PRISONER OF WAR

Twenty-four years ago, the FBI and the LAPD did battle with the Black Panthers, and Geronimo Pratt went to jail. Today, armed with new evidence and support, he may win his freedom.

BY REGINALD W. MAJOR AND MARCIA D. DAVIS

were waiting for friends to play a game of tennis on a court in Lincoln Park in Santa Monica, Calif.

It was a Wednesday evening — and a time for death.

According to newspaper reports, two gunmen — later described as Black and in their 20s — approached the White couple as they were turning on the court lights. The men found about $18 in Caroline Olsen's purse, then shouted, "That ain't enough!"

A gunman told the couple to "Lie down." The other added, "And pray." The Olsens got face-down on the ground, and a moment later, the gunmen opened fire. Kenneth Olsen survived that hail of bullets on Dec. 18, 1968. Caroline Olsen did not.

One assailant was described as tall and dark, the other short, light and clean-shaven. They reportedly fled in a late-model dark red convertible with a white top.

Today, the then 24-year-old man convicted of the crime maintains, as he did during the trial, that he was 400 miles away in Oakland the night of the attack and that a frame-up orchestrated by the FBI and the Los Angeles Police Department — playing a fundamental role — made him the third victim of that tennis court incident. There is substantial evidence — some of it new — to support his claim.

Mule Creek State Prison is separated from the surrounding northern California farmland by 10-foot-high cyclone fence boxes topped with two feet of razor wire. Watch towers pierce the sky, standing like silent sentries over about 3,500 prisoners at the facility.

Inside, Elmer Geronimo ji Jaga (Pratt), 46, a former top leader of the Black Panther Party (BPP), is talking about COINTELPRO and the Panthers, about love and loss, about how it feels to spend half his life locked up, away from his wife and two children — for something he did not do.

Nobody knows his name, at least not the way folks know Huey or Bobby or Eldridge, but Pratt's imprisonment remains one of the most potent symbols of a time when a militant group of young Black men and women challenged everything in America, from the European aesthetic to the sacred cow of capitalism. Pratt is one of the casualties of J. Edgar Hoover's war against radicals.



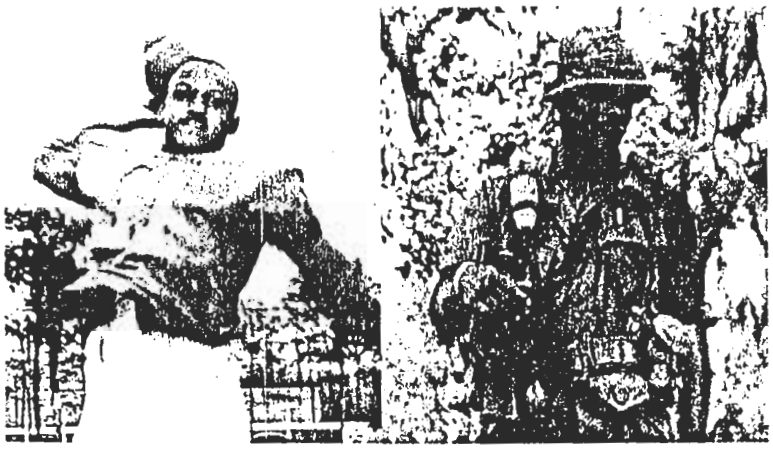
Pratt contends — and the FBI's own documents concur — that he was among the Panther leadership targeted to be "neutralized" by COINTELPRO, the FBI's counterintelligence program. Activated in August 1967, COINTELPRO, as outlined by director J. Edgar Hoover, was to target "Black hate groups" and "expose, disrupt, discredit or otherwise neutralize such groups and their leadership, spokesmen, members and supporters."

The Panthers — with their free breakfast programs, socialist ideals and a willingness not only to carry arms but to use them — became the number one target. The images remain stark: the shoot-outs with police; the jailing of Huey P. Newton for the death of a police officer; the courtroom chaining and gagging of Bobby Seale during the infamous "Chicago Eight" trial, and the assassinations of Panthers Fred Hampton and Mark Clark in Chicago.

And then there is Geronimo Pratt, a Louisiana-born and Vietnam-decorated veteran, who within two years of arriving in Los Angeles in 1968 became Deputy Minister of Defense for the Panthers' Southern California chapter.

Geronimo Pratt, above, in 1972, when was sentenced to life in prison. Right, he peers through fences at California's Mule Creek State Prison.

PHOTO: LEFT, AP/WIDEWORLD; RIGHT, JONATHAN EDWARDS



Pratt was a quarterback for Sumpter Williams High in Morgan City, La. Right, in 1967, before he served two tours in Vietnam. He later put his military training to use at home.

Within four years, he was serving life in prison.

"What I've seen convinces me that [Pratt] was intentionally framed by the FBI, starting with the highest position within the FBI, J. Edgar Hoover," says Stuart Hanlon, one of Pratt's lawyers.

Says lay minister James McCloskey, who began investigating the Pratt case last year, "I don't think there's any doubt that, from the top down, Hoover branded the Panthers the most dangerous threat to national security."

In some ways, Pratt's case is like a spy novel. A police informant with a "secret" letter was the prosecution's key witness. That witness, Julius Butler, declined Emerge's request for an interview. FBI surveillance documents that could have supported Pratt's alibi have mysteriously disappeared. Key information, including Butler's relationship to the FBI and LAPD, was suppressed during the trial, along with the crucial fact that Kenneth Olsen had identified another man as one of his attackers a year before he fingered Pratt.

Pratt "was intentionally framed... starting with the highest position within the FBI, J. Edgar Hoover."

The FBI declined to discuss the case. "We have no comment because of the on-going prosecutory and judicial reviews of this case," says John Kundts, an agency spokesman. The LAPD issued a similar response.

But now after 12 failed parole attempts and numerous efforts to get a new trial, the Los Angeles district attorney has agreed to review the case. It appears to be the best chance yet for Pratt to win his release.

McCloskey's investigation and report submitted last September convinced the district attorney, Gil Garcetti, to agree in January to a review. "I read all the trial transcripts and it was apparent to me that Pratt did not do this crime," explains McCloskey, head of the Princeton, N.J.-based Centurion Ministries, which gained national attention in 1992 for helping to free Clarence Chance and Benny Powell, two Black Los Angeles men wrongly jailed for 17 years for the death of a sheriff's deputy.

"We're still in the process of reviewing the case and the information from McCloskey," says Harry Sondheim, one of three lawyers in the D.A.'s office working on the case.

Meanwhile, the case is getting a new round of attention. The Fox-TV affiliate in Los Angeles ran a three-part series on Pratt in January. Other media organizations have expressed interest. Members of the Congressional Black Caucus, NAACP Executive Director Ben Chavis, Amnesty International and others support Pratt.

Pratt, however, takes the recent developments in stride. The evidence that should have been enough to free him has been around for years, he says. Other powerful people — including former Republican Rep. Pete McCloskey and Democratic Rep. Don Edwards, both of California — have worked on Pratt's behalf. His story even aired on *60 Minutes* in 1987.

"Twenty-four years on a single murder?" asks Pratt during an interview at Mule Creek. "I've seen guys go out with two and three murders — 16, 17, 18 years, at the most."

Since 1978 — the year Pratt first was eligible for parole — every Los Angeles district attorney and chief of police has written letters opposing his release, claiming he is a danger to the community. That includes current police Chief Willie Williams, the African-American recruited from Philadelphia after the L.A. civil unrest in 1992.

For Pratt, the parole board has been simply another frustration.

"I refused to go to the parole board for eight, nine straight years because I was told by the parole board they have to consider the conviction, and the conviction has me as a convicted murderer," he explains. "I'm not a murderer. I didn't do the murder."

He says the only killing he has done was in Vietnam.

Elmer Pratt did two tours of duty in Vietnam. He enlisted after high school on the advice of the elders in his hometown of Morgan City, La. In 1968, he returned home with Silver and Bronze Stars and two Purple Hearts.



Pratt married Ashaki (center) in a prison waiting-room on Dec. 3, 1976. They have a daughter (left), Shona, 14, and son, Hijori,

Upon returning to Louisiana, Pratt's sister asked him to drive her to Los Angeles where she was to attend the University of California. He had every intention of returning home, but when she suggested he attend UCLA too, he stayed. Three months later, the Olsens were shot and robbed.

It had been only two years since Bobby Seale and Huey P. Newton began patrolling the streets of Oakland as the Black Panther Party for Self Defense, but the party was already a national movement. By 1969, it had about 40 chapters and was serving free breakfasts to about 10,000 children monthly. It had opened several free clinics, and *Time* magazine reported that *The Black Panther* newspaper had

PHOTOS, TOP: COURTESY THE PRATT FAMILY. BOTTOM: JONATHAN EUBANKS FOR EMERGE

a weekly circulation of about 100,000.

But COINTELPRO was also on the march. COINTELPRO and local police intelligence units, such as the LAPD's Criminal Conspiracy Section, were busy recruiting informants and infiltrators to undermine this new movement. Still, the Panthers were strong, and it was an exciting time to be bold, Black and beautiful. Some were students, others former gang members who had traded criminal pasts for revolutionary futures. Some, still entrenched in crime, hung onto the edges of the party.

UCLA was electric, and the Panther leader there, Alprentice "Bunchy" Carter, had mesmerized the campus. He recruited Elmer Gerard Pratt, who's part Native American, and nicknamed him "Geronimo." (Pratt later changed his name to ji Jaga, after a West African warrior who fought colonialists.)

When Carter was gunned down in January 1969 by members of a cultural nationalist group vying for power at UCLA, "G" was chosen to take his place.

At the time Pratt was joining the Panthers, so was Julius Butler, who became the party's director of security for Southern California. But Butler, then 36, and a former deputy sheriff, was more than that — much more. According to FBI and LAPD documents, he was an informant, first for the LAPD, then the FBI. Butler had had his eye on the deputy minister of defense post. By then, party members had suspected Butler of being an informant, and the 21-year-old Pratt, respected for his demolitions know-how from the military, got the job.

Pratt, acting on those suspicions, demoted Butler and on Aug. 8, 1969, expelled him. They were actions that, McCloskey says, hardened Butler against Pratt. On Aug. 10, 1969, Butler delivered a letter to a contact on the LAPD. Sgt. DuWayne Rice

OTHER POLITICAL PRISONERS

"THE LAW DOES NOT PUNISH PEOPLE for their political beliefs," says Carl Stern, a spokesman for the U.S. Department of Justice. But several human rights groups disagree.

Amnesty International spokesman Andrew Kelly says U.S. political prisoners are nothing new. The organization defines a political prisoner as "any prisoner whose case has a significant political element: whether the motivation of the prisoner's acts, the acts in themselves, or the motivation of authorities." Nkechi Taifa, co-chair of the criminal justice section of the National Conference of Black Lawyers, estimates that some 75 percent of the more than 100 U.S. political prisoners are African-American or Puerto Rican.

Taifa says the most egregious of political prisoner cases share several similarities: prior to their arrests, they were subjects of the FBI's COINTELPRO project that targeted Black activists; they received unprecedented sentences and remained behind bars longer than nonpolitically active people charged under the same statutes.

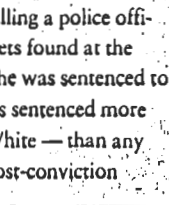
Also, many political prisoners live under unusually harsh conditions, with a disproportionate number having served time at Marion (Ill.) Federal Penitentiary, the nation's highest security prison, which has been condemned by Amnesty International.


ABU-JAMAL

Among some of the more well-known political prisoners:

MUMIA ABU-JAMAL, a former Black Panther known for writing about police mistreatment of the militant MOVE organization and other Philadelphia Blacks. He was called "voice of the voiceless" by the *Philadelphia Inquirer*, and was included in a *Philadelphia Magazine* list of "people to watch." In 1981, Abu-Jamal was charged with killing a police officer. Although a ballistics expert testified that bullets found at the scene could not be matched to Abu-Jamal's gun, he was sentenced to death row in 1982 by Judge Albert Sabo, who has sentenced more people to death — 31, only two of whom were White — than any other judge. Abu-Jamal's lawyers are seeking a post-conviction release hearing.

MUTULU SHAKUR, a doctor of acupuncture, co-founded the National Task Force for COINTELPRO Litigation and Research, through which he has helped political prisoners such as NAACP Executive Director Benjamin Chavis. Chavis was imprisoned between 1971-80 as one of the "Wilmington 10" convicted of a grocery store bombing. In 1988, Shakur was convicted of a Brinks truck robbery and violating the Racketeer Influenced and Corrupt Organizations Act (RICO) on the testimony of a paid government witness, although no physical, scientific or eyewitness evidence linked him to the crime scene, says his lawyer Jonathan Lubell. In March, Shakur was moved to Marion.


SHAKUR


ODINGA

In 1983, SEKOU ODINGA was convicted on two of the same charges. As a result of police torture, he was hospitalized for three months after his capture. Odinga's first three years were served at Marion. Then he was moved to Leavenworth (Kan.) Federal Penitentiary where he remains. He is trying to obtain a transfer to an Atlanta facility, so he can be close to ill family members.

SUNDIATA ACOLI'S activism began in 1964, registering Black Mississippians to vote. After a 1973 confrontation on the New Jersey Turnpike, in which one of Acoli's companions was killed, he was charged with killing a state trooper and sentenced to life plus 30 years. In Trenton State Prison, Acoli lived almost five years in a cell smaller than the Society for the Prevention of Cruelty to Animals' required space for a German shepherd, and was then moved to Marion for eight years. In December 1993, he was denied parole for the next 20 years, the longest parole set off in New Jersey history. An appeal of the parole denial was presented this Spring.


ACOLI

HERMAN BELL, JALIL ABDUL MANTAQUIN AND ALBERT NUH WASHINGTON are the so-called "New York 3." These former Black Panthers were charged with the 1971 murder of two New York police officers. Freedom of Information Act documents show that their case resulted from a Nixon administration conspiracy to jail militant Blacks. Code named NEWKILL, this alleged plot was developed five days *after* the murders. A 1991 evidentiary hearing proved that a police ballistics expert concealed test results showing that the alleged weapon had not been used in the killings. According to Brian Glick, the trio's attorney, the prosecution's star witness — who had been tortured with cattle prods to his groin area — swore he lied at the trial under pressure from police and prosecutors. Lawyers are petitioning for review by the U.S. Supreme Court.

— Lori S. Robinson

has said Butler told him he thought the Panthers were out to kill him. During the meeting on an L.A. street corner, Rice said in a sworn statement in November 1979, Butler handed him a sealed envelope with the words, "Only to be opened on the event of my death."

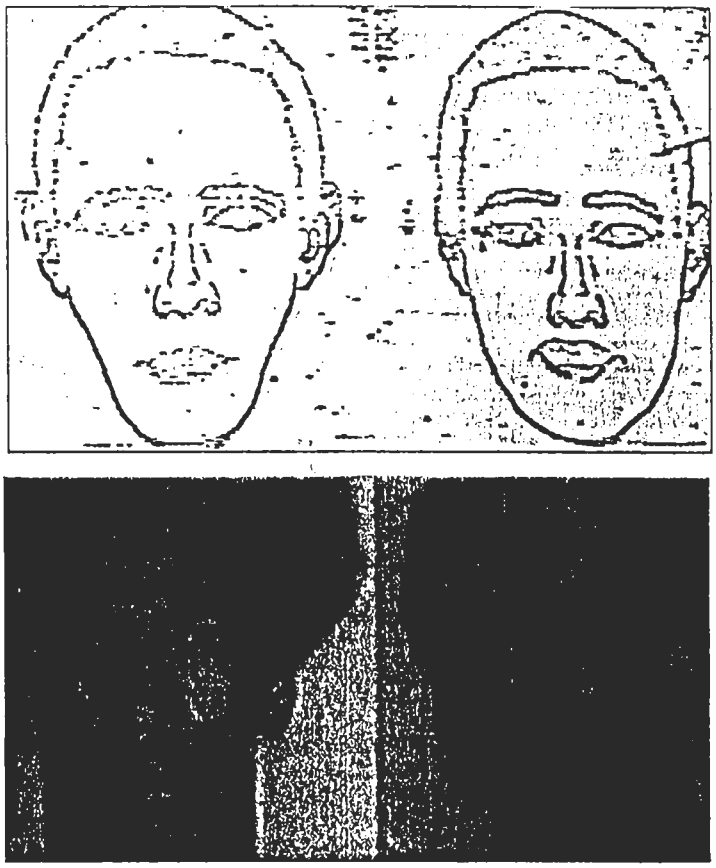
The envelope contained information about Pratt's alleged confession to Butler on Dec. 19, 1968, about a Santa Monica tennis court robbery and murder. Moments after the meeting, Rice has said, two FBI officers approached and asked for the letter. Initially, Rice refused, but later complied.

Emerge has examined numerous FBI documents that show Butler was an informant for the LAPD at least by 1966 and for the FBI by May 1969. Rice and then fellow officer, Capt. Ed Henry, both have said Butler turned over weapons to them at least two months before he wrote his "insurance policy."

And an FBI memo dated June 5, 1969, states that "almost daily contact has been maintained with Butler and that he is alert for any information concerning... specific plans by the BPP involving the captioned individual [Pratt] to commit bank robberies, and will furnish positive information as soon as it is received."

Another FBI document dated Jan. 28, 1970, stated, "Operation Number One is designed to challenge the legitimacy of the authority exercised by Elmer Geronimo Pratt." It took a year for the FBI to get its hands on the letter. Rice said he turned it over after Butler called and said the agency was "jamming" him.

The document became the basis for the indictment against Pratt, and Butler's court testimony was pivotal to the conviction. During the trial, Butler denied ever having been an FBI or LAPD informant. He also denied he had been expelled from the party. Several jurors have since said that had they known about Butler's law-enforcement ties, they would have found Pratt not guilty.



Independent investigator McCloskey was startled to find how closely two other Panthers fit police sketches of the assailants described by victim Kenneth Olsen. Larry Hatter, left, and Herbert Swilley, right, were never placed in a police line-up.

Butler is now a lawyer in L.A. His activities, though primary to Pratt's conviction, were not the only steps taken to put Pratt away.

In November 1970, two years after the crime, and one month after the letter was opened, Kenneth Olsen and another witness identified Pratt as the assailant from 16 photos. The shorter of the two assailants wore a safari-type jacket. In the photos shown to Olsen, Pratt was the only one wearing a similar jacket. In a previous lineup shortly after the attack, Olsen had identified another man as the shorter of the two attackers. There was only one problem: The man he identified was in prison at the time.

Panther Tyrone Hutchinson was placed in a lineup in 1970 in an attempt for Olsen to identify the taller assailant. But no positive identification could be made. When Hutchinson was arrested in 1970, he told the two officers questioning him that neither he nor Pratt had been involved in the murder. He also told police that he had heard details of such a hold-up from two habitual criminals from his L.A. neighborhood who were peripheral party members and regularly committed crimes in Santa Monica. Hutchinson said in a 1991 signed statement that the two officers, members of the Criminal Conspiracy Section, warned that he had better not say anything about what he heard, if he knew what was good for him.

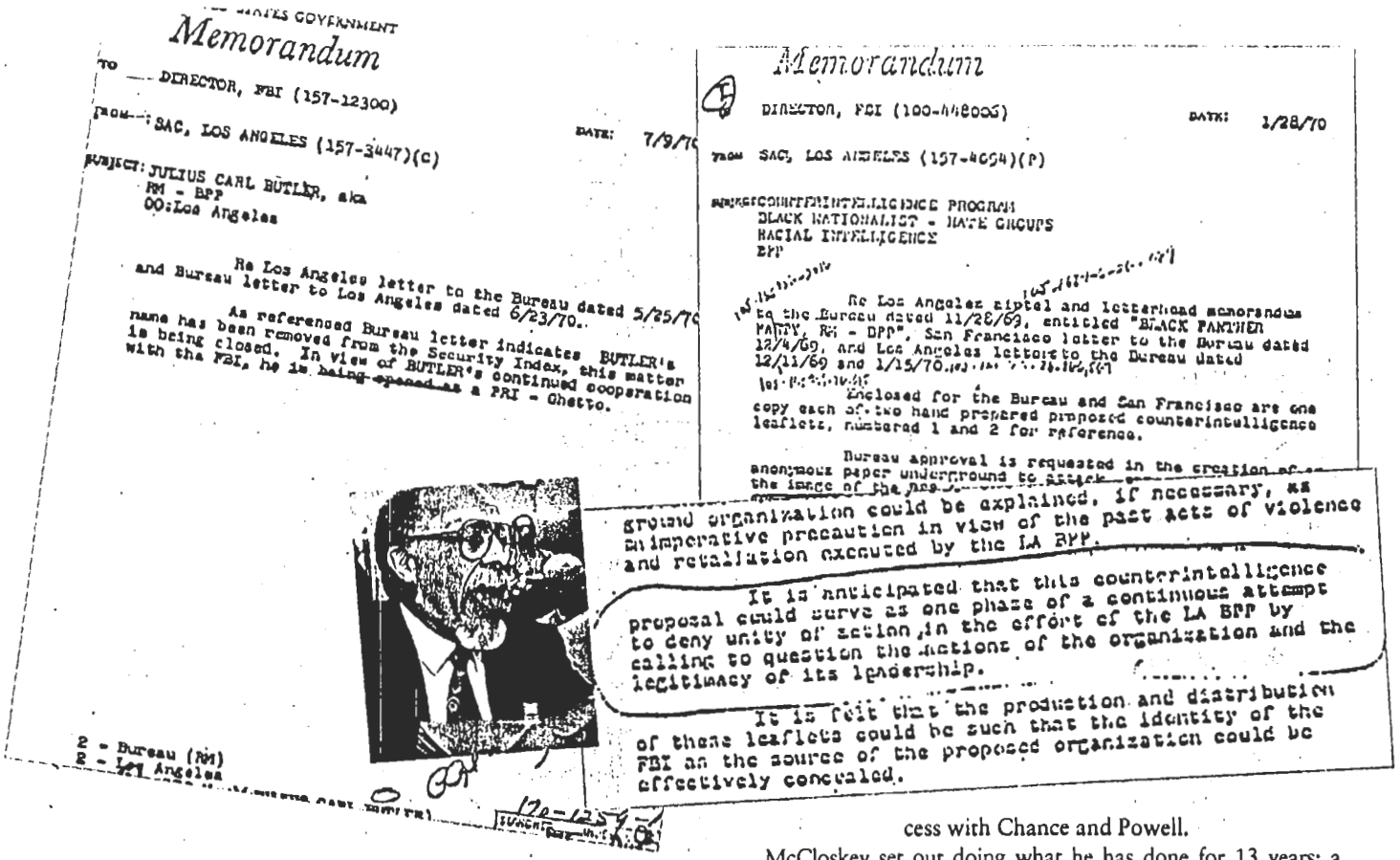
Hutchinson was never indicted, although he was named in Butler's letter as Pratt's partner in the crime. None of the encounters between Hutchinson and Sgts. Jess Buckles and Raymond Callihan made it to light during the trial. There were other irregularities.

Pratt's legal team says it was compromised by the FBI. "It was mysterious," says Johnnie Cochran, Pratt's trial attorney at the time and now a lawyer for Michael Jackson. "The prosecution was always ready for us, whatever we planned. It wasn't until the trial was over that we discovered that our team had been infiltrated."

"It wasn't until the trial was over that we discovered that our [legal] team had been infiltrated [by the FBI]."

Probably one of the most disheartening aspects of Pratt's trial was the lack of support he received from other Panthers. Pratt had said that he was in Oakland at a major Panther meeting on Dec. 18, 1968. But by the time his trial came around in 1972, the Panthers had suffered a major split. Huey Newton and Eldridge Cleaver were feuding, and Pratt had allied himself with Cleaver and was expelled. Newton ordered other Panthers not to testify on his behalf. In 1991, however, Bobby Seale and David Hilliard gave affidavits stating that Pratt was at those discussions on the night in question.

Hilliard says Newton showed him letters that he received while in prison stating that Pratt was planning to assassinate him. "It was the FBI's work to



Memorandum

TO: DIRECTOR, FBI (157-12300)

FROM: SAC, LOS ANGELES (157-3447)(C)

DATE: 7/9/70

SUBJECT: JULIUS CARL BUTLER, aka
RM - BPP
OO:Los Angeles

Re Los Angeles letter to the Bureau dated 5/25/70 and Bureau letter to Los Angeles dated 6/23/70.

As referenced Bureau letter indicates BUTLER's name has been removed from the Security Index, this matter is being closed. In view of BUTLER's continued cooperation with the FBI, he is being opened as a PRI - Ghetto.

2 - Bureau (RM)
2 - Los Angeles

Memorandum

TO: DIRECTOR, FBI (100-448006)

DATE: 1/28/70

FROM: SAC, LOS ANGELES (157-4694)(P)

SUBJECT: COUNTERINTELLIGENCE PROGRAM
BLACK NATIONALIST - HATE GROUPS
RACIAL INTELLIGENCE
BPP

Re Los Angeles airtel and letterhead memorandum to the Bureau dated 11/28/69, entitled "BLACK PANTHER PARTY, RM - BPP". San Francisco letter to the Bureau dated 12/4/69, and Los Angeles letter to the Bureau dated 12/11/69 and 1/15/70.

Enclosed for the Bureau and San Francisco are one copy each of two hand prepared proposed counterintelligence leaflets, numbered 1 and 2 for reference.

Bureau approval is requested in the creation of an anonymous paper underground to attack the image of the new ground organization could be explained, if necessary, as an imperative precaution in view of the past acts of violence and retaliation executed by the LA BPP.

It is anticipated that this counterintelligence proposal could serve as one phase of a continuous attempt to deny unity of action in the effort of the LA BPP by calling to question the motions of the organization and the legitimacy of its leadership.

It is felt that the production and distribution of these leaflets could be such that the identity of the FBI as the source of the proposed organization could be effectively concealed.

These documents are among many obtained from the FBI's files, naming Julius Butler, inset, as a member of the Black Panther Party who regularly informed on his comrades and their activities. Butler is now a lawyer.

keep us all confused," he says. "We were getting letters from everybody. Phones were tapped. They created mass distrust."

Though more Panthers coming to Pratt's defense no doubt would have helped him, it was not the only way his alibi could have been corroborated.

In 1985, a retired FBI agent who had worked in Los Angeles, testified in one of Pratt's many attempts to win a new trial, and said he believed Pratt was framed. He also verified that Pratt had been under surveillance between Nov. 15 and Dec. 20 of 1968, and that there had been records of Pratt making a phone call from Oakland about three hours before the Olsens were shot.

But when he went to look for those records in the mid-70s, Wesley Swearingen says, they were missing. The 25-year FBI veteran also swore in an affidavit that the FBI and LAPD's Criminal Conspiracy Section worked closely during that period. He also said he heard the officer assigned to Pratt say, "The son of a bitch was in Oakland," referring to Pratt's whereabouts on Dec. 18.

As information favorable to Pratt's case continued to roll in, Pratt's lawyers worked diligently for years to get the California courts to offer a new trial; each time they were rebuffed.

By 1992, frustrated by continued denials by the courts, Pratt's team decided on another strategy. They contacted McCloskey after hearing about his success with Chance and Powell.



Elmer Geronimo Ji Jaga Pratt can only look toward the future and possible freedom.

McCloskey set out doing what he has done for 13 years: a grass-roots investigation. Following up on the tip that Hutchinson had given the two sergeants of the Criminal Conspiracy Section, McCloskey went door-to-door in Hutchinson's neighborhood looking for information on Larry Hatter and Herbert Swilley.

Besides Hutchinson, McCloskey uncovered the names of at least three other childhood friends of Swilley and Hatter. The men all said they had heard either one or both men talking about a tennis court robbery and shooting in Santa Monica. He also learned that both men are now dead, in separate incidents. Swilley was killed over a gambling dispute on Jan. 9, 1972, and Hatter on July 19, 1978, from a head injury suffered during an attempted robbery — ironically on a tennis court in Santa Monica.

What McCloskey found most startling about the two men was how closely they fit the descriptions of the Olsen assailants. Also, several people told McCloskey that "the goat," as Pratt's 1967 red and white GTO convertible was called, was a Panther car, to which several members had access. Even Butler admitted that he had driven it on numerous occasions.

McCloskey says he believes Swilley and Hatter, both Panthers, used the car in the tennis court shooting without Pratt's knowledge. But will coming so close to possibly solving the crime, or at least raising reasonable doubt, be enough to free Pratt?

That's an answer that no one in Pratt's camp knows.

"I think it's unfortunate that 'G' has been put in a position to have to prove his innocence,'" says another of Pratt's attorneys Adjoa Aiyetoro. "He's forced to prove his innocence by solving the crime, while everyone else is innocent until proven guilty." ■

PHOTOS: TOP AP/WIDEWORLD; RIGHT JONATHAN EUBANKS FOR EMERGE