

A SOLANO SUPERIOR COURT JUDGE RULED ON THE HABEAS CORPUS PETITION OF ELDRIDGE CLEAVER, MINISTER OF INFORMATION FOR THE BLACK PANTHER PARTY, TODAY. MR. CLEAVER'S PETITION CHARGED THAT HIS PAROLE FROM A PREVIOUS CONVICTION HAD BEEN IMPROPERLY SUSPENDED AFTER AN INCIDENT BETWEEN OAKLAND POLICE AND BLACK PANTHERS IN WHICH BOBBY HUTTON WAS KILLED AND MR. CLEAVER AND THREE POLICEMEN WOUNDED.

TODAY, JUDGE RAYMOND SHERWIN RULED THAT THE PAROLE SUSPENSION WAS IMPROPER, AND ORDERED MR. CLEAVER RELEASED AND REINSTATED ON PAROLE. JUDGE SHERWIN SAID: "THE RECORD HERE IS THAT THOUGH THE PETITIONER WAS ARRESTED AND HIS PAROLE CANCELLED MORE THAN TWO MONTHS AGO, HEARINGS BEFORE THE ADULT AUTHORITY HAVE NOT EVEN BEEN SCHEDULED. THERE IS NOTHING TO INDICATE WHY IT WAS DEEMED NECESSARY TO CANCEL HIS PAROLE BEFORE HIS TRIAL ON THE PENDING CRIMINAL CHARGES OF WHICH HE IS PRESUMED INNOCENT. THE QUESTION OF THE PROPRIETY OF JUDICIAL INTERVENTION AND THE TIMING OF IT ARE AFFECTED UNAVOIDABLY BY THE FACTS OF THE CASE. IT HAS TO BE STRESSED THAT THE UNCONTRADICTED EVIDENCE PRESENTED TO THIS COURT INDICATED THAT THE PETITIONER HAS BEEN A MODEL PAROLEE. THE PERIL TO HIS PAROLE STATUS STEMMED FROM NO FAILURE OF PERSONAL REHABILITATION, BUT FROM HIS UNDUE ELOQUENCE IN PURSUING POLITICAL GOALS WHICH WERE OFFENSIVE TO MANY OF HIS CONTEMPORARIES. NOT ONLY WAS THERE ABSENCE OF CAUSE FOR THE CANCELLATION OF PAROLE, IT WAS THE PRODUCT OF A TYPE OF PRESSURE UNBECOMING, TO SAY THE LEAST, TO THE LAW ENFORCEMENT PARAPHERNALIA OF THIS STATE."

DEPUTY STATE ATTORNEY GENERAL EDWARD O'BRIEN SAID THAT HE WILL APPEAL THE DECISION.