

So I think the important thing there is that talk has an effect on people who excuse militants' rhetoric on the grounds of "Well, this is just the way you talk; they don't really mean it." They don't realize that people are responsible for the language they use. Language does have a catalytic effect; it makes things happen where there are psychotic people around to hear these things. So I think if you are just big talking, even that is a dangerous enough situation.

Thank you, Mr. Shaw.

We will try to get into the next witness here, Mr. Counsel. We will probably have to stop pretty shortly.

Mr. ROMINES. I call Mr. Thomas Simmons. Would you swear the witness, Mr. Chairman, please?

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

Mr. SIMMONS. I do.

TESTIMONY OF THOMAS Q. SIMMONS

Mr. ROMINES. Would you please state your name?

Mr. SIMMONS. Thomas Q. Simmons.

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

Mr. SIMMONS. By this committee, sir.

Mr. ROMINES. In what capacity?

Mr. SIMMONS. As an investigator.

Mr. ROMINES. Did you, in the course of your duties as an investigator for this committee, have occasion to conduct an investigation on the Black Panther Party chapter in Seattle, Washington?

Mr. SIMMONS. I did.

Mr. ROMINES. Over approximately what period of time did that investigation last?

Mr. SIMMONS. Approximately a 3-week period.

Mr. ROMINES. Mr. Simmons, did you have occasion to ascertain whether any members of the Black Panther Party were receiving food stamps?

Mr. SIMMONS. Yes, sir, they are.

Mr. ROMINES. I hand you what has been marked Committee Exhibit 8 and ask you if you can identify that, please?

Mr. SIMMONS. This is a food stamp application form filled out by Mr. Aaron Dixon.

Mr. ROMINES. What is the actual title of that form, please?

Mr. SIMMONS. It is a "RE-CERTIFICATION FOR THE FOOD STAMP PROGRAM."¹

Mr. ROMINES. Is there anything written on it which would indicate it is otherwise?

¹The food stamp program is administered in the State of Washington through its Department of Public Assistance. This program operates under guidelines established by the Department of Agriculture.

According to the U.S. Government Organization Manual—1970/71—the food stamp program is administered by the Food and Nutrition Service pursuant to authority of the Food Stamp Act of 1964 and:

"Under an approved State plan of operation and through State welfare agencies, FNS provides food assistance for needy persons to help them feed their families properly. Participants exchange the amount of money they normally would spend for food for an allotment of food coupons of higher monetary value, and sufficient to provide a more nutritionally adequate diet. The coupons are used to purchase food in any retail store which has been approved by FNS to accept and redeem the food coupons."

Mr. SIMMONS. On this particular form there is written in pencil at the top, "New application."

Mr. ROMINES. What address is listed on that form?

Mr. SIMMONS. 173 20th Avenue.

Mr. ROMINES. What is located at 173 20th Avenue?

Mr. SIMMONS. It is currently the Panther headquarters.

Mr. ROMINES. How many people are listed on that food stamp application form?

Mr. SIMMONS. On this one there are seven.

Mr. ROMINES. Did Aaron Dixon, in fact, receive food stamps after executing that form?

Mr. SIMMONS. Yes, he did.

Mr. ROMINES. What is the usual procedure or the required procedure in Seattle for executing a form like that?

Mr. SIMMONS. In Seattle at the present time the procedure seems to be only to present yourself at the office and fill out an application, stating name, address, and residents at that address.

Mr. ROMINES. Is there any requirement there that all of the individuals listed on the form sign it?

Mr. SIMMONS. It is required; however, it is not being enforced.

Mr. ROMINES. Do you know whether it is not enforced for all people or whether it is just not enforced in specific instances?

Mr. SIMMONS. In this particular instance it is—it was not enforced.

Mr. ROMINES. When is that form dated, Mr. Simmons?

Mr. SIMMONS. 19 March 1970.

Mr. ROMINES. So that would be food stamps for the month of March of 1970; is that correct?

Mr. SIMMONS. Yes, sir.

Mr. ROMINES. I hand you what has been marked Committee Exhibit 9 and ask you if you can identify that, please?

Mr. SIMMONS. This is an application for food stamps.

Mr. ROMINES. What is the title of that form?

Mr. SIMMONS. A "RE-CERTIFICATION FOR THE FOOD STAMP PROGRAM."

Mr. ROMINES. By whom is that executed?

Mr. SIMMONS. Aaron Dixon.

Mr. ROMINES. Why would he have executed a recertification?

Mr. SIMMONS. On the 7th of April of this year he went back to the office and added three more names to his list.

Mr. ROMINES. Is the address the same, the 173 20th Avenue?

Mr. SIMMONS. Yes, sir.

Mr. ROMINES. What amount of food stamps did Mr. Dixon receive for the months of March and April?

Mr. SIMMONS. For the month of March he indicated his income and those all also residing with him to be a total of \$200 from the sale of Panther newspapers, and expenses for that month were \$200 for rent.

This figures out on the table that they use —

Mr. ROMINES. By "they" you mean the people who administer the food stamp program?

Mr. SIMMONS. Yes; it figures out that the people at this residence are entitled—by paying \$3 they receive \$159 worth of food stamps, for a total of \$162.

Mr. ROMINES. How about the income figures and expense figures given for the recertification in the month of April?

Mr. SIMMONS. It is identical.

Mr. ROMINES. Now with three people who—would he receive the same amount of food stamps?

Mr. SIMMONS. No, he received more.

Mr. ROMINES. Is there the same \$200 for selling newspapers?

Mr. SIMMONS. Right, the expenses and income are the same.

Mr. ROMINES. What amount of food stamps did he receive in the month of April?

Mr. SIMMONS. With the three extra individuals listed it qualified Aaron Dixon to be entitled to \$209 worth of food stamps with a \$3 payment, for a total of \$212.

Mr. ROMINES. Did you interview anyone at the State agency that supervises the food stamp program?

Mr. SIMMONS. I did.

Mr. ROMINES. Did they indicate to you whether any investigation was made before Mr. Dixon was allowed to receive these food stamps?

Mr. SIMMONS. They did and they indicated then no investigation or steps to certify any of the other information on here were taken.

Mr. ROMINES. Did they indicate to you whether Mr. Dixon received any particular type of treatment when he came in to acquire the food stamps?

Mr. SIMMONS. Yes, he did. He went immediately to the front office. The procedure, of course, is to wait in line until your appointment with the interviewer. Aaron Dixon went to the front office, whereupon the food stamp supervisor received a call that he was to be taken care of promptly and expeditiously.

Mr. ROMINES. Do you know from whom that phone call was received?

Mr. SIMMONS. I don't.

Mr. ROMINES. Are any of the individuals listed on either of those two exhibits, Committee Exhibit 8 or Committee Exhibit 9, as members of Aaron's household, members of the Black Panther Party?

Mr. SIMMONS. Yes, sir, seven are.¹

Mr. ROMINES. Mr. Chairman, I would ask at this time that Committee Exhibits 7, 8, and 9 be admitted for the records.

(Documents marked Committee Exhibits Nos. 7, 8, and 9, respectively. See appendix B, pages 4400-4411.)

Mr. ROMINES. Mr. Chairman, I have approximately a half hour or 45 minutes more of questions for this witness. Is it your pleasure that we proceed now?

Mr. PREYER. We will have to recess now. Before we leave this point I might ask Mr. Watson if he wants to ask any questions now, as we will be recessing until next week.

Mr. WATSON. Mr. Chairman, I am absolutely flabbergasted about this food stamp program.

Now I can go in and just list some people on an application and I can get stamps, and according to your information there is no checking

on the validity of the names, whether they are aunts, uncles, children, grandchildren, or out-laws or in-laws or anything else?

Mr. SIMMONS. That is currently the situation in Seattle.

Mr. WATSON. That is currently the situation in Seattle?

Mr. SIMMONS. Yes, sir.

Mr. WATSON. And there was no effort made by the people at that office to ascertain whether or not these people paid \$200 in rent as they alleged?

Mr. SIMMONS. Sir, from our information there was no checking done on any of the topics of that application.

Mr. WATSON. Of course, it was not within your prerogatives to ask, but, just out of curiosity, did you by chance ask them why there was no check in this instance? Did you get any idea or hint as to why?

Mr. SIMMONS. We did ask. At this time we were speaking to a lower level supervisor, who indicated that when they came to the office they made their presence known immediately and to the front office, to the upper level supervisory people, at which time the lower level people received phone calls that these people were to be taken care of immediately, in other words, given the VIP treatment and, basically, not to make any waves for them.

Mr. WATSON. So far as your investigation reveals, this call came from the higher officials of that office and not from an outsider?

Mr. SIMMONS. No, sir; it was within the organization.

Mr. WATSON. It was from within the organization.

Mr. SIMMONS. Yes, sir.

Mr. WATSON. And these people were to move up front and get, as you say, "the VIP treatment"?

Mr. SIMMONS. Yes, sir.

Mr. WATSON. That is incredible. The taxpayers deserve a little bit better than that.¹

Mr. PREYER. I share Mr. Watson's amazement at the way that is operating there.

The Black Panthers who so scorn our system seem to be reaping a considerable amount of special benefits and special privileges from it. I hope they will be looking into that out there.

The committee will adjourn until further notice at this time.

(Whereupon, at 12:25 p.m., Thursday, May 14, 1970, the subcommittee recessed, subject to the call of the Chair.)

¹ On May 15, 1970, Mr. Watson sent a telegram to the Honorable Clifford M. Hardin, Department of Agriculture, requesting an investigation of this matter. For a copy of the telegram and the Department's reply, see appendix C, p. 4423.

¹ The seven individuals who are members of the Black Panther Party are Anthony Ware, Mike Dean, Bill Green, Ailee Green, Aaron Dixon, Sr., Valentine Hobbs, and Teola Hunter.

BLACK PANTHER PARTY
Part 2
Investigation of Seattle Chapter

WEDNESDAY, MAY 20, 1970

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

The subcommittee of the Committee on Internal Security met, pursuant to recess, at 2:45 p.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 Preyer.

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

Mr. PREYER. This is a continuation of the hearings involving the Seattle Black Panther Party. I understand that the witness has been sworn and already has given some testimony.

Mr. SIMMONS. Yes, sir.

Mr. PREYER. The hearing this afternoon should be relatively short. I think it is mostly in the nature of filling in some of the areas that have been touched on briefly before, but we wanted a little more information on it.

Mr. Counsel, any time you are ready.

TESTIMONY OF THOMAS Q. SIMMONS—Resumed

Mr. ROMINES. In the course of your investigation of the Black Panther in Seattle, did you have occasion to interview any one at the Safeway Stores in Bellevue?

Mr. SIMMONS. Yes, I did.

Mr. ROMINES. Whom did you interview?

Mr. SIMMONS. A Mr. James Clark.

Mr. ROMINES. What was the substance of that interview, sir?

Mr. SIMMONS. Basically we were attempting to determine if the Safeway Stores in Seattle had been approached by the members of the Black Panther Party on any matter.

Mr. ROMINES. On any particular matter?

Mr. SIMMONS. The matter of soliciting contributions to the party.

Mr. ROMINES. Had Safeway been approached?

Mr. SIMMONS. Yes, they had been.

Mr. ROMINES. Mr. Simmons, I hand you what has been marked Committee Exhibit 10 and ask you if you can identify that, please?

Mr. SIMMONS. I can.

Mr. ROMINES. What is Committee Exhibit 10?

Mr. SIMMONS. This is a letter addressed to the Safeway Stores from the Black Panther Party by Elmer Dixon. It was received by Safeway on the 14th of July, 1969.

Mr. ROMINES. What is the basic content of that letter?

Mr. SIMMONS. The letter basically demands that Safeway contribute to the Black Panther Party breakfast program \$100 per week, and if this condition is not met, the demands will be raised to \$125 the next week and \$25 each succeeding week until the demands are met. And if the demands are not met, the store will be boycotted.

Mr. ROMINES. Were those demands ever met, Mr. Simmons?

Mr. SIMMONS. No, they were not.

Mr. ROMINES. Was the store in fact ever boycotted?

Mr. SIMMONS. Yes, it was.

Mr. ROMINES. Were there any pickets in connection with the boycotting?

Mr. SIMMONS. Yes, there were.

Mr. ROMINES. For what interval of time did that last?

Mr. SIMMONS. The pickets began on July 24, 1969, reappeared on July 25 and again on July 26 and again on 6—no, I am sorry, 3 August, and again on 9 August.

Mr. ROMINES. What were the picket signs that were carried?

Mr. SIMMONS. The picket signs stated substantially that "I am hungry—Safeway won't feed me." "Boycott the capitalists—close Safeway." "Safeway refuses to help hungry children." "I am hungry—help feed me." "Boycott Safeway, and close them down." "We will close Safeway in 2 weeks."

Mr. ROMINES. Was Safeway ever closed?

Mr. SIMMONS. Not closed, no.

Mr. ROMINES. Approximately how many people, Mr. Simmons, participated in the picketing?

Mr. SIMMONS. On the first day of picketing, the 24th of July, six to eight adults and from 10 to 15 children appeared at the store. They were led by Elmer Dixon.

Mr. ROMINES. Do you have figures for the other dates on which picketing occurred?

Mr. SIMMONS. The figures pretty much averaged this same number of people.

Mr. ROMINES. What was the conduct of the individuals who participated in the picketing?

Mr. SIMMONS. On the first day their activities included blocking the entrance, reaching inside the door and turning off the automatic doors, threatening customers who attempted to enter the store, threatening customers who left the store on their way to the parking lot, and threatening employees.

On this occasion, police escorts were required to be on the scene to escort people into the store and back to the parking lot.

Mr. ROMINES. Was there ever any physical damage done to the Safeway Store?

Mr. SIMMONS. No physical damage was reported.

Mr. ROMINES. Were there ever any threats made to the Safeway Store management?

Mr. SIMMONS. Yes. On the 24th and the 25th various individuals—among those identified was Aaron Dixon, who was using a loudspeaker system—would open the door of the Safeway Store and yell, "We are going to bomb the store."

Mr. ROMINES. Was a bomb in fact ever set at the store?

Mr. SIMMONS. On the 26th the police received a bomb threat. The store was subsequently closed and searched, but no bomb was found.

Mr. ROMINES. That was the day after Mr. Dixon made the threat?

Mr. SIMMONS. Right.

Mr. ROMINES. Were there ever any prosecutions arising out of these Panther activities around the Safeway Store?

Mr. SIMMONS. No.

Mr. ROMINES. Do you know why?

Mr. SIMMONS. The basic—it basically was a decision made by the King County prosecuting attorney. Safeway attorneys presented copies of letters sent by Elmer Dixon and affidavits by employees of the store.

Mr. ROMINES. At this time, I hand you what have been marked Committee Exhibits 11, 12, 13, and 14 and ask you to identify them.

Mr. SIMMONS. These are the affidavits.

Mr. ROMINES. Are those copies?

Mr. SIMMONS. These are copies thereof.

Mr. ROMINES. Are those true and accurate copies?

Mr. SIMMONS. Yes.

Mr. ROMINES. What generally is contained in these affidavits, Mr. Simmons?

Mr. SIMMONS. The facts surrounding the receipt of the letter and the subsequent activities surrounding the store.

Mr. ROMINES. I am sorry I interrupted you. You were in the midst of explaining why there were no prosecutions.

Mr. SIMMONS. The King County prosecuting attorney stated the letter from Elmer Dixon was so carefully worded that it only bordered on being extortion.

Mr. ROMINES. In other words, the prosecuting attorney did not think there were sufficient facts upon which to base the prosecution; is that correct?

Mr. SIMMONS. Right.

Mr. ROMINES. Did the people at Safeway Store whom you interviewed give you an indication of the loss of business, if any, which resulted from the Panther Party activities?

Mr. SIMMONS. During the first week of the boycott the volume decreased by approximately \$10,000. An extra expense was incurred in the form of guard fees, which amounted to \$1,000.

Mr. ROMINES. Mr. Simmons, in the course of your investigation in Seattle, did you have occasion to interview anyone from the O'Brien Oil Company?

Mr. SIMMONS. I did.

Mr. ROMINES. Whom did you interview there?

Mr. SIMMONS. A Mrs. Rombauer.

Mr. ROMINES. What was the substance of that interview?

Mr. SIMMONS. Mrs. Rombauer was the office manager of the O'Brien Oil Company. We had received information that they had, this company had, made a contribution to the Black Panther Party. We inquired as to the nature of the contribution and Mrs. Rombauer explained that during the period of December and January of last year—

Mr. ROMINES. That would be December of 1969 and January of 1970?

Mr. SIMMONS. Right. She had received approximately four phone calls from individuals who identified themselves as Aaron Dixon. During these phone calls they requested a contribution be made to the Black Panther Party.

Mr. ROMINES. Was that a contribution of money?

Mr. SIMMONS. No, it was a contribution of fuel oil.

Mr. ROMINES. Did she give you any indication whether any threats had been made if they refused to so contribute?

Mr. SIMMONS. No. She could attribute no threats to the Black Panther Party directly. However, just prior to receiving these phone calls, property damage was being incurred on the property in the form of bullet holes in the building, and the windows of the delivery trucks were being broken.

Mr. ROMINES. Did the O'Brien Oil Company make any contribution to the Panther Party?

Mr. SIMMONS. Yes, they did. They delivered 100 gallons of fuel oil to 173 20th Avenue.

Mr. ROMINES. What is located there?

Mr. SIMMONS. Panther headquarters.

Mr. ROMINES. Did O'Brien Oil Company have any further problem with vandalism after this fuel oil delivery was made?

Mr. SIMMONS. No.

Mr. ROMINES. Mr. Simmons, in the course of your investigation did you at any time interview either adults who had children attending breakfast programs run by the Panthers or any of the children who attended Panther breakfast programs?

Mr. SIMMONS. Yes, I did.

Mr. ROMINES. What was the substance of those interviews?

Mr. SIMMONS. I interviewed a Mrs. Mary Skinner, who is the mother of three children, the oldest being 9 years of age. Mrs. Skinner advised me she let her children attend the Black Panther breakfast conducted at the Atlantic Street Center during the fall of 1969.

During that period Mrs. Skinner, in conversation with other mothers in the neighborhood, heard rumors that things were being taught at these breakfast programs that she considered to be unhealthy.

Mr. ROMINES. When you say "these programs" are you referring to the program at the Atlantic Street Center?

Mr. SIMMONS. Yes. In this particular case she heard that basically the children were being taught to hate the police and disregard their authority.

Mr. ROMINES. Did she ascertain from her own children whether this was in fact true?

Mr. SIMMONS. She did question her own children about this, but they made the statement to her that they did not particularly listen to the

speeches during the breakfast program. They just ate and went on to school.

Mr. ROMINES. Does she still allow her children to attend the breakfast program?

Mr. SIMMONS. No, she stopped them from attending sometime prior to Thanksgiving of last year.

Mr. ROMINES. What reason did she give?

Mr. SIMMONS. She felt they were being exposed to an unhealthy influence and also there was a general stigma attached to the attending of the breakfast program, to the extent that neighborly pride in the—that you were not providing your children breakfast at home.

Mr. ROMINES. Did you interview any other individuals, either parents or children, who attended Panther breakfast programs?

Mr. SIMMONS. I interviewed a 12-year-old elementary school child by the name of David Davidson.

Mr. ROMINES. Which breakfast program did he attend?

Mr. SIMMONS. He attended the Atlantic Street program.

Mr. ROMINES. What did he tell you about attendance at that program?

Mr. SIMMONS. He went three or four times a week, approximately during the same period as the Skinner children, some time after the start of 1969-70 school year. He stopped going sometime before Thanksgiving last year.

Mr. ROMINES. Did he indicate anything to you about what the members of the Panther Party who ran that program taught him at the program?

Mr. SIMMONS. He could remember them making statements to the effect that it was OK to kill the pigs and—

Mr. ROMINES. Did he explain why it was OK for them to kill the pigs?

Mr. SIMMONS. The reasoning they gave to this was that if you killed the pigs you would help colored people to get jobs.

Mr. ROMINES. Did he tell you what he understood the term "pig" to mean?

Mr. SIMMONS. He did.

Mr. ROMINES. What did it mean to him?

Mr. SIMMONS. Police officers.

Mr. ROMINES. Did he indicate to you who was conducting these sessions, who was telling him it was OK to kill a pig?

Mr. SIMMONS. He could not recall names immediately. However, when the names Aaron Dixon and Elmer Dixon were brought into the conversation, he recognized their names as being the parties.

Mr. ROMINES. In the course of your investigation, did you interview any individuals who are connected with the Seattle Transit System?

Mr. SIMMONS. I did.

Mr. ROMINES. For what reason?

Mr. SIMMONS. To determine if any vandalism had occurred with Seattle Transit Company property.

Mr. ROMINES. Had any vandalism so occurred?

Mr. SIMMONS. Yes; vandalism had occurred and other instances of threats.

Mr. ROMINES. Would you summarize for the committee, please, what that interviewee reported to you?

Mr. SIMMONS. Basically that during the period between 9 April 1968 and 2 July 1969 there were 33 reports of incidents in the bus zone at 34th and East Union Streets.

Mr. ROMINES. What was located there at that time?

Mr. SIMMONS. Black Panther headquarters.

Mr. ROMINES. Did you get any more information as to why the buses and/or the drivers who stopped at that particular area were harassed, and, also, by whom were they harassed?

Mr. SIMMONS. Of the 33 reports that were filed by the drivers of the bus company, 22 could be directly related to the Black Panthers. Of the 22 reported, 17 were reports of drivers being threatened or harassed about using the parking zone in front of Black Panther headquarters.

Mr. ROMINES. Did the Panthers give the drivers any reason why they did not want them to use the parking area there?

Mr. SIMMONS. No, they just did not want the buses to pull up in the end of the bus zone in front of Panther headquarters.

Mr. ROMINES. I believe you said 22 of the reports related to the Panthers?

Mr. SIMMONS. Right.

Mr. ROMINES. Of those, how many were threats to the drivers?

Mr. SIMMONS. Seventeen.

Mr. ROMINES. How about the other five?

Mr. SIMMONS. The other five involved physical assaults and/or property damage.

Mr. ROMINES. Could you summarize those five for the committee, please?

Mr. SIMMONS. Yes. On one occasion, the 18th of September 1968, an operator had his bus parked at the zone in front of Black Panther headquarters.

At this time a Negro male came out of Panther headquarters and told the bus driver to move. The operator told him he had approximately 2 more minutes in order to get back on the schedule. At this time the operator was struck in the head, and he subsequently left the area.

On the 3d of October 1968 an operator parked his coach in the bus zone at 34th and East Union, and at that time approximately 50 members of the Black Panther Party came out of Panther headquarters and started to harass the bus driver. On this occasion one of the individuals got on the bus and stated that he was checking to see about some harassment that the drivers were giving his men. After he made this statement, another individual got on the bus and noticed that the driver had a two-way radio set on the bus. At this time he grabbed the head set of the two-way radio, then ripped it out of the set, and left the bus. At this time, the operator closed the door and left the area.

Mr. ROMINES. Did anything else transpire on the particular occasion?

Mr. SIMMONS. On this particular occasion, Aaron Dixon was arrested for grand larceny for the theft of this piece of bus company

property. The charge was subsequently reduced to petit larceny for which he received a conviction and a \$50 fine.

Mr. ROMINES. That is two. What happened on the third occasion?

Mr. SIMMONS. On the 23d of October 1968, the operator parked his coach in the bus zone in front of Black Panther headquarters. At this time two Negroes entered the coach and told the operator that the coach should not be parked in the zone. One of the Negroes had political posters supporting the Black Panthers and wanted to place them on the bus. The operator offered no resistance. At this time another operator pulled in behind the first bus and got out to see what the problem was. As the second operator approached, one of the individuals got off the first bus and attacked him and pushed him back in his bus.

Mr. ROMINES. Any particular reason?

Mr. SIMMONS. No.

During the course of events, the first driver got off his bus to try to protect the second driver, and the first driver was struck in the ribs and in the face, and the second operator received a blow to the head.

Mr. ROMINES. Were there any arrests arising out of that particular incident?

Mr. SIMMONS. There were not.

Mr. ROMINES. What happened on the fourth occasion?

Mr. SIMMONS. On the 4th of March 1969, an operator parked his bus in the zone at 34th and East Union. At this time, three Negro males came out of Black Panther headquarters and told the operator he should not park in front of their office. The operator told them he was not going to move the coach. This made the men angry and they made a statement to the effect that "We are going to beat your ——— the next time you come up here."

At this time, the driver continued on his route. After proceeding a few blocks, he noticed a car behind him with three Negro males and a Negro female in it. When he stopped to pick up some passengers about three blocks later, the individuals stopped their car, got out, and entered the bus. At this time he recognized the individuals as those he had just had an encounter with.

Mr. ROMINES. The same three that had earlier come out of the Panther Party headquarters?

Mr. SIMMONS. Right. At this time the three Negroes started to fight with the bus driver. He was able to get a can of tear gas out of his pocket and sprayed one of them. However, the other two pulled him out of his seat and pushed him on the floor and began to beat him.

He got up and got out of the bus. At this time the bus, which was parked on a hill, moved forward striking one parked car, which struck another parked car, which struck a third parked car. The bus, in other words, went out of control.

Mr. ROMINES. Were there any arrests arising out of that incident?

Mr. SIMMONS. No.

Mr. ROMINES. What was the last incident, Mr. Simmons?

Mr. SIMMONS. The last incident occurred on 2 July 1969, and this was another occasion of the drivers just being threatened or harassed about parking in front of Panther headquarters.

Mr. ROMINES. Was that by members of the party?

Mr. SIMMONS. In that case 10 blacks came out of Panther headquarters and made the statement to the driver.

Mr. ROMINES. From these incidents, then, there has only been one arrest and conviction, and that was for the theft of the radio equipment?

Mr. SIMMONS. Correct.

Mr. ROMINES. And the only reason given by the Panthers for this is that they did not want the buses stopping in front of their headquarters, right?

Mr. SIMMONS. Correct.

Mr. ROMINES. In the course of your investigation in Seattle, did you ascertain whether or not at any time any members of the Black Panther Party had dynamite in their possession?

Mr. SIMMONS. An instance involving dynamite was brought to my attention. However, it was never directly attributed to the Panthers.

Mr. ROMINES. How was it brought to your attention, Mr. Simmons?

Mr. SIMMONS. I visited agents of the Alcohol, Tobacco, and Firearms Division of the U.S. Treasury Department, Internal Revenue Service. They stated to me that on 23 May 1969 a confidential informant advised them that Aaron Dixon was storing dynamite in a vacant lot behind his house.

The Alcohol, Tobacco, and Firearms agents did investigate and found a case of dynamite behind the residence at 34th and Spring.¹

Mr. ROMINES. Whose residence is there?

Mr. SIMMONS. Aaron Dixon's.

Mr. ROMINES. You say there is a vacant lot there?

Mr. SIMMONS. Yes, behind his residence.

Mr. ROMINES. I hand you what has been marked Committee Exhibit 15 and ask you if you can identify that?

Mr. SIMMONS. This is a picture of the case of dynamite found in the vacant lot.

Mr. ROMINES. Were there any arrests arising from that case?

Mr. SIMMONS. No.

Mr. ROMINES. How many sticks are there in a case of dynamite?

Mr. SIMMONS. 166 sticks.

Mr. ROMINES. Was this a full case?

Mr. SIMMONS. No. There were 33 missing, and a total of 133 sticks of dynamite were recovered.

Mr. ROMINES. Mr. Simmons, in your investigation in Seattle, did you make any attempt to ascertain whether there have been any recent purchases of either firearms or ammunition by members of the Black Panther Party?

Mr. SIMMONS. I did.

Mr. ROMINES. What was the result of that part of your investigation?

Mr. SIMMONS. I reviewed the records of the business establishment named Central Loan [Office], a pawnshop.

Mr. ROMINES. Why did you select that particular establishment?

Mr. SIMMONS. It was recommended to me by agents of the Alcohol, Tobacco, and Firearms Division in that this was a popular place for Panthers to purchase their firearms and ammunition.

Mr. ROMINES. Did those records indicate any purchases by members of the party?

Mr. SIMMONS. It did.

Mr. ROMINES. What had been purchased?

Mr. SIMMONS. Recent purchases included, on 3 April 1970 Aaron Dixon purchased a Plainfield automatic rifle, and a Fabrique Nationale, also known as an FN 30-06. On the 13th of April 1970, Aaron Dixon purchased a .30 caliber carbine, and also on 10 December 1969 Aaron Dixon purchased a Fabrique Nationale FN 30-06.

Mr. ROMINES. During the month of April, then, Mr. Dixon purchased three rifles?

Mr. SIMMONS. That is correct.

Mr. ROMINES. Did you ascertain what amounts he paid for those rifles?

Mr. SIMMONS. I did.

Mr. ROMINES. What did he pay for them?

Mr. SIMMONS. For the Plainfield automatic rifle he paid \$95. For the .30 caliber carbine he paid \$35.

Mr. ROMINES. He paid how much?

Mr. SIMMONS. I am sorry. \$95. For the FN 30-06, he paid \$89.

Mr. ROMINES. How did he pay for those rifles?

Mr. SIMMONS. They were all cash transactions.

Mr. ROMINES. Mr. Simmons, I hand you what has previously been marked and introduced as Committee Exhibit 9, which is the recertification form for food stamps executed by Mr. Dixon. Is that correct?

Mr. SIMMONS. That is right.

Mr. ROMINES. What does that form indicate Mr. Dixon showed as his gross income for April 1970?

Mr. SIMMONS. It indicates his net income.

Mr. ROMINES. Does it show his gross income?

Mr. SIMMONS. It does.

Mr. ROMINES. What is his gross income?

Mr. SIMMONS. A gross income of \$200.

Mr. ROMINES. Does it indicate his net income?

Mr. SIMMONS. The \$200 gross income, minus a listing of \$194.95 for hardship reductions, indicates on this form 5 cents net income.

Mr. ROMINES. That would probably be some sort of a typographical error or mistake. That would be five dollars and a nickel net income.

Mr. SIMMONS. Yes.

Mr. ROMINES. How much did he spend, total, then, for the rifles in the month of April?

Mr. SIMMONS. He made a \$279 cash outlay for weapons during the month of April.

Mr. ROMINES. Were there any other weapons or ammunition purchased by Black Panther members in recent months?

Mr. SIMMONS. Yes, there were. During the period April to September 1969, Earl Nelson purchased a total of 1,850 rounds of various ammunition.

Mr. ROMINES. What type of ammunition would that have been?

Mr. SIMMONS. Mostly 30-06, .38 caliber, .22 caliber, and 30-30.

Mr. ROMINES. Any other purchases?

Mr. SIMMONS. On 1 August 1969 Robert O'Neil Green purchased a .30 caliber carbine.

¹ 3400 E. Spring.

Mr. ROMINES. And any others?

Mr. SIMMONS. On December 26, 1969, Gwen Donnet Morgan purchased 40 rounds of .223 caliber ammunition.

Mr. ROMINES. Who is Gwen Donnet Morgan?

Mr. SIMMONS. Aaron Dixon's wife. She used her maiden name to make the purchases.

Mr. ROMINES. Mr. Simmons, in the course of your investigation in Seattle, did you make an attempt to compile for the committee an itemization of the total number of arrests, from official police records where obtainable, of members of the Black Panther Party who have been identified on Committee Exhibit 1 as having been members from approximately late April 1968 to March of 1970 at one time or another?

Mr. SIMMONS. I did.

Mr. ROMINES. I hand you what has been marked Committee Exhibit 16 and ask you to identify that, please.

Mr. SIMMONS. This is a compilation of the arrest records involving 39 persons of the 81 individuals who, during the period of April 1968 to the present, have been identified as either party members or regular associates of the Black Panther Party.

Mr. ROMINES. How many total arrests were shown there?

Mr. SIMMONS. There were 130 total arrests.

Mr. ROMINES. And how many charges were shown?

Mr. SIMMONS. Of the 130 arrests, 142 charges resulted.

Mr. ROMINES. Would that indicate that some individuals who were arrested were charged with more than one offense?

Mr. SIMMONS. It does.

Mr. ROMINES. Mr. Chairman, I would ask that Committee Exhibits 10 through 16 be introduced to the record. I have no further questions of this witness.

Mr. PREYER. Does this include the letter to the Safeway Stores, the letter you referred to as being sent to Safeway Stores?

Mr. ROMINES. Yes, sir, that would be Exhibit 10.

Mr. PREYER. Exhibits 11 and 12 are affidavits.

Mr. ROMINES. Exhibits 11 through 14 are affidavits executed by employees of the Safeway Stores. Actually they are copies of affidavits.

Mr. PREYER. The last exhibit, No. 16, dealing with the arrests of the 39 persons from the Black Panthers from April 1968 to present, is this a summary of the earlier evidence on arrests which you offered into evidence?

Mr. ROMINES. No, sir. Mr. Chairman, Committee Exhibit No. 1 is a list of all persons identified as members of the Panther Party between April of 1968 to present, at least those we were able to obtain identifications of, and for the people listed on Committee Exhibit 1 those arrest records were compiled.

Mr. PREYER. So those 81 people, this is the arrest record of 39 of those people?

Mr. ROMINES. That is correct.

Mr. PREYER. Which comes to a total number of 130, and 142 charges. This would duplicate some of the evidence we have heard on specific matters?

Mr. ROMINES. Yes, sir.

Mr. PREYER. The Fidelity Bank case and that sort of thing. On the Safeway Stores, boycotting the stores and asking picketing the

stores, asking people not to buy there, I would assume is a form of persuasion that has come under the first amendment. Operation Breadbasket seems to operate on that principle. This goes a little further, though, where you have one of these affidavits which says that Aaron Dixon opened the door of the store, as I understood it, and with a bullhorn said, in effect, "Get out, we are going to bomb the store."

Is that what your testimony was?

Mr. SIMMONS. Yes, sir.

Mr. PREYER. I want clear what you said after that about whether some bomb threats were made to the store or were not made?

Mr. SIMMONS. Yes, sir, there was a bomb threat made. On the first 2 days of the picketing, Aaron Dixon or Elmer Dixon or other members of the Panther Party used the bullhorn and said, "Get out, we are going to bomb the store." One morning, prior to the opening of business, police received a bomb threat, that there was a bomb in the Safeway Store.

Mr. PREYER. There were no bombs, however?

Mr. SIMMONS. No, sir, a search revealed no bombs.

Mr. PREYER. That would certainly seem to fall afoul of Justice Holmes' statement that free speech does not include crying "Fire" in a crowded theater. To tell people to get out, that you are going to bomb the store, goes well beyond the standard picketing techniques.

The breakfast program, Mr. Counsel, could I speak to you here a moment?

Mr. ROMINES. Yes.

(Chairman confers with counsel.)

Mr. PREYER. You mentioned talking to a mother of some children, and one child at least, who were attending breakfast programs at the Atlantic Center. Is that right?

Mr. SIMMONS. Yes, sir.

Mr. PREYER. The Atlantic Center was the one of the four breakfast programs that was operated by the Panthers. Is that correct?

Mr. SIMMONS. That is correct, sir.

Mr. PREYER. I believe the record earlier is clear that there were four breakfast programs operating in Seattle.

Mr. ROMINES. Mr. Chairman, there had been four in the past year and a half. One at the Madrona Church was started and run by the Panthers for awhile and ceased to exist. There were two others started by the Panthers, but currently being operated by local community volunteers. The fourth one, at Seattle Atlantic Street Center, is the only program started and currently being operated by members of the Panther Party.

Mr. PREYER. As I recall, the Seattle center has, as I recall, about 8 to 10 children?

Mr. ROMINES. Somewhere between 6 to 10 attending.

Mr. PREYER. Some of these other community programs are substantial, with 40—

Mr. ROMINES. There are substantially larger numbers there.

Mr. PREYER. I think there has been misunderstanding that the testimony relating to the Seattle Panther center is the Panther program, and the one about which we have had the most testimony—that is, distinguished from the other two community programs which we have not had testimony on how they are operating—

Mr. ROMINES. That is correct.

Mr. PREYER. There was a misunderstanding on that, I think. The two-way radio charge and conviction. This radio was ripped out of the bus, and Aaron Dixon was charged with petit larceny on that?

Mr. SIMMONS. That is correct, sir. He was originally charged with grand larceny and the charge was reduced to petit larceny.

Mr. PREYER. And that was the only conviction shown growing out of the transit company property?

Mr. SIMMONS. That is correct.

Mr. PREYER. You mentioned the incident on which three people followed the bus and stopped it and beat up the driver, although he himself was apparently carrying a sort of a mobile pocket tear gas equipment, and the bus ended up wrecking or hitting two other cars. Were there no charges of any kind filed at that time?

Mr. SIMMONS. No, sir. By the time the confusion had settled down, the individuals got back into the car and left the area.

Mr. PREYER. The dynamite incident is circumstantial in nature, but as I understand it the case of dynamite was found in the vacant lot in back of Aaron Dixon's house?

Mr. SIMMONS. That is correct, sir.

Mr. PREYER. Was there any sort of charge filed there?

Mr. SIMMONS. No, sir, there was not. At this time in the State of Washington, it is no crime to possess dynamite.

Mr. PREYER. How easy is it to purchase dynamite in the State of Washington? Can you freely purchase it? I assume it must be for some—you must have to give some reason why you purchase it.

Mr. SIMMONS. I got the impression, sir, that dynamite was freely available to anyone for the purchase price.

Mr. PREYER. These exhibits are all admissible in evidence, and the chairman will admit these into evidence.

(Documents marked Committee Exhibits Nos. 10 through 16, respectively. See appendix B, pages 4412-4422.)

Mr. PREYER. I don't think I have any more questions on your testimony, Mr. Simmons, as far as the facts on them and bringing them out.

Mr. Counsel, do you have any more questions you wanted to bring out?

Mr. ROMINES. No, sir.

Mr. PREYER. I think if we are through with Mr. Simmons, we will recess the hearings at this time until further notice.

The hearings are recessed.

(Whereupon, at 3:20 p.m., Wednesday, May 20, 1970, the subcommittee recessed, subject to the call of the Chair.)