defendants named herein;
6. Award plaintiffs' reasonable attorneys fees for the prosecution of this action; and
7. Grant such other relief as the Court may deem just and proper.

Respectfully submitted.

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(202) 785-1992

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CHARLES R. GARRY
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San Francisco, California 94102
(415) 864-3131

Of Counsel

December 1, 1976

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. _____
 Dep. AD Adm. _____
 Dep. AD Inv. _____
 Asst. Dir.:

- Adm. Serv. _____
- Ext. Affairs _____
- Fin. & Pers. _____
- Gen. Inv. *JKR*
- Ident. _____
- Inspection _____
- Intell. _____
- Lab. _____
- Legal Coun.
- Plan. & Eval. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Training _____
- Telephone Rm. _____
- Director Sec'y _____

TO : Mr. Gallagher *ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/15/93 BY 9803 RDD/efh*

FROM : J. G. Deegan *JGD*

SUBJECT: THE BLACK PANTHER PARTY, ET AL., V.
EDWARD LEVI, ET AL.
(U.S.D.C., D.C.)
CIVIL ACTION FILE NO. 76-2205

DATE: 1/17/77

- 1 - Mr. Adams
 - 1 - Mr. Ingram
 - 1 - Mr. Deegan
 - 1 -
 - 1 - Mr. Mintz *o*
- (Attn:)

b6
b7c

PURPOSE: To furnish the Legal Counsel Division a reasonable estimate of the number of volumes maintained at FBIHQ concerning our investigation of the Black Panther Party (BPP) and the individual plaintiffs named in the complaint.

RECOMMENDATION: None. For information.

APPROVED:

Director.....	Adm. Serv.....	Legal Coun. <i>JGD</i>
Assoc. Dir.....	Ext. Affairs.....	Plan. & Insp.....
Dep. AD Adm.....	Fin. & Pers.....	Rec. Mgnt.....
Dep. AD Inv. <i>JGD</i>	Gen. Inv. <i>g/KR</i>	S. & T. Serv.....
	Ident.....	Spec. Inv.....
	Intell.....	Training.....

SYNOPSIS & DETAILS: Captioned civil action has been filed by the BPP and eight individuals who claim to be members and/or supporters of the BPP. Among the defendants, in addition to Mr. Levi are the Director, the estate of J. Edgar Hoover, William C. Sullivan, various present and former heads of the Central Intelligence Agency (CIA), Treasury Department, Internal Revenue Service (IRS), Department of the Army, U. S. Postal Service, and 15 unnamed defendants.

The complainants allege that the defendants conspired to achieve destruction of the BPP by means of a concerted plan conceived and implemented in 1967, to ruin the BPP both politically and financially. The plaintiffs seek injunctive relief and damages in excess of \$50 million.

The following is a list of files at FBIHQ concerning the individual named plaintiffs:

REC-54 62 117442-3

ST-108

VRT:hlb (6)

CONTINUED - OVER

FEB 8 1977



MAR 7 1977

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

UNCLASSIFIED COPY FILED IN 76-2205-100

Memo J. G. Deegan to Mr. Gallagher
 Re: BLACK PANTHER PARTY

Plaintiff	Bureau File No.	Sections	Subsections	Serials	Bulky Exhibits (B) Enclosures (E)
Huey P.	92-12718	2		31	
Newton	92-13682	1		14	
	92-14778	1		5	
	105-165429	20	1	840	4E
Total:	4	24	1	890	
	157-12301	4		147	3E 1B
Total:	1	4		147	
	25-563188	1		9	
	44-51417	1		5	1E
	100-447268	4		142	1B
Total:	3	6		156	
	157-19403	2		120	1E 1B
Total:	1	2		120	
	100-458945	1		12	
Total:	1	1		12	
	62-5-35491 (1/29/70)	1			116E
Total:	1	1			
John	26-116469	2		unavailable	
George	40-54736	1		unavailable	
	105-115561	1		16	
	105-236674	2		45	1B
	140-13628	1		5	
Total:	5	7		66	
	26-13983	on		microfilm	
	26-164285	on		microfilm	
	26-341643	1		1	
	62-251	1			
	87-56256	1		2	
	95-46347	1		1	
Total:	6	4		4	
	9-43429	1		5	1E
	26-22480	on		microfilm	
	42-7960	2		59	
	52-21700	on		microfilm	
	58-5870	1		56	
	95-98205	1		1	
	109-213	1		1	
	157-14621	2		33	
Total:	8	8		155	

b6
b7C

Memo J. G. Deegan to Mr. Gallagher
 Re: BLACK PANTHER PARTY

Plaintiff	Bureau File No.	Sections	Subsections	Serials	Bulky Exhibits (B) Enclosures (E)
	100-439812-1	1		1	
	100-203581-1131	1		1	
	100-7888-50,52,26	1		3	
	121-9757-5,8X	1		2	
Total:	4	4		7	

b6
b7C

GRAND TOTAL PLAINTIFF FILES:

Files 34
 Sections 59
 Subsections 1
 Serials (approx.) 1557
 Enclosures 10
 Bulky Exhibits 4

Plaintiff: The Black Panther Party
 File Number: 105-165706

Sub-Sections	Sections	Serials	Encs.	Bulky Exhibits	SUB FILES
1	4	311	1		
2	5	405			
3	18	1062	3		1 Sub A
4	1	121			
5	18	1116	6	1	
6	3	185			
7	1	19			
8	14	760	5		1 Sub A
9	56	2874	1	1	2 Sub A
10	7	495	2		
11	12	701	1		
12	3	288	2		
13	10	516			1 Sub A
15	15	1109	2		1 Sub A
16	2	62			
18	1	35			
19	4	318	1		
21	11	445			
23	8	328	3	1	

Memo J. G. Deegan to Mr. Gallagher
 Re: BLACK PANTHER PARTY

Sub Sections	Sections	Serials	Encs.	Bulky Exhibits	SUB FILES
24	1	73			
25	1	45			
26	54	3151	12	1	
27	1	55			
28	3	184			
29	2	72			
30	9	357	2		
31	13	690	2		
32	42	2321	3	1	1 Sub A
33	8	549	2		1 Sub A
34	59	3803	41		1 Sub A
35	1	121			
36	11	439	1		1 Sub A
37	16	950			1 Sub A
38	1	61			
39	3	189	1		
40	8	384			
41	4	249	1		
42	3	207	1	1	
43	2	224			
44	1	41			
46	15	452			
48	1	5			
49	4	217			
50	21	729	7		
52	8	513	1		
53	18	1225	2	1	1 Sub A
54	3	150			
56	2	56			
61	2	116			
62	1	32			
63	1	35			
64	1	90			
65	2	147			
66	2	157			
67	6	591			
84	22	1400	7		
101	1	27			
221	1	38	1		
231	1	24			
232	1	7			
233	1	5			
243	1	29			
256	1	7			
267	1	3			
278	1	23			
Totals:	555	31,398	111	7	12

Memo J. G. Deegan to Mr. Gallagher
Re: BLACK PANTHER PARTY

BLACK PANTHER PARTY TOTALS: (MAIN FILE)

Sections	555
Serials (Approx.)	31,398
Enclosures	111
Bulky Exhibits	7
Sub As	12

In addition, Bureau file captioned, "Counterintelligence Program, Black Nationalist Hate Groups, Racial Intelligence", file number 100-448006, will have to be reviewed if any COINTELPRO actions are directed at plaintiffs or plaintiff organization. This file consists of 26 sections with approximately 2400 serials.

Also, electronic surveillance (ELSUR) files concerning BPP and plaintiffs will have to be reviewed. A determination has not been made as to the number of sections and serials contained in these files.

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. _____
 Dep. AD Adm. _____
 Dep. AD Inv. _____
 Asst. Dir.:

- Adm. Serv. _____
- Ext. Affairs _____
- Fin. & Pers. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Eval. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Training _____
- Telephone Rm. _____
- Director Sec'y _____

TO : Mr. Gallagher

DATE: 2/2/77

FROM : J. G. Deegan *JGD*

- 1 - Mr. Gallagher
- 1 - Mr. Ingram
- 1 - Mr. Deegan
- 1 - Mr. Thornton
- 1 - Mr. Ash
- (Attn:)
- 1 - Mr. Mintz
- (Attn:)

SUBJECT: THE BLACK PANTHER PARTY,
ET AL., V.
EDWARD LEVI, ET AL.,
(U. S. D. C., D. C.)
CIVIL ACTION FILE NO. 76-2205

S. S. T. [unclear]

PURPOSE: To furnish the Identification Division background information on the plaintiffs in this civil action which will enable the Identification Division to preserve the identification records of the plaintiffs.

SYNOPSIS: Captioned civil action has been filed by the Black Panther Party (BPP) and 10 individuals who claim to be members and/or supporters of the BPP. Among the defendants, in addition to Mr. Levi, are the Director, the estate of J. Edgar Hoover, William C. Sullivan, various present and former heads of the Central Intelligence Agency (CIA), Treasury Department, Internal Revenue Service (IRS), Department of the Army, United States Postal Service, and 15 unnamed defendants. The plaintiffs allege that the defendants conspired to achieve destruction of the BPP. The Department of Justice has advised that in connection with this law suit, all documents which in any way relate or which might potentially relate to this matter, be preserved pending the outcome of this litigation. In this regard, General Investigative Division is furnishing appropriate background and other identifying information to enable the Identification Division to preserve any records that division might have concerning the plaintiffs.

62-117442-3X
100-105700-37

REC-39

OT 125

Steps placed on jackets which were identified.
JTS

20 FEB 15 1977

VRT:jdb (7)

CONTINUED - OVER SIX



5010-108

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 11/11/94 BY 9803 RND/ST

File one. JTS

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

b6
b7C

Memorandum to Mr. Gallagher
RE: THE BLACK PANTHER PARTY

RECOMMENDATION: That the Identification Division take appropriate action to prevent the destruction of any and all documents which relate or might potentially relate to the plaintiffs pending the outcome of this litigation.

APPROVED:	Adm. Serv.....	Legal Coun.....
	Ext. Affairs.....	Plan. & Insp.....
Director.....	Fin. & Pers.....	Rec. Mgt.....
Assoc. Dir.....	Gen. Inv. <i>G/M</i>	S. & T. Serv.....
Dep. AD Adm.....	Ident.....	Spec. Inv.....
Dep. AD Inv.....	Intell.....	Training.....

m/br
pen/TC

DETAILS: Captioned civil action has been filed by the BPP and 10 individuals who claim to be members and/or supporters of the BPP. Among the defendants, in addition to Mr. Levi, are the Director, the estate of J. Edgar Hoover, William C. Sullivan, various present and former heads of the CIA, Treasury Department, IRS, Department of the Army, United States Postal Service, and 15 unnamed defendants.

The complainants allege that the defendants conspired to achieve destruction of the BPP by means of a concerted plan conceived and implemented in 1967 to ruin the BPP both politically and financially. The plaintiffs seek injunctive relief and damages in excess of \$50 million.

The Department of Justice has advised that in connection with this law suit, all documents which in any way relate or which might potentially relate to this matter be preserved pending the outcome of this litigation. This restriction will also affect the 10 individual plaintiffs in this law suit and the restriction for destruction also applies to them.

Therefore, the following identifying information is being set forth for the benefit of the Identification Division so that appropriate action may be taken to prevent the destruction of any records maintained on the plaintiffs in the Identification Division.

1. Huey Percy Newton, aka
Huey Newton, Don Penn
Negro male, 5'11", 165 pounds
Date of birth: February 17, 1942
Place of birth: Monroe, Louisiana
Social Security Number: 566 56 4675
FBI Number: 804 121E

Memorandum to Mr. Gallagher
RE: THE BLACK PANTHER PARTY

2/8 3312

2.

[Redacted]

3.

[Redacted]

4.

[Redacted]

5.

[Redacted]

6.

[Redacted]

7. John Daniel George

Negro male

Date of birth: September 16, 1928

Place of birth: Palatha, Florida

Social Security Number: 221 20 0530

8.

[Redacted]

b6
b7C

Memorandum to Mr. Gallagher
RE: THE BLACK PANTHER PARTY

70 3372

9.



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2/8/77

Airtel

- 1 - Mr. Held
- 1 - Mr. Adams
- 1 - Mr. McDermott
- 1 - Mr. Ingram
- 1 - Mr. Deegan
- 1 - [Redacted]
- 1 - [Redacted]
- 1 - Each Assistant Director

To: SAC, Albany

From: Director, FBI (62-

**THE BLACK PANTHER PARTY, ET AL, VERSUS
 EDWARD LEVI, ET AL,
 (U. S. DISTRICT COURT, D. C.)
 CIVIL ACTION FILE NUMBER 76-2205**

SEP 3 1993 9803 RDD/clf
 # 200367
**ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED**

DATE 7/7/82 BY SP8 BJK/ld

Re Bureau airtel to Albany dated 1/12/77, advising that captioned civil action was filed by the Black Panther Party (BPP) in the U. S. District Court, District of Columbia, on 12/1/76, against Director Kelley and other defendants and requesting the preparation of a search slip on plaintiff organization and individual plaintiffs.

This suit alleges that the defendants conspired to achieve the destruction of the BPP by means of a concerted plan conceived and implemented in 1967, to ruin the BPP both politically and financially. Cited as parts of, or examples of this "concerted plan" are the Cointelpro activities formerly carried out by the FBI against the BPP, the "White House enemies list," the "Huston Plan," illegal, warrantless electronic surveillance, and various acts of harassment and assassination of party members. The plaintiffs seek injunctive relief and damages in excess of \$50 million.

Each office should submit to FBIHQ a list of all files and references relating to plaintiffs and plaintiff organization. This information should be set forth in the following format: ST-108

- Assoc. Dir. ___ 2 - All Field Offices REC-26
- Dep. AD Adm. ___ 2 - All Legal Attaches
- Dep. AD Inv. ___

Asst. Dir.:

- Adm. Serv. ___
- Ext. Affairs ___ VRT:dmp (168)
- Fin. & Pers. ___
- Gen. Inv. ___
- Ident. ___
- Inspection ___
- Intell. ___
- Laboratory ___
- Legal Coun. ___
- Plan. & Eval. ___
- Rec. Mgnt. ___
- Spec. Inv. ___
- Training ___
- Telephone Rm. ___
- Director Sec'y ___

1 - Bufile 105-165706
 MAILED 7
 FEB 08 1977
 FEB 25 1977

6 FEB 11 1977
 SEE NOTE PAGE TWO

MAIL ROOM TELETYPE UNIT

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 b7c

Unrecorded Copy Filed in 105-165706-1

Handwritten initials

Handwritten initials

62-117442-4

JCO

Handwritten initials

Handwritten initials

Airtel to SAC, Albany
Re: The Black Panther Party

Bureau File Number (if known);
Field Office File Number;
Number of Sections;
Sub-sections; and
Serials

Also, list bulky exhibits and enclosures.

Since this civil action alleges use of illegal, warrantless electronic surveillance and Comintpro, these files will have to be included in your list.

It is anticipated this information will be furnished to the Civil Division of the Department to aid the Department in responding to anticipated discovery requests.

NOTE: This matter has been coordinated with SA of the Legal Counsel Division.

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APPROVED:	Adm. Serv.....	Legal Coun.....
Director.....	Ext. Affairs.....	Plan. & Insp.....
Assoc. Dir.....	Fin. & Pers.....	Rec. Mgnt.....
Dep. AD Adm.....	Ident.....	Spec. Inv.....
Dep. AD Inv.....	Intell.....	Training.....

g/kal

[Signature]

[Signature]

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI

DATE: February 17, 1977

FROM : Legat, Rome (157-8) (RUC)

SUBJECT: THE BLACK PANTHER PARTY, ET AL, VERSUS
EDWARD LEVI, ET AL.,
(U. S. DISTRICT COURT, D. C.)
CIVIL ACTION FILE NUMBER 76-2205

Re Bureau airtels 1/12/77 and 2/8/77.

Following is a list of files in the Rome Office
pertaining to plaintiffs and plaintiff organization:

1. BLACK PANTHER PARTY
Bufile 105-165706
Rome file 157-8
2 Sections - 238 Serials

Former Tel Aviv file 157-1
1 Section - 35 Serials
2. FBI SUMMARY OF EXTREMIST ACTIVITIES
RESEARCH MATTER
THE EXTREMIST SPEAKS
Bufile 157-19537
Former Tel Aviv file 157-2
1 Section - 25 Serials
3. HUEY P. NEWTON
Bufile 157-19537
Former Tel Aviv file 157-2
Serials 1, 3, and 10

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE SEP 3 1993 BY 9803 RDD/ell

3 - Bureau
(1 - Foreign Liaison)
1 - Rome
JCM:MEG
(4)

REC-50

EX 104

62-17442-5

FEB 23 1977



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MAR 3 1977

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Additionally, Rome and former Tel Aviv indices contain the following references. Material referred to, however, was previously destroyed in accordance with the Bureau-approved file destruction program. The Bufile number in each case is unknown.

1. BLACK PANTHER PARTY
Former Tel Aviv file 105-17 (numerous serials)
Former Tel Aviv file 105-31, Serials 17, 18
Rome file 157-5, Serial 1
Rome file 100-12 Serial 1
Rome file 157-45 Serials 1 and 2

2. HUEY P. NEWTON
Rome file 105-0 Serial 4
Former Tel Aviv file 105-17 (numerous serials)
Former Tel Aviv file 105-14 Serial 42

3. [REDACTED]
Former Tel Aviv file 105-14 Serial 21
Former Tel Aviv file 105-17 Serials 27,31,32,74,75

4. [REDACTED]
Rome file 157-0 Serial 4

5. [REDACTED]
Former Tel Aviv file 105-17 Serials 3, 26, 28

6. [REDACTED]
Former Tel Aviv file 105-17 Serials 20, 26

Rome and former Tel Aviv indices contain no references to [REDACTED] JOHN GEORGE, [REDACTED]
[REDACTED]

b6
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UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 2/24/77

FROM: ^{KHAB} SAC, BIRMINGHAM (62-2624) (RUC)

SUBJECT: THE BLACK PANTHER PARTY, ET AL
EDWARD LEVI, ET AL,
(U.S.D.C., D.C.)
CIVIL ACTION FILE NUMBER 76-2205

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/11/01 BY 9803 RDD/STH

Re Buairtel, 2/8/77.

Review of Birmingham indices indicates no files or references identifiable with plaintiffs except for those set forth below:

HENRY P. NEWTON
Bureau File Number-105-165429
Birmingham File Number-157-3688
Number of Sections - 1
Sub-sections - 0
Serials - 37
Birmingham File Number-105-1074-164
(One page memo re NEWTON contained in Birmingham BPP file.)

NEWTON [redacted] were entered in the Birmingham Extremist Album (BH file 157-3299) which was destroyed pursuant to FBIHQ instructions since Bureau has copies of all items entered in said album.

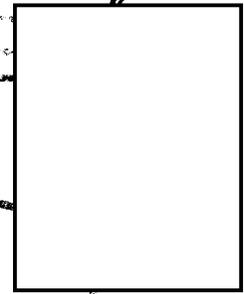
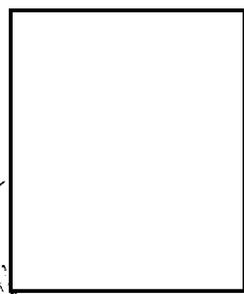
[redacted] is entered in the Birmingham Key Activist Album (BH file number 100-5391-SF1-111).

REC-19

62-11114

3 FEB 23 1977

- ② - Bureau
- 1 - Birmingham
- TJM:seb
- (3)



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b7c



MAR 16 1977

U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI

Date: 2/18/77

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

Via A I R T E L _____
(Precedence)

TO: DIRECTOR, FBI
FROM: SAC, SAN DIEGO (62-2318)(RUC)
SUBJECT: THE BLACK PANTHER PARTY;
ET AL
VS
EDWARD LEVI;
ET AL
(U.S.D.C., D.C.)
CIVIL ACTION FILE NUMBER: 76-2205

[Handwritten signature]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE SEP 3 1993 BY 9803 RDD/ff

Re Bureau airtel to Albany dated 2/8/77.

Following is a list of all files and references relating to plaintiffs and plaintiff organization:

BLACK PANTHER PARTY

Bureau File Number: 105-165706-16
San Diego File Number: 100-13978*
Number of Sections: 42
Sub-Section: 48
Serials: 4480

see 39

42 117442 - 7

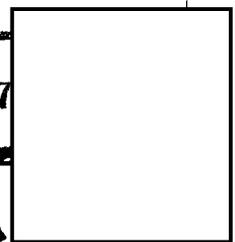
Bureau File Number: 105-165706-16
San Diego File Number: 157-3099*

(X)

② - Bureau
1 - San Diego
AWO:mlr
(3)

icc 4077 JBT
icc 7538

3-1
14 FEB 21 1977



Approved: *RN/ML* Special Agent in Charge

Sent _____

55 MAR 7 1977
145

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SD 62-2318

Number of Sections: 4
Sub-Sections: 12
Serials: 405

Bureau File Number; 100-467491
San Diego File Number: 100-16200-Sub 2-45
Number of Sections: 1
Serials: 1

Bureau File Number: Unknown
San Diego File Number: 100-16882-22, 75
Number of Sections: 2
Serials: 2

HUEY P. NEWTON

Bureau File Number: Unknown
San Diego File Number: 157-525*
Number of Sections: 1
Sub-Sections: None
Serials: 30

Bureau File Number: 157-8415
San Diego File Number: 157-167-106
Number of Sections: 1
Sub-Sections: None
Serials: 1

Bureau File Number: Unknown
San Diego File Number: 157-405-Sub A
Number of Sections: None
Sub-Sections: 1
Serials: 1

SD 62-2318

Bureau File Number: 105-165706-16
San Diego File Number: 100-13978-16 p. 4
-18 p. 2
-88
-219
-1A-20,
p 159-161

Number of Sections: 2
Sub-Sections: 1
Serials: 5



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Bureau File Number: Unknown
San Diego File Number: 157-1980*
Number of Sections: 1
Sub-Sections: None
Serials: 3

Bureau File Number: 105-165706-16
San Diego File Number: 100-13978-643
-1068
-1227 p 3
-1360A
-Sub C-118

Number of Sections: 4
Sub-Sections: 1
Serials: 5

Bureau File Number: 62-111181
San Diego File Number: 100-14736-53 p 35
Number of Sections: 1
Sub-Sections: None
Serials: 1

Bureau File Number: 14-3079
San Diego File Number: 100-14909-279

SD 62-2318

Number of Sections: 1
Sub-Sections: None
Serials: 1

Bureau File Number: Unknown
San Diego File Number: 100-15563-3 p 3
Number of Sections: 1
Sub-Sections: None
Serials: 1

Bureau File Number: Unknown
San Diego File Number: 157-525-14 p 2
Number of Sections: 1
Sub-Sections: None
Serials: 1

Bureau File Number: 157-22627
San Diego File Number: 157-526-131 p 3
Number of Sections: 1
Sub-Sections: None
Serials: 1

Bureau File Number: Unknown
San Diego File Number: 157-890-62
Number of Sections: 1
Sub-Sections: None
Serials: 1

Bureau File Number: Unknown
San Diego File Number: 157-405-Sub A
Number of Sections: None
Sub-Sections: 1
Serials: 1

SD 62-2318



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Bureau File Number: 100-447268
San Diego File Number: 100-14589*
Number of Sections: 1
Sub-Sections: None
Serials: 36

Bureau File Number: 100-16
San Diego File Number: 100-5786-6397
-6405
-6406
-6408
-6412
-6413

Number of Sections: 1
Sub-Sections: None
Serials: 6

Bureau File Number: 105-165706-16
San Diego File Number: 100-13978-643 p 3
-747 p 4
-762
-971

Number of Sections: 4
Sub-Sections: None
Serials: 4

Bureau File Number: Unknown
San Diego File Number: 100-14584-6
Number of Sections: 1
Sub-Sections: None
Serials: 1

Bureau File Number: Unknown
San Diego File Number: 100-14892-112B p 5

SD 62-2318

Number of Sections: 1
Sub-Sections: None
Serials: 1

Bureau File Number: Unknown
San Diego File Number: 100-15027-6
Number of Sections: 1
Sub-Sections: None
Serials: 1

Bureau File Number: Unknown
San Diego File Number: 100-16193-68 p 6
Number of Sections: 1
Sub-Sections: None
Serials: 1

Bureau File Number: Unknown
San Diego File Number: 100-16200-(Photo Album)
Number of Sections: None
Sub-Sections: 1
Serials: 1

Bureau File Number: 157-23577
San Diego File Number: 157-2815
Number of Sections: 1
Sub-Sections: None
Serials: 1

Bureau File Number: Unknown
San Diego File Number: 157-525-14 p 1
Number of Sections: 1
Sub-Sections: None
Serials: 1

Bureau File Number: Unknown
San Diego File Number: 100-14273, Vol II
(Key Activist Album)

SD 62-2318

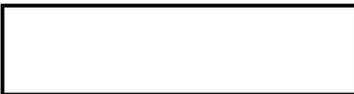
Number of Sections: 1
Sub-Sections: None
Serials: 1



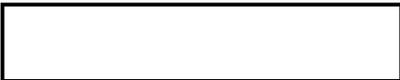
No main files or references



No main files or references



No main files or references



Bureau File Number: Unknown
San Diego File Number: 157-4409*
Number of Sections: 1
Sub-Sections: None
Serials: 3

Bureau File Number: 100-470203
San Diego File Number: 100-16271-89
Number of Sections: 1
Sub-Sections: None
Serials: 1

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SD 62-2318

JOHN GEORGE

Bureau File Number: Unknown
San Diego File Number: 100-16200-199
Number of Sections: 1
Sub-Sections: None
Serials: 1
(Identifying information not sufficient
to positively identify)

Bureau File Number: 100-472028
San Diego File Number: 100-1084-104
Number of Sections: 1
Sub-Sections: None
Serials: 1
(Identifying information not sufficient
to positively identify)



Bureau File Number: 105-165706-16
San Diego File Number: 100-13978-740
Number of Sections: 1
Sub-Sections: None
Serials: 1



No main files or references

The San Diego Office conducted no illegal, warrant-less electronic surveillances on either the listed plaintiffs or plaintiff organization.

SD 62-2318

The San Diego Office has the following Cointelpro file relating to the plaintiff organization:

Bureau File Number:	100-448006
San Diego File Number:	100-14192
Number of Sections:	3
Sub-Sections:	None
Serials:	308

FBI

TRANSMIT VIA:

- Teletype
- Facsimile
- Airtel

PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

- TOP SECRET
- SECRET
- CONFIDENTIAL
- E F T O
- CLEAR

Date 2/18/77

Assoc. Dir.	_____
Dep. AD Adm.	_____
Dep. AD Inv.	_____
Asst. Dir.:	
Adm. Serv.	_____
Ext. Affairs	_____
Fin. & Pers.	_____
Gen. Inv.	<u>1/6/77</u>
Ident.	_____
Intell.	_____
Legal Coun.	_____
Plan. & Insp.	_____
Rec. Mgt.	_____
S. & T. Serv.	_____
Spec. Inv.	_____
Training	_____
Telephone Rm.	_____
Director's Sec'y	_____

TO: DIRECTOR, FBI

FROM: SAC, MIAMI (62-6615)/RUC

SUBJECT: THE BLACK PANTHER PARTY,
ET AL, VERSUS EDWARD LEVI,
ET AL
(U.S. DISTRICT COURT, D. C.)
CIVIL ACTION FILE NUMBER 76-2205

Re Bureau airtels, ^{sent 2} 1/12 and ^{sent 4} 2/8/77.

In accordance with instructions set forth in referenced airtels, the files of the Miami Division were reviewed with the following results:

The review revealed no references as to Cointelpro or any electronic surveillances.

There were no case files or references concerning the following:

REC-39

[Redacted] JOHN GEORGE

117442-8

- ②-Bureau
- 1-Miami
- JFC/kr
- (3)

7 MAR 1 1977

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE SEP 3 1993 BY 9803RDD/EA

Approved: 147 m/jrs
55 MAR 7 1977

Transmitted _____ (Number) _____ (Time) Per _____

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b7C

MM 62-6615

Under the name of Black Panther Party, the following files and serials were located:

157-2646*	13 volumes	1030 serials and Bufile 105-165706.
157-3269*	2 serials	
157-3726*	9 serials	Bufile 105-174039.
157-4383-Sub A*	35 serials	Bufile 157-22627.
157-4383*	125 serials	
157-3283*	7 serials	Bufile 157-15693.
157-3341*	49 serials	Bufile 7-12962.
157-3589*	4 serials	
157-3645*	4 serials	
105-3596*	1 serial	
170-355-397		
157-3642-1		
100-00-1765		
105-00-512		
105-00-565		
100-105 68 -1		
80-1374-Sub 2-30	Page 12.	
100-15068-136.		
105-18507-5.		
105-20418-4.		
157-2811-1.		
164-102-26		

MM 62-6615

The following references were located concerning
HUEY P. NEWTON:

100-15068-136

157-2422-550

The following reference was located for [redacted]
[redacted]

80-1353-D-69

The following references were located for [redacted]
[redacted]

80-1353-D-208

157-2422-165

The following references were located for [redacted]
[redacted]

157-6075-1 and 2

80-1353-D-184

105-2138-704

b6
b7C

FBI

Date: 2/18/77

Dep. AD Inv.	_____
Asst. Dir.:	_____
Adm. Serv.	_____
Ext. Affairs	_____
Fin. & Pers.	_____
Gen. Inv.	_____
Ident.	_____
Intell.	_____
Legal Coun.	_____
Plan. & Insp.	_____
Rec. Mgt.	_____
S. & T. Serv.	_____
Spec. Inv.	_____
Training	_____
Telephone Rm.	_____
Director's Sec'y	_____

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

Via AIRTEL AIRMAIL
(Precedence)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE SEP 3 1993 BY 9803 RDD/CH

TO: DIRECTOR, FBI

FROM: SAC, SEATTLE (157-807)

SUBJECT: THE BLACK PANTHER PARTY, ET AL, VERSUS
EDWARD LEVI, ET AL,
(U. S. DISTRICT COURT, D. C.)
CIVIL ACTION FILE NUMBER 76-2205

Re Bureau airtel to Albany, 2/8/77. *and 4*

Seattle maintained one main file on the Black Panther Party (BPP), Seattle file 157-807, Bureau file 105-165706. This main file consists of 112 volumes and includes 6,930 serials.

While this file was active, the following sub-sections of 157-807 were maintained:

SUB	DESCRIPTION	VOLUMES	SERIALS
A	Bureau instructions REC-39	3	159
B	BPP-Tacoma, Wash., Branch	1	53
C	BPP-Yakima, Wash., Branch	1	3
D	Permanent assignment of T-symbol	2	34
E	BPP-Pasco, Wash., Branch	1	9
F.	Bi-weekly intelligence summary from San Fran. Div.	11	

② - Bureau
1 - Seattle
TASH:kn
(3)

Approved: _____ Sent _____ M Per _____

55 MAR 7 1977

b6
b7c

SE 157-807

G.	Finances	7	586
H	Underground activities	1	14
I	Communications (telephone records)	1	
J	Real estate	1	23
K	Public appearances by Party leaders	1	24
L	Inter-communal committees	1	1
M	Fortifications	1	3

Exhibits: Seattle maintained a 1-A section on computerized telephone number file hits. This section includes 26 items. A 1-A section was maintained pertaining to airbills covering shipment of BPP newspapers. There are 17 of these exhibits. A 1-A section on real estate was also maintained and included two documents regarding BPP real estate transactions. Seattle also maintained numerous items recovered from BPP residences that were vacated. These items were destroyed in 1974, with the exception of two tape recordings of public speeches by BPP officers recorded in 1970 and one recording regarding BPP racial matter in Smith Act of 1940.

Seattle has no serials or files pertaining to electronic surveillance or Cointelpro directed against the Seattle BPP.

FBI

Date: 2/14/77

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

Via AIRTEL AIR MAIL
(Precedence)

TO : DIRECTOR, FBI (62-)
FROM : SAC, BUTTE (62-) (RUC)
SUBJECT: THE BLACK PANTHER PARTY,
ET AL, VERSUS
EDWARD LEVI, ET AL,
(U. S. DISTRICT COURT, D. C.)
CIVIL ACTION FILE NUMBER 76-2205



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ReBuairtel to Albany, 2/8/77. *awh*

BLACK PANTHER PARTY

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE SEP 3 1981 BY 9803RDD/CA

Bureau File #105-165706
Butte File #157-199
Number of Sections - 9
Number of Sub-sections - None
Number of Serials - 336

Bulky Exhibits - None
Enclosures - None

REC-39

HUEY PERCY NEWTON

EX-105

Bureau File #105-165429
Butte File #105-1023
Number of Sections - 1
Number of Sub-sections - None
Number of Serials - 2

62-117002-10

Bulky Exhibits - None
Enclosures - None

FEB 17 1977

JAN 2 1977

② - Bureau (AM)
1 - Butte
PJF/ar
(3)

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

5490

BT #62 - THE BLACK PANTHER PARTY

[Redacted]

No record

[Redacted]

Bureau File #100-446997
Butte File #100-8835
Number of Sections - 1
Number of Sub-sections - None
Number of Serials - 160

Bulky Exhibits - None
Enclosures - None

[Redacted]

Butte File #157-199

Two newspaper clippings, one which
announces that he will speak at
the University of Montana and the
second is an interview

[Redacted]

No record

[Redacted]

No record

[Redacted]

No record

JOHN GEORGE

No record

TOP SECRET

b6
b7C

FBI

TRANSMIT VIA:

- Teletype
- Facsimile
- Airtel

PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

- TOP SECRET
- SECRET
- CONFIDENTIAL
- E F T O
- CLEAR

Date 2/

b6
b7C

TO: DIRECTOR, FBI

FROM: SAC, SALT LAKE CITY (157-170)

SUBJECT: THE BLACK PANTHER PARTY, ET AL, VERSUS
EDWARD LEVI, ET AL,
(U. S. DISTRICT COURT, D. C.)
CIVIL ACTION FILE NUMBER 76-2205

Re Bureau airtel to Albany dated 2/8/77, captioned as above.

A review of Salt Lake City indices with regard to the plaintiffs and plaintiff organization in above captioned matter resulted in location of one reference which was to plaintiff HUEY P. NEWTON. This reference was to the main case file regarding NEWTON, BUfile 105-165429, and SUfile 157-238, and contains three serials.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE SEP 3 1993 BY 9803 RDD/K

EX-108

REC-39

62-11141-11

17 FEB 21 1977

- ② - Bureau
 - 1 - Salt Lake City
- JDD:cb
(3)

LEGAL COUNSEL

Approved: 645 B/19
MAR 7 1977

Transmitted _____ (Number) _____ (Time) Per _____

FBI

Date: 2/23/77

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

Via AIRTEL _____
(Precedence)

TO: DIRECTOR, FBI
FROM: SAC, DALLAS (62-4873) (RUC)
SUBJECT: THE BLACK PANTHER PARTY,
ET AL, VERSUS
EDWARD LEVI, ET AL
(U. S. DISTRICT COURT, D. C.)
CIVIL ACTION FILE NO. 76-2205

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3 1991 BY 9803 RDD/CK

Re Bureau airtel to Albany dated 1/12/77, and
Bureau airtel to Albany dated 2/8/77.

Search of Dallas Office indices and review of
noted investigative files indicates the following case
files and references for plaintiffs and plaintiff organiza-
tion:

THE BLACK PANTHER PARTY
EM - BPP
Bufile: 105-165706
Field Office File: 157-1105
Number of Sections: 21 (1,184 serials)
Number of Sub-sections: 3 (60 serials)
Miscellaneous Serials: 8

THE BLACK PANTHER PARTY
DALLAS DIVISION
EM - BPP
Bufile: 105-165706 Sub 12
Field Office File: 157-1710
Number of Sections: 4 (368 serials)
Number of Sub-sections: [redacted]

REC-39

EX-113

62-117442-12

FEB 26 1977

JAM
LEGAL COUNSEL
12

100-7338-12

- 2 - Bureau
 - 2 - San Francisco
 - 1 - Dallas
- GLG/jmb
(5)

[redacted]

b6
b7C

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

57 MAR 7 1977

DL 62-4873

[redacted] were shown
as indexed within the Black Panther Party National case
file. HUEY P. NEWTON, [redacted]
were shown as listed in the Bureau Extremist Album, a
non-investigative reference.

A search slip has been prepared on each of these
individuals to insure that all files and references relating
to them are maintained as instructed in Bureau airtel dated
1/12/77.

b6
b7c

DL 62-4873

THE BLACK PANTHER PARTY -
CLEAVER FACTION
EM
Bufile: 157-22627
Field Office File: 157-2203
Number of Sections: 3 (94 serials)
Number of Sub-sections: None

THE BLACK PANTHER PARTY
WASHINGTON, D. C., CHAPTER
RM
Bufile: Unknown
Field Office File: 157-1822
Number of Sections: 1 (7 serials)
Number of Sub-sections: None

THE BLACK PANTHER PARTY -
NEWSPAPERS
EM - BPP
Bufile: Unknown
Field Office File: 157-2485
Number of Sections: 1 (3 serials)
Number of Sub-sections: None

HUEY P. NEWTON
RM - BPP
Bufile: 105-165429
Field Office File: 157-1576
Number of Sections: 1 (21 serials)
Number of Sub-sections: None
Miscellaneous Serials: 5

Dallas Office indices did not list any investigative
case files for plaintiffs [REDACTED]

[REDACTED] JOHN GEORGE [REDACTED]
[REDACTED]

FBI

Date: 2/24/77

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

Via AIRTEL _____
(Precedence)



b6
b7c

TO: DIRECTOR, FBI
FROM: *EPB* SAC, CHARLOTTE (157-6171) (C)
SUBJECT: THE BLACK PANTHER PARTY,
ET AL, VERSUS EDWARD LEVI,
ET AL,
(U. S. DISTRICT COURT, D.C.)
CIVIL ACTION FILE NUMBER 76-2205

Re Bureau airtels to Albany, 2/8/77^{see 2}, 1/12/77^{see 4}.

Set out hereinafter is a list of main files, and the number of file references relating to plaintiff organization and to plaintiffs:

Black Panther Party
Charlotte Division
EM-BPP
(BUFILE: 105-165706 SUB 8)
(CE FILE: 157-6171)
Number of sections: 75
Number of sub-sections: 26
Total number of serials: 4637
Number of 1A exhibit section: 7
Number of 1A exhibit items: 87
Number of other file references: 12

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE SEP 3 1993 BY 9803 RND/gh

Black Panther Party
Newark Division
RM
(Bufile: 105-165706-31)
(CE file: 157-7625)
Number of sections: 1
Number of serials: 19

REC-39

62-117400-13

7 FEB 28 1977

EX-113

JAM
LEGAL COUNSEL
la

1cc 7338 *la*

② - Bureau
1 - Charlotte
GHC:lct
(3)

Approved: _____ Sent _____ M Per _____
47 Special Agent in Charge

55 MAR 7 1977

F B I

Date:

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

Via _____
(Precedence)

CE 157-6171

Emergency Conference to Defend
the Rights of the Black Panther
Party to Exist

RM
(Bufile:)
(CE file: 157-7456)
Number of sections: 1
Number of serials: 3

Rally in Support of the Black
Panther Party, Lincoln Memorial,
Washington, D.C.,
6/19/70

RM
(Bufile: 105-165706)
(CE file: 157-7631)
Number of sections: 1
Number of serials: 24

[Redacted]

[Redacted] Black Panther Party Activities,
Ft. Bragg, N.C.,

RM-BPP
(Bufile:)
(CE file: 157-7618)
Number of sections: 1
Number of serials: 7

Black Extremist Group
Recruiting Former Black Panther
Party Members

RM
(Bufile: 157-14970)
(CE file: 157-7061)
Number of sections: 2
Number of serials: 100

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

b6
b7C

F B I

Date:

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

Via _____
(Precedence)

CE 157-6171

Black Panther Party -
Computerized Telephone Number File
EM-BPP
(Bufile:)
(CE file: 157-8819)
Number of sections: 1
Number of serials: 37

Black Panther Party
Lumberton, N.C.
EM-BPP
(Bufile: 105-165706-SUB 8)
(CE file: 157-9763)
Number of sections: 1
Number of serials: 47

Possible Civil Rights Violations
Black Panther Party
ANTI-RIOT LAWS; CIVIL RIGHTS
(BUFILE:)
(CE file: 176-17)
Number of sections: 1
Number of serials: 80

Black Panther Party -
Clever Faction
EM
(Bufile: 157-22627)
(CE file: 157-8401)
Number of sections: 7
Number of serials: 335
Number of 1A exhibit sections: 1
Number of 1A exhibit items: 23

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

F B I

Date:

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

CE 157-6171

Demonstration By Students for a
Democratic Society and Black Panther
Party Members Protesting Appearance
of Vice-President SPIRO T. AGNEW,
Charlotte, N.C., 7/11/69, and
Vietnam War

IS-MISCELLANEOUS; VIDEM
(Bufile:)
(CE file: 100-10747)
Number of sections: 1
Number of serials: 4

Chief of Police J.C. Goodman, Jr.,
Charlotte, N.C., Police Department, and
Other City, State, and Federal
Law Enforcement Officers;
BEN CHAVIS and other individuals
Desiring Affiliation with Black
Panther Party - Victim

CIVIL RIGHTS
(BUFILE: 44-43630)
(CE file: 44-1565)
Number of sections: 1
Number of serials: 23

Counterintelligence Program
Black Nationalist - Hate Groups,
Racial Intelligence, Black
Panther Party

RM
(BUFILE: 100-448006)
(CE file: 157-6109)
Number of sections: 2
Number of serials: 173
Number of 1A exhibit sections: 1
Number of 1A exhibit items: 1

4

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

FBI

Date:

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

Via _____
(Precedence)

CE 157-6171

HUEY P. NEWTON
EM-BPP
(BUFILE: 105-165429)
(CE file: 157-7730)
Number of sections: 1
Number of serials: 22
Number of other file references: 7

HUEY P. NEWTON
Defense Fund
RM-BPP
(BUFILE:)
(CE file: 157-7399)
Number of sections: 1
Number of serials: 18
Number of 1A exhibit sections: 1
Number of 1A exhibit items:

This item is a tape recording of a HUEY P. NEWTON birthday rally in Winston-Salem, N.C., on 2/15/70. This tape was obtained by SA [redacted] Radio Station WTOB, Winston-Salem, N.C.

[redacted]

EM-BPP
(BUFILE: 157-12343)
(CE file: 157-9988)
Number of sections: 1
Number of serials: 20
Number of other file references: 1

[redacted]

EM-BPP
No main file
Number of file references: 3

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

b6
b7C

F B I

Date:

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

Via _____
(Precedence)

CE 157-6171

[Redacted]

EM-BPP
No main file
Number of file references: 1

JOHN GEORGE
EM-BPP
No main file
Number of file references: 1

Charlotte has no main files or file references on the following plaintiffs:

[Redacted]

In addition to above, Charlotte has one copy each of the following two monographs:

"The Black Panthers - Hoodlum Revolutionaires"

"The Black Panther Party"

Plaintiff organization and plaintiffs have not been the subjects of an electronic surveillance in the Charlotte Division. No conversations of any of the named plaintiffs have been overheard by this office during the course of any electronic surveillance of others.

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

b6
b7C

F B I

Date:

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

Via _____
(Precedence)

CE 157-6171

Charlotte has no bulky exhibits on plaintiff organization or plaintiffs.

7*

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

FBI

Date: 2/23/77

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

AIRTEL

Via _____
(Precedence)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE SEP 3 1993 BY 9803 RDD/cjt

TO: DIRECTOR, FBI
FROM: SAC, CLEVELAND (62-2446) (RUC)
RE: THE BLACK PANTHER PARTY, ET AL, VERSUS
EDWARD LEVI, ET AL,
(U.S. DISTRICT COURT, D.C.)
CIVIL ACTION FILE NUMBER 76-2205



b6
b7c

Re Bureau airtel to all field offices, 2/8/77. *see 4*

The following is a list of all Cleveland files and references relating to the plaintiffs and plaintiff organization as requested in referenced airtel:

RE: BLACK PANTHER PARTY

Main Files: Bufile 105-165706
CV file 157-797
52 sections (volumes), 2594 serials,
156 bulky exhibits, 17 enclosures (1-A section)

Sub-sections: *EX-113*

Sub 1
5 sections (volumes), 285 serials

REC-39

Sub 2
1 section (volume), 45 serials

Sub 3
1 section (volume), 36 serials

FEB 28 1977

2 - Bureau
1 - Cleveland
WCB/cac
(3)

Bl/B

JAM
LEGAL
92

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

5 MAR 7 1977

CV 62-2446

Sub A
2 sections (volumes), 20 serials

Sub B
1 section (volume), 4 serials

Sub C
8 sections (volumes), 106 serials

Main Files

(continued): Bufile 105-165706
CV file 157-3419
1 section (volume), 10 serials
No sub-sections, bulky exhibits or enclosures

Bufile 105-165706 Sub 36
CV file 157-3343
1 section (volume), 3 serials
No sub-sections, bulky exhibits or enclosures

Bufile 105-165706
CV file 157-3332
1 section (volume), 2 serials
No sub-sections, bulky exhibits or enclosures

Bufile 105-165706 Sub 11
CV file 157-2678
8 sections (volumes), 765 serials and
3 enclosures (1-A section)
No sub-sections or bulky exhibits

Bufile Unknown
CV file 157-2668
1 section (volume), 2 serials
No sub-sections, bulky exhibits or enclosures

Bufile Unknown
CV file 157-2674
1 section (volume), 2 serials
No sub-sections, bulky exhibits or enclosures

Bufile 105-165706 Sub 11
CV file 157-2556
1 section (volume), 21 serials
No sub-sections, bulky exhibits or enclosures

CV 62-2446

Bufile Unknown
CV file 157-2325
1 section (volume), 5 serials
No sub-sections, bulky exhibits or enclosures

Bufile 105-165706
CV file 157-2220
1 section (volume), 52 serials
No sub-sections, bulky exhibits or enclosures

Bufile 105-165706
CV file 157-2189
1 section (volume), 7 serials
No sub-section, bulky exhibits or enclosures

Bufile 105-165706 Sub 53
CV file 157-2072
1 section (volume), 5 serials
No sub-sections, bulky exhibits, or enclosures

Bufile 105-165706 Sub 10
CV file 157-3469
1 section (volume), 10 serials, and 1 enclosure
(1-A section)
No sub-sections or bulky exhibits

Bufile Unknown
CV file 157-3315
1 section (volume), 9 serials and 1 enclosure
(1-A section)
No sub-sections or bulky exhibits

Bufile Unknown
CV file 176-110
1 section (volume), 5 serials
No sub-sections, bulky exhibits or enclosures

Bufile Unknown
CV file 157-3453
1 section (volume), 33 serials
No sub-sections, bulky exhibits or enclosures

Bufile Unknown
CV file 174-405
1 section (volume), 13 serials
No sub-sections, bulky exhibits or enclosures

CV 62-2446

Bufile 157-22627
CV file 157-4599
1 section (volume), 19 serials
No sub-sections, bulky exhibits or enclosures

Bufile Unknown
CV file 157-5035
1 section (volume), 15 serials
No sub-sections, bulky exhibits or enclosures

Bufile 105-165706
CV file 157-4527
1 section (volume), 26 serials
No sub-sections, bulky exhibits or enclosures

Bufile 105-165706 Sub 11
CV file 157-3829
1 section (volume), 48 serials
No sub-sections, bulky exhibits or enclosures

Bufile 105-165706 Sub 11
CV file 157-3828
1 section (volume), 41 serials
No sub-sections, bulky exhibits or enclosures

Bufile 105-165706
CV file 157-3678
1 section (volume), 46 serials and 3 enclosures
(1-A section)
No sub-sections or bulky exhibits

Bufile Unknown
CV file 157-4517
1 section (volume), 4 serials
No sub-sections, bulky exhibits or enclosures

Bufile Unknown
CV file 157-3537
1 section (volume), 2 serials
No sub-sections, bulky exhibits or enclosures

Bufile Unknown
CV file 157-3916
1 section (volume), 5 serials
No sub-sections, bulky exhibits or enclosures

CV 62-2446

Bufile Unknown
CV file 157-4044
1 section (volume), 31 serials
No sub-sections, bulky exhibits or enclosures

Bufile Unknown
CV file 157-4354
1 section (volume), 6 serials
No sub-sections, bulky exhibits or enclosures

Bufile Unknown
CV 157-4160
1 section (volume), 11 serials
No sub-sections, bulky exhibits or enclosures

Bufile 105-165706 Sub 11
CV file 157-2753
6 sections (volumes), 358 serials and
4 enclosures (1-A section)
No sub-sections or bulky exhibits

Bufile 105-165706
CV file 157-3257
2 sections (volumes), 87 serials and
1 enclosure (1-A section)
No sub-sections or bulky exhibits

Bufile 105-165706 Sub 11
CV file 157-3072
3 sections (volumes), 294 serials
No sub-sections, bulky exhibits or enclosures

Bufile 105-165706 Sub 11
CV file 157-3037
3 sections (volumes), 239 serials and
1 enclosure
No sub-sections or bulky exhibits

Bufile 157-14701
CV file 157-2217
9 sections (volumes), 720 serials
No sub-sections, bulky exhibits or enclosures

Bufile Unknown
CV file 157-3930
5 sections (volumes), 244 serials
No bulky exhibits or enclosures
Sub-section: Sub A, 11 serials

CV 62-2446

References:

[Redacted]

100-17802-342, 355

157-1976-52

157-2886-1 p. 2

157-2155-105 p. 5

157-263-1448, 1453

157-280-490 p. 104

157-289-218

157-0-165

157-0-293

100-28829-60

100-26259-230

157-1916-6

RE: HUEY P. NEWTON

Main File:

Bufile 105-165429
CV file 157-2633
1 section (volume), 74 serials
No sub-sections, bulky exhibits or
enclosures

References:

[Redacted]

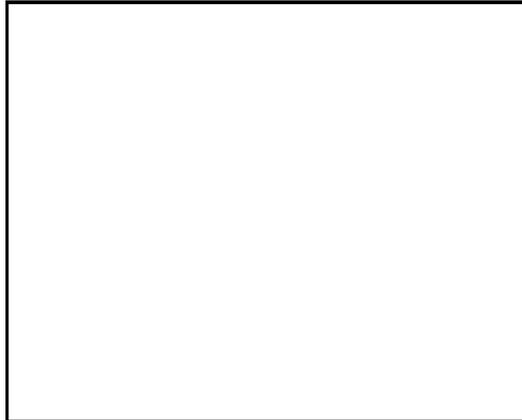
157-1448-268, 361

157-797-20

[Redacted]

b2
b7D

CV 62-2446



b2
b7D

RE:

Main File: None

Reference: Re
157-1448-151

RE:

Main File: Re

Bufile 100-447268
CV file 100-29570
1 section (volume), 16 serials
No sub-sections, bulky exhibits or
enclosures

Reference: 66-5396-320

b6
b7C

RE:

No Main File or References

RE:

No Main Files or References

RE: JOHN GEORGE

No Main File or References

RE:

No Main File or References

CV 62-2446

RE:



No Main File or References

b6
b7C

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 2/16/77

FROM : SAC, HOUSTON (62-3128) (RUC)



b6
b7C

SUBJECT: THE BLACK PANTHER PARTY, ET AL, VERSUS
EDWARD LEVI, ET AL,
(U. S. DISTRICT COURT, D. C.)
CIVIL ACTION FILE NUMBER 76-2205

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1-18-83 BY 9803 RDD/clf

Re Bureau airtel dated 2/8/77. *rew 4*

Following data submitted in accordance with
instructions in referenced airtel:

RE: BLACK PANTHER PARTY

Bufile 105-165706
Houston file 157-1352* (Caption "Black Panther
Party")
Number of Sections 34
Number of Sub-
Sections 1
Number of Serials 1767

Bufile 100-7254
Houston file 100-9029 (Caption "Characterizations
of Subversive, Extremist, Klan,
White Hate and Militant Black
Organizations")
Number of Sections 5
Number of Sub-
Sections 0
Number of Serials 7 (References)

2-Bureau
1-Houston

DCS:cjb
(3)

REC-39

15

FEB 22 1977



JAM
LEGAL COUNSEL

b6
b7C



MAR 7 1977

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

HO 62-3128

Bufile 157-22627
Houston file 157-2697 (Caption "BPP -
Cleaver Faction")
Number of Sections 2
Number of Sub-
Sections 0
Number of Serials 95

Bufile 9-60431
Houston file 9-1767 (Caption "Foxlets")
Number of Sections 7
Number of Sub-
Sections 1
Number of Serials 1 (Reference)

RE:

Bufile 157-23582
Houston file 105-2176 (Caption "Extremist
Photo Album")
Number of Sections 11
Number of Sub-
Sections 0
Number of Serials 2 (References)

No main files.

RE: HUEY P. NEWTON

Bufile Unknown
Houston file 157-1367 (Caption "HUEY P. NEWTON -
BPP - RM")
Number of Sections 1
Number of Sub-
Sections 0
Number of Serials 7

b6
b7C

HO 62-3128

Bufile 105-165429
Houston file 157-2305 (Caption "HUEY P. NEWTON,
RM - BPP")
Number of Sections 1
Number of Sub-
Sections 0
Number of Serials 5

Bufile 157-23582
Houston file 105-2176 (Caption "Extremist Photo
Album")
Number of Sections 11
Number of Sub-
Sections 0
Number of Serials 5 (References)

Bufile 105-165706
Houston file 157-1352 (Caption "Black Panther
Party")
Number of Sections 3 +
Number of Sub-
Sections 1
Number of Serials 1 (Reference)

RE:

[Redacted]

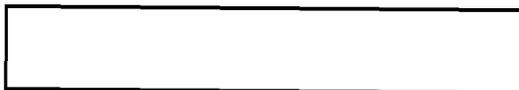
No Houston file.

HO 62-3128

RE: JOHN GEORGE

No Houston file.

RE:



No Houston file.

b6
b7c

INFORMATION

TO : DIRECTOR, FBI

DATE: 2/17/77

FROM: SAC, ANCHORAGE (157-42)

SUBJECT: THE BLACK PANTHER PARTY, ET AL, VERSUS
EDWARD LEVI, ET AL,
(U. S. DISTRICT COURT, D.C.)
CIVIL ACTION FILE NUMBER 76-2205)

Re Bureau airtel to Albany, 2/8/77. *new*

Information concerning plaintiffs and plaintiff organization in possession of Anchorage Office consists of the following:

One serial, AN 100-2452A-45, containing photograph and biographical data regarding [redacted] which is the Key Activist Photo Album.

b6
b7C

Three serials, AN 157-42-64, 81 and 82, pertaining to HUEY P. NEWTON, EM - BPP, OO: San Francisco. Serial 64 is Bureau airtel to Albany dated 11/13/70, regarding coverage to be afforded subject. Serials 81 and 82 are San Francisco teletypes to the Bureau dated 10/6/71 and 10/8/71, respectively, regarding NEWTON's travel to the Far East.

Bufile 105-165706, AN file 157-42, consists of two volumes, no subsections or exhibits, of 103 serials, entitled Black Panther Party, EM - BPP.

There are no COINTELPRO or electronic surveillance files pertaining to plaintiffs or plaintiff organization.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE SEP 3 1983 BY 9803 RDD/ek

REC-39

62-117411-2-16

17 FEB 22 1977

2 - Bureau (RM)
1 - Anchorage
FFK:vlr

(3)



5010-108-02

54 MAR 1977

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

b6
b7C

LEGAL COUNSEL

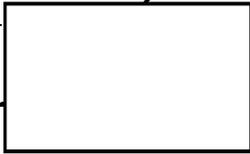
FBI

Date: 2/18/77

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

Via AIRTEL AIRMAIL
(Precedence)

TO: DIRECTOR, FBI (62-
FROM: SAC, MOBILE (62-1772) (C)
SUBJECT: THE BLACK PANTHER PARTY, ET AL,
VERSUS EDWARD LEVI, ET AL,
(U. S. DISTRICT COURT, D. C.)
CIVIL ACTION FILE NUMBER 76-2205



b6
b7C

Re Bureau airtel to all offices, 2/8/77. *see 4*

Submitted herewith is list of files and references relating to plaintiffs and plaintiff organization.

BLACK PANTHER PARTY FILES AND REFERENCES:

BLACK PANTHER PARTY (BPP)
EM-BPP
BUFile 105-165706
MOFile 105-793
18 Sections
823 Serals
1A Section with six exhibits

BLACK PANTHER PARTY (BPP)
FILMS AND PUBLICATIONS
BUFile 105-165706
MOFile 105-793 SF-2
1 Section
5 Serials

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE SEP 3 1993 BY 9803 RDD/SL

EX 104
REC-31
FEB 21 1977

FEB 21 1977

17

JAN
LEGAL COUNSEL

② - Bureau
1 - Mobile

JTB-ddm
(3)

1007338
10

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

55 MAR 7 1977

MO 62-1772

BLACK PANTHER PARTY (BPP)
FUNDS
BUFile 105-1657-6
MOFile 105-793 SF-2
1 Section
5 Serials

BLACK PANTHER PARTY (BPP)
ROCKFORD BRANCH
BUFile 105-165-706
MOFile 105-884
1 Section
3 Serials



EM - BPP
BUFile 105-165706
MOFile 105-897
1 Section
18 Serials

ETUMBA
RM
BUFile unknown
MOFile 105-900
1 Section
4 Serials

BLACK PANTHER PARTY (BPP)
INTERNATIONAL RELATIONS-CHINA
EM-BPP
BUFile 105-165706
MOFile 105-914
1 Section
29 Serials

EMERGENCY CONFERENCE TO DEFEND
THE RIGHT OF BPP TO EXIST
IS-C
BUFile unknown
MOFile 100-2147
1 Section
2 Serials

MO 62-1772

BLACK PANTHER PARTY NEW YORK (BPPNY)
IS-BPPNY
BUFile 105-157435
MOFile 100-1887
1 Section
16 Serials

[REDACTED]
EM-BPP
BUFile unknown
MOFile 157-4656
1 Section
77 Serials

BLACK PANTHER PARTY CLEAVER FACTION
EM-BPP
BUFile 157-22627
MOFile 157-6852
3 Sections
112 Serials

UNSUBS;
ALLEGED MEETING OF "BLACK PANTHERS"
NEW ORLEANS, LOUISIANA

[REDACTED] - COMPLAINANT

RM
BUFile unknown
MOFile 157-3684
1 Section
3 Serials

UNSUB, aka
Black Panthers

[REDACTED]
RM
BUFile unknown
MOFile 157-3334
1 Section
8 Serials

BLACK PANTHER PARTY - COMMUNICATIONS
RM
BUFile 105-165706
MOFile 157-2831
1 Section
8 Serials

MO 62-1772

[REDACTED]
EM

BUFile 157-8468

MOFile 157-2757-141

This reference is San Francisco airtel and LHM, 12/8/71, captioned, "BLACK PANTHER PARTY (BPP), INTERNATIONAL RELATIONS - CHINA"
8 Pages

LOWNDES COUNTY CHRISTIAN MOVEMENT FOR CIVIL RIGHTS
RM

BUFile 157-4825

MOFile 157-1688-85, 97, 179

Two references are New York airtels to the Bureau, 11/1/66 and 11/4/66, captioned, "BLACK PANTHER PARTY, NY", BUFile 105-157435. The third reference is New York memo to Mobile, 8/12/68, captioned, "BPP-RM"

Total 3 Pages

STOKELY CARMICHAEL

RM

BUFile 100-4460080

MOFile 100-1858-428

This reference is memo to SAC, Mobile, 8/30/58, which refers to BPP.

2 Pages

[REDACTED]
SM-C

BUFile 100-424397

MOFile 100-1915-20

Reference is San Francisco teletype to the Bureau, 8/28/67, which refers to BPP for Self Defense

2 Pages

STUDENT NON-VIOLENT COORDINATING COMMITTEE

RM-SNCC

BUFile 100-439190

MOFile 100-1693-428

Reference is Cincinnati LHM, 8/30/68, with reference to BPP

9 Pages

b6
b7c

MO 62-1772

[REDACTED] aka

IS-ISRAEL

BUFile 105-22139

MOFile 105-692-23

Reference is memo to SAC, Mobile, 5/17/66, which refers to wearing BPP Pins

4 Pages

b6
b7C

Following is list of files and references to individual plaintiffs. Mobile does not have previous references to [REDACTED] JOHN GEORGE, or [REDACTED]. There are some references to [REDACTED] in Mobile BPP File 105-793, listed above, and these are not being set forth under individuals.

HUEY P. NEWTON:

HUEY PERCY NEWTON

RM-BPP

BUFile 105-165429

MOFile 157-3360

1 Section

30 serials

BLACK NATIONALIST ALBUM

BUFile 157-8415

MOFile 157-2512 SF-1-518

Photo of NEWTON maintained in album

LOWNDES COUNTY CHRISTIAN MOVEMENT
FOR CIVIL RIGHTS

RM

BUFile 157-4825

MOFile 157-1688-167

Reference is Los Angeles informant memo, 3/21/68, reporting on rally for NEWTON

3 Pages

INNER CITY VOICE

RM

BUFile 100-448591

MOFile 157-2623-1, 3

References are Detroit LHMs, 4/26/68 and 3/26/68, containing reference to NEWTON.

The two LHMs total 90 Pages

MO 62-1772

SCHEDULED APPEARANCE OF [REDACTED] aka
at TUSKEGEE INSTITUTE, TUSKEGEE, ALABAMA,
12/6/67
IS-SNCC
BUFile 105-168197
MOFile 100-1901-58
Reference is Los Angeles airtel to the Bureau,
12/6/67, which mentions on page 4 that NEWTON
was speaker at September, 1967 Conference at
Palo Alto, California
5 Pages

MILITARY INTELLIGENCE LIST OF PERSONALITIES
OF CD INTEREST
BUFile not known
MOFile 80-111-613
List furnished 5/23/58 contains name of NEWTON
3 Pages

STUDENTS FOR A DEMOCRATIC SOCIETY
IS-SDS
BUFile 100-439048
MOFile 100-1789-132
Memo to SAC, Mobile, 1/30/69, attached pamphlet
"HUEY NEWTON SPEAKS TO THE MOVEMENT."
Memo is 2 Pages and Pamphlet 16 Pages

FBI Publication captioned, "1972 National Political
Conventions, Potential Protest Activity" and
dated 6/23/72
BUFile unknown
MOfile 100-1909 SF-1-6B
NEWTON is mentioned on page 3 of 6-page publication

BLACK EXTREMIST GROUP RECRUITING EX-BLACK PANTHER
PARTY MEMBERS
RM
BUFile 157-14970
MOFile 157-3273-1
Bureau airtel of three pages dated 9/4/69 mentions
NEWTON as member of a new organization

b6
b7C

MO 62-1772

[REDACTED]

BLACK NATIONALIST ALBUM
BUFile 157-23582
MOFile 157-2512 SF-1, Page 563
Photo of ELAINE DOROTHY BROWN in Album

[REDACTED]

[REDACTED]

BUFile unknown
MOFile 100-1995 SF-2-12

b6
b7C

Biographical sketch and photo of [REDACTED]
[REDACTED] in Key Activist Album
5 Pages

[REDACTED]

EM-BPP
BUFile 157-18403
MOFile 157-4562
1 Section
7 Serials
1A Section consists of one photo

FBI

TRANSMIT VIA:

- Teletype
- Facsimile
- Airtel

PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

- TOP SECRET
- SECRET
- CONFIDENTIAL
- E F T O
- CLEAR

Date 2/22/77

TO: DIRECTOR, FBI

FROM: SAC, ST. LOUIS (62-5099) RUC

SUBJECT: THE BLACK PANTHER PARTY
 ET AL
 VERSUS
 EDWARD LEVI
 (U.S. DISTRICT COURT, D.C.)
 CIVIL ACTION FILE #76-2205

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 3 SEP 1993 BY 9803 RDD/cH

Re Bureau airtels to Albany, 1/12/77 *sm2*
 and 2/8/77. *sm4*

A review of indices at St. Louis disclosed
 the following list of files and references relating to
 plaintiffs and plaintiff organization:

BLACK PANTHER PARTY

<u>BUFILE #</u>	<u>SLfile #</u>	<u>NO. OF SECTIONS</u>	<u>NO. OF SUB-SECTIONS</u>	<u>TOTAL # OF SERIALS</u>
100-225892	100-8295-1313	0	0	1
100-424397	157-5817-19	0	0	1
	100-21375-8	0	0	1
	157-4104-1A1	0	1	1
105-165706	157-4794-1	1	0	5
105-165706	157-5872*	14	1	892

2-Bureau
 1-St. Louis
 SDK:dlv
 (3)

(*) indic

1. FEB 26 1977

Approved:

5 MAR 7 1977

(Time)

Per

SL 62-5099

<u>FILE #</u>	<u>SLfile #</u>	<u>NO. OF SECTIONS</u>	<u>NO. OF SUB-SECTIONS</u>	<u>TOTAL OF SERIALS</u>
105-165706	157-4672*	7	1	505
	157-4690	1	0	3
105-165706	157-4749*	1	0	46
157-22627	157-4946	3	0	118
100-424297	157-5817-12	0	0	1
100-439190	100-19355-173	0	0	1
105-165706	157-4792*	1	0	5
100-383649	100-11229-5220	0	0	1
157-10141	157-5934-14	0	0	1
105-165706	157-4682*	1	0	7

HUEY P. NEWTON

100-439190	100-19355-173	0	0	1
100-449289	100-20325-81	0	0	1
100-439190	100-19355-235	0	0	1
105-165706	157-5872-1	0	0	1
105-165706	157-4142-16 Pg. 5	0	0	1
105-165706	157-5872-31	0	0	1
105-165706	157-5872-614	0	0	1

SL 62-5099

[REDACTED]

<u>BUFILE #</u>	<u>SLfile #</u>	<u>NO. OF SECTIONS</u>	<u>NO. OF SUB-SECTIONS</u>	<u>TOTAL # OF SERIALS</u>
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100-447268	100-21590-1	0	0	1
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105-165706	157-4142-16 Pg. 17	0	0	1
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	157-5003-5	0	0	1
--	------------	---	---	---

[REDACTED]

65-58236	65-1563-48	0	0	1
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100-447268	100-21590	1	0	7
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[REDACTED]

NONE

b6
b7C

105-165706	157-4142-16 Pg. 20	0	0	1
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[REDACTED]

157-19403	157-5456	1	0	4
-----------	----------	---	---	---

JOHN GEORGE

NONE

[REDACTED]

NONE

FBI

Date: 2-22-77

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

Via AIRTEL _____
(Precedence)

TO: DIRECTOR, FBI
FROM: SAC, PHOENIX (157-2484) (RUC)
SUBJECT: THE BLACK PANTHER PARTY, ET AL, VERSUS EDWARD LEVI, ET AL, (U. S. DISTRICT COURT, D.C.) CIVIL ACTION FILE NUMBER 76-2205

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE SEP 3 1993 BY 9803 RDN/gh

Re Bureau airtel to Albany, 2-8-77, requesting a list of all files and references relating to plaintiffs and plaintiff organization.

The following is a complete list of all files and references pertaining to the plaintiffs in the civil action following the requested format:

HUEY P. NEWTON
Bufile 105-165429
PX file 157-612, serials 13
no bulky exhibits or enclosures

Bufile 157-8415
PX file 157-816-15, page 67
Sections - 4
Serials - 106
Enclosures - 1a Section, one photo of CLEVELAND SELLERS

Bufile 105-165706
PX file 157-340-87
Sections - 16
Subsections - 3
Serials - 580
Enclosures - a. 22-69 edition of "The Black Panther"; b. outline of responsibilities, rank a [] e

REC-31

FEB 24 1977

JAM
LEGAL COUNSEL

b6
b7c

2 - Bureau
1 - Phoenix
SNS:dpt (3)

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

55 MAR 7 1977

PX 157-2484
SNS:dpt

Black Panther Party; c. one photo of known members of The Black Panther Party; d. photo and xerox copy of SYLVESTER HART; e. 1-4-69 edition "The Black Panther"; f. 1-15-69 edition "The Black Panther"; g. 1-25-69 edition "The Black Panther"; h. 2-2-69 edition of "The Black Panther"; i. tape of press conference, Tucson, RAY HEWITT; j. tape of CONNIE MATTHEWS' speech, Tucson; k. tape of RAY HEWITT speech, Tucson; l. copy of contract #64690299; m. pamphlet utilized in black liberation school; n. 5-2-70 edition "The Black Panther"; o. photo of [redacted] p. two photos of [redacted]

[redacted]
Bufile (unknown)
PX file 100-7265-4
Serials - 25

[redacted]
Bufile 105-165706-38
PX file 157-950
Serials - 7
Enclosures - 1a, one photo of [redacted]

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b7c

Bufile 105-165706
PX file 157-340-406
Sections, subsections, serials and enclosures - as listed with the same file number under HUEY P. NEWTON

Bufile 157-8415
PX file 157-921-1
Serials - 34

[redacted]
Bufile (unknown)
PX file 100-6790
Serials - 4

PX 157-2484
SNS:dpt

Bufile (unknown)
PX file 174-337-3
Serials - 4

[REDACTED]
Bufile (unknown)
PX file 157-1921
Serials - 5
Enclosures - 1a, one photo and xerox copy of
drivers license application for [REDACTED]
[REDACTED]

b6
b7C

JOHN GEORGE
Bufile (unknown)
PX file 157-180-5, page 18
Serials - 7

File search for [REDACTED]
[REDACTED]

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reflects no files or references pertaining to these individuals in the Phoenix Division.

The following is a complete list of all files and references pertaining to The Black Panther Party in the Phoenix Division:

Bufile (unknown)
PX file 92-1147
Serials - 4

Bufile (unknown)
PX file 100-6824
Serials - 2

Bufile (unknown)
[REDACTED]

b2
b7D

Bufile (105-165706)
PX file 157-340
Sections, subsections, serials and enclosures
as listed with the same file number under
HUEY P. NEWTON

PX 157-2484
SNS:dpt

Bufile 105-165706
PX file 157-518
Serials - 21
Enclosures - 1a, three "Black Panther Party
Committees Against Fascism", comments re
decentralization of police

Bufile (unknown)
PX file 157-688
Serials - 12

Bufile 105-165706
PX file 157-710
Serials - 4

Bufile (unknown)
PX file 157-759
Serials - 2
Enclosures - 1a, a photostat of the mailing
list for the 1-22-70 issue of "The Black
Panther"

Bufile 105-165706
PX file 157-775
Serials - 26

Bufile 105-174039
PX file 157-78
Serials - 9
Enclosures - 1a, one photo of WOODS, JR.

Bufile 105-165706
PX file 157-1109
Serials - 18

Bufile (unknown)
PX file 157-1117
Serials - 5

Bufile 157-22627
PX file 157-1161
Sections - 3
Serials - 129

PX 157-2484
SNS:dpt

Bufile (unknown)
PX file 157-2484
Serials - 3

Bufile (unknown)
PX file 176-8
Serials - 3

Bufile 52-89899
PX file 52-2906-1, page 16
Sections - 2
Serials - 1

Bufile 88-55585
PX file 91-5170-35, page 3
Serials - 39

Enclosures - 1a, one photo of [redacted]
[redacted] and one photo of [redacted]

Bufile 100-7254
PX file 100-4257-192; 205, page 7;
230, page 3; 233; 328; 351
Sections - 5
Serials - 420

Bufile (unknown)
PX file 105-0-1802

Bufile 100-439048-38
PX file 105-2773-5
Serials - 11
Enclosures - 1a, notice of peace rally at State
Capitol on 10-26-68

Bufile (unknown)
PX file 157-180-5, page 12
Serials - 7

Bufile 157-8415-38
PX file 157-186-15, pages 5 and 6;
17; 20, page 55; 53; 56; 63; 67; 75; 122
Sections 4
Serials - 106
Enclosures - 1a, one photo of [redacted]

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PX 157-2484
SNS:dpt

Bufile 105-165706, sub 26
PX 157-874-5, 6
Serials - 74

The file search under these headings reflected no Cointelpro activities and no electronic surveillance was used on either the plaintiffs or the plaintiff organization in the Phoenix Division nor were there any bulky exhibits under any of the files.

FBI

TRANSMIT VIA:

- Teletype
- Facsimile
- Airtel **AIRTEL**

PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

- TOP SECRET
- SECRET
- CONFIDENTIAL
- E F T O
- CLEAR

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE SEP 3 1993 BY 9803RDD/CLK

Date 2/22/77

b6
b7c

TO: DIRECTOR, FBI (62-)

FROM: SAC, LOUISVILLE (157-811)(RUC)

SUBJECT: The Black Panther Party, Et Al, versus
Edward Levi, Et Al
(U.S. District Court, D.C.)
Civil Action File Number 78-2205

Re Bureau airtels to Albany, 1/12/77 and 2/8/77.

Referenced Bureau airtel to Albany, dated 1/12/77, indicated that captioned civil action was filed by the Black Panther Party in the U.S. District Court, District of Columbia, on 12/1/76, against Director KELLEY and other defendants and requested the preparation of a search slip on plaintiff organization and individual plaintiffs, noted therein.

Pursuant to instructions set forth in Bureau airtel to Albany, dated 2/8/77, the files of the Louisville Division have been reviewed and the following list is being made available to FBIHQ of all files and references relating to plaintiffs and plaintiff organization contained within the Louisville Division:

THE BLACK PANTHER PARTY

Current Intelligence Analysis Program
Dated 2/7/69
Bufile Unknown
Louisville File 100-4311
Serial 539

EX-114

REC-31

20

17 FEB 25 1977

2-Bureau
1-Louisville
CRH/drj
(3)

100-7338

JAN 1977
LEON GUNSET
Pa

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

55 MAR 7 1977

LS 157-811

Bufile 100-10355
Louisville File 100-197
Serials 1448
1809, pages 24 and 66

Bufile 157-8415-27
Louisville File 157-615
Serials 8, page 184
9, page 191
23
24

Possible Civil Rights Violations
Black Panther Party
Anti-Riot Laws; Civil Rights
Buded: 7/25/69
Bufile Unknown
Louisville File 176-15
Serials 1 - 5

Bufile 100-432657
Louisville File 100-6019
Serial 74, page 82

Black Panther Party Busing Program
Detroit Division
EM - BPP
Bufile Unknown
Detroit File 157-8360
Louisville File 157-1511
Serials 1 - 4

Bufile 157-20210
Louisville File 157-1324
Serials 1 - 3

Bufile 100-7254
Louisville File 100-4004
Serials 183
195, page 6
213
214, page 7
245, page 3
251, page 9
284
395
426
434

LS 157-811

Bufile 105-165706
Louisville File 157-811
Serials 1 - 811

Louisville File 157-811A
Serials 197 - 212

Louisville File 157-811B
Serials 1 -
36C

Louisville File 157-811C
Serials 1 -
29B

Bufile 105-165706
Louisville File 92-281 Sub B
Serial 18

HUEY P. NEWTON

Bufile 105-165429
Louisville File 157-1178
Serials 1 - 9

Bufile 157-84115
Louisville File 157-1241
Serial 1

Bufile 105-165706
Louisville File 157-811
Serials 2
7
34
208



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b7C

Bufile 100-10355
Louisville File 100-197
Serial 2245

Bufile 157-84115
Louisville File 157-1241
Serial 1

LS 157-811

[REDACTED]
Bufile 105-165706
Louisville File 157-811
Serial 112

Bufile 62-318
Louisville File 92-281 Sub B
Serial 20

Bufile 105-165706
Louisville File 157-811
Serial 100

Key Activists Album
Bufile 100-446997
Louisville File 100-5214

Current Intelligence Analysis Program
Dated 2/7/69

[REDACTED]
Bufile Unknown
Louisville File 100-4311
Serial 539

The files of the Louisville Division contain no information identifiable for [REDACTED]

[REDACTED] JOHN GEORGE [REDACTED]

Louisville has prepared an FD-479 for each reference noted herein to insure that no files are destroyed which contain the Black Panther Party in the caption of the case, the Black Panther Party as a sub-caption to any individual investigation irrespective of classification or individuals listed as plaintiffs in the law suit.

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b7c

FBI

Date: 2/22/77

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

Via AIRTEL AIR MAIL
(Precedence)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE SEP 3 1993 BY 9803 RDD/CLL

TO: DIRECTOR, FBI
FROM: SAC, LAS VEGAS (157-130) (C)
SUBJECT: THE BLACK PANTHER PARTY, ET AL, VERSUS
EDWARD LEVI, ET AL,
(U. S. DISTRICT COURT, D. C.)
CIVIL ACTION FILE NUMBER 76-2205



Re Bureau airtel dated 2/8/77. *set 4*

- 1. Black Panther Party; Bufile 105-165706,
LV file 157-130;
One section, 16 volumes, 826 serials; one
sub-section, one volume, seven serials;
four bulky exhibits.

Cointelpro Black Nationalist
Hate Groups; Bufile 100-448006,
LV file 157-841;
One section, one volume, 21 serials.

- 2. HUEY P. NEWTON; Bufile 105-165429,
LV file 157-780;
One section, 15 serials, five references.

- 3. No files or references at Las Vegas.

- 4. One reference.

② - Bureau
1 - Las Vegas
LES/jd
(3)

1007330 for

EX 104

REC-31

6 FEB 25 1977

JAM
LEGAL COUNSEL

Approved: JKL Sent _____ M Per _____
Special Agent in Charge

55 MAR 7 1977

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b7c

157-130

5. [redacted]
No files or references at Las Vegas.

[redacted]
One reference.

7. [redacted] Bufile 157-19403,
LV file 157-963;
One section, 16 serials.

b6
b7C

8. JOHN GEORGE;
No identifiable information.

9. [redacted]
No files or references at Las Vegas.

FBI

Date: 2/25/77

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

Via AIRTEL _____
(Precedence)

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED
DATE SEP 3 1993 BY 9803 RDD/ST

TO: DIRECTOR FBI
FROM: SAC, PHILADELPHIA (62-5914)(SQ12)(RUC)
SUBJECT: THE BLACK PANTHER PARTY (BPP), Et Al
Versus EDWARD LEVI, Et Al,
(U.S. District Court, D.C.)
Civil Action File Number 76-2205

Re Bureau airtel to Albany, 2/8/77.

The following information is supplied in response to referenced airtel:

FILES:

Title	Bureau File #	PH File #	# of Sections	# of Sub Sections	# of Serials
UNSUB; Black Panther Party; [Redacted]		9-3341	1	0	3
VICTIM					
UNSUBS; Alleged Activities of Black Panthers Regarding Payoffs to Control Records Played at Radio Stations	92-12058	92-2658	1	0	23
BPP-Weatherman Commune Near Chester, Pa.		100-51930	1	0	7
1 - Bureau 1 - Philadelphia (62-5914)(SQ12)		[Redacted]			
JRK:msd (3)		[Redacted]			

100-7338

62-117417-22

24 MAR 1 1977

b6
b7C

Approved: [Signature]
Special Agent in Charge

Sent _____ M Per _____

57 MAR 17 1977

PH 62-5914

Black Panther Party	105-165706	157-2004	68	9	5161
Counterintelligence Program Black Nationalist - Hate Groups	100-448006	157-2371	2	0	143
Black Panther Party - Finances	105-165706 Sub 37	157-3984	8	0	625
Development of Informants in the Black Panther Party	105-165706 -32	157-3991	1	0	34
Black Panther Party - Films and Publications	105-165706 Sub 37	157-4012	6	0	411
National Conference For A United Front Against Fascism (NCUFAF) Sponsored by BPP - 7/18-21/69	105-165706	157-4079	1	0	18
Black Panther Party (BPP); Racial Matters Smith Act of 1940 Seditious Conspiracy, Rebellion and Insurrection	105-165706- 37	157-4104	15	0	428
Black Panther Party Reading, Pa.		157-4116	1	0	42
BPP - Free Clothes For Children Program	105-165706- 34	157-4230	1	0	25
Black Panther Party- International Relations	105-165706 Sub 84	157-4239	1	0	9

PH 62-5914

Black Panther Party - Free Health Clinic		157-4255	1	0	119
Black Panther Party (BPP) Wilmington, Del.		157-4261	1	0	7
Black Extremist Group Recruiting Ex-Black Panther Party Members		157-4274	1	0	3
Black Panther Party (BPP) - Liberation Schools	105-165706 -37	157-4430	2	0	81
Emergency Conference To Defend the Rights of the Black Panther Party to Exist	100-457330	157-4618	1	0	19
Shipment to BPP 1336 Fillmore Street San Francisco, Calif. 1/8/70		157-4638	1	0	4
Rally in Defense of Black Panther Party Defendants, New Haven, Conn., 5/1,2,3/70	105-195691	157-4772	1	0	25
Rally in Support of the Black Panther Party, Lincoln Memorial Washington, D.C. 6/19/70	105-165706	157-4871	1	0	4
BPP Community Information Center 3625 Wallace Street Philadelphia, Pa.		157-4996	1	0	30

PH 62-5914

Potential For Violence New Haven Division; Black Panther Party	157-5093	1	0	3
Raids on Black Panther Party Locations, Philadelphia, Pa., By Philadelphia Police Department, 8/31/70	157-5100	1	0	47
Black Panther Party East St. Louis, Ill.	157-5313	1	0	5
Black Panther Party (BPP) Underground Activities	157-5444	1	0	26
Black Panther Party (BPP), aka NCCF, Memphis Division	157-5721	1	0	10
Stronghold Con- solidated Productions, Inc. (SCPI) (Black Panther Party Corporation)	105-165706 157-5825	1	0	25
Congressional Investigations of Revolutionary Protest Groups				
Hearings Before the Committee on Internal Security, 100-455787 House of Representatives, 7/21-24/70, "Black Panther Party, Part 3 Investigation of Activities in Detroit, Mich.; Philadelphia, Pa., and Indianapolis, Ind."	157-5987	1	0	9

PH 62-5914

Black Panther Party - Cleaver Faction	157-22627	157-6296	8	1	455
Black Panther Party Intercommunal Committees Intercommunal Survival Committees		157-6461	1	0	2
Black Panther Party Dallas Division		157-9448	1	0	4
Black Panther Party Possible Federal Prose- cution Antiriot Laws		176-137	1	0	4
UNSUB; Burglary of the Media Resident Agency Room 203, County Building, Front Street and Orange Avenue, Media, Pa. 3/8-9/71	52-94527	52-7165 Sub B- 278 p.2			1
UNSUB; Burglary of the Media Resident Agency, Room 203, County Building, Front Street and Orange Avenue, Media, Pa, 3/8-9/71	52-94527	52-7165 Sub G- 245			1
UNSUB; Bombing Univer- sity of Wisconsin, Sterling Hall, Madison, Wis., 8/24/70	98-46593	98-2514- 1318 p.2			1
Socialist Workers Party	100-16	100-2036 Sub A - 1432			1

PH 62-5914

Student Nonviolent Coordinating Committee (SNCC)	100-439190	100-46820- 746 has been consolidated into 157-2840 Vol. II			
Revolutionary Action Movement (RAM)	100-442684	100-46948- 324 has been consolidated into 157-2841 Vol. 6			
<div style="border: 1px solid black; width: 150px; height: 20px; margin-bottom: 5px;"></div> (Black Panther Party for Self- Defense)		157-2382-1	1	0	2
Black Nationalist Movement Western United States	157-8415	157-2522-1			1
Third National Conference on Black Power, Philadelphia, Pa., 8/29/68-9/1/68	157-9886	157-2808- 382	11	0	562
The Malcolm X Information Center Reading, Pa.	157-19145	157-5082- 15			1
Black Panther Party Travel of Leadership	105-165706	157-6020- 4 & 5			2
<div style="border: 1px solid black; width: 150px; height: 20px; margin-bottom: 5px;"></div>	100-447268	100-50819- 3	1	0	4
Black Panther Party (included in BPP survey)	105-165706	157-2004 Sub E-2			1
Black Panther Party (included in BPP survey)	105-165706	157-2004- 1737 p.326			1

b6
b7c

PH 62-5914

Black Panther Party (included in BPP survey)	105-165706	157-2004- 2188 p.242	1			1
Proposed Rally to Free Huey Newton Federal Building, 9th and Market Streets, Philadelphia, Pa., Saturday, 9/28/68		157-3068	1	0	16	
Demonstration in Support of Huey P. Newton, BPP, Minister of Defense, State Office Building, Broad and Spring Garden, Philadel- phia, Pa., 5/1/69	105-165429	157-3835	1	0	88	
Red Family Alleged Pol- itical Kidnaping Plot		100-52361	1	0	2	
Black Panther Party (included in BPP survey)	105-165706	157-2004- 1737 p.47				1
Black Panther Party (included in BPP survey)	105-165706	157-2004- 2188 p.35				1
Black Panther Party (included in BPP survey)	105-165706	157-2004 Sub E1,2,3				3
<div style="border: 1px solid black; width: 250px; height: 30px; display: inline-block;"></div>	157-12301	157-3778	1	0	28	b6 b7c
Black Nationalist Movement Prepara- tion of Photographic Album	157-8415	157-2627- 163				1

PH 62-5914

BULKY EXHIBITS:

157-2004-1B-4	Consists of 17 reels of recording tape and 4 reels of Pen-register tape
157-2004-1B-6	Consists of 286 reels of recording tape
157-2004-1B-7	Consists of 85 reels of recording tape
157-2004-1B-9	Consists of 34 reels of recording tape
Total Exhibits:	422 reels recording tape, 4 reels Pen-register tape.

ELSUR:

157-2004-Sub C (included in BPP above)	90 Serials
157-2004-Sub C -1	212 logs

FBI

Date: 2/25/77

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

AIRTEL

Via _____
(Precedence)

TO DIRECTOR, FBI (62-)

FROM SAC, NEWARK (157-6308)

SUBJECT BLACK PANTHER PARTY
ET AL, VERSUS EDWARD LEVI,
ET AL
(USDC, D.C.)
CIVIL ACTION FILE # 76-2205

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE SEP 3 1993 BY 9803 RDD/ck

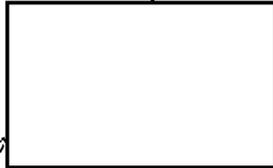
Re: Bureau airtel to Albany, 2/8/77. *see 4*

Newark provides the following list in response to
referenced airtel:

2-Bureau
2-Newark
WJG/cap
(4)

REC 7301/10

REC-311



6 FEB 25 1977

23

HERN
ADVISOR
12

B

Approved: _____ Sent _____ M Per _____

55 MAR 7 1977

Special Agent in Charge

b6
b7c

NK 157-6308

<u>FIELD FILE #</u>	<u>BUFILE #</u>	<u># OF SECTIONS</u>	<u># OF SUB SECTIONS</u>	<u># OF SERIALS</u>
157-2143				1
157-2393				1
157-2611				1
157-3964				1
157-4261				2
157-4518	105-165706			6
157-5055	105-165429			76
157-5815				1
157-5824				1
157-6017	147-19403			3
157-6061				1
157-6648				2
157-6308	105-165706			50
157-5214	100-449271			236
176-52	176-1300			15
176-56	176-1334			3
176-58	105-165706			12
91-0				1
157-5029				4
157-5288	105-165706-32			3
9-2357	9-50035			33
9-2427				5
9-2549	9-52237			11
44-1227				12
52-6817	52-94527			1
66-1356				1
92-3913	92-12058			
100-49194	105-165706 - 157-33667		23	8592
100-17007				1
100-37220	100-379895			1
100-39371	100-7254			4
100-48105				15
100-49785				1
100-49654	100-448006 (COINTELPRO)			170

NK 157-6308

<u>FIELD FILE #</u>	<u>BUFILE #</u>	<u># OF SECTIONS</u>	<u># OF SUB SECTIONS</u>	<u># OF SERIALS</u>
100-52977	157-12301			2
100-30578				1
100-52500				1
105-7962				1
105-23027	100-147952		1	0
105-29343	105-23301			1
105-31394	105-257370			1
105-31422	105-264094			1
105-34248	105-200199			2
174-1224				1
166-2161B				

NK 157-6308

There are no bulky exhibits maintained by Newark in the captioned matter.

There was no use of illegal, warrantless electronic surveillance conducted by Newark on the captioned organization or individuals.

FBI

Date: 2/28/77

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

Via AIRTEL _____
(Precedence)

TO: Director, FBI

FROM: SAC, BALTIMORE (62-2703) (RUC)

THE BLACK PANTHER PARTY, ET AL, VERSUS
EDWARD LEVI, ET AL
(UNITED STATES DISTRICT COURT, D.C.)
CIVIL ACTION FILE NUMBER 76-2205

62-117402

Re Bureau airtel to Albany dated 2/8/77.

Enclosed for the Bureau are 8 xeroxed copies
of a list of all files and references relating to plaintiffs
and plaintiff organization currently within the Baltimore Office.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/6/93 BY 9803 RDD/df

REC-311 *62-117402* 24

MAR 1 1977

ENCLOSURE

- ② - Bureau (Enc. 8) (Registered Mail)
 - 1 - Baltimore
- DT:peh
(3)

JAM
LEGAL COUNSEL



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b7C

Approved: *[Signature]*
Special Agent in Charge

Sent _____ M Per _____

SEP 3 1993 and missing/elt

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 2/23/77

FROM: SAC, EL PASO (157-211) (RUC)

WCO/pan

SUBJECT: THE BLACK PANTHER PARTY, ET AL, VERSUS
EDWARD LEVI, ET AL,
(U. S. DISTRICT COURT, D. C.)
CIVIL ACTION FILE NUMBER 76-2205

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/8/13 BY 9813 RDD/CAF

Re Bureau airtel to Albany, 2/8/77. *see 4*

The following is a list of all files and references relating to plaintiffs and plaintiff organization:

BLACK PANTHER PARTY

FILES:

1. Bureau file #105-16570;
El Paso file #157-211;
15 Sections (Volumes)
One (1) Sub-section;
596 serials;
No bulky exhibits;
Seven (7) enclosures (1A's)
2. Bureau file #157-22627;
El Paso file #157-374;
Three (3) Sections;
No Sub-sections;
94 serials;
No bulky exhibits or enclosures
3. Bureau file # - unknown;
El Paso file #157-217;
One (1) Section;
No Sub-sections;
Six (6) serials;
No bulky exhibits or enclosures
4. Bureau file # - unknown;
El Paso file #32-100;
One (1) Section;
No Sub-sections;
Two (2) serials;
No bulky exhibits or encl

REC-19

15-117440-25

FEB 28 1977



LEGAL COUNSEL

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b7c



2 - Bureau
1 - El Paso
DFB:gc (3)

5 MAR 9 1977
5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

EP 157-211

5. Bureau file #105-165706;
El Paso file #157-334;
One (1) Section;
No Sub-sections;
11 serials;
No bulky exhibits or enclosures

CROSS REFERENCES:

1. El Paso file #52-2833-1, page 1B, Bureau file #52-89899.
2. El Paso file #100-5227-163, page 7, and 100-5227-175, page 3, Bureau file #100-7254.
3. El Paso file #100-5530-522, Bureau file 100-422089.
4. El Paso file #157-126-19, page 1, Bureau file #157-8415.
5. El Paso file #64-249-228, page 7, 64-249-323 and 64-249-212, pages 1, 4, 5 and 6, Bureau file #64-43922.
6. El Paso file #105-1279-91, Bureau file #105-127538.
7. El Paso file page 2, no Bureau file number.

b2
b7D

HUEY P. NEWTON

FILES:

1. Bureau file #105-165429;
El Paso file #157-284;
One (1) Section;
No Sub-sections;
Three (3) serials;
No bulky exhibits or enclosures

CROSS REFERENCES:

1. El Paso file #100-5530-516, page 1 and 100-5530-522, page 1, Bureau file #100-422089.
2. El Paso file #157-126A-216, Bureau file #157-23582.
3. El Paso file #157-126-19, page 3, Bureau file number 157-8415.

EP 157-211

4. El Paso file #157-208-8, Bureau file number 100-448069
5. El Paso file #157-211-63, page 2 and 5, Bureau file #105-165706

[REDACTED]

NO FILES

CROSS REFERENCES:

1. El Paso file #157-126A-174, Bureau file #157-23582.

[REDACTED]

NO FILES

CROSS REFERENCES:

1. El Paso file #100-6079A-7, Bureau file #100-446997.

b6
b7c

JOHN GEORGE

El Paso has no files identifiable to JOHN GEORGE. El Paso does have two cross references, El Paso file 91-452-27, page 5, office of origin, Phoenix, and El Paso file 87-3096-23, office of origin, Albuquerque. Both serials destroyed in routine file destruction program. El Paso is unable to determine if these references are identical to plaintiff JOHN GEORGE.

El Paso has no files or cross references identifiable with plaintiffs [REDACTED]

[REDACTED]