

BLACK PANTHER PARTY

Part 2

Investigation of Seattle Chapter

THURSDAY, MAY 14, 1970

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON INTERNAL SECURITY,
Washington, D.C.

PUBLIC HEARINGS

A subcommittee of the Committee on Internal Security met, pursuant to recess, at 10:17 a.m., in Room 311, Cannon House Office Building, Washington, D.C., Hon. Richardson Preyer, chairman of the subcommittee, presiding.

(Subcommittee members: Representatives Richardson Preyer of North Carolina, chairman; Albert W. Watson of South Carolina; and William J. Scherle of Iowa.)

Subcommittee member present: Representative Watson.

Staff members present: Donald G. Sanders, chief counsel; Stephen H. Romines, assistant counsel; and Thomas Q. Simmons and Richard A. Shaw, investigators.

Mr. WATSON (presiding). I call you to order at this time, first, to make the announcement that by direction of the chairman, Mr. Ichord, the subcommittee has been reconstituted to include the gentleman from North Carolina, Mr. Preyer, as chairman and the gentleman from Iowa, Mr. Scherle, and the one speaking now, Mr. Watson of South Carolina.

At this time, because of a conflict in the committee, we have had two of our members temporarily detained and so we will recess the hearing, to resume at 11 o'clock. The witnesses so subpoenaed at 10 o'clock will be here at 11 o'clock, and I declare that the meeting is now recessed until that hour.

(Whereupon, at 10:19 a.m., the subcommittee recessed and reconvened at 11:07 a.m. with Mr. Preyer presiding.)

Mr. PREYER. We will continue the hearings on the Black Panther Party in Seattle, Washington.

I understand that our next witness is Mr. Elmer Dixon and that he is represented by counsel. Would they come forward.

May I ask Mr. Dixon's counsel to state his name, please, for the record.

Mr. REIN. David Rein, 711 14th Street NW., Washington, D.C.

Mr. PREYER. Before we begin, I should apologize for the delay in the hearings and I must take the responsibility for that. We were on a piece of legislation in another subcommittee in a meeting with a Cabinet officer this morning, and it was a bit longer than we anticipated.

Are you ready to examine this witness, Mr. Counsel?

Mr. ROMINES. Yes, sir.

Mr. PREYER. I will ask the witness if he will be sworn. Raise your right hand.

Mr. DIXON, do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DIXON. I do.

Mr. PREYER. You may proceed, Counsel.

TESTIMONY OF ELMER JAMES DIXON III, ACCOMPANIED BY
COUNSEL, DAVID REIN

Mr. ROMINES. Would you please state your full name for the record?

Mr. DIXON. Elmer James Dixon III.

Mr. ROMINES. What is your address, Mr. Dixon?

Mr. DIXON. 173 20th Avenue, Seattle, Washington.

Mr. ROMINES. Are you employed, Mr. Dixon?

Mr. DIXON. I refuse to answer; I take the fifth amendment.

Mr. ROMINES. Are you a member of the Black Panther Party chapter in Seattle, Washington?

Mr. DIXON. I refuse to answer; I take the fifth amendment.

Mr. ROMINES. Is there a Black Panther Party chapter in Seattle, Washington?

Mr. DIXON. I refuse to answer; I take the fifth.

Mr. ROMINES. Does the Seattle Chapter of the Black Panther Party operate a breakfast for children program in Seattle?

Mr. DIXON. I refuse to answer, take the fifth amendment.

Mr. ROMINES. Have you, Mr. Dixon, ever conducted drills of the Black Panther members in Seattle, Washington, where they practiced marching with firearms?

Mr. DIXON. I refuse to answer, take the fifth amendment.

Mr. ROMINES. Have members of the Seattle Chapter of the Black Panther Party ever engaged in organized firing practices with firearms?

Mr. DIXON. I refuse to answer, take the fifth amendment.

Mr. ROMINES. Have members of the Seattle Chapter of the Black Panther Party ever requested contribution of funds or merchandise from merchants in the Seattle area?

Mr. DIXON. Refuse to answer, take the fifth amendment.

Mr. ROMINES. Mr. Dixon, are you familiar with the term "off the pigs"?

Mr. DIXON. I refuse to answer, take the fifth amendment.

Mr. ROMINES. Mr. Dixon, do you advocate the violent overthrow of the United States Government?

Mr. DIXON. I refuse to answer, take the fifth amendment.

Mr. ROMINES. Have you ever so advocated?

Mr. DIXON. Refuse to answer, take the fifth amendment.

Mr. ROMINES. Does the national office of the Black Panther Party advocate the forceful overthrow of the United States Government?

Mr. DIXON. Refuse to answer, take the fifth amendment.

Mr. ROMINES. Mr. Chairman, it is rather obvious this witness intends to answer no questions; therefore, I do not have any further questions to ask this witness.

Mr. PREYER. I think in view of his objections based on the fifth amendment that there is little purpose in continuing with it.

We have heard testimony over the past few days from witnesses in open session and one witness in executive session concerning the Black Panther Party in Seattle and we had hoped to hear your side of the story and to offer you this opportunity to testify.

I think we should say that this was not done strictly in a frivolous manner. We had reason to feel that you might testify in view of your willingness to sit down with our staff interviewers in Seattle and talk with them there. It was our hope and our expectation that when subpoenaed before this committee that you would have offered testimony.

It is, of course, within your rights to assert the fifth amendment and we will, of course, honor those rights.

Mr. Watson, do you have any comments you want to make?

Mr. WATSON. Mr. Chairman, I wonder if the witness would tell us what the fifth amendment includes. You just repeatedly say, "I refuse to answer, the fifth amendment." What does the fifth amendment provide?

Mr. DIXON. Taking the fifth amendment provides I don't have to answer any questions because it would tend to incriminate myself.

Mr. WATSON. Tends to incriminate yourself? One of those questions you refused to answer was whether or not you were employed. Would the fact that you work or not work incriminate you? Is it incriminating to work nowadays?

Mr. DIXON. I will take the fifth amendment on that question also.

Mr. WATSON. In other words, it would incriminate you to state whether or not it is incriminating to work nowadays?

Mr. DIXON. I still take the fifth amendment.

Mr. WATSON. You were asked the question whether or not you advocated the violent overthrow of the U.S. Government. Do you still think your answer would incriminate you in that regard?

Mr. DIXON. I still take the fifth amendment.

Mr. WATSON. Our chairman mentioned a moment ago that you talked with counsel of this committee earlier. Will you affirm or deny whether or not you talked with counsel? I am not asking you what you said, but will you affirm or deny that you talked with counsel of this committee?

Mr. DIXON. I still take the fifth amendment.

Mr. WATSON. In other words, you think it would incriminate you to even state whether or not you talked with counsel?

Mr. DIXON. I still take the fifth amendment.

Mr. WATSON. I notice you conferred with counsel prior to answering the first question, and then subsequently the answer was the same in pleading the fifth amendment. Your counsel advised you to so plead?

Mr. DIXON. I will take the fifth amendment.

Mr. WATSON. Mr. David Rein, counsel, you have served as counsel for a number of people before this committee?

Mr. REIN. It has been quite some time.

Mr. WATSON. In fact, Mr. Rein, you were identified by two witnesses under oath before this committee as a member of the Communist Party, were you not, sir?

Mr. REIN. I have not been subpoenaed as a witness.

Mr. WATSON. I just thought we would give you an opportunity to tell us whether or not you were still a member of the Communist Party.

Mr. REIN. I am appearing here as counsel.

Mr. WATSON. Are you still a member of the National Lawyers Guild?

Mr. REIN. I said I am appearing here as counsel.

Mr. WATSON. In fact, Mr. Rein, when given an opportunity to repudiate the testimony by two witnesses that you were a member of the Communist Party, you pleaded the fifth amendment, the same thing that you have recommended to Mr. Dixon here this morning; did you not, sir?

Mr. REIN. I think I have stated I am appearing here as counsel.

Mr. WATSON. The question was, earlier when you were given an opportunity to state whether or not you were a member of the Communist Party, you pleaded the fifth amendment, the same as you recommended to Mr. Dixon. You pleaded the fifth amendment then: didn't you?

Mr. REIN. I think I have responded.

Mr. WATSON. Thank you, Mr. Chairman. I have no further questions.

Mr. PREYER. Thank you, Mr. Watson.

In view of this development, the hearing will recess for about 5 minutes and then we will resume with our next witness.

(Brief recess.)

Mr. PREYER. The committee will resume its hearings.

Counsel, you can call your next witness, please.

Mr. ROMINES. Richard Shaw.

Mr. PREYER. Mr. Shaw, do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SHAW. I do.

TESTIMONY OF RICHARD A. SHAW

Mr. ROMINES. Would you please state your full name?

Mr. SHAW. Richard A. Shaw.

Mr. ROMINES. By whom are you employed, Mr. Shaw?

Mr. SHAW. I am an investigator for this committee.

Mr. ROMINES. How long have you been an investigator for this committee?

Mr. SHAW. Ten months.

Mr. ROMINES. Mr. Shaw, have you had occasion to investigate the activities of the Black Panther Party in the city of Seattle, Washington?

Mr. SHAW. I have.

Mr. ROMINES. Over what interval of time did you conduct such an investigation?