

**The New York Panther 21 Trial:
Fighting “Democratic Fascism”***
Dhoruba al-Mujahid Bin-Wahad

Generation’s murmur...

In the beginning we were strong, young and vibrant. But flawed.
Our limitations lay in our mortality and the frailty of bone and flesh—but
even our flesh was cause for celebration. How could we succumb to the
enemies of the Sun? The Sun that toned us dark brown and the hue of
ancient Odum trees?

At the start our minds were unfettered and our hearts full of song. The
Blues was unborn though we knew both pain and suffering.
Who from among us could imagine it? A middle passage through hell—
the horrid moans of disemboweled souls or defiant screams cut short by
the roar of the sea as another spirit plunged beneath its churning waves?
Surely it must have been that—The unimaginable. The unspeakable. The
Unforgettable. The intolerable fashioned us—from black delta mud &
sounding clay into the most durable of human molds.

We were swallowed in our millions like fragile spirits sucked into a
Satanic vortex—To a haunting cacophony of backbreaking groans and
snapping bullwhips—western empires arose. The lucrative Triangle of
Cane Sugar n Rum—cotton n tobacco, slaves n gold from which the
fortunes of empires and nations were amassed have become the sinews of
modern commerce.

We were truly children of the dark—blinded by the enlightenment of
western civilization we groped for our lost originality.
Children of the veil between life and death and the freedom of chains

Some soul’s affidavit...

When we arrived up-south to urban versions of cat-fish row, No matter
how hard we tried, we couldn’t prove life “ain’t nuthin but a party”.
New Jack Griots came along, wine bottles in hand or perhaps a song
in their hearts with that ‘baby makin’ voice that lifted the spirit and
transformed being Black into an emotional affair. A sublime adolescent
masturbatory experience we get to keep all to ourselves!
Afterall, You can’t get bitter-sweet from a “take-out Chinese joint”. Only
from a sack of special woe does bitter-sweet truly flow.

This composition of excerpts is from Dhuruba Bin-Wahad's forthcoming book, The Future Past: Journey of a Pan-African Revolutionary in Racist America.

But that didn't stop many a "playah" from living fast and dying young.

It wouldn't take long. Soon Generations of urban gang bangers would emerge and recognize the game—the universal script: We learned [sic] between the lash and the whip the distinction between overseers and sanctimonious cops;

Between freedom fighters and political pretenders to the "Public Trust".

We understood from invisible quotas and criteria we could never meet that we were the world and the 'world was a ghetto'.

We were the majority.

We didn't lose our way after all, just sidetracked into rice paddies, prisons, and urine saturated shooting-galleries. America was a side-show and the main feature was yet to play itself out.... Amadou Diallo was just a figment of our paranoia, like Rodney King, like Fred Hampton, like overweight African refugees clinging to Walmart Plastic Storage containers as they floated down Bourbon Street, is it the Future or the Past that gets twisted?

HARLEM

Bronx bound Uptown D train: "next stop, one-hundred-twenty-fifth Street, Harlem ... stand clear of the closing door".

For some of us who survived, a subway ride uptown is a journey back in time. Indifferent faces pass before you like a video montage of ethnic New York. Worker drones heading for the modern version of the corporate plantation, pedestrian and patrician alike, all circulate like blood corpuscles through the underground arteries of the city, each pursued by their ambitions and chasing their own dream of success, and survival. The subway car I entered was almost empty. I took a corner seat as the train sped up, its rhythmic swaying and mechanistic beat, hypnotic...

Virginia to New York in seven hours by car made me feel moldy and dehydrated. We used secondary roads, and not the turnpike reaching the city

an hour or two before dawn. The driver dropped me off below Central Park, and I hopped on the Iron Horse and headed uptown to Harlem.

I guess I am a morning person. My senses seem at their peak in the wee hours before and after dawn. Hazy Harlem pre-dawn, when only garbage collectors and winos were about, can play tricks on your reverie. Tenements become testaments to tranquility rather than grimy symbols of poverty and urban decay. Yes, Harlem's first light is beguiling: Harlem's lackluster boulevards lined by shadowy rundown brownstone houses with wrought-iron fences strangely energized me. Often, and especially in the early spring, when the fading winter chilled the edges of warm spring mornings, and old lamp posts glowed in futile resistance to the encroaching dawn, I would emerge from the subway like Jonah from the bowels of the Whale and take a deep breath—inhaling memories of my future past.

On this particular morning as I exited the subway I braced myself in anticipation of the gusting wind I knew awaited the unwary straphanger. The spring air nipped at my exposed neck as I hurried home through almost deserted streets. Pausing at the corner before turning into 137th Street I contemplated a once magnificent apartment building opposite St. Nicholas Park. It was empty and boarded up—awaiting the wrecking ball and a white landlord's ambitious plan. 'What we could do with that building' I thought almost aloud.

The sun had rose [sic] high enough to distinguish between piles of garbage and the dilapidated squalor of half-abandoned buildings when I returned home from my two day trip. Driving non-stop to Baltimore, and then continuing on to Virginia, I supervised the purchase and transfer of Panther weaponry to those locations that the Harlem's Security Section supervised. You see, this is no ordinary story of a "New Negro's" rise from poverty to become white America's poster daddy for illegitimate capitalism. Nor the saga of wasted athletic potential gone Hollywood or conspicuous ghetto consumption gone gangsta video. If you thought this is a Hip Hop literary spin-off complete with groupies, Chronic and guns—think again, minus the groupies.

For Panther Captains and field lieutenants responsible for a Chapter's security, weapons procurement, or "TE" trips were hardly "revolutionary" ego-boosting tasks. Not like spitting the mass-line at anti-racist peace rallies before throngs of anti-establishment student activists, or standing akimbo before Dashiki clad Black nationalists, defending the Party's positions

at “media events”—all Black Shaded and Panthered Down—quite the opposite. Armed like National Liberation Front sappers (who fought back during the Viet Nam war) just “beyond the wire” at Pleiku and four deep in a Police-spec Fury III, we traveled like shadows trapped behind enemy lines intent on making it to the nearest border and sanctuary before the light of false dawn. That was the script; the way we flowed. There was a distinct difference between “revolutionary theatre” and theatres of revolutionary operations. Ever since Plymouth Rock, Africans in White America were behind enemy lines. Any Black person who has traveled across America by road knows exactly what that means.

Check it out. America’s racial divide always meant that road travel, especially by Black males, was best attempted in as unobtrusive a manner as possible, preferably in the wee hours of morning or at the height of a local rush hour—but never during periods when DWB (Driving While Black) meant racial profiling was “routine procedure”. After 21 hours on the road, I arrived back home exhausted from non-stop stress; stress alleviated only by “Brother Roogies” vaporous rap and the sweet soul music on the car stereo. If ever there were a soundtrack to “Dancing with Pigs” (ducking state police, eluding sundry racist posses of white American citizenry), it was the funk music of the sixties and early seventies.

Most “Black folks” in America know that on long road trips finding good music on the radio could be calculated accurately by how many corn and potato fields lay between you and the nearest Black ghetto. There’s one thing that can be said about “radio free” White America, no matter where you drive, or how far you motor across the length and breadth of America, you can tell where Black folks are located by keeping your FM radio tuned to the right side of your radio dial. As you make your way from city to city, the local soul stations would hiss on to the radio like beacons to the leery and weary Black traveler—“yo there’s some Oxtails, or Smothered Wings on the horizon”, and some respite from endless bland roadside diners featuring plastic eggs and synthetic tasting pancakes without a buckwheat soul, served by Norman Rockwell’s family prototypes, while sipping coffee that tastes like recycled dishwasher with a dash of Nestle creamer.

Turning into my block I glimpsed three men sitting in a dark colored sedan parked half way up the street. ‘Pigs’ I thought. I ignored the twinge of anticipation their presence triggered, but I couldn’t ignore the sense of déjà vu that gripped me at that precise moment. I climbed the several flights of

stairs to my apartment and entered. Not only was the trip down south tiring and tense, but unusual.

Maybe it was me, my paranoia. The new driver that Lumumba had replaced, Ali-Bey, made me feel uneasy. There was something disjointed about his behavior. That and the cops up the block—*déjà vu* mixed with the anomalies of this last trip gave me a bad feeling. They came like slave catchers in the pre-dawn hours of April 2nd, 1969—a day after April Fools Day. Stealthily, they moved into position, crouching ten deep along the dimly lit stairway leading to my apartment—they waited. Armed to the teeth with pump shotguns, M1 Carbines, and pistols, they prepared to rush forward and pounce on their prey should their Trojan horse ruse prove successful.

Detective Colonel Abraham, was an eight year veteran of the New York City Police Department. “Colonel” was Abraham’s given name courtesy of his grandmother on his mother’s side. Earlier at the briefing, he was designated the “Trojan Horse” for purposes of serving an arrest warrant. Abraham was neither Trojan nor a hollowed-out wooden horse. He was a Black man or, as he would refer to himself, a “Negro American”—one of only two of his race assigned to New York’s elite Bureau of Special Services, or BOSS. Although Abraham had more time on the “Force” than all other BOSS Detectives assigned to the Manhattan District Attorney’s Office, he was relegated to third in command of his current assignment—an unusual investigation that was about to climax in this badly lit hallway leading to the Harlem lair of a wanted Black Panther.

Abraham detested Harlem. But the Panthers? The Panthers embarrassed him—they made him feel “neither here nor there” and nothing confused Abraham more than irrelevancy. Detective Abraham may have hated Harlem but he was repulsed by the Panther’s pride and “self-righteousness”. Despite the Afro-centric fashion and militant rhetoric of the day, Abraham still thought of himself as a “Negro”. “Negro” sounded more respectable, Responsible, Trustworthy, Relevant. How could a bunch of ghetto thugs and would-be criminals consider themselves guardians of the Negro, he often asked himself.

Approaching apartment 5D Abraham recalled his first assignment after graduating from the academy. As one of only 14 Black and Latino Police cadets in his graduating class, he was immediately posted to central Harlem. It was Harlem’s 32nd Precinct. Abraham’s first precinct commander was a dedicated racist who thought minority police recruitment was a formula for

disaster. Yet Abraham's precinct commander, for some odd reason, seemed to take an immediate liking to him. When the rookie Abraham's newly discovered "Rabbi" was promoted and reassigned to Police Headquarters, and later to the NYPD's Diplomatic Protection unit of BOSS, Abraham dutifully accompanied his boss as a "communications officer". Abraham relished his new assignment. Throwing himself into his new assignment gave him a sense of importance. He felt empowered—he was doing something more important than pounding a ghetto beat. For Abraham, becoming BOSS's in-house expert on Black militant organizations and the Head "Negro" running Negro political informants and undercover agents was an eye-opening experience. Though he wasn't exactly "driving Miss Daisy" (he had begun his BOSS job as his old precinct commander's driver), Abraham benefited enormously from the intimacy between himself and his boss. Soon, he was taken off driver detail and assigned to Diplomatic protection, and ultimately political and diplomatic surveillance.

Abraham's wake-up call came with the assassination of Malcolm Little, or Malcolm X. He was running two undercover informants inside Malcolm X's new organization—the Organization of African-American Unity or OAAU. Malcolm X formed this group after returning from Africa. According to the "suits" over at the FBI, Malcolm X had met with some "extremely dangerous people" during his Africa trips—people the State Department and CIA believed were "Soviet clients". One of Abraham's agents, cover name "Rocky", was carefully being positioned closer and closer to Malcolm X. Abraham's first black undercover operative was recruited straight from the Academy, while the other, an undercover police officer, had volunteered for racial undercover work and transferred over from Narcotics. Both were assigned to Abraham. Neither one knew of the other's existence or true identity. Abraham had learned the ins and outs of police intelligence work during BOSS's surveillance and infiltration operations directed at the CPUSA [Communist Party] and Nation of Islam (NOI). He had helped plan and execute "black bag jobs" (unauthorized break-ins for the purpose of placing listening or video devices in a premises or for gathering information). For several weeks prior to the assassination of Malcolm X, Abraham's unit received information that Malcolm X was the subject of considerable "sister agency" or government surveillance. Abraham was worried about this because his undercover agents could be compromised.

Abraham's worse fears nearly became reality when a BOSS memo crossed his desk heavily quoting the FBI's highly secret "Racial Matters Task Force" as its source. In the memo, the FBI identified one of two undercover agents as a possible "co-conspirator" in a plot to kill the ailing Nation of Islam leader, Elijah Muhammad, should Malcolm X come to an untimely demise. Abraham was appalled. He had only a few weeks prior to reading the memo managed to infiltrate Malcolm's personal security entourage, a valuable intelligence coup. What disturbed Abraham was not that the most outspoken and militant Black spokesmen in America at that time was under law enforcement surveillance by a variety of agencies, or that Malcolm X was actually being stalked and targeted for murder—and not by the Nation of Islam alone, but by a professional intelligence agency. What concerned Abraham was that the FBI had a highly placed informant reporting on BOSS undercover operatives! Abraham reported his concerns to his superiors, but his concerns were met with indulgent disregard. Abraham had attended coordinating meetings with the Mayor's people over at City Hall, and he knew the Commissioner's Office's major concern was Malcolm X's mesmerizing influence over "ordinary Negroes" and his ability to bridge perceptions that kept Negroes divided. Consequently, Malcolm X's suspension from the NOI after his comments on the Kennedy assassination, coupled with his formation of the secular OAAU, caused considerable anxiety among BOSS intelligence officers and New York's Jewish leaders. It was inter-police agency mantra that said as long as Malcolm X was under the discipline of Elijah Muhammad's NOI, he could never effectively mobilize ordinary Blacks—but outside the NOI, Malcolm X could become a serious threat. Malcolm X's days were numbered. And so was the viability of his agent's cover.

But Malcolm X's imminent fate was never Abraham's professional concern. Should BOSS undercover agents be injured or killed, or their cover "blown", BOSS would become the "rogue agency" scapegoat or "fall guy" for another agency's dirty tricks or even more embarrassingly, for NOI assassins! His career would be finished. But before Abraham could change his agent's modus operandi, Malcolm X was gunned down in Harlem's Audubon Ballroom. Newspapers across the nation ran cover photos of his undercover agent, Detective Gene Roberts, administering mouth-to-mouth resuscitation to a dying Malcolm X. Abraham realized at that moment that he had been in charge of Malcolm X's security and thereby aided in his murder. Yes, an eye-opening experience indeed! But all that was years ago...

Hovering now over the peephole, his service revolver out of sight, Detective Abraham knocked forcefully on the door, loudly declaring “welfare agency, is Iris Moore home?!” At first I didn’t realize someone was banging on the door. I thought the banging was part of my dreams. My head cleared of sleep. Welfare agency at 4:30 in the morning? I don’t think so.

At first I didn’t answer, realizing that to do so might invite a fusillade of gunfire through the front door. But the pounding grew louder, more insistent. Between the pounding on my front door, and the adrenaline rush of anticipation, anxiety, fear, and impending combat I got dressed quickly. Standing to the side of the door I boomed back “who is it?”. There was a pregnant silence, then a Black voice responded: “Police. Open the door.”. I knew the disembodied voice was that of a Blackman. I eased around to the peephole and sure ‘nuff, hovering over the peephole was a sweaty Black face. “How I know you’re the Police and what you want anyway?” I shouted back. “Police! Open the door, or we’ll break it down... Police open the...”. As I unlocked the door I couldn’t help but think that should I live through the next few minutes, my life will never be the same.

The disembodied Black voice first through the door was transformed into the human form of a heavy-set, handgun-wielding Black man bellowing commands as he charged into my living room followed by what seemed like an armed Rugby team of white boys shouting, cursing, and pointing guns. The onrush of body armor and a phalanx of cops shoved me against a wall while rough hands handcuffed my wrists behind my back—of course the cuffs were too tight, but what did that matter? Iris, disheveled in her underwear, was manhandled and forced to sit on the sofa while the “Pigs” proceeded to tear the house apart. After finding only a pistol the searchers seemed somewhat crestfallen.



Half shoved and half dragged down four flights of stairs I was thrown into the backseat of an unmarked police cruiser. The street outside was

teaming with uniformed cops but the ones escorting me wore mufti. Sirens blaring, I was sped away, squeezed between two large Detectives reeking of Old Spice. The ride downtown was pregnant with tension, the silence broken only by the sporadic crackle of chatter over the police car radio. Apparently my captors were hyped-up in anticipation of the raid. But something didn't quite meet their expectations and I didn't know what that something could be until my arrival at the DA's office. I was led past a large "operations" room. In the middle of the room, laid out on a long conference room table, as if in anticipation of a press conference, was the accumulated "Seized evidence" of BOSS's "terrorist" Bomb plot. The Police raiders were so desperate for material proof of a Panther conspiracy they gleaned ornamental African wall ornaments, spears, shields, and a medieval musket as proof of our malevolent intentions.

I was seated and handcuffed to a chair that was bolted to the floor along one wall of a large room furnished with a half-dozen metal desks, chairs and small tables. Despite the clear spring morning, all the windows were nailed shut and shrouded with heavy drapes. Air Conditioners hummed like the power system of the Star Ship Enterprise and recessed fluorescent ceiling lights gave the illusion of a skylight illuminated space. Peering between the door jam, I could look down a long corridor lined with offices and every ten minutes or so, one of my comrades was hustled in and put into one room or the other, until Harlem's leadership and security section were almost all accounted for. The cops had missed a few key Panthers in their pre-dawn raids, but they didn't do too badly—they had captured thirteen out of the twenty-one on their hit list. But just as I had suspected, they failed to find much material evidence to justify their early morning raids and substantiate the secret indictment handed down 24 hours earlier. Everybody knew Panthers had guns, after all, we did believe in self-defense. Later at arraignment I realized that, given the allegations in the conspiracy indictment charging dozens of counts of possession of arms, explosives, and bomb-making materials supposedly ready for imminent use, the paltry number of weapons seized from us was an embarrassment to District Attorney Frank S. Hogan. To supplement the seeming lack of material evidence, the DA's investigators scraped together every piece of household material and decorative ornament that could arguably justify a charge that we were about to unleash a reign of terror on New York over the

Easter weekend. And to think that all of this began with a Brooklyn press conference.

It would be an understatement to say that the first time I visited a Black Panther Party office my life changed forever. When counter-culture America's "summer of luv" hung like a psychedelic backdrop to the drama of America's race politics, as city after city seethed and boiled over with Black discontent, and Johnny refused to go off to war, I surrendered to the bitterness of my idealism. So on a scorching hot August day, I drastically altered my mundane post-prison routine and jumped the iron horse headed toward Brooklyn. My life was heading in an entirely different direction until that day in 1967. I had just become involved in a serious relationship, and moved to the East Village of New York from the Southeast Bronx. I harbored visions of life as a creative artist, a soul in pursuit of self-satisfaction, not the hardened and lonely path of an urban activist-soldier.

My first attraction to the Black Panther Party began immediately after I was released from prison in the spring of 1967. Earlier, in October of 1966, the Panthers had exploded onto the scene in a number of high profile confrontations with the Oakland Police. As the Party expanded and its influence grew, I followed its development and the challenge its very existence presented to racist law enforcement. Having recently spent five straight years in the clutches of New York's racist prison system, I completely related to the principle of armed self-defense. But it wasn't until after I had moved to the East Village, and read in Ramparts Magazine a series of articles written by ex-prisoner Eldridge Cleaver, that my political interests in the Panthers increased. However, it was white anti-war demonstrators, and the murder of Martin Luther King Jr., that drove my conscience to consider a revolutionary approach to my life as a Black man in a racist society. King's murder meant, in simple terms, that if white America could not relate to the non-violent dreamer and integrationist, then America would have to deal with the harbingers of the "dream *they* deferred". The rebellions that swept urban centers across America in the wake of King's assassination had little or nothing to do with Black popular support for King's philosophy of "non-violence" or his strategy of non-violent protest. No, the rebellions had everything to do with the perception on the streets, amongst African-America's youth and dormant warrior class of street thugs, the unemployed,

and denizens of marginalized communities that we were all being “punked”. King’s murder was a signal that the street wars had begun in earnest.

That “Dog Day” August afternoon in Brooklyn’s “Do or Die Bed-Sty” was a sizzler. Nonetheless, Dashiki-down, and braids gleaming I set out from my East Village apartment to join the Black Panther Party rather than go to Jones Beach. I had finally made up my mind. Ever since leaving Green Haven the year before, something gnawed away at my conscience and spirit. “Something” like what? I couldn’t really say then. At first I thought my displeasure with living in a city and state, or under conditions where everyone my age was either locked up, strung out on smack, or dead, was something I could escape if I particularized my attitude. If I ignored the real world for my own fantasy world, living the good life, losing myself in love-making, getting high and reveling in an illusive state of ill-grace we sometimes call “manhood”, I could find some superficial sense of “self-value”—but not much.

Having spent considerable time entrapped by cement and steel, with guts held, expecting a homemade shank during some inane melee between inmates made social irresponsibility attractive. It had taken me so long to feel fed up—to realize nothing lay ahead if here and now was so fragile an existence for a Black man looking for space in white supremacy’s fantasy of freedom. It was weird when I thought about it. When MLK was gunned down on a Memphis hotel balcony while seeking a breath of fresh air, his slaying didn’t cause the type of incomprehension that first washed over me when Malcolm was murdered. Martin’s death meant that once more, like decades earlier during the “Red Summers” of the early twentieth century, when Africans in America were slaughtered by white vigilantes and armed thugs employed to run “Coloreds” out of businesses and from property coveted by whites, some Black men and women would come forward to defend the entire community and form self-defense groups. What America doesn’t want to understand is that African-America has always had a “warrior” class and between the ambivalence of wanting to “belong” and wanting “to be gone”, the idea of Black self-defense—the use of violence to fend off violent racist attack—has always divided the African-American community, especially African-American leaders. Yes, King’s murder propelled street warriors to the forefront of the tumultuous sixties and seventies.

The Black Panther’s storefront was at Fulton and Nostrand Avenues—in the heart of “do-or-die” Bed-Sty. It was a typical storefront façade with a

plate glass window the Panthers had backed with plywood, reinforced with sandbags stacked to the ceiling. Panther posters covered the entire façade, and the painted Black Panther above the entrance, claws extended, seemed to leap out from its powder blue background onto the heads of sweaty shoppers, hawkers, African street vendors, and crowd hustlers. A dark-skin, goateed man, apparently a Black Panther, stood out front talking through a bullhorn to passersby. Standing on a soapbox, his black beret canted rakishly atop his Afro, leather jacket festooned with dozens of buttons, dark glasses and Black fatigue pants bloused into Black jungle boots, he Cajoled, urged, and at times yelled at bustling shoppers while two other young Panthers, one a female, handed out leaflets to the stream of pedestrians filing past the office.

I entered the Panther office. Compared to the bright sunlight and humid heat outside, its interior was dark and cool. Tables placed around the reception area were laden with literature, leaflets, flyers and varieties of buttons and posters. There were only two other people in the office, both brothers. The taller of two, who seemed to be the spitting image of the guy outside on the soapbox, greeted me: “Power to the people, brother” he said. Extending his hand, he clasped mine and offered me a seat.

“So my brother, are you interested in the Black Panther Party’s programs and platform?” “Right on” I responded, “but there’s no Panther office in Manhattan, so I had to come out here.” Gathering some papers together, he handed me a stack of literature and a BPP application form. “The party has just started, and we haven’t opened a chapter outside of Brooklyn yet, but we will ... where you live Blood?” “Lower Eastside” I answered as I perused the application he handed me. “Near the East Village on Third street,” “Yo Bro, it doesn’t matter where you live. The Panther Party is a people’s party and wherever Black people are that’s where the party is. Oh, by the way, my name is Cain, what’s yours?”

“Dhoruba.” Glancing around I asked “so is this the only spot you got—the only Panther office in the city?” Cain replied by describing how the Party first came to New York after a visit by Eldridge Cleaver. According to him, Cleaver had visited the city a few months earlier at the invitation of some “honky allies”. Cleaver spoke at Filmore East to a Sold Right Out crowd and at a Black Student conference in Queens. Apparently Cleaver was impressive. The Panthers were all in the news. Almost everyday there was an article, an op-ed piece or political diatribe aimed at either condemning

or praising the Panthers—depending on what side of the “color line” and poverty line you were on. By the time Eldridge came to New York there were scores of young Bloods waiting to join the Party.

By early afternoon of April 2, 1969 we were finally brought together for a frenetic and bellicose arraignment. We were being charged with over 200 counts of conspiracy. Our arraignment had been scheduled before a special judge. That judge was Judge Martinez. That District Attorney Frank S. Hogan would move our arraignment away from the sitting arraignment judge to Judge Martinez’s courtroom was no surprise and a portent of things to come. Judge Martinez was in DA Frank Hogan’s hip pocket (as were several other Manhattan County Judges). Right after I received a “Youthful Offender” five year ‘reformatory sentence in 1962, Judge Martinez’s son was the driver in a particularly deadly car accident—his son was drunk and arrested for DUI and the charge of Vehicular Homicide went before a Manhattan Grand Jury. DA Hogan avoided the awkwardness of prosecuting a sitting Judge’s son by having the vehicular homicide charge reduced to a misdemeanor, and Martinez’s son walked. After all, Martinez was one of the first Latinos picked by the City’s WASP-dominated political machine for a Judgeship.

The courtroom was packed with reporters, cops, and officials in the front four rows and Panther supporters packed in everywhere else. Outside on Centre Street, dozens of hastily gathered uniformed Panthers chanted into the arrayed ranks of stern face helmeted police “Free the Panther 21—power to the people”! My comrades were in good spirits and we alternately made fun of the cops and exchanged notes on the morning’s tumultuous events.

At the first Panther 21 arraignment I was represented by an old movement stalwart and friend, William “Bill” Kunstler. At the Party’s behest Bill had hurriedly gathered together a team of lawyers to prepare bail motions and other legal documents on our behalf. The DA and Court were in close synergy with each other (a feature of the Panther 21 case which would continue throughout the duration of our trial). With his reading glasses pushed back onto disheveled hair, and sardonic courtroom style, Bill’s presence on our case gave DA Hogan some pause for thought. Obviously Hogan thought pre-trial prejudicial publicity would all but seal our fate in the eyes of the public. Hogan took out all the stops. He personally held a press conference

to announce our arrest and indictment, his white haired patrician demeanor lending the odor of dignity to the lies he told the press. As New York's senior esteemed prosecutor, Hogan could easily manipulate court administrative procedures. We fully realized that he would use such powers to ensure our conviction. Hogan presided over all of our initial hearings and secured court orders to keep us separated in five different pre-trial detention centers in an effort to thwart an effective joint defense strategy. It was little surprise to us that at our first arraignment, DA Hogan declared the state ready for trial!

But Bill and a "law commune" of young white radical lawyers were up to the task. It took several months to bring us all together in one prison for joint consultation with our legal defense team. It took a few more months to have a reasonable trial date set that would allow for an effective defense campaign. We would take the fight to the opposition—our trial wasn't going to be a railroad. We would tear up the courtroom before we would silently permit racist 'just-us' to have its way.



Bail at our first arraignment was set at \$100,000 each and we were remanded to the tender mercies of the New York City Corrections Department. I was taken to the notorious lock-up known as the "Tombs" in lower Manhattan and placed in 23 hour lockdown. I was not allowed any reading material or contact with other pre-trial detainees. I was held incommunicado for several days. Unlike other pre-trial detainees, I had to

submit a visitors “list of family and friends” to the prison authorities for approval. After the list was submitted, each person on the list was visited and harassed by the police and FBI—so much for the legal concept of “innocent until proven guilty”. Bill and the other lawyers moved swiftly to thwart such exceptional treatment, but it would be months before they could bring us all together and begin mounting a legal defense. Thanks to the efforts of “people’s attorneys” like Bill Kunstler, Hogan’s planned speedy show trial of Panthers was slowed down, and the people’s trial of racist law enforcement began to take shape.

Until we were all brought together in one prison, we could only meet collectively with our attorneys on the days of scheduled court hearings. Bill Kunstler left the case to represent the Panther Chairman, Bobby Seal in the infamous Chicago Conspiracy trial a few months after our indictment. But before he left, he had helped assemble a team of young, if somewhat inexperienced lawyers who would prove themselves worthy of the title “people’s lawyer”.

Gerald Leftcourt took over as our lead attorney and my personal lawyer. Jerry, along with Robert Bloom, Charles McKinney, and the New York ‘law commune’ comprised of New Left attorneys and legal assistants, most of whom would make names for themselves through these high profile cases, were the team. They methodically began to prepare our legal defense. It would not be easy. The legal strategy of the Panther 21 defendants was simple: we would conduct a political defense and put racist America on trial. We would neither accept nor rationalize “law enforcement’s” repression and racist treatment of Africans in America. As Black Panthers we would uphold our right to self-defense and to bear arms. Finally, as descendants of Africans kidnapped and sold into bondage we would not co-operate with our legal lynching or in any way perpetuate the illusion of white American justice. This seemingly suicidal legal strategy required attorneys of unusual courage and outstanding commitment to the principles of anti-racism. For us, the Panther 21 defendants, the battle in the court room was a continuation of the battle raging in the streets. “Up against the Wall Mutherfucka—we come for what’s ours” also applied to the rule of law! We did plenty of pushups, drank mucho water and walked slow. It would be a long fight. We would either win or spend the rest of our lives in prison.

I had already spent ten months in pre-trial detention. When Jerry Leftcourt first told me that Abby Hoffman was going to front my bail

money, I laughed aloud at the irony. Hogan's office and BOSS personnel over at 'NYPD Doughnut Central' (police intelligence headquarters) would love that one I thought. If Abby wanted everyone to "steal" his book, what did he care about me skipping bail? Hogan's office demanded that my bail be put up in full, and that surety stipulated forfeiture of property.

But making bail was a political action as well. The image of the Party as terrorists was poisoning the waters and any potential jury pool. New York's law enforcement establishment and their right wing political cronies had done everything imaginable to prejudice our case and scare off potential white liberal contributors to the Panther 21 Defense Fund. DA Hogan and the NYPD leaked false reports to the local media indicating that Black Panther terror attacks on crowded department stores and the public transportation systems were foiled by our arrest and indictment. Both local police and FBI intelligence units planted additional stories in the press claiming that Panthers were receiving terrorist funding from Cuba. Local Black clergy were approached by BOSS and FBI agents urging their leadership to publicly denounce the Party and close Black church facilities to the Panther's free breakfast for children programs. To rebuild the party in New York would require promoting local leadership. We urged National to allow Joan and Afeni, my two female co-conspirators to be bailed out first: their "kinder and gentler" image along with their stories helped pave the way for the ultimate success of our public relations campaign around racially motivated political repression.

In 1969, no one outside of Hoover's FBI specifically knew of the government's Counter-Intelligence Program (acronym COINELPRO) directed at Black America. But, we, the programs targets, knew we were in the crosshairs and under fire. We felt the pressure everyday: the ever present potential for violent confrontation with racist cops, the constant surveillance of our movements, visits by plainclothes investigators to your landlord or estranged relatives; disinformation and smear campaigns by those who seldom saw a right Black people had that they were compelled to respect. Unknown to the general public at the time was the FBI's 'Dear Hymie' poison letter campaign. Liberal Jews were the special targets of this disinformation campaign. They (FBI) would write letters to prominent Jewish liberals purportedly from an outraged Jew appalled at Jewish support for the Party. One such letter was sent to the celebrated Music Conductor, the late Leonard Bernstein, denouncing a high society fund raising soirée held

at his town house in support of the Panther 21. The Bernstein affair inspired the author Tom Wolfe to write a piece for New Yorker Magazine entitled “Radical Chic and Mau-Mauing the Flak Catchers” (1970) ridiculing rich whites who found dangerous ghetto types fascinating rather than criminal. Radical Chic soon became the buzz word for “bleeding heart liberals” and Wolfe later parlayed his elitist insights into a novel and subsequent cinematic flop, “Bonfire of the Vanities”.

Despite the best efforts of the Police, Prosecutors, main stream media, and co-opted Black leaders to discredit our Panther membership, support for us grew. Each court appearance brought larger and larger crowds. A week didn’t go by that there wasn’t some major benefit or event for the Panthers. Law enforcement’s media blitz, while having some effect on white liberal Jewish support, was more successful with the Black bourgeoisie than the white liberal establishment. The Black professional and middle classes, never noted for their bravery under fire, often sought to publicly distance themselves from the Party and its “gun toting street savvy image” lest white folks kick them from their jobs or out of their institutions.

This chapter in [The Future Past: Journey of a Pan-African Revolutionary in Racist America](#) goes on to detail the year-long Panther 21 trial, at the time the longest and most expensive trial in New York history. During the Panther 21 trial, Bin-Wahad, unknowingly targeted by the FBI’s COINTELPRO operations was forced to “jump bail” and go “underground”. Also, toward the end of the trial the Black Panther Party underwent a violent internal split, caused in part by conflict between Huey P. Newton and the NY Panther 21 over the direction of the Party and support for East Coast political prisoners. Details of the BPP split are recounted to document the role of police informers and agent provocateurs in destabilizing the organization.