

## **Two More Black Activists Resist and are Jailed:**

**October 5, 2005**

*Claude Marks*

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A San Francisco Judge had two Black activists jailed today for refusing to co-operate with a State Grand Jury investigating a 30 year old case. Ray Boudreaux and Richard Brown now join Hank Jones and Harold Taylor in SF County jails.

Their attorneys argued that the Grand Jury procedures were abusive because the original indictments for a police shooting in 1971 resulted in the dismissal of charges because the US government failed to disclose that their “evidence” was obtained by torturing at least three Black activists in New Orleans. This “tainted evidence” and “involuntary testimony” were introduced to a grand jury at that time by the same government agents that are working with the current grand jury.

Judge Robert Dondero refused to allow the defense questioning of Ed Erdelatz, one of the cops on hand in New Orleans, who was present in court today, and who has been roaming the country in an apparent attempt to interview numerous individuals alleged to be involved with or have knowledge of the 1970s incidents.

All other motions by defense attorneys Michael Burt and Richard Mazer were denied. An appeal to the State Supreme Court challenging procedural and other legal claims by the defense team are expected to be filed Thursday, October 6th.

### **BACKGROUND ON THE GRAND JURY TARGETING BLACK ACTIVISTS IN SAN FRANCISCO**

Shortly after the founding of the Black Panther Party, FBI Director J. Edgar Hoover described it in September 1968 as “the greatest threat to the internal security of the country”. By July 1969, the Party had become the primary focus of COINTELPRO and was the target of 233 of the 295 authorized “Black Nationalist” COINTELPRO actions. The FBI placed illegal wiretaps on Party headquarters in Oakland and San Francisco, and nationally, infiltrated the organization with numerous agents, used every possible means to provoke violence within the organization and engaged in a number of schemes to arrest, detain, falsely accuse, incarcerate and murder members of the Black Panther Party.<sup>1</sup>

The San Francisco Police Department worked closely with the FBI during the sixties and seventies to promote the goals of “neutralizing”

and destroying the Black Panther Party. Two of the San Francisco Police Department Inspectors who worked in tandem with the FBI to promote these goals were Frank McCoy and Ed Erdelatz.

In August 1973, several Black Panthers, including John Bowman, Ruben Scott and Harold Taylor, were arrested in New Orleans. McCoy and Erdelatz were on hand in New Orleans immediately after their arrest (as were detectives from New York City) and participated in the interrogation that took place over the course of several days. They were investigating the killings of two San Francisco policemen that took place in the early 1970s.

When Bowman, Scott and Taylor didn't answer questions by McCoy and Erdelatz, the San Francisco policemen exited the room and members of the New Orleans Police Department proceeded to torture the detainees using various methods including the following:

- Stripping them naked and beating them with blunt objects
- Blindfolding them and throwing wool blankets soaked in boiling water over their bodies
- Placing electric probes on their genitals and other parts of their bodies
- Inserting an electric cattle prod in their anus
- Punching and kicking
- Slamming them into walls while blindfolded

Their screams were heard throughout the jail. After a period of torture, McCoy and Erdelatz would return to the room, and continue questioning them. Each time the answers they sought were not forthcoming, the San Francisco police would leave the room and the torture would resume. This process lasted several days. The three men were interrogated separately and were held in solitary confinement. Bowman, Scott and Taylor all suffered permanent physical and psychological damage.

These two Inspectors are not new to accusations of physical abuse as the San Francisco Examiner ran a series of stories in the 1970s suggesting McCoy and Erdelatz had coerced testimony from a witness connected to a Chinatown slaying.

In 2003, McCoy and Erdelatz began roaming the country in an apparent attempt to interview numerous individuals alleged to be involved with or have knowledge of the 1970s incidents. At times they were joined by San

Francisco Police Inspector and FBI Special Federal Officer Joseph Engler. They went to people's homes and places of employment. They visited prisoners in the New York State prisons where they were incarcerated. They attempted to interview spouses, former spouses and family members. At least one person in the Bay Area was commandeered off the street as he drove home from work and taken for interrogation. They used thinly veiled threats, intimidation and harassment. They demanded that some individuals provide saliva samples. Some people were served with federal grand jury subpoenas to provide fingerprints.

The actions of McCoy, Engler and Erdelatz in 2003 and 2004 were connected to a federal grand jury sitting in the Northern District of California also investigating the incidents that are the focus of these grand juries. In the summer of 2004, the federal grand jury expired. In May 2005, a California State grand jury was convened and began taking testimony regarding these same incidents. That grand jury was purportedly investigative in nature. It was expected that the government would next present evidence to an indicting grand jury. However, in August 2005 another investigative grand jury was convened. This time a group of people identified by the government as targets were subpoenaed. Both of these grand juries were conducted by the California State Attorney General rather than the San Francisco District Attorney's office. Working in tandem with the state AG was an Assistant United States Attorney.

The full role of the federal government in this investigation is yet to be revealed. What is clear is that no federal, state or city agent or police officer nor government agency has ever been held culpable for the illegal acts, violence, imprisonment and murders conducted in the name of COINTELPRO nor has there been any admission that these activities are continuing under the Patriot Act or under any other name.

#### ENDNOTE

- <sup>1</sup> Churchill, Ward and Vander Wall, J. (1988, Agents of Repression: The FBI's Secret War Against the Black Panther Party and the American Indian Movement, Boston: South End Press).

**Claude Marks** is the Project Director of the “Freedom Archives”, a non-profit project that is organizing over 5,000 hours of radical oral history dating from the late 1960s to the mid-1990s. He is a former political prisoner who served time for a conspiracy to break two Puerto Rican and Black political prisoners out of Leavenworth. Claude taught English as a second language, literacy, writing and history inside.

Under Claude’s direction, the “Freedom Archives” has developed a youth training curriculum and has released documentary CDs and videos combining restored historical audio and contemporary interviews. The videos focus on Jalil Muntaqim, David Gilbert and Nuh Washington. “Prisons on Fire” focuses on George Jackson and the Attica Rebellion, Robert Williams and, most recently, a special DVD historical documentary on the Black Panther Party. Claude remains a prison activist and uses media to educate and advocate for prison abolition and the freeing of all political prisoners. His most recent focus has been on building a defense for the 2005 Grand Jury attempt to frame five former members of the Black Panther Party for a 34 year old case in San Francisco involving an attack on a police precinct following the assassination of George Jackson. A DVD documentary titled, “Legacy of Torture: The War Against the Black Liberation Movement” is on the case and can be ordered from the “Freedom Archives”.

Claude Marks  
The Freedom Archives  
522 Valencia Street  
San Francisco, California 94110  
(415) 863-9977  
info@freedomarchives.org  
<http://www.freedomarchives.org>

**Editor’s Note:**

On January 23, 2007, seven men, all suspected Black Liberation Army members, were charged with conspiracy and the 1971 murder of a police officer, 36 years after the alleged event. They are Herman Bell and Anthony Bottom (Jalil Muntaqim), both incarcerated in New York State, Ray Michael Boudreaux, Richard Brown, Henry Jones, Francisco Torres and Harold Taylor.