

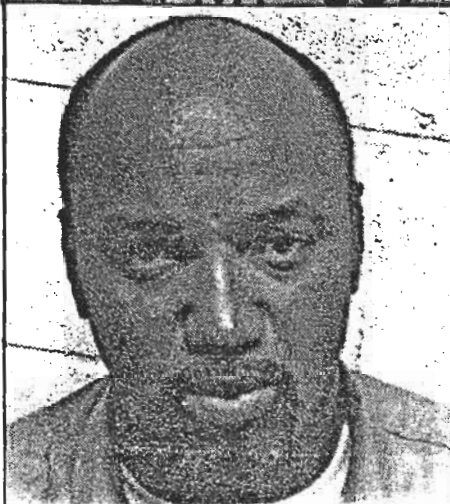
The framing of Geronimo Pratt

*How the FBI railroaded
the ex-Black Panther leader
into life imprisonment
for a murder he
didn't commit*

By John Roemer

DARKNESS HAD FALLEN along the Santa Monica seafront when Kenneth Olsen and his wife Caroline arrived at Lincoln Park for a game of tennis. The couple had been going through marital difficulties and were living apart. Their plan to play tennis on this mild Southern California evening a week before Christmas in 1968 was the first tentative step toward rebuilding their marriage. But this marriage would not be saved.

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Neutralizing the Black Panther Retired FBI agent M. Wesley Swearingen (above right) says the FBI "framed" Geronimo Pratt. A 1969 FBI memo (above) shows that the agency targeted Pratt years before he was arrested for murder. Geronimo Pratt (left) at

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Around 8:10 pm, Olsen flicked the switch that turned on the massive floodlights overlooking the tennis court. Within moments, the high school vice-principal and his wife, herself a second-grade teacher in the Los Angeles public schools, found themselves in the most horrific of urban nightmares. Two men with guns appeared and demanded the couple's money. The Olsens offered no resistance, turning over \$18 in cash and their car keys. But their assailants then ordered them to lie face down on the court surface and pray to god. Trembling and crying in terror, the couple did so. The two men shot them both and left them to die, fleeing the scene in a red and white convertible.

Caroline Olsen died, although she spent 10 days in the hospital clinging to life. Her husband survived, offering authorities a description of the young black males who had shot them.

The motiveless, cold-blooded killing attracted major media attention. Two years later, in December 1970, prominent L.A. Black Panther Geronimo Pratt was indicted for Caroline Olsen's murder. Kenneth Olsen positively identified Pratt as one of the killers, and another witness testified she saw Pratt and another black man near Lincoln Park just before the shooting. During a 1969 raid of a Los Angeles Panther house, where Pratt and 17 others were arrested and a number of weapons seized, police say they found a .45 caliber handgun that, in later tests, matched shell casings found on the tennis court.

Julius Butler, a former Panther who knew Pratt, swore that Pratt had admitted the shootings to him. And if all that were not enough, Geronimo Pratt owned a red and white convertible.

Pratt has served 20 years in state prison — the first eight in solitary confinement — since his conviction in 1972. All the while, this articulate Vietnam war hero and former Panther leader has forcefully protested his innocence. Over the years, the evidence against Pratt has gradually unraveled, and it has become painfully clear that the tennis court shootings in 1968 had three victims. True justice was never meted out for the murder of Caroline Olsen or the shooting of Kenneth Olsen — and Geronimo Pratt has suffered needlessly for a crime he did not commit.

Prior to the murder, Pratt had been a major target of COINTELPRO, the FBI's counterintelligence program aimed at destroying the Black Panther Party by eliminating its leaders. Caroline Olsen's death provided the government



JOHN ROEMER/SP WEEKLY

with a perfect device to get Pratt off the streets forever.

M. Wesley Swearingen, a former FBI agent who was close to the original Pratt investigation, says bluntly that Pratt was "framed" by the bureau. Other evidence comes from former Panthers who have finally decided to break their silence, as well as from the FBI's own files, which include wiretap logs and correspondence showing that Julius Butler, the prosecution's star witness, was an FBI informant. All the available evidence points to one conclusion: Pratt is innocent of the murder, and is in fact a political prisoner dating from former FBI director J. Edgar Hoover's ruthless campaign to annihilate the Black Panthers at all costs.

"IT MAKES ME want to cry," said Jeanne Hamilton, one of the jurors who convicted Pratt in 1972, as she details the information Pratt's attorneys have shared with her in the last year. Hamilton, a certified public accountant

and business teacher at the California Polytechnic Institute in Pomona, says her conscience has bothered her ever since Pratt's lawyers showed her the new evidence.

"I know now that Pratt is a man who is principled and intelligent — and innocent," Hamilton said. "I've destroyed his life, though I feel I was a victim, too. I was 22 years old. The government had a lot of credibility. They betrayed us. We did not have the whole story. It is amazing to me that they won't give this man a hearing now. It's a crime. We would never have convicted him if we knew what we know now."

Bob Bloom is the attorney who shared his findings with Hamilton and who wants the world to know what Hamilton now knows. For the past two years, Bloom has been digging through Pratt's voluminous FBI records in search of evidence of a frame-up. He has found plenty.

In one box of papers, Bloom found a reference to a former Panther named Tyrone Hutchinson who had been questioned in 1970 about the tennis court shootings. Hutchinson's name and his testimony had been concealed from Pratt's defense at the time of his trial. Bloom wondered why.

His curiosity led him last spring to an interview room at Pelican Bay State Prison on California's north coast. Hutchinson, imprisoned there on robbery charges, provided Bloom with crucial information. When he'd been interrogated by Los Angeles police, Hutchinson told Bloom, he had said that he knew who had killed Caroline Olsen. Hutchinson told the police two men who were at the tennis court at the time of the killing gave him the details of what had happened. Hutchinson named the men, whose current whereabouts are unknown.

The L.A. police took extensive notes during his statement, Hutchinson remembers, then warned him not to discuss it with anyone "if I knew what was good for me." Hutchinson understood what they meant. "I took this to be a threat on my life at the time and I still do," he said in a sworn declaration to Bloom. "I take their threats seriously. I am in fear today of what the police, the D.A., the parole board and the Department of Corrections might do to me for disclosing what I overheard. But I know that Geronimo had nothing to do with the tennis court murder."

Bloom had a second, and unexpected, breakthrough last year at a San Francisco party cele-

Neutralizing the Black Panther Retired FBI agent M. Wesley Swearingen (above right) says the FBI "framed" Geronimo Pratt. A 1969 FBI memo (above) shows that the agency targeted Pratt years before he was arrested for murder. Geronimo Pratt (left) at Tehachapi prison in 1992.

brating the parole of Johnny Spain, a longtime San Quentin inmate linked to George Jackson. At the party, Bloom ran into Patricia Richartz, a longtime investigator for Panther attorney Charles Garry.

Richartz had a remarkable story to tell. In 1975, Garry had won a court order that allowed him to examine FBI wiretap logs relating to a pending Huey Newton case. It was a unique chance for the Panthers to penetrate the high security enemy camp. High above Golden Gate Avenue in the San Francisco Federal Building, Richartz and another investigator working for Garry, David Fechheimer, looked through records containing names of dead and imprisoned members of the Panther movement.

Suddenly Pratt's name all but leapt off the wiretap log Richartz was holding. It was a routine FBI entry, noted in the chilly bureaucracy of federal eavesdroppers, that detailed a phone call from a woman who spoke to Geronimo Pratt on December 18, 1968, at about 5:30 pm, while he was at a Panther house in Oakland. Richartz immediately saw that it was highly improbable Pratt could have committed a murder 400 miles south of Oakland less than three hours later.

"He was here all the time," she said to herself. "It says so right here."

She showed the document to Fechheimer. Their eyes met. Nothing was said until the two left the building, amazed but frustrated that they were not allowed to take the telltale log with them. (Both have signed affidavits affirming what they saw in the log.)

Could Pratt have possibly gotten from Oakland to Santa Monica by eight o'clock that night? Perhaps he could have sped to Oakland Airport, immediately boarded a plane for the hour-long flight to Los Angeles, and raced 20 miles north on the San Diego Freeway to the Lincoln Park tennis courts to rob a couple of \$18 — an unlikely, but certainly possible, scenario.

But some hypothetical madcap dash to the
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murder site would contradict the prosecution's contention that the Panther leader had been in Los Angeles all along. The government's case relied heavily on Julius Butler, who testified that Pratt had been with him during the daylight hours before the shootings. December 18, the day of the killing, is one of the shortest days of the year, a day in which darkness falls in California by 5:30 pm. When Pratt was on the phone in Oakland, it was already dark.

News of Richartz's find got sidetracked in the internal political warfare that tore apart the Panthers in the early 1970s, and stayed that way for 15 years. Until she mentioned the wiretap log to Bloom at Johnny Spain's party, no one on Pratt's defense team knew it existed. Richartz and Fechheimer say they spoke of the matter to various attorneys, but never pressed it.

The wiretap finding made Bloom realize that a number of people must have known that Pratt was in Oakland when the murder occurred. In seeking them out, Bloom was plunged into the murky political infighting within the Panther organization that had kept witnesses for Pratt silent for years.

HOW AND WHY the Panthers fell apart into contending camps that pitted Huey Newton against his old comrade Eldridge Cleaver was a mystery until the night of March 8, 1971, when unknown persons broke into FBI storage files in Media, Pennsylvania, outside Philadelphia, and removed thousands of pages of classified documents.

Published during the following week by the *Washington Post*, the documents alerted the public to the FBI counterintelligence program, code-named COINTELPRO, intended to neu-

confining several thousand men produce an atmosphere of profound strain that is evident in the taut demeanor of the guards. Geronimo Pratt, by contrast, appears relaxed and at ease.

Twenty years ago, when Pratt entered prison at age 21, the FBI seemed to believe it had put away a dangerous revolutionary who had learned the ways of warfare in Vietnam. Pratt was indeed a war hero, earning the Silver Star, two Purple Hearts and two Bronze Stars, among the highest commendations awarded to soldiers. "I joined up to do something and I was true to it," he said. "I didn't betray the oath I had taken with the 82nd Airborne. To this day, I feel pride when I hear about the 82nd, even though they took Grenada and went into Panama, and I opposed that."

But Pratt's loyal military service was used against him by the FBI. A 1970 FBI profile

was innocent and the FBI was going to try to get him out of the way. I didn't believe it was going to work. I didn't think innocent people went to jail. I get angry every time I think about it. In my career I had thought that the FBI was above this kind of behavior."

Swearingen says that FBI agents Brendan O. Cleary, Richard Held and Richard Bloeser all knew Pratt was innocent. Cleary was the agent in charge of Pratt's case during the trial, while Bloeser led the "Extremist Intelligence" squad, in charge of investigating black radicals.

The three agents helped manipulate the evidence to frame Geronimo Pratt, Swearingen claims. "Just before Pratt's trial began, these agents held a conference at which I was present. Bloeser told how Mr. Olsen had personally identified two other black men and how the Los Angeles police had got him to change his testi-

Pratt's defense team under a court order some years ago. While poring through them, Bernstein realized that the FBI had neglected to purge numerous references to Butler from documents that revealed him as a "probationary racial informant — ghetto."

Butler had told Pratt's jurors under oath, "I have never been in the world a snitch." Now he stood revealed as an informant whose undercover work for the government may well have led him to falsely accuse Pratt of murder.

Butler currently works as a paralegal at a Los Angeles law office. He refused to take a reporter's calls, but in previous statements he has denied that he ever worked as an informant for any government agency. "Julius feels betrayed by the government," said Bernstein. "They kind of threw him to the wolves when they let [his] papers get to [Pratt's] defense."

Bloom has also been able to explain away other parts of the prosecution's case against Pratt. The sighting of Pratt's red and white car at the scene of the crime has never really been an issue, since seven witnesses, including Butler, testified that Pratt had allowed the vehicle to become a "Panther car," available for use by any party member.

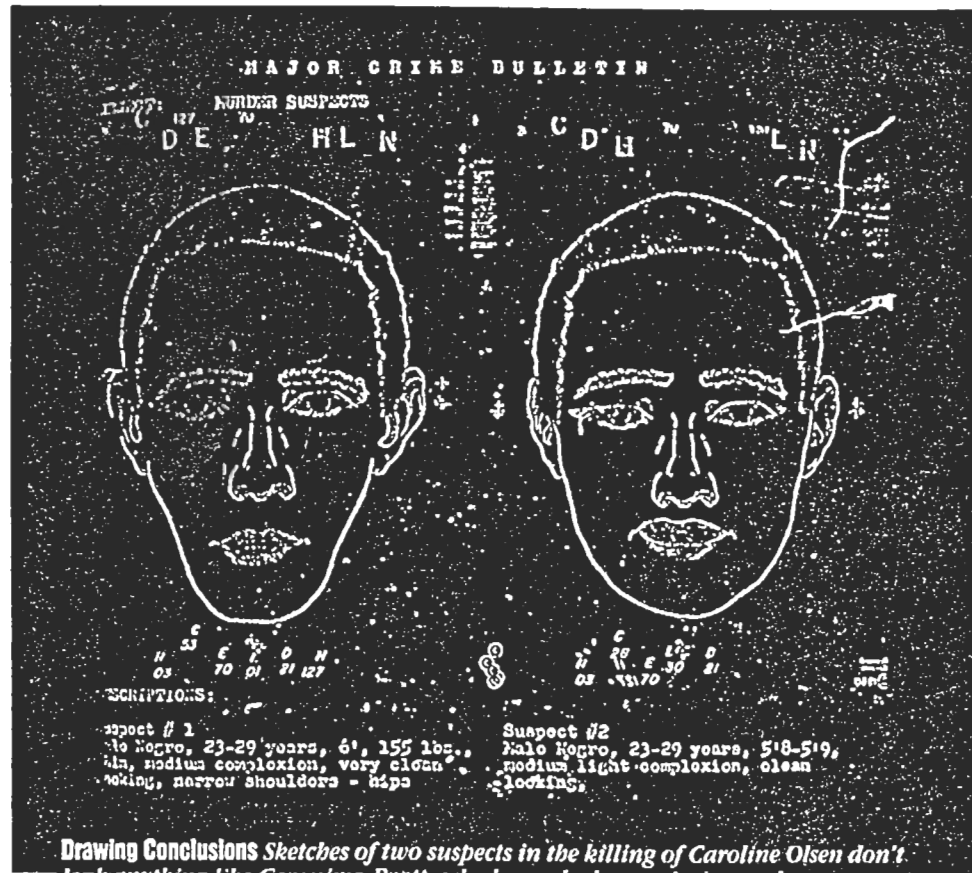
Nor does the gun present a big problem for the defense. The connection of the weapon to Pratt was so tenuous that the trial judge at first refused to admit it into evidence. Butler was the only witness who said the gun was Pratt's.

"The FBI agents talked about how the barrel was missing from the gun they were going to introduce in evidence," said Swearingen, "and how the LAPD ballistic expert would testify falsely that the shell casings matched the gun."

Bloom also believes that eyewitness testimony from both Kenneth Olsen, who died of natural causes in 1979, and others can be challenged. They repeatedly described the men they saw the night of the shootings as clean-shaven. But nine witnesses, including Butler, testified that Pratt always wore a goatee and mustache in those days.

Bloom charges Pratt's 1972 prosecutor, Richard Kalustian, with intentionally suppressing evidence about Butler's status as an informant. At one point in the trial, when a witness mentioned the FBI, Kalustian broke courtroom rules by declaring, "The FBI's never been involved in this case and you know it."

Kalustian, now a Superior Court judge in Los Angeles County, said last week in a telephone interview, "I didn't suppress anything from



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Published during the following week by the *Washington Post*, the documents alerted the public to the FBI counterintelligence program, code-named COINTELPRO, intended to neutralize black groups like the Panthers. Senate hearings in 1975 on the program revealed that Panther leaders like Newton, Cleaver and Pratt were singled out for special attention as "key black extremists."

The documents uncovered an FBI poison-pen campaign used to drive a wedge between Newton in Oakland, and Cleaver, then exiled in Algeria. Pratt was seen as aligned with the Cleaver faction and expelled from the party by Newton. When Pratt was put on trial for murder, the Newton-run party newspaper published explicit instructions that no Panther was to associate with Pratt or testify on his behalf. None did.

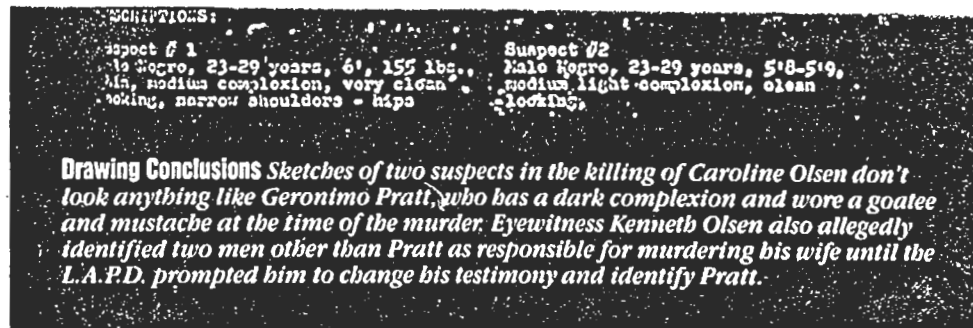
In the internecine battles provoked by COINTELPRO, attorney Garry, who died last year, lined up with the Newton faction. The crucial evidence of the wiretap log was never passed to Pratt's defense, Pratt attorney Stuart Hanlon said this week. "Garry iced it. I found it really disturbing."

A 1969 FBI document makes it clear that the bureau was out to get Pratt and other Panther leaders. It states, in part, that "constant consideration is given to the possibility of the utilization of counterintelligence measures with efforts being directed toward neutralizing PRATT as an effective BPP [Black Panther Party] functionary."

Bloom has now found witnesses willing to come forward on Pratt's behalf. Six former Panthers from the Newton faction, including chief of staff David Hilliard and co-founder Bobby Seale, have signed declarations swearing that Pratt was in Oakland on December 18, 1968. "I have carried feelings of guilt and remorse since my refusal to help Geronimo [at his trial] in 1972," Hilliard wrote. Others have echoed his regrets.

THE MAXIMUM SECURITY prison at Tehachapi sits in a range of dun-colored mountains that rise between Bakersfield and the Mojave desert. The complex looks like a space colony, but time, not space, is the chief preoccupation here.

Inside, thick glass and heavy automatic doors



Drawing Conclusions Sketches of two suspects in the killing of Caroline Olsen don't look anything like Geronimo Pratt, who has a dark complexion and wore a goatee and mustache at the time of the murder. Eyewitness Kenneth Olsen also allegedly identified two men other than Pratt as responsible for murdering his wife until the L.A.P.D. prompted him to change his testimony and identify Pratt.

quotes with concern a *Los Angeles Times* article about him: "Geronimo is what many feared would be a disastrous by-product of the Vietnam war, a black man trained as a soldier who returned home to turn his skills against the establishment."

A few years later, California Department of Corrections officials used similar rhetoric to justify placing Pratt in a punishment isolation cell known as "the hole" for the first eight years of his sentence. They branded him the new George Jackson, after the celebrated Panther field marshal who was shot to death by San Quentin guards under suspicious circumstances.

"I went to prison in the wake of the George Jackson thing, though I never met him," Pratt said. "It made things triply difficult, not only from the state and the administration but from prisoners who had known George Jackson. They felt slighted that this outsider from Louisiana was being thrust forward as George's successor. That's prisoner mentality. So I was getting it from all sides."

With nothing to see, no one to talk to and nothing to read, Pratt began meditating to maintain his sanity. "I just had a hole in the floor and a bunch of violence all around me," he said. Throughout his incarceration, Pratt has protested his innocence from his prison cell. "The government can't afford to reopen the investigation because it would ultimately end up right in the lap of the FBI," he said.

RETIRED FBI AGENT Swearingen, who now lives near Santa Fe, New Mexico, says he knows that Pratt is innocent from what he learned while working in the Los Angeles office of the FBI in the early 1970s. "I know that Geronimo Pratt didn't do the tennis court murder," Swearingen said. "I knew in 1972 he

mony [to] say that Mr. Pratt had killed his wife," Swearingen said. "I had been in the FBI about 18 years, and I knew all about how you get eyewitnesses to change their stories."

In a signed affidavit, Swearingen has sworn that during the Pratt investigation he overheard Cleary tell someone over the telephone, "The son of a bitch was in Oakland." Swearingen is sure that Cleary was talking about Pratt. "Based on the context in which I heard Cleary's comment," his affidavit continues, "I took that to mean that Cleary knew that Pratt was in Oakland at the time the crime was committed in Santa Monica."

FBI agent Cleary, now stationed in Boston, would not respond to Swearingen's charges this week. "This thing has been through the courts a thousand times," he said. "I'm not at liberty to comment."

Held, who now is special agent in charge of the FBI's San Francisco office, called Swearingen's allegations "absolute baloney, absolute nonsense." He refused to comment in detail, but said, "Not now, not in the past, not in the future have I had authority to frame anyone and I never have done it."

Bloeser, now retired from the FBI, did not return repeated phone calls.

The prosecution's star witness against Pratt was Julius Butler, a former Los Angeles County sheriff's deputy who had "joined" the Panthers. Since the trial, attorney Bloom has located two retired Los Angeles Police Department officers who confirmed that Butler worked for them as an informant for some time, including the period when he was Pratt's principal accuser.

Los Angeles investigator David Bernstein, who has filled his garage with extensive files on the Pratt case, also discovered that Butler had been an FBI informant. Various FBI documents, with names deleted, had been turned over to

dence about Butler's status as an informant. At one point in the trial, when a witness mentioned the FBI, Kalustian broke courtroom rules by declaring, "The FBI's never been involved in this case and you know it."

Kalustian, now a Superior Court judge in Los Angeles County, said last week in a telephone interview, "I didn't suppress anything from anybody." Butler, he said, "wasn't working for the FBI, he was providing innocuous information to the FBI. There's a difference. It's a very involved question."

Regarding Bloom's compilation of new evidence, Kalustian said, "It's a rehash of the same old stuff. It's full of conclusions, not evidence. I read it and I threw it away."

That's also about what happened last year when a Los Angeles judicial colleague of Kalustian's received Bloom's 147-page petition and the 300-page sheaf of exhibits that accompany it. Bloom and veteran Pratt attorney Stuart Hanlon tried to have the petition heard in San Francisco, arguing that many of the current judges in Los Angeles are former prosecutors at the D.A.'s office where Kalustian worked.

The change-of-venue effort failed, and the job of hearing the petition went to L.A. Superior Court Judge Gary Klausner. It was Bloom's worst nightmare: Klausner had been an L.A. district attorney when Kalustian was originally prosecuting Pratt. Klausner received the voluminous petition and substantiating accompanying evidence at 11 am on August 14. By ten o'clock the next morning, Klausner had dismissed Bloom's request for a new trial. Klausner's three-line order said there were "insufficient grounds" to re-open the case.

In December 1991, three California appeals court judges turned down the case in one word: "Denied." Bloom is now preparing to file another appeal. In the meantime, he has lined up support for Pratt from organizations such as Amnesty International and the National Black Police Officers Association.

But at the Los Angeles District Attorney's office, the prevailing view of Pratt as a time bomb hasn't changed much. "I think we still have a revolutionary man," said L.A. Deputy District Attorney Diane Visanni at Pratt's 1987 parole hearing. "If he chooses to set up a revolutionary organization upon his release from prison, it would be easy for him to do so."

To this day, politics — his politics, and those of the U.S. government — remains the principal factor that keeps Geronimo Pratt behind bars. **EE**