

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES - GENERAL

CASE NO.: CV 11-09916 SJO (SS)

DATE: July 3, 2013

The Ninth Circuit has not yet established what standard of review should be applied to Second Amendment challenges.⁸ Plaintiff makes the conclusory argument that "[a]t a minimum, strict scrutiny is required." (Mot. 14.) Plaintiff cites to no cases, and the Court can find none, where a court employed strict scrutiny to evaluate regulations that do not implicate the use or possession of firearms in the home. *Cf. United States v. Engstrum*, 609 F. Supp. 2d 1227, 1231 (D. Utah 2009) (applying strict scrutiny to statute that made it unlawful to possess a firearm after being convicted of domestic violence). Plaintiff also argues that strict scrutiny is warranted because "the stated intent of [Section 25850] [was] to disarm the African-American members of the Black Panther Party for Self-Defense." (Mot. 14.) However, the text of Section 25850 is race-neutral, and Plaintiff has produced no evidence that it has been disproportionately enforced against minority groups such as African Americans. As such, the Court declines to apply strict scrutiny here.

Harris asks the Court to adopt the "substantial-burden" test (Opp'n 9), under which "heightened scrutiny is appropriate only as to those regulations that substantially burden the Second Amendment." *United States v. DeCastro*, 682 F.3d 160, 164 (2d Cir. 2012).⁹ Alternatively, Harris argues that intermediate scrutiny is the appropriate standard of review. (Opp'n 12.) Because the Court concludes that the Challenged Statutes are likely to survive even intermediate scrutiny, the Court assumes without deciding that intermediate scrutiny applies for the purposes of this Motion.¹⁰

"[I]ntermediate scrutiny requires the asserted governmental end to be more than just legitimate; it must be either 'significant,' 'substantial,' or 'important,' and it requires the 'fit between the challenged regulation and the asserted objective be reasonable, not perfect.'" *Peruta*, 758 F. Supp. 2d at 1117 (citing *United States v. Marzzarella*, 614 F.3d 85, 98 (3d Cir. 2010)). Harris has persuasively argued that California has a substantial interest in increasing public safety by restricting the open carry of firearms, both loaded and unloaded. As found by California courts, Section 25850 is designed "to reduce the incidence of unlawful *public* shootings." *People v. Flores*, 169 Cal. App. 4th 568, 576 (2008); see also *People v. Foley*, 149 Cal. App. 3d Supp. 33, 39 (1983) ("The primary purpose of [Section 25850] is to control the threat to public safety in the

⁸ In *Nordyke*, the Ninth Circuit found that a county ordinance that banned gun shows at county fairgrounds was "reasonable," and therefore passed constitutional muster, without deciding the precise standard of review. *Nordyke*, 681 F.3d at 1044-45.

⁹ Other courts that have employed the substantial-burden test include the D.C. Circuit, see *Heller v. Dist. of Columbia*, 670 F.3d 1244, 1256-57 (D.C. Cir. 2011), and the Fourth Circuit, see *Masciandaro*, 638 F.3d at 470-71.

¹⁰ Several courts, including those in the Third, Ninth, and Tenth Circuits, have applied intermediate scrutiny in the context of regulations touching on the Second Amendment. See *Peruta*, 758 F. Supp. 2d at 1116 (collecting cases).

**UNITED STATES DISTRICT COURT
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Plaintiff also argues that the Challenged Statutes should be enjoined because they violate the equal protection clause of the Fourteenth Amendment insofar as they are applied differently in different counties of California, and certain classes of persons are exempt. (Mot. 10-11.) In particular, California Penal Code sections 26150 and 26155 provide for the issuance of open carry licenses in counties where the population is less than 200,000. See Cal. Penal Code §§ 26150(b)(2); 26155(b)(2). Plaintiff contends that "[g]iven that [ninety-four percent] of the people in this state reside in counties with a population of 200,000 or more persons, this is tantamount to a de jure ban on openly carried firearms." (Mot. 10.) Likewise, Plaintiff avers that the statutory exemptions for certain classes of persons such as retired peace officers constitute disparate treatment in violation of the equal protection clause of the Fourteenth Amendment.

As recently held by the Ninth Circuit in *Nordyke*, "because [the ordinance at issue] does not classify . . . on the basis of a suspect class, . . . rational basis scrutiny applies." *Nordyke*, 681 F.3d at 1043 n.2. Likewise, here there is no contention here that the Challenged Statutes classify on the basis of race,¹¹ gender, national origin, or any other suspect classification. As such, the classifications and exemptions set forth in the Challenged Statutes "need only rationally further a legitimate state purpose." *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 54 (1983). Here, the California Legislature could have rationally concluded that the open carrying of firearms presents a great danger to public safety in more densely populated areas. Likewise, the California Legislature could have reasonably believed that certain groups, such as retired police officers, were in greater need of self-protection and thus should be allowed to openly carry a firearm. The statutory exemptions for groups such as hunters, target shooters, and the military are also easily justified as rationally related to legitimate state purposes. As such, the Court finds that Plaintiff is unlikely to succeed on his Fourteenth Amendment claim.

3. Fourth Amendment

Plaintiff claims that Section 25850(b) violates the Fourth Amendment because it authorizes police officers to examine openly carried firearms to determine if they are loaded, and it further provides that "refusal to allow a peace officer to inspect a firearm pursuant to this section constitutes probable cause for arrest for violation of this section." Cal Penal Code § 25850(b). In support of his argument, Plaintiff cites to *United States v. Fuentes*, 105 F.3d 487 (9th Cir. 1997), for the proposition that "[m]ere refusal to consent to a stop or search does not give rise to reasonable suspicion or probable cause." *Id.* at 490. Harris responds that because the Challenged Statutes do not offend the Second Amendment, "[a] peace officer would have reasonable, legitimate

¹¹ As established above, while Plaintiff has submitted evidence that Section 25850 was originally enacted in response to members of the Black Panthers openly carrying firearms in public, there is no evidence that the Challenged Statutes have been disproportionately enforced against any group on the basis of a suspect classification.

Marked
At Trial Page

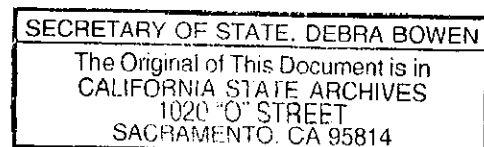


EXHIBIT 26 – 3

CALIFORNIA STATE ARCHIVES

Legislative History Worksheet

Bill # 1591 Ch.# 960 (L.C.S.) Year 1967
 Code & Section _____
 Author Mulford LP393:12-16

Assembly Committees

1. Civil Pro

2.

3.

Senate Committees

1. Jud

2.

3.

~~**Assembly Republican Caucus:**
1973-1978, 1981-1984 available on microfilm.
Check Minerva for current holdings~~

~~**Senate Democratic Caucus:**
1975-1984 available on microfilm~~

~~**Senate Republican Caucus:**
1972-1984 available on microfilm~~

~~**Senate Republican Office of Policy:**
Begins in 1999. Check Minerva for current holdings~~

~~**Senate Republican Fiscal Office:**
Begins in 2001. Check Minerva for current holdings~~

~~**Senate Rules Committee:**
1985-1988 available on microfilm~~

~~**Office of Senate Floor Analyses:**
Begins in 1991. Check Minerva for current holdings~~

~~**Governor's Chaptered Bill File:**
1943-2003 available on microfilm.
Check Minerva for current holdings.
Current administration with Governor's Office.~~

MF-5:2(54)

CSA-30b
(2008 gt; 2010 lj)

EXHIBIT 26 - 1

#14707
MAR 17 1967

MEMO TO: ASSEMBLYMAN DON MULFORD March 16, 1967

FROM: MARVIN C. BUCHANAN

RE: BLACK PANTHERS
PROPOSED LEGISLATION

On March 16, 1967, Captain John Arca, Oakland Police Department, telephonically contacted the writer at the Legislative office and advised that there was a group of "Black Panthers" now located in Oakland. He stated that these negroes were violently anti-white and carried loaded shotguns around with them and had 45 automatics strapped on their hips.

He stated that he was very apprehensive concerning this developing situation and was fearful that there would be a "shoot-out" in the not too distant future. He was fearful that innocent bystanders might also be injured.

He was hopeful that some kind of corrective legislation might be initiated but was well aware that this would be fought by the National Rifle Association. He stated that he would prepare some information on the subject and contact the writer or Assemblyman Mulford.

He requested that the writer contact him at the station in order that he might take the writer on a tour to exhibit precisely what is developing.

cc - 1 - Buchanan

hnh

EXHIBIT 26 - 66

From ASSEMBLYMAN DON MULFORD

Date 3-27-67

To George Murphy

Re: Private armies

#14707

Research the attached for bill that would control private armies. I am particularly interested in legislation that would control firearms being carried by organizations such as the BLACK PANTHERS without ~~infring~~ infringing on the rights of legitimate hunters to carry arms.

*I prepare bill to cover above
Bill to ~~cover~~ prohibit private armies.*

Don Mulford

Don Mulford

EXHIBIT 26 – 65



PETER J. PITCHESS, SHERIFF

County of Los Angeles
Office of the Sheriff
Hall of Justice
Los Angeles, California 90012

April 19, 1967

Mr. Patrick D. McGee
17304 Sherman Way
Van Nuys, California 91406

Dear Pat:

I know that this is a busy time of the year for you and for that reason I shall be as brief as possible.

As a representative of the people I know you are vitally concerned with the crime situation that presently exists in Los Angeles County. It is a dangerous condition and is increasing daily. Until we are able to root out the causes of crime we are going to have to use direct measures to stop it. This can only be done with a sufficient force of law enforcement officers. My Department is greatly understaffed and I am unable to provide for the safety of our citizens. Repeated pleas have been made to the Los Angeles County Board of Supervisors to provide the incentives to recruit and retain Deputy Sheriffs. These pleas have been all but ignored.

These circumstances compel me to request your assistance in pointing out to the Board of Supervisors the seriousness of the situation. For your convenience I have enclosed a copy of a letter recently sent to them. Any positive action you can take in this matter will be greatly appreciated.

Sincerely,


PETER J. PITCHESS
SHERIFF


EXHIBIT 26 - 64

HALL OF JUSTICE

Richmond, California

April 19, 1967

TO: C. E. BROWN, CHIEF OF POLICE

FROM: R. RAWSON, DETECTIVE 

This past week has brought an outside group into our community known as the "Black Panther Party." Their interest was focused because of the shooting of the burglar, Dowell, by a deputy sheriff and the alleged slugging of a student by a counsellor at Helms Junior High School.

The following narration covers largely only the activities of this week, April 17th through April 18th.

Mr. Nejedly agreed to meet with the family of the deceased after the Dowell inquest should there be any questions still in their minds. Apparently there were so a meeting was set for Monday, April 17th at 10:00 a.m. in the office of Dave Williams, Community Organizer, Council of Community Services.

Mr. Nejedly kept the appointment and found possibly one member of the family - possibly the mother of the deceased but not introduced - plus a representative group of the so-called Black Panthers led by Curtis Lee Baker, also known as "Black Jesus." The Black Panthers were fully armed with shotguns, rifles, cartridge belts of ammunition and side-arms.

After the meeting, the Black Panthers were seen around the Walter Helms Junior High School. Curtis Lee Baker and Bobbie Seale were identified as two of them. Guns were not seen but the ammo belts were in evidence. An unknown number of the Black Panther group entered the school property, engaging some of the youth in conversation and making obvious derogatory remarks about the school.

Marvin Smith had occasion to be at the Council of Community Services' office and saw the group of Black Panthers sitting in the meeting room adjacent to the business office. Officer Smith saw one person with a side-arm but saw no rifles or shotguns. Also present at this gathering was Nobel Coleman, who works with Rudy Webbe of the Dynamic Youth Group. Smith also observed a quantity of literature apparently brought in by the Black Panthers.

Officer Smith, it should be noted, was at the Council of Community Services on another matter and paid little attention to the described meeting. It should also be noted that he did not see Mr. Dave Williams or Mr. Nejedly but was made aware of Mr. Nejedly's presence.

EXHIBIT 26 - 62

CHIEF BROWN - page 2

April 19, 1967

Mr. Nat Shaffer called my office, stating that rumors were out that Mr. Dave Williams had Curtis Lee Baker as his house guest and had in fact invited him and his followers to the meeting with Mr. Nejedly. Mr. Shaffer assured me that this was not true. Mr. Williams was as surprised as Mr. Nejedly when they made their bold appearance.

Mr. Shaffer stated that the Welfare Rights Organization had set up the meeting between the Dowell family and Mr. Nejedly. Mr. Williams is the Staff Supervisor for this group.

The issue thought to have motivated the Black Panthers to the Richmond area was the death of the burglar suspect, Dowell, by the hands of a deputy sheriff. However, it would appear that they have a second interest in the incident at Helms Junior High in which a North Richmond student was alleged to have been injured by a school employee.

It is also alleged that Curtis Baker called a meeting for Friday evening at a local park. It is further alleged that the meeting was announced over one of the bay area radio stations, possibly KDIA. There was some confusion as to where the meeting would be - 10th and Virginia or 10th and Lucas, both being public parks. A group did gather at 10th and Lucas and a patrol car drove by. A number of persons were at the park. There was some name calling from the crowd to the officer, one being, "White Devil." It is also alleged that the Black Panthers requested the use of Neighborhood House on N. Jade Street but were refused. Another building leased by Neighborhood House on Alamo Street in Richmond was used for a meeting. Mr. Red Stephenson was contacted regarding the meeting on Alamo Street and he stated he had also heard this but it had not been verified.

At 6:00 p.m., April 18th, Sergeant Laird called me by phone, stating that two men from the Governor's Office were at the station and wished to discuss the current unrest with me. I called Captain Bacon and we both returned to the station. We were met by Mr. Ray Norton of the Governor's office and Mr. John K. Ford of the Lieutenant Governor's office. We filled them in on the local rumble, pointing out our concern for the interest and activities of the Black Panthers in the Richmond area. These men will be in the Bay Area until Friday and agreed to meet with either Captain Bacon or me on Thursday.

Attached hereto are three articles of interest:

1. A four-page explanation as to who the Black Panther Party is and what they believe in. Also, the words of a song they are pushing. All material furnished by them and left in the Council of Community Services.
2. A confidential report furnished by the Oakland Police relative to some Black Panther activities.
3. A list of twelve demands made upon the Richmond Unified School District, Walter T. Helms Junior High School in particular.

EXHIBIT 26 - 63

April 20, 1967

MEMORANDUM TO PHILIP M. BATTAGLIA AND LYN NOFZIGER:

Dear Phil and Lyn:

In view of today's incident regarding task force personnel prowling around the University of California, I urge you to give serious consideration for a briefing of any personnel you are sending into the University.

Without knowledge of who are the good guys and the bad guys, I would challenge the accuracy of any information your task force people may obtain. It all depends on the source of information. As I have explained to you, Lyn, the cancer grows.

I respectfully request that you arrange a briefing session with the Governor, each of you and myself, plus others you may want to invite, to meet with Hardin Jones next Thursday. Jones does not have classes on that day and is most anxious to talk with the Governor and bring him up to date on the current situation in view of Kerr's renewed activity.

I urge you not to sit on this because the organization is proceeding rapidly to strengthen itself in anticipation of a new president. Any president will be seriously handicapped unless he has the capacity and courage to terminate the bad guys at the top as soon as he arrives. This is going to be difficult.

I submit that we must be constantly aware of what is happening if we are to protect the Governor on the Campus.

Sincerely,

DON MULFORD

EXHIBIT 26 - 72

JOHN A. NEJEDLY
DISTRICT ATTORNEY
JOHN B. CLAUSEN
ASSISTANT DISTRICT ATTORNEY
GEORGE W. MCCLURE
CHIEF CIVIL DEPUTY
DONALD R. WALKER
CHIEF CRIMINAL DEPUTY
INVESTIGATORS
DAVID COOK JR., CHIEF
JACK W. FRANCIS
JOSEPH J. HALASZ
CHARLES A. MYHRE
WILLIAM R. PRICE

OFFICE OF DISTRICT ATTORNEY
CONTRA COSTA COUNTY
COURT HOUSE, 4TH FLOOR
P.O. BOX 670
MARTINEZ, CALIFORNIA, 94553
PHONE: 415/220-3000

DEPUTIES	
CIVIL DIVISION	K. J. BRANCH
J. H. DISNEY	H. C. PRYER
K. D. EWART	C. L. GRIDER
S. FISHMAN	N. T. GORSALVES
W. W. MCCOMB	B. D. GLENN
J. M. MCSHARRY	W. R. HARTMAN
V. H. PYNH	J. D. HATZENBUHLER
G. F. SWIFT	L. F. HOLDRICH
P. C. RANK	S. H. MESNICK
A. W. WALENTA, JR.	J. S. OGA
V. J. WESTMAN	D. M. QUINLAN
CRIMINAL DIVISION	T. C. SMITH
W. H. BARTLETT	L. L. SNOOK
D. L. BOAT	E. M. SWANN

April 20, 1967

Honorable Ronald Reagan
State Capitol
Sacramento, California

APR 21 1967

Dear Sir:

May I respectfully call to your attention recent incidents in this area that may suggest consideration of legislation to provide more effective controls in the area of possession of firearms.

Incident to the peace demonstrations at Port Chicago, certain residents of Clyde, an unincorporated community near the Naval Ammunitions Base, armed themselves with rifles and patrolled the streets, particularly at night. I was concerned with the obvious possibilities, met with these people and an agreement to terminate the carrying of arms was reached.

In December, groups in Orinda, concerned about incidents involving women and delays in securing Sheriff response, similarly armed themselves and instituted a patrol service. Again in meeting with these people we were able to secure the termination of this practice.

Last Friday, a request was made to me, through the Council of Community Services in Richmond, to meet with the family of a young man killed by a deputy sheriff in the course of a burglary. I met with the family in good faith only to be confronted with an armed group, the Black Panthers. This group was armed with pistols and shotguns and threatened to obtain "justice" if their demands were not met.

Today, this same group is appearing before the County Administration Building similarly armed, apparently as an incident to a meeting arranged with Sheriff Young on the same matter.

COPY
EXHIBIT 26 - 73

Honorable Ronald Reagan

Page 2

April 20, 1967

As the acts of carrying a firearm of these types are not per se a violation of the law, I respectfully bring these conditions to your attention. I am concerned as to the possibilities, particularly when one realizes that in the last instances, we are dealing with a group not sensitive to reasonable decisions.

Very truly yours,

John A. Nejedly
District Attorney

JAN:oms

cc: Assemblyman Don Mulford

EXHIBIT 26 – 74

April 21, 1967

The Honorable Ronald Reagan
Governor of California
State Capitol

My dear Governor:

Regarding the copy of letter from John A. Nejedly, District Attorney, Contra Costa County, I have introduced AB 1591, which will be polished with the addition of amendments. The Black Panther movement is creating a serious problem. The bill was introduced at the request of the Oakland Police Department.

At the proper time, I shall discuss it with you because we may need your personal help. I cannot help feeling that the people of this State are concerned about individuals armed with loaded weapons walking the streets of our communities in numbers.

Regarding the letter from Hardin Jones, I have requested that we all meet on next Thursday and bring Jones to Sacramento. His letter underwrites the reason for this meeting.

Sincerely,

DON MULFORD

Enclosures

cc Mr. Philip M. Battaglia
Mr. Lyn Nofziger

EXHIBIT 26 – 75

MEMO TO: ASSEMBLYMAN DON MULFORD

April 21, 1967

FROM: MARVIN C. BUCHANAN

RE: BLACK PANTHERS
RICHMOND, CALIFORNIA

On April 19, 1967, Walter Pdretti, Chief, San Pablo Police Department, advised that on April 17, 1967, his department had had some difficulties with a group of negroes who he assumed were either members of the Black Panthers or the Black Muslims.

He stated that this difficulty had been sparked by an incident at the Walter Helms Junior High School at the Park Plaza in San Pablo, California. The incident occurred on Tuesday, April 11, 1967 and it involved the disciplining of a negro boy by the Dean of Men, a Mr. Perrone (or Carrone). The boy had been misbehaving and the school authorities had obtained permission from the boy and his guardian to discipline him. At the time the Dean of Boys attempted to administer the discipline, the boy suddenly decided he did not want to be disciplined and in the ensuing struggle, slipped from the grasp of Mr. Perrone and injured his head.

Chief Pdretti stated that he actually did receive quite a noticeable bruise. The guardian immediately thereafter took the boy to two different doctors and an attorney then ultimately brought him to the Police Department to make a complaint.

He advised that the incident would have died down, except that a few parents with the assistance of an organization, which he believed to be either the Black Panthers or the Black Muslims, had kept the incident alive.

He advised that on April 17, 1967, one of his officers drove by a group of negroes who had gathered at the Walter Helms School and in one automobile he observed an ammunition bandolier, a carbine, military type, and a .380 pistol inside of a car. He stated that there were no weapons in evidence on the person of any of the people in the group and no other weapons of any kind were seen. The officer stopped immediately upon seeing the weapons and inquired about them. A negro named (BNU) Newton stated that the car was his and the weapons also were his. He furthermore pointed out to the officer that he had a constitutional right to carry arms and made several snide remarks to the officer. In the meantime the officer found himself encircled by the group and becoming apprehensive, he called for assistance. The Chief and other supporting officers arrived shortly thereafter and after a short conference, the negroes drifted away. He stated that there were several hecklers who made comments such as, 'we are used to police harassment' and 'we are going to get justice,' etc.

Chief Pdretti stated that a small group of the negroes entered the Walter Helms School along with the principal, a Mr. Lyons. After

cc - 1 - Walthall

EXHIBIT 26 - 60

BLACK PANTHERS

-2-

April 21, 1967

they got inside the school, they interviewed some of the children and made voice recordings of the interviews. Lyons then demanded the immediate arrest of the people inside the school. Chief Pdretti pointed out, however, that the group had accompanied him into the school. Lyons stated that they were not in the school by his invitation. Pdretti told him, however, that they were inside with his implied consent because he made no objection and furthermore, other parents were inside of the building along with the protesting negroes and he would not be able to sustain a conviction by singling out only those that Lyon wished removed from the school.

Chief Pdretti stated that there were approximately 30 to 35 men and women in the group of negroes who were protesting. He did not know how many had actually gone inside the school but he believed that there had been about 9 or 10. He estimated there were 8 or 9 women in the group of 30 to 35. He advised that among those in the group who entered the school, he believed was Beverly Axelrod, who is believed to be a member of the American Federation of Teachers and an activist who has been involved in many of the protest movements on UC Campus.

The Chief stated that no photographs of this group or their activities were taken as far as he knew. He stated that Jack Frances, investigator for the Contra Costa Prosecuting Attorney's Office was probably more familiar with the activities of this group than was anyone else in the area.

hnh

EXHIBIT 26 – 61

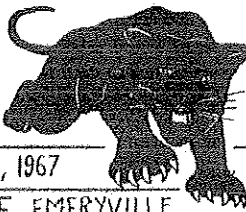

<i>The</i> BLACK PANTHER		BLACK COMMUNITY NEWS SERVICE
VOLUME 1	APRIL 25, 1967	NUMBER 1
P.O. BOX 8641 OAK. CALIF. EMERYVILLE BRANCH		PUBLISHED BY THE BLACK PANTHER PARTY FOR SELF DEFENSE
WHY WAS DENZIL DOWELL KILLED		APRIL FIRST 3:50 a.m.
<p>"I BELIEVE THE POLICE MURDERED MY SON" SAYS THE MOTHER OF DENZIL DOWELL.</p> <p>Brothers and Sisters of the Richmond community, here is the view of the family's side of the death of Denzil Dowell as compiled by the Black Panther Party for Self Defense, concerned citizens, and the Dowell family. As you know, April 1st, 1967, Denzil Dowell (age 22), was shot and killed by an "officer of the Martinez Sheriff's Department", so read the newspaper.</p> <p>But there are too many unanswered questions that have been raised by the Dowell family and other neighbors in the North Richmond community. Questions that don't meet the satisfaction of the killing of Denzil. The Richmond Police, the Martinez Sheriff's Department, and the Richmond Independent would have us black people believe some thing contrary to Mrs. Dowell's accusation. That is, her son was "unjustifiably" murdered by a racist cop.</p> <p>There are too many questionable facts supporting the Dowell family's point of view.</p> <p>These questionable facts are as follows:</p> <ol style="list-style-type: none">1. Denzil Dowell was unarmed so how can six bullet holes and shot gun blasts be considered "justifiable homicide"? (Cont Page 2)		 <p>WE BLACK PEOPLE ARE MEETING SATURDAY 1:30 AT 1717 SECOND STREET LET US SUPPORT THE DOWELL FAIMLY EVERY BLACK BROTHER AND SISTER MUST UNITE FOR REAL POLITICAL ACTION</p>

EXHIBIT 26 – 54

PAGE 2

THE BLACK PANTHER APRIL 25, 1967

2. Why did the newspaper and police say only three shots were fired when the coroner's report and surrounding neighbors established the fact that six to ten shots were used and heard?
 3. The police and the newspaper stated that the time of the shooting was 4:49 A.M. to 5:01 A.M., yet Denzil Dowell's sister and neighbors in the area testified to hearing shots at 3:50 A.M.
 4. Only Richmond police were first seen on the scene; not until later (an hour or so), around 4:50 A.M. were Martinez sheriffs seen on the scene where Denzil Dowell was murdered.
 5. The police reported that Denzil Dowell was running and jumped a fence and ran to jump another when he was shot. The Dowell family knows that Denzil had been injured in the hip in a car accident some time ago and after leaving the hospital could not run much at all, let alone jump two fences with a hammer in his hand.
 6. The lot that Denzil was supposed to have run across between the two fences is an old car junk yard loaded with grease and oil and why wasn't oil found on his shoes?
 7. The coroner reported that Denzil Dowell bled to death. Where was the blood where Denzil Dowell lay? Denzil's sister remembers that night and says she saw very little blood. She said she never saw a pool of blood and yet the coroner said he bled to death after being shot ten times.
 8. Denzil Dowell was found by his brother and friend and they noticed that no attempt had been made by police to summon a doctor or to save his life.
 9. The family of Denzil Dowell has been denied the right to see or have the clothes that Denzil was murdered in. They want the clothes to see how many bullet holes the clothes have in them. The family was also denied the right to take pictures of his body so they could check for numerous bullet holes.
 10. The newspaper came out with a statement of "justifiable homicide" 2 hours before the jury gave its verdict. The foreman on the jury could not read. A biased jury of 10 white people and two "Negroes" protected the racist cop who murdered Denzil Dowell.
 11. The Dowell family also notes a very important fact. The cop who shot Denzil Dowell knew him by name and had stopped Denzil and hollered to him many times, "Denzil Dowell give me your identification." The cop had at other times threatened to kill him.
- The Dowell family and concerned citizens have called for a Grand Jury investigation and are demanding that all law enforcement officers change their policy of killing people over property.
- On April 18th a group of concerned citizens went to discuss this proposal with Sheriff Young of Martinez. The citizens enumerated the areas of doubt in the case of Denzil Dowell and requested that the officer who admitted doing the shooting be removed from duty pending an investigation. The Sheriff REFUSED to hear our request and we consider his action to be a racist disregard for the reasonable request of black taxpayers and citizens concerned with the survival of black people.
- LET US ORGANIZE
TO DEFEND OURSELVES
- "We believe we can end police brutality in our black community by organizing black self-defense groups that are dedicated to defending our black community from racist police oppression and brutality. The second Amendment of the Constitution of the United States gives a right to bear arms. We therefore believe that all black people should arm themselves for self defense."
(from the program of the Black Panther Party for Self Defense, Point No. 7 of "What We Believe")
- WHY MUST BLACK PEOPLE ORGANIZE?
- The murder of Denzil Dowell April 1, 1967 here in North Richmond;
 - The murder of two black Brothers a week before last Christmas here in North Richmond;
 - The brutal beating of a black woman here in Richmond;
 - The killing of George Thompson in Hunters Point, San Francisco (cont. Page 3)

EXHIBIT 26 - 55

Page 3	THE BLACK PANTHER-April 25, 1967
<p>In September, 1966;</p> <p>--The beating of a 1 1/2 year old girl in East Oakland in October 1966.</p> <p>These are only a few of the murders and brutal beatings by racist cops that have happened and been reported in the newspaper and are known about in the black community.</p> <p>BROTHERS AND SISTERS THESE RACIST MURDERS ARE HAPPENING EVERY DAY; THEY COULD HAPPEN TO ANY ONE OF US.</p> <p>BROTHERS AND SISTERS WE MUST UNITE. MANY OTHER MURDERS AND BRUTAL BEATINGS HAVE TAKEN PLACE WITHOUT US DOING MUCH OF ANYTHING BUT LET'S STOP IT <u>NOW!</u></p> <p>WITH SOME REAL NITTY GRITTY <u>POLITICAL ACTION</u></p>	<h2>ARMED BLACK BROTHERS IN RICHMOND COMMUNITY</h2> <p>15 Black Brothers, most of them armed; with Magnum 12 gauge shot guns, M-1 rifles, and side arms, held a street rally at the corner of Third and Chesley in North Richmond last Saturday afternoon about 5 P.M. The nice thing about these Bloods is that they had their arms to defend themselves and their Black Brothers and Sisters while they exercised their Constitutional Rights: Freedom of Speech, and the right to Peacefully Assemble. And while they exercised another Constitutional right: the right to bear arms to defend themselves.</p> <p>The racist cops could only look on. The Dog Cops made no attempt to break up the meeting like they generally do when Black people get together to sound out their grievances against the white power structure. The point to get firmly into your mind is that both the Black Brothers and the racist cops had "POWER". They had righteous "GUN POWER", but the significant thing is that the Black Brothers had some of this POWER. In the (cont page 4)</p>

MEETING

APRIL 29TH
EVERYBODY
THIS COMMING SATURDAY
SO WE'LL KNOW WHAT TO DO AND
HOW TO DO IT NOW!

1717 SECOND STREET
NORTH RICHMOND

AT 1:30 P.M.

EXHIBIT 26 - 56

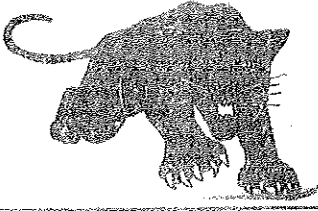
<p>Page 4</p> <p>past, Black People have been at the mercy of cops who feel that their badges are a license to shoot, maim, and out-right murder any Black man, woman, or child who crosses their gun-sights. But there are now strong Black men and women on the scene who are willing to step out front and do what is necessary to bring peace, security, and justice to a people who have been denied all of these for four hundred years.</p> <p>At this rally, the Brothers were uptight and knew exactly what they were doing at all times. They knew that they were acting strictly within their rights. These Brothers have become aware of something that the white racists have been trying to keep secret from Black people all the time: that a citizen has the right to protect himself. They were ready to insure that the rally went ahead as planned, without any interference from outlaw cops who wanted to suppress the meeting so that other Black People would not get the message.</p> <p>Black People must realize that the time is short and growing shorter by the day. Check it out. People talk about "Power". There is White Power, Black Power, Yellow Power, Green Power, etc. but all Black People want out of all these different forms of Power is BLACK POWER. Black People want and need the power to stop the white racist power structure from grinding the life out of the Black Race through the daily operation of this system which is designed to exploit and oppress Black People.</p> <p>The beautiful thing about the Brothers who held the rally is that they are organized, disciplined and politically aware of all the ins and outs of the problems facing Black People throughout the Bay Area in particular. When the cops came rolling up looking, the brothers spreaded out all across the street waiting for some fool cop to try and start something. The brothers were organized.</p> <p>So, Brothers and Sisters everywhere: righteous BLACK POWER organized is where its at. The <u>BLACK PANTHER PARTY FOR SELF-DEFENSE</u> really has something going. These brothers are the cream of Black Manhood. They are there for the protection, and defense of our Black Community. The Black Community owes it to itself, to the future of our people, to get behind these</p>	<p>THE BLACK PANTHER -- April 25, 1969</p> <p>brothers and to let the world know that black people are not stupid fools who are unable to recognize when someone is acting in the best interest of Black People. These Brothers have a political perspective. Most important, they are down here on the GRASS ROOTS LEVEL where the great majority of our people are. The BLACK PANTHER PARTY FOR SELF DEFENSE moves. The PARTY takes action. Everybody else just sits back and talk. All Black People know what needs to be done, but not all of them are willing to do it. The White man has instilled fear into the very hearts of our people. We must act to remove this fear. The only way to remove this fear is to stand up and look the white man in his blue eyes. Many Black People are able nowadays to look the white man in the eyes--but the line thins out when it comes to looking the white cops in the eye. But the white cop is the instrument sent into our community by the Power Structure to keep Black People quiet and under control. So it is not surprising that the action these days centers around the conduct of these white cops who come from way across town to patrol our communities for 8 hours a day. But Black People have to live in these communities 24 hours a day. So it is time that Black People start moving in a direction that will free our communities from this form of outright brutal oppression. The BLACK PANTHER PARTY FOR SELF DEFENSE has worked out a program that is carefully designed to cope with this situation.</p> <p>BLACK MEN!!! It is your duty to your women and children, to your mothers and sisters, to investigate the program of the PARTY. There is no other way. We have tried everything else. This is the moment in history when Black People have no choice but to move and move rapidly to gain their freedom, justice, and all the other ingredients of civilized living that have been denied to us. This is where it is at. Check it out, Black Brothers and Sisters! This is our Day!!!!</p> 
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EXHIBIT 26 - 57

OFFICE OF
C. E. BROWN
CHIEF OF POLICE



APR 27 1967



April 26, 1967

Honorable Don Mulford
State Assemblyman
Capitol Building
Sacramento, California

Dear Sir:

Enclosed is a report, prepared within this department,
on the Black Panther movement.

I also have in my possession a report on the Black Pan-
thers, prepared in the San Francisco office of the Federal
Bureau of Investigation and dated April 20, 1967. It is
marked confidential so I cannot send it to you, but I am
sure they would send you one should you request it of them.

Your cooperation is appreciated.

Very truly yours,

C. E. BROWN
Chief of Police

CEB:DH
Encls.

EXHIBIT 26 – 71

~~CONFIDENTIAL~~

The Black Panther Party for Self Defense is an extremely militant, anti-white political organization. Their headquarters in Oakland are at 5624 Grove Street. This is a vacant store where they hold meetings each Saturday at 4:30 p. m. At one meeting they attracted 22 persons, all negro. Many of the persons who attend these meetings are armed with various weapons. To date these subjects have not violated any existing laws concerning the possession of firearms. The concealable weapons have always been carried in plain view, and the subjects have not been in possession of fully automatic rifles or sawed off shotguns. When subjects have been stopped and questioned by the OPD, they have been extremely hostile toward officers and made statements to the effect that the only good white man is a dead white man. Serial numbers taken from subjects' guns have thus far been clear.

On February 21, 1967, 20 armed negroes, who identified themselves as members of the Black Panther Party, appeared at the San Francisco Airport and acted as bodyguards for Betty Shabazz, who is the widow of Malcolm X.

On February 21, 1967, a male negro by the name of Eldridge Cleaver spoke at a Berkeley High School rally which was attended by approximately 300 students, and made the following statement, "We are proud to be black and we don't hide behind our women. One day it will be molotov cocktails; next, hand grenades and bullets. If we can't have our freedom, then white America will die."

The next speaker was Huey Newton, MN/24, who was wearing a holstered pistol on his belt, and made the following statement after patting the pistol on his waist. "We have this, but you can't fight just with guns. The next step is to go into the black community and organize for your needs. If we don't get them, then we can dissolve this Union of America." Newton is identified as a member of the Black Panther Party.

Bobby G. Seale, MN/30, who is a leader of the Oakland Black Panther Party, recently made the statement at a rally at the University of California that he could have 50 armed negroes ready for action on one hour's notice.

On March 9, 1967, at the Arroyo Viejo Recreation Center, a meeting of the "Cowboys" (a negro youth group) was being held when Mr. Martin, the director, observed approximately 30-35 young adults approaching the center. Of this group, approximately 8 or 10 were observed to be armed. The leader of this, Bobby Seale, was told by Mr. Martin that weapons were not allowed in the recreation center. Bobby Seale then ordered the armed members to deposit the weapons in one of their vehicles and posted one member to guard the vehicle and the remaining members entered the meeting.

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On March 4, 1967, Bobby Seale, Huey Newton, and Melvin Newton, MN-29, were involved in an accident at 9th and Broadway. Bobby Seale was armed with an automatic pistol in a shoulder holster. These subjects were very antagonistic toward police and attempted to provoke an incident regarding the weapon Seale was wearing.

On November 27, 1966, a vehicle driven by Mark Comfort, MN-34, and containing as passengers Lafayette Robinson, MN-16, and Ernest Allen, MN-17, was stopped in the 8600 block of A Street. Lying in the back seat, in plain view, were the following: 1 .17 cal. Derringer, 1 Berretta .25 cal. automatic, 1 .22 cal. revolver, and 1 .30 cal. carbine.

Bobby Seale and Huey Newton emphasized their prime objective is to arm the negro community to full capacity for the purpose of backing all plays by the negro community and to act as a deterrent to all organizations, including the Oakland Police Department and the San Francisco Police Department.

Confidential

EXHIBIT 26 - 51

REQUEST FOR CHANGES IN LEGISLATION
CONCERNING THE CONTROL OF FIREARMS

Recent activities in the City of Oakland involving the carrying of concealed firearms, rifles and shotguns by individuals and youth groups who are presenting constant and aggravated problems to this Department, and posing a threat to the citizens of the community, indicate a dire need for the enactment of new legislation for the effective control of such weapons.

More than 100 incidents were reported to the Juvenile Division of this Department within the past year and this can only be considered a sampling of the firearm problem among youths. All of the major youth clubs and gangs in the City have been involved with firearms by possession, rude display or use within that period of time.

Many other incidents involving firearms among juveniles, young adults and gangs have come to the attention of this Department. For example:

1. A student took a loaded shotgun to school in an attempt to kill her teacher.
2. Officers at a downtown teen dance removed numerous firearms, knives and clubs from patrons.
3. Recreation directors have removed firearms from juveniles attending teen club meetings.
4. Members of a juvenile gang committed two armed robberies with a shotgun and fired the weapon at a victim.
5. A youth was murdered on the street with a pistol. Gang members are suspect.
6. A youth was recently arrested for burglary and auto theft. In his possession was one rifle, one pistol and 150 rounds of ammunition.
7. A juvenile gang conceals sawed-off shotguns by strapping them over the top of a vehicle's gas tank.
8. A gang incident broke up when one gang member fired a shotgun at others.
9. A juvenile group fired at rivals from a rooftop with a shotgun.

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10. Another such group was reported to be in possession of 13 pistols.
11. A gang fight at a high school resulted in two pistols being displayed.
12. A gang member was shot in the chest by a rifle wielded by an opponent.

In addition, the number of narcotic addicts and other criminals who are armed with pistols or revolvers at the time of their arrest is increasing at an alarming rate.

The major concern of this Department, however, is the increasing evidence of the flagrant disregard and disrespect for constituted authority on the part of certain militant negro groups in this City. The group which is causing the most acute problems is the Black Panther Party for Self Defense. This is an extremely militant, anti-white political organization that has established a headquarters in Oakland at 5624 Grove Street. At one meeting, 22 negro juveniles and young adults attended and were armed with various weapons. To date, there has been no violation of existing laws concerning the possession of firearms. The concealable weapons have always been carried in plain view. When stopped and questioned by members of the Oakland Police Department, they have been extremely hostile towards officers and made statements to the effect that "the only good white man is a dead white man."

On November 27, 1966, a vehicle containing a leader and two identified members of the Black Panther Party was stopped for a traffic violation. Lying on the rear seat, in open view, officers observed one (1) .17 cal. Derringer pistol, one (1) Beretta 25 cal. automatic pistol, one (1) 22 cal. revolver, and one (1) 30 cal. U.S. carbine.

On February 21, 1967, 20 armed negroes, identified as members of the Black Panther Party, appeared at the San Francisco Airport as an escort and bodyguard for Betty Shabazz, widow of the late Malcolm X, assassinated member of the Black Muslims.

On February 21, 1967, an identified male negro spoke at a Berkeley, California High School rally which was attended by approximately 300 students, and made the following statement, "We are proud to be black and we don't hide behind our women. One day it will be molotov cocktails; next, hand grenades and bullets. If we can't have our freedom, then white America will die."

The next speaker, also an identified male negro and member of the Black Panther Party, who was wearing a holstered pistol on his belt, made the following statement after patting the pistol on his side. "We have this, but you can't fight just with guns. The next step is to go into the black community and organize for your needs. If we don't get them, then we can dissolve this Union of America."

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Another leader of the Oakland Black Panther Party recently made the statement at a rally at the University of California that he could muster 50 armed negroes ready for action on one hour's notice.

On March 4, 1967, three members of the Black Panther Party were involved in an accident in the City of Oakland. One was armed with an automatic pistol in a shoulder holster in plain view. These subjects were antagonistic toward police and attempted to provoke an incident regarding the weapon which was being carried.

On March 9, 1967, at the Arroyo Viejo Recreation Center in Oakland, a negro youth group known as the "Cowboys" was holding a meeting when the Director observed approximately 30-35 young adults approaching the center. Approximately 8 or 10 were observed to be armed. The leader of this group was informed by the Director that weapons were not allowed at the center. The leader then ordered the armed members to deposit the weapons in one of their vehicles, posted a member as guard and the remaining members entered the meeting.

On April 17, 1967 at 12:01 P.M., members of the Black Panther Party were observed showing what appeared to be weapons and ammunition to Helms Junior High School students, who were on school premises, in the City of San Pablo. Following this, members entered the school, made derogatory remarks about the school and demanded of the principal that he bring forth a school counselor who took disciplinary action against a student.

On April 18, 1967, three members of the Black Panther Party were stopped by officers when they were observed displaying a shotgun in their moving vehicle. This was at 9:40 P.M. in the vicinity of Merritt Business College in Oakland when groups of adult students were on their way home from school. The driver was in possession of a shotgun, and one passenger was carrying a loaded .45 cal. automatic pistol on his belt, in open view. Shouting in a loud voice to students, the driver said, "We are here to protect you against these white baby killers." He made continual reference to a burglar who had been shot in Richmond and the Hunters Point shooting in San Francisco in 1966. Students were invited to attend the next meeting of the Black Panther Party to "learn how to shoot the white Facist Police."

On April 20, 1967, approximately 15 members of the Black Panther Party accompanied by several negro women, appeared at the Contra Costa County Administration Building at Martinez and demanded to see Sheriff Young. They were armed with shotguns and pistols at the time and insisted on entering the building with these weapons. Their alleged presence was to protest the shooting of a young negro burglar in Richmond. Deputies and the Undersheriff were subjected to verbal abuse and called "white devils and dogs."

On April 25, 1967 at 6:30 P.M., a male negro was kidnapped from his home at gunpoint by several heavily armed negroes who were reportedly members of the Black Panther Party.

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Two identified Black Panther Party leaders emphasized that their prime objective is to arm the negro community to full capacity for the purpose of backing all plays by the negro community and to act as a deterrent to all organizations, including the Oakland and San Francisco Police Departments.

Leaders of the Black Panther Party for Self Defense are actively involved in left-wing causes. They have been identified openly selling "The Red Guard Handbook," a publication of Communist China, on the campus of the University of California at Berkeley.

On September 26, 1966, and for a week previous, picketing activity at Port Chicago protesting the war in Vietnam aroused the ire of residents of Clyde, a suburb, who armed and organized themselves as The Citizens Patrol for Protection of Clyde, to prepare for eventualities. Several automobiles were fired upon and shots were fired into a house.

The Constitution of the United States provides that a "well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." Like all the provisions of the Bill of Rights, this has been held to be a restriction only on the power of Congress and the Federal Government, and not on the power of the states (Presser v. Illinois, 116 U.S. 252; U.S. v. Cruikshank, 92 U.S. 542, 553). Numerous state constitutions have been reportedly held to confer a collective and not an individual right to bear arms. They do not restrict a state from requiring an individual to obtain a license to carry a firearm. They do not prevent a state from regulating an individual in the manufacture, transport, disposition and possession of weapons in order to preserve the peace and prevent crime (People v. Persce, 204 N.Y. 397; People v. Warder of City Prison, 154 app. Div. 413; Commonwealth v. Patson, 231 pa. 46, affirmed, 232 U.S. 138).

More than a quarter of a million serious crimes are committed with weapons annually in the United States, and the number is increasing steadily. FBI statistics show that during the period 1962-65, a firearm was used as a weapon in 56% of the 36,000 willful killings in the United States. The basic problem is the handgun, which was used in 70% of the murders. A shotgun was used in 20% and a rifle in 10%. Of the 278 police officers killed by criminals in 1960-65, 96% of these deaths resulted from the use of guns, 78% of which were handguns. Northeastern states, where strict gun controls exist, reported 36% of their murders were caused by guns. The rest of the country, where minimum gun controls exist, reported between 55% and 64% of their murders resulted from the use of firearms.

In murder, the availability and easy accessibility of a firearm appear to be major factors in the problem. Because of its lethal nature, a gun makes murder easy. While a hardened criminal will obtain a firearm regardless of the controls applied, most authorities agree controls would make acquisition more difficult and would deter the majority who are so inclined. In addition to

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murder, in 1965 there were 34,700 aggravated assaults with guns and over 68,400 armed robberies, two-thirds of which involved firearms.

Laws regulating firearms in California are permissive as compared to some other high population density states. Some types of firearms are generally prohibited, such as sawed-off shotguns and machine guns, however, conventional pistols and revolvers are not subject to such strict control and rifles and shotguns are subject to minimal control. A dealer in concealable firearms must be licensed, but individuals other than dealers can make casual sales without a license.

There are restrictions on the sale of such firearms to aliens, felons, narcotic addicts, mental patients and minors under 18. It is not necessary to obtain a license or permit to own or possess a concealable firearm and only a formality, involving a delay in delivery, is required. Generally, a license is required to carry such firearm concealed.

In California, the carrying of a concealable firearm upon the person or concealed within a vehicle, without a license providing for such concealment, is a violation of the law. The requirement for a license does not apply, however, to the carrying of firearms openly. Additionally, rifles and shotguns may be carried openly without restriction. This permissiveness in the law presents problems for the law enforcement officer.

It is recognized that the particular needs for the effective regulation and control of firearms may vary between jurisdictions. For this reason, the authority to enact ordinances or other regulations to correct specific problems in an affected area should rest with that jurisdiction. There is a definite need, however, for the passage of additional laws by the State Legislature to provide uniformity in all jurisdictions for basic controls as follows:

1. To maintain current identity of all owners of concealable firearms, consideration should be given to require their registration with the State, and notification to that agency in the event of sale or transfer, much the same as is required with vehicles. When an individual who is in possession of such a weapon on the streets is stopped by a law enforcement officer, he must then produce evidence that he is in fact the registered owner of the weapon. This procedure will also call to the attention of State authorities, automatically, purchases by other than legitimate dealers of large numbers of concealable weapons, and those which are contraband. In addition, a better control would be effected concerning the possession of a concealable firearm by aliens, addicts and convicted felons who are by law prohibited from possessing same.
2. Current procedures followed by individuals who desire to purchase a concealable firearm should be amended. In addition to existing requirements, the purchaser should be compelled to be fingerprinted and photographed by the law enforcement jurisdiction involved.

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There are no such requirements at present, and pistols and revolvers may be obtained by presenting fictitious evidence of identification at the time of the purchase.

On December 30, 1958, an ordinance of the City of Oakland, No. 5698, which contained these requirements, was repealed by the City Council. The reason for this action resulted from complaints from local merchants that purchasers were going to neighboring cities with less stringent requirements to obtain such weapons. State laws providing the same control that resulted from Oakland's Gun Purchase Permit Ordinance, if applied from the State level, would be uniform in enforcement and provide more adequate identification procedures.

Because of the ever-increasing transient nature of the criminal element today, regulations governing the purchase of firearms in one city have little effect since the buyer need only go to another jurisdiction where weapons regulations are not as restrictive or non-existent. Modern freeway and transportation facilities enable the criminal element to travel the length and breadth of the State with ease, and law enforcement agencies must constantly improve upon their mutual aid and cooperation procedures to effectively combat criminal activity.

3. Section No. 12025 of the California Penal Code should be amended to increase the penalty of carrying a concealed firearm without a license from a misdemeanor to a felony. Section No. 12020 P.C. makes it a felony to carry a black-jack, dagger, slig shot, brass knuckles or other less offensive or dangerous weapons, while it is only a misdemeanor to carry a loaded revolver or pistol.
4. Although a concealable firearm, sawed-off shotgun, machine gun and tear gas weapon is defined, the Deadly Weapons Control Law, for the purposes of this statute, should also include a definition of the term "firearm." Under Section 901 (3) of the Federal Firearms Act, a "firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or silencer, or any part or parts of such weapon. It is recommended that this definition, excluding the words "and a firearm muffler or silencer, or any part or parts of such weapon" be adopted.

The statute already contains specific sections for the control of these devices. In addition, however, the definition should include gas or air operated rifles, revolvers and pistols capable of propelling a projectile with sufficient penetrating force to cause grievous bodily injury or death. Simple air rifles, commonly known as BB guns, which lack this force should be excluded. An increasing number of these pellet guns are being used in the commission of armed robbery.

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The primary purpose of this request for additional legislation is to provide law enforcement officers with better tools for the control of the possession of firearms by individuals, groups or organizations who have no apparent reason or need for carrying such weapons, particularly those who have openly expressed an intention to use the weapons at an opportune moment against the police or other constituted authority.

It is not the intention of law enforcement agencies to deprive recognized sportsmen's organizations or individuals from participating in legitimate activities involving the use of firearms to include hunting, fishing, competitive or other shooting on established ranges, and persons who are engaged in the collection of antique or other firearms as a hobby or for other legitimate purposes as defined in Section 12027(h) of the Deadly Weapons Control Law. Proposed legislation would merely provide needed controls without restricting such activities.

EXHIBIT 26 – 35

THE BLACK PANTHER MOVEMENT

In recent weeks, activities of the gun-toting Black Panthers have caused serious concern to Law Enforcement Agencies. Although the Black Panther movement has been known of for some time, it is only recently that there has been demonstration of a show of force. Reference is made to three (3) incidents:

1. Black Panther members entered a meeting, held on April 17, 1967, which had been called by the Welfare Rights Organization for the purpose of bringing together the District Attorney and members of the Dowell family to discuss the death of Denzil DOWELL, killed by a Deputy Sheriff of Contra Costa County on April 1, 1967. That meeting was held in the building of the Council of Community Services.
2. On April 20, 1967, in the City of Martinez, a number of Black Panthers, all bearing arms, attempted to enter the office of the Sheriff so that they might discuss the Dowell shooting.
3. On April 22, 1967, at the corner of Filbert and Chesley in North Richmond, armed members of the Black Panthers appeared for the purpose of recruiting new members into their group.

There have been other incidents in the East Bay where armed Black Panthers have come into contact with police officers. Details of the incidents will be set forth later in this report. We mention them at this time merely to point out the recent activities of the Black Panthers.

To better understand the Black Panther movement, particularly as it exists in the East Bay, one must go back to its origin.

There have been other incidents in the East Bay where armed Black Panthers have come into contact with police officers. Details of the incidents will be set forth later in this report. We mention them at this time merely to point out the recent activities of the Black Panthers.

To better understand the Black Panther movement, particularly as it exists in the East Bay, one must go back to its origin.

The Black Panther Party started in Alabama in 1966 (?). It was organized as a political party by the Student Non-Violent Coordinating Committee (SNCC). Its purpose was to enter Negro candidates in counties where Negroes had a potential voting majority. The "Black Panther" was chosen as a symbol as they felt they needed a visual name that would depict the Southern Negro. It is supposed to represent courage, determination and freedom.

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Since the founding of SNCC, other organizations have supported it. The magazine, "The Young Socialist", in its issues for May, June and July of 1966, offered them support. This magazine is published by the Young Socialist Alliance (YSA). In one of their issues it was indicated that the YSA in Berkeley was supporting the Black Panther party by selling buttons.

Although the Student Non-violent Coordinating Committee implies non-violence, it is generally known that they do, in fact, advocate violence. Stokely Carmichael, the National Director of SNCC, preaches hate of the white man, as well as the use of force by the Negro to obtain what is "justly" his. Mr. Carmichael is a young Negro, well educated and a fiery orator. He appeared at the Contra Costa College a few months ago, at the invitation of the Associated Students. Some 700 or 800 attended and about 90% were Negro. Mr. Carmichael's audiences are always large and he is in constant demand as a speaker. He is given extremely good coverage by the press, newspapers and television.

SNCC, an organization based in Alabama, was organized for the purpose of voter registration and to encourage Negroes to run for various public offices. As stated before, non-violence has given way to violence which is advocated by their leader, Carmichael. There is no SNCC organization in the Bay Area. There is, however, a group known as "The Friends of SNCC" who have offices in Berkeley. It is understood that the purpose of this organization is to act in support of SNCC in Alabama. There is an extensive list of supporters to whom they mail monthly notices of SNCC activities. Much of the information they impart is contained in reports from Loundes County, Alabama, as well as in their newspaper, "The Movement". In addition, they collect money, food and clothing for the needy Negroes of the South.

The local leaders of the Black Panther Party are known for their dislike of the whites. They have demonstrated their hate and openly advocated

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Violence, even to the point of attempting overthrow of our government.

Bobby Seale, reported to be the leader of the Oakland Black Panther party, came to our attention in August, 1965. At that time, he was identified with the Western Student Movement. This organization is located in North Richmond. Its purpose is to tutor elementary school children of that community. At that time, it was funded through OEO with \$59,000 Federal funds and approximately \$6,000 from the Rosenberg Foundation.

The Western Student Movement resulted in issuance of fliers, inviting the public to a debate to be held at Shields Park in North Richmond. The subject for debate was, "Violence Versus Non-Violence". The principal speakers were Ken Freeman, Hermon Blake and Ron Bridgeport. All spoke and all advocated the use of violence by the Negro to focus attention upon their demands and "get what is rightfully theirs". Bobby Seale was also present, but took only a small part in the program. Both Seale and Freeman are not identified with the Black Panther party.

Also in 1965, a publication entitled "Soulbook" was issued. It was produced in Berkeley by the Afro-American Research Institution". Members of the Editorial Board were Donald Freeman, Isaac Moore, Ernest Allen, Jr., Carroll Holmes, Ken Freeman and Bob Hamilton. Bobby Seale is listed as Distribution Manager and is credited with all printing.

It is interesting to note that an organization known as "The Revolutionary Action Movement" (RAM) includes as members many of the same people as the Afro-American Research Institution. Further, they subscribe to beliefs such as were expressed by the speakers in Shields Park and contained in the publication, "Soulbook", i.e., hatred of whites and the condoning of violence. Literature distributed by RAM in the Berkeley-Oakland area contains identification of the following persons as officers: Ernest Allen Jr., Kenneth Freeman,

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Donald Freeman, Carol Freeman, Isaac Moore and Bob Hamilton. Bobby Seale is known as a close associate.

RAM is described as a revolutionary organization which advocates a world-wide black revolution to create a "new world", free from exploitation and oppression of man by man. RAM envisions a seizure of power and, to accomplish this goal, they have devised a three-stage plan. Stage #1 is referred to as "Ideological Warfare" which consists of education and recruitment. Youthful criminals from youth groups are of particular interest to recruiters. Stage #2 is referred to as "Expropriation". Funds derived will be obtained by both legal and illegal methods. Stage #3 is "Direct Action". Implication is that the system of government in the United States will be replaced by violence, if necessary.

RAM's National leader is Robert Franklin Williams. In August, 1961, Williams and his family fled to Cuba, just hours before he was indicted on charges of kidnapping a white couple and holding them for several hours during a racial disturbance. A Federal warrant is outstanding for William's arrest.

As we now face the militant Black Panther Party, there is evidence of a continued similarity through all of the aforementioned organizations. With some variations, Stage #1 of RAM coincides very much with violence, as demonstrated by the Black Panthers. Furthermore, many of the same people have been active in all organizations.

There is deep concern on the part of Law Enforcement officials over the recent activities of the Black Panthers, as well as over the group's publications. Quoted here are some of their demands and beliefs:

"We want freedom. We want power to determine the destiny of our black community."

"We want an end to the robbery by the white man of our black community."

"We want all black men to be exempt from military service."

"We want an immediate end to Police Brutality and Murder of black people."

"We want freedom for all black men and women held in Federal, State, County and City Prisons and Jails."

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"We want all black people, when brought to trial, to be tried in court by a jury of their peer group, or people from their black communities, as defined by the Constitution of the United States."

"We believe that black people should not be forced to fight in the military service, to defend a racist government that does not protect us. We will not fight and kill other people of color in the world who, like black people, are being victimized by the white racist government of America. We will protect ourselves from the force and violence of the Racist police and the Racist military, by whatever means necessary."

"We believe we can end police brutality in our black community by organizing black self defense groups that are dedicated to defending our black community from racist police oppression and brutality. The second amendment of the Constitution of the United States gives us a right to bear arms. We therefore believe that all black people should arm themselves for self defense."

"We believe that all black people should be released from the many jails and prisons because they have not received a fair and impartial trial."

The local (Oakland) Black Panther party is known in full as, "The Black Panther Party for Self Defense". In their terminology, this means defending one's self with a weapon, be it a pistol, rifle or shotgun. It is clear that members are well informed concerning the laws governing the ownership and carrying of weapons. However, they are seen almost daily with weapons on their persons, particularly in recent days when they have moved about in numbers of from six to twenty-five. This, then, represents a threat to the peace of any community in which they choose to appear.

The first big showing of the Black Panthers was in San Francisco at the airport on February 21st and 22nd, 1967. This was in connection with the Malcolm X Grassroots Memorial, at which time Mrs. Betty Shabazz, widow of Malcolm X, was the featured guest. About twenty Black Panther party members appeared at the San Francisco airport, carrying an assortment of guns. The entire incident was vividly covered by the press.

Oakland has had several contacts with armed Black Panthers, as has Berkeley. Each contact with the police is a potentially explosive situation. They are very antagonistic toward the police and attempt to provoke incidents concerning their carrying or wearing weapons.

EXHIBIT 26 – 48

-6-

Mr. John Nejedly, District Attorney of Contra Costa County, was in attendance at a meeting in Richmond, at the office of the Council of Community Services, on Monday, April 17, 1967. The purpose of the meeting was, as previously indicated in this report, to discuss a recent Coroner's inquest with the parents of the subject of the inquest who had been killed by a Deputy Sheriff. Before the meeting had gotten under way, a number of Black Panthers, said to have been seven, invaded the meeting. All were armed with shotguns, rifles or sidearms. On Thursday of the same week, a large number of Black Panthers appeared before the County Building in the City of Martinez, again fully armed. They attempted to enter the building with their weapons, to meet with the Sheriff. They were told they could not bring the weapons into the building. They reluctantly left their weapons in their vehicles.

It is reported that on Saturday, April 22, 1967, the Black Panthers held a street rally at the corner of Chesley and 4th Street in North Richmond. Well over one hundred persons gathered around. It would appear that this type meeting is for the purpose of gaining support and to recruit new members.

For police agencies to be aware of the activities of the Black Panther party is not enough. With Black Panther leaders, Bobby Seale and Huey Newton, stating that their prime objective is to arm the Negro community to full capacity for the purpose of backing all plays by the Negro community, and to act as a deterrent to all organizations, including police departments, it is evident that new enforceable legislation is urgently needed so that there may be better control over the use of weapons by any group. This is particularly true when the weapons are used as a threat to the peace of any community. Under presently existing laws, the police are powerless to act.

NOTE: The name Bob Hamilton has appeared in this report. The correct spelling of the first name is BOBB.

EXHIBIT 26 – 49

1967
Richmond, Calif
29 Apr 67

TO: Chief Brown
Capt. Bacon
Lt. Phelps
Sgt. Garfield
Off. Rawson

Dear Sirs:

On this date, at app. 1:30 PM I drove into the area of 1717 2nd St., Richmond, Cal. This was the area of the so called Black Panther rally. At this time there were app. 100 people in the immediate area just milling about, of this number there were app. 20 juveniles ranging in age from 10 to 16 years. The first sight I noticed was armed guards. At 1717 2nd St an armed guard was stationed on top of the building with a carbine, across the street another guard was stationed on a building with a shotgun. There were two men at both ends of the 1700 block of 2nd St, both armed with side arms and pistol belts. I asked one of the guards as to their number and he replied, there were 16 of the panthers at the rally. I noted that there were about 4 white persons in the group around the speaker, there was also a man that appeared to be chinese wearing a sidearm. I noted four people in the crowd taking pictures and one person with a tape recorder. As the speaker began to speak the crowd grew larger to about 150 to 200 people. This number did not last long but soon returned to about 100 people. A great number of people drove by the area and saw the crowd, parked their cars and went into the area to see what was happening. After about ten minutes these people would return to their cars and drive on. I talked to several of these persons and received replys such as "This is what's happening baby-We should have did this a long time ago-We shall overcome-They found out the truth and are telling the people about it!" In more common terms these statements ment that the Black people were going to take over, it is right for the Black man to arm himself against the white man and the Black Panther party was telling the people the truth about the death of Denzil Dowell.

At this point I moved closer to the speaker to hear his speech. The speaker was un-identified to me, But during my stay in the area he was the only person who took the platform. He spoke on black unity against the white oppressor, namely the white cop who is the enforcer for the white power structure. The speaker stated that the only way to keep the white cop from killing off the Negro community was to arm themselves as a safety measure. This message was met with a mixed reaction from the crowd. The speaker received his greatest cheers from the young Negroes in the crowd, mostly teenagers. The speaker spoke of the great injustices that have been ^{done} to the Negro people for the past One hundred years and of the liberties that has been taken with Negro women by the White man. These statements were also

Page 1 of 2

EXHIBIT 26 - 58

The Gun Wearing 'Black Panthers'

Page 4 Section I ★★ ★★ S. F. Sunday Examiner & Chronicle, April 30, 1967



BOBBY GEORGE SEALE (L) AND HUEY NEWTON
They make no bones about being anti-white or about being revolutionaries

EXHIBIT 26 – 37

BLACK
PANTHER
PARTY
FOR
SELF
DEFENSE

BURN BABY BURN

BY MARVIN X

TIRED
SICK AND TIRED
AND TIRED OF BEING SICK AND TIRED

LOST
LOST IN THE WILDERNESS
OF WHITE ASS AMERICA

ARE THE MASSES ASSES?

COOL!
"COOL" SAID THE MASTER TO THE SLAVE,
"DON'T ROB AND STEAL I'LL BE YOUR
DRIVING WHEEL"
COOL!
AND HE WHEELED US INTO 350 YEARS OF
BLACK MADNESS

TO HOGGUTTS, CONKED HAIR, AND COVODISES
TO BLEACHING CREAMS AND UNCLE THOMASES

TO THE STREETS

TO WATTS

TO KILLLLLLLLLL!!!!

BOOMMMMMM.....

TWO HONKIES GONE

MOTHERFUCK THE POLICE
AND PARKER'S SISTER TOO

BLACK PEOPLE
TIRED, SICK AND TIRED
AND TIRED OF BEING SICK AND TIRED

COME ON CHULL'NS
DON'T MINE THE TAGS
GET ALL DEM BOSS RAGS

GET ALL DAT MOTHERFUCK'N PLUCK
GET THEM GUNS TOO
WE DON'T GIVE A FUCK

BURN, BABY, BURN

COOK OUT OF SIGHT!

FINEBURGS

WHITEFRONT

WINEBURGS

BLACKFRONT

SAFEWAY
NOWAY

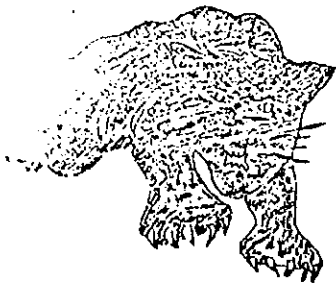
BURN!

BURN BABY BURN

IN TIME
HE'LL
LEARN

145 16000
3405

EXHIBIT 26 - 43



BLACK PANTHER
PARTY <sup>5624 BROU ST.
OAKLAND, California</sup>
FOR SELF DEFENSE
WHAT WE WANT WHAT WE BELIEVE

WHAT WE WANT NOW :

1. WE WANT FREEDOM. WE WANT POWER TO DETERMINE THE DESTINY OF OUR BLACK COMMUNITY.
2. WE WANT FULL EMPLOYMENT FOR OUR PEOPLE.
3. WE WANT AN END TO THE ROBBERY BY THE WHITE MAN OF OUR BLACK COMMUNITY.
4. WE WANT DECENT HOUSING FIT FOR SHELTER OF HUMAN BEINGS.
5. WE WANT EDUCATION FOR OUR PEOPLE THAT EXPOSES THE TRUE NATURE OF THIS DECADENT AMERICAN SOCIETY. WE WANT EDUCATION THAT TEACHES US OUR TRUE HISTORY AND OUR ROLE IN THE PRESENT DAY SOCIETY.
6. WE WANT ALL BLACK MEN TO BE EXEMPT FROM MILITARY SERVICE.
7. WE WANT AN IMMEDIATE END TO POLICE BRUTALITY AND MURDER OF BLACK PEOPLE.
8. WE WANT FREEDOM FOR ALL BLACK MEN AND WOMEN HELD IN FEDERAL, STATE, COUNTY, AND CITY PRISONS AND JAILS.
9. WE WANT ALL BLACK PEOPLE WHEN BROUGHT TO TRIAL, TO BE TRIED IN COURT BY A JURY OF THEIR PEER GROUP OR PEOPLE FROM THEIR BLACK COMMUNITIES, AS DEFINED BY THE CONSTITUTION OF THE UNITED STATES.
10. WE WANT LAND, BREAD, HOUSING, EDUCATION, CLOTHING, JUSTICE AND PEACE.

EXHIBIT 26 — 39

WHAT WE BELIEVE:

1. WE BELIEVE THAT BLACK PEOPLE WILL NOT BE FREE UNTIL WE ARE ABLE TO DETERMINE OUR DESTINY
2. WE BELIEVE THAT THE FEDERAL GOVERNMENT IS RESPONSIBLE AND OBLIGATED TO GIVE EVERY MAN EMPLOYMENT OR A GUARANTEED INCOME.
WE BELIEVE THAT IF THE WHITE AMERICAN BUSINESS MEN WILL NOT GIVE FULL EMPLOYMENT, THEN THE MEANS OF PRODUCTION SHOULD BE TAKEN FROM THE BUSINESS MEN AND PLACED IN THE COMMUNITY SO THAT THE PEOPLE OF THE COMMUNITY CAN ORGANIZE AND EMPLOY ALL OF ITS PEOPLE AND GIVE A HIGH STANDARDS OF LIVING.
3. WE BELIEVE THAT THIS RACIST GOVERNMENT HAS RORBED US AND NOW WE ARE DEMANDING THE OVERDUE DEBT OF FORTY ACRES AND TWO MULES. FORTY ACRES AND TWO MULES WAS PROMISED 100 YEARS AGO AS RETRIBUTION FOR SLAVE LABOR AND MASS MURDER OF BLACK PEOPLE. WE WILL ACCEPT THE PAYMENT IN CURRENCY WHICH WILL BE DISTRIBUTED TO OUR MANY COMMUNITIES. THE GERMANS ARE NOW AIDING THE JEWS IN ISRAEL FOR THE GENOCIDE OF THE JEWISH PEOPLE. THE GERMANS MURDERED 6,000,000 MILLION JEWS. THE AMERICAN RACIST HAS TAKEN PART IN THE SLAUGHTER OF OVER 50,000,000 MILLION BLACK PEOPLE; THEREFORE, WE FEEL THAT THIS IS A MODEST DEMAND THAT WE MAKE.
4. WE BELIEVE THAT IF THE WHITE LANDLORDS WILL NOT GIVE DECENT HOUSEING TO OUR BLACK COMMUNITY THEN THE HOUSEING AND THE LAND SHOULD BE MADE INTO COOPERATIVES SO THAT OUR COMMUNITY, WITH GOVERNMENT AIDE, CAN BUILD AND MAKE DECENT HOUSEING FOR ITS PEOPLE.
5. WE BELIEVE IN AN EDUCATIONAL SYSTEM THAT WILL GIVE TO OUR PEOPLE A KNOWLEDGE OF SELF. IF A MAN DOES NOT HAVE KNOWLEDGE OF HIMSELF AND HIS POSITION IN SOCIETY AND THE WORLD, THEN HE HAS LITTLE CHANCE TO

EXHIBIT 26 - 40

RELATE TO ANYTHING ELSE.

6. WE BELIEVE THAT BLACK PEOPLE SHOULD NOT BE FORCED TO FIGHT IN THE MILITARY SERVICE TO DEFEND A RACIST GOVERNMENT THAT DOES NOT PROTECT US. WE WILL NOT FIGHT AND KILL OTHER PEOPLE OF COLOR IN THE WORLD WHO, LIKE BLACK PEOPLE, ARE BEING VICTIMIZED BY THE WHITE RACIST GOVERNMENT OF AMERICA. WE WILL PROTECT OURSELVES FROM THE FORCE AND VIOLENCE OF THE RACIST POLICE AND THE RACIST MILITARY, BY WHATEVER MEANS NECESSARY.
7. WE BELIEVE WE CAN END POLICE BRUTALITY IN OUR BLACK COMMUNITY BY ORGANIZING BLACK SELF DEFENSE GROUPS THAT ARE DEDICATED TO DEFENDING OUR BLACK COMMUNITY FROM RACIST POLICE OPPRESSION AND BRUTALITY. THE SECOND AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES GIVES US A RIGHT TO BEAR ARMS. WE THEREFORE BELIEVE THAT ALL BLACK PEOPLE SHOULD ARM THEMSELVES FOR SELF DEFENSE.
8. WE BELIEVE THAT ALL BLACK PEOPLE SHOULD BE RELEASED FROM THE MANY JAILS AND PRISONS BECAUSE THEY HAVE NOT RECEIVED A FAIR AND IMPARTIAL TRIAL.
9. WE BELIEVE THAT THE COURTS SHOULD FOLLOW THE UNITED STATES CONSTITUTION SO THAT BLACK PEOPLE WILL RECEIVE FAIR TRIALS. THE 14th AMENDMENT OF THE U.S. CONSTITUTION GIVES A MAN A RIGHT TO BE TRIED BY HIS PEER GROUP. A PEER IS A PERSON FROM A SIMILAR ECONOMICAL, SOCIAL, RELIGIOUS, GEOGRAPHICAL, ENVIRONMENTAL, HISTORICAL AND RACIAL BACKGROUND. TO DO THIS THE COURT WILL BE FORCED TO SELECT A JURY FROM THE BLACK COMMUNITY FROM WHICH THE BLACK DEFENDENT CAME. WE HAVE BEEN, AND ARE BEING TRIED BY ALL WHITE JURIES THAT HAVE NO UNDERSTANDING OF THE "AVERAGE REASONING MAN" OF THE BLACK COMMUNITY.

EXHIBIT 26 – 41

10. WHEN IN THE COURSE OF HUMAN EVENTS, IT BECOMES NECESSARY FOR ONE PEOPLE TO DISSOLVE THE POLITICAL BONDS WHICH HAVE CONNECTED THEM WITH ANOTHER, AND TO ASSUME AMONG THE POWERS OF THE EARTH, THE SEPARATE AND EQUAL STATION TO WHICH THE LAWS OF NATURE AND NATURE'S GOD ENTITLE THEM, A DECENT RESPECT TO THE OPINIONS OF MANKIND REQUIRES THAT THEY SHOULD DECLARE THE CAUSES WHICH IMPEL THEM TO THE SEPARATION.

WE HOLD THESE TRUTHS TO BE SELF-EVIDENT, THAT ALL MEN ARE CREATED EQUAL, THAT THEY ARE ENDOVED BY THEIR CREATOR WITH CERTAIN UNALIENABLE RIGHTS, THAT AMONG THESE ARE LIFE, LIBERTY AND THE PURSUIT OF HAPPINESS. THAT TO SECURE THESE RIGHTS, GOVERNMENTS ARE INSTITUTED AMONG MEN, DERIVING THEIR JUST POWERS FROM THE CONSENT OF THE GOVERNED, --THAT WHENEVER ANY FORM OF GOVERNMENT BECOMES DESTRUCTIVE OF THESE ENDS, IT IS THE RIGHT OF PEOPLE TO ALTER OR TO ABOLISH IT, AND TO INSTITUTE NEW GOVERNMENT, LAYING ITS FOUNDATION ON SUCH PRINCIPLES AND ORGANIZING ITS POWERS IN SUCH FORM, AS TO THEM SHALL SEEM MOST LIKELY TO EFFECT THEIR SAFETY AND HAPPINESS.

PRUDENCE, INDEED, WILL DICTATE THAT GOVERNMENTS LONG ESTABLISHED SHOULD NOT BE CHANGED FOR LIGHT AND TRANSIENT CAUSES; AND ACCORDINGLY ALL EXPERIENCE HATH SHEWN, THAT MANKIND ARE MORE DISPOSED TO SUFFER, WHILE EVILS ARE SUFFERABLE, THAN TO RIGHT THEMSELVES BY ABOLISHING THE FORMS TO WHICH THEY ARE ACCUSTOMED. BUT WHEN A LONG TRAIN OF ABUSES AND USURPATIONS, PURSUING INVARIABLY THE SAME OBJECT, EVINCES A DESIGN TO REDUCE THEM UNDER ABSOLUTE DESPOTISM, IT IS THEIR RIGHT, IT IS THEIR DUTY, TO THROW OFF SUCH GOVERNMENT, AND TO PROVIDE NEW GUARDS FOR THEIR FUTURE SECURITY.

EXHIBIT 26 – 42

SOULÉ STEEL COMPANY

1750 ARMY STREET • BOX 3510 RINCON ANNEX • SAN FRANCISCO, CALIFORNIA 94119
TELEPHONE • 824-4141

May 5, 1967

MAY 8 1967

The Honorable Don Mulford
State Assemblyman
State Capitol Building
Sacramento, California 95814

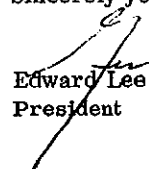
Dear Don:

I am greatly encouraged to hear that you are introducing legislation into the State Assembly to prevent the carrying of arms, particularly in loaded condition, as witnessed during the recent invasion of the Chamber at Sacramento by the Black Panthers.

I also agree with you that we should go a lot further than this, and if we allow armed men to indiscriminately roam our streets there is no telling what can happen to the individual citizen, and he will have no way of protecting his life and property and will be subjected to gangster tactics.

Sincerely yours,

LS:eb


Edward Lee Soule, Jr.
President

SAN FRANCISCO • LOS ANGELES • PORTLAND • SEATTLE • PHOENIX • SALT LAKE CITY • SAN DIEGO • FRESNO • LONG BEACH

Soulé

EXHIBIT 26 – 14



RONALD REAGAN
GOVERNOR

State of California

GOVERNOR'S OFFICE
SACRAMENTO 95814

23 1591

May 3, 1967

MAY 3 1967

Mr. John A. Nejedly, District Attorney
Contra Costa County Courthouse
Martinez, California

Dear John:

Governor Reagan has asked me to answer your letter of April 20, 1967, concerning the need for legislation to provide for additional controls on the use of firearms.

We are very cognizant of the severe recent incidents throughout California, in which armed groups have openly displayed their weapons, thus constituting an imminent threat to the peace and safety of many citizens.

Effective legislation in this area is difficult to achieve, due both to drafting problems and to a great deal of resistance from certain special interest groups. We are presently working with legislators and law enforcement organizations to develop some new proposals. In this endeavor, we appreciate the information in your case, which is an excellent example in support of such legislation.

If there are any further incidents of this kind in your county, I would appreciate your advising me so that we can add them to the evidence in support of additional firearms controls.

Best personal wishes.

Sincerely,

Edwin Meese III
Extradition and
Clemency Secretary

✓ cc: Assemblyman Don Mulford

EXHIBIT 26 - 9

Armed Foray In Assembly Stirs Wrath

By ED SALZMAN
Tribune Capital Bureau

SACRAMENTO — Shocked by an invasion by armed members of the Eastbay's "Black Panther Party For Self Defense," the Assembly today appears prepared to enact tough legislation prohibiting anyone from carrying a loaded gun in public.

A dozen Panthers carrying loaded rifles, pistols and shotguns yesterday knocked down a sergeant-at-arms and barged into the Assembly chamber while the House was in session.

About 25 more armed men, most of them from the Eastbay, circulated in the Capitol at the same time to protest a bill by Assemblyman Don Mulford, R-Oakland, outlawing carrying of loaded weapons on a public street or in a public place.

Upon departure from the capitol, 24 of the Panthers aged 17 to 25 were arrested.

About four hours after the invasion, the Assembly Criminal Procedure Committee met to consider Mulford's bill.

The assemblyman asked that the committee take the measure under submission—but only to give him time to prepare amendments tightening up the bill and making it a felony for anyone to enter the legislative chambers carrying a loaded weapon.

He also reported he must resolve a constitutional question about the right to bear arms.

Some members of the committee said that they were willing to go even further than Mulford and enact comprehensive gun-registration laws.

Assemblyman John T. Knox, D-Richmond, suggested an urgency clause which would place the bill into effect

'Panther' Invasion Shocks Assembly

Continued from Page 1

immediately after it is signed by the governor.

The invasion of the Assembly began when Sergeant-At-Arms James Rodney was knocked down attempting to prevent the armed band from entering the chamber.

The Panthers were surrounded by cameramen as they entered the chamber. Assemblyman Carlos Bee, D-Hayward speaker pro tempore, was presiding and spotted only the photographers.

"Sergeant-At-Arms," he shouted, "will you remove the cameramen? They have no permission to be in this chamber."

Sergeant-at-arms Tony Beard managed to expel both the photographers and the Panthers. "They broke right through the men guarding the entrance to the chamber," he reported. "We hustled them out as fast as we could."

State police temporarily disarmed the men. The weapons were returned unloaded.

Meanwhile, Mulford told the Assembly that there had been an "historical invasion and I am shocked beyond belief." He said his bill is directed against "this same type of shocking episode."

Panther Bobby Seale, 30, of Oakland, said his group was protesting "the racist Oakland police" and demonstrating for the right to bear arms.

The armed visitors handed out mimeographed sheets signed by Huey P. Newton, identified as the party's "minister of defense."

The leaflet stated that the "racist California Legislature" is considering a bill "aimed at keeping the black people disarmed and powerless at the very same time that racist police agencies throughout the country are intensifying the terror, brutality, murder and repression of black people."

Bobby Seale, 30, of Oakland, said his group was also protesting what he called the "racist" shooting April 1 of Dennis Dowell, 22, a Richmond laborer killed by a Contra Costa sheriff's deputy investigating an attempted burglary in North Richmond.

A coroner's jury ruled the death justifiable homicide.

Two of those arrested yesterday were Dowell's brothers, James, 17, and George, 28.

OAKLAND TRIBUNE
May 3, 1967

The armed band left the Capitol just before Gov. Ronald Reagan was scheduled to join a group of Pleasant Hill youngsters for a picnic on the west lawn of the Capitol.

The governor was mobbed by newsmen and spectators. As a result, the luncheon was moved indoors to Reagan's office.

"Americans don't go around carrying guns with the idea of using them to influence other Americans," Reagan declared. "This is a ridiculous way to solve problems. . . anyone who would approve of this type of demonstration must be out of his mind."

By the time the committee met to consider Mulford's bill,

most of the Panthers were under custody of the Sacramento police and there was no need for a heavy police guard in the committee room.

Mulford said the bill was proposed by law enforcement officials as a result of incidents in Alameda and Contra Costa Counties.

Some of the problems, he emphasized, have been caused by Caucasians "and this has nothing whatsoever to do with the charge that it is pointed at one ethnical group."

Police, Mulford declared, are becoming alarmed at the number of bands of armed citizens "intimidating and coercing people in the streets of our communities."

Supporting the bill were Dist. Atty. John A. Nejedly, Dist. Atty. John A. Nejedly and Undersheriff Harry Ramsey of Contra Costa County, Deputy Chief Joseph J. Veretto of the Oakland Police Department and Jules Lyons, principal of Walter T. Helms Junior High School in San Pablo.

They described a series of incidents in Clyde, Orinda, North Richmond, and Oakland in which armed bands have become serious problems for police.

Continued Page 5, Col. 1

EXHIBIT 26 – 69

INTRODUCTION FOR AB 1591
By Senator GRUNSKY

Gentlemen, I arise for the purpose of introducing what I believe to be one of the most important bills of this session. The measure before you is AB 1591, authored by Assemblyman Don Mulford.

Briefly, this bill prohibits unauthorized persons from carrying a loaded firearm in a public place, on a public street, or in an unincorporated territory where it is already illegal to discharge a firearm. Provisions of the bill extend to our schools, the Capitol, the homes and offices of the State's Constitutional officers, and to the homes and offices of members of the Senate and the Assembly.

This bill, gentlemen, is an excellent, well-thought-out piece of legislation. Much work on both sides of the Legislature has gone into it. As you will notice, the bill has been amended six times. Each amendment has been meticulously considered by both the Criminal Procedure Committee in the Assembly and the Senate Judiciary Committee.

I have told you, without going into minute detail, what the bill does. Now, just for a moment, allow me to tell you what this measure does not do. One thing it doesn't do, and perhaps the most important, it does not discriminate against the honest citizen. And in this same vein, it does not work a hardship on the legitimate hunter. In fact, this bill has the active support of the National Rifle Association.

EXHIBIT 26 – 7

Assemblyman Mulford submitted this legislation at the urgent request of law enforcement officials in the Bay Area and Southern California because they need a tool to deal with some persons who arm themselves with the sole purpose of intimidating society.

Armed bands, carrying loaded shotguns, automatic and semi-automatic rifles and pistols, have invaded our courts, the offices of municipal government, and, indeed, they have even violated the Chambers of the Assembly here in the State Capitol. They have carried their loaded weapons into school-houses while children were attending school. They have formed vigilante gangs with the purpose of taking the law into their own hands. And they have paraded up and down our city streets brandishing their loaded weapons.

An Oakland police officer told Assemblyman Mulford, and I quote: "I hope you have good luck with your bill. As policemen out on our beats, we can cope with almost any weapon except a gun. When someone has a loaded gun -- he is as well armed as the police who have the responsibility of maintaining law and order."

The thrust of this bill, gentlemen, is to prohibit unauthorized persons from carrying a loaded weapon where they have no business being armed. The bill is constitutional according to the Legislative Counsel's office, and it fills a vital need of today's society. Therefore, I ask that you approve AB 1591 today.

EXHIBIT 26 – 8

June 14, 1967

Mr. Bill Post
L.H. Hospital
7th and Dewey Blvd.
San Francisco, Calif. 94116

Dear Mr. Post:

Thank you for your recent letter concerning Assembly Bill 1591, which I authored. This measure was passed in the Assembly on June 8, 1967. I enclose an amended copy.

The measure prohibits unauthorized persons from carrying loaded weapons on a public street or in a public place. It does not discriminate against the legitimate sportsman or the private citizen who keeps a loaded weapon in his home. It does not violate the Constitutional rights of citizens to protect themselves.

The intent of the measure is to discourage armed gangs from roaming our streets and intimidating citizens with loaded weapons.

I appreciate hearing from you on legislative matters of concern to you.

Cordially,

DON MULFORD

em

Enclosure

EXHIBIT 26 – 11

June 14, 1967

Mr. Lyle C. Cloutier
2547 E. 29th Street
Oakland, California 94602

Dear Mr. Cloutier:

Thank you for your recent letter concerning Assembly Bill 1591, which I authored, and the Crippled Children Service Program.

AB 1591 was passed in the Assembly on June 8, 1967. I enclose an amended copy.

The measure prohibits unauthorized persons from carrying loaded weapons on a public street or in a public place. It does not discriminate against the legitimate sportsman or the private citizen who keeps a loaded weapon in his home. It does not violate the Constitutional rights of citizens to protect themselves.

The intent of the measure is to discourage armed gangs from roaming our streets and intimidating citizens with loaded weapons.

I agree with you that the Crippled Children Service Program is an important one and worthy of support.

I appreciate hearing from you on legislative matters of concern to you.

Cordially,

DON MULFORD

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EXHIBIT 26 – 16

1591

June 14, 1967

Mr. John Barale
3721 Elston Avenue
Oakland, Calif. 94602

Dear Mr. Barale:

Thank you for your letter of June 7 concerning Assembly Bill 1591, which I authored. This measure was passed in the Assembly on June 8, 1967.

I enclose an amended copy.

The measure prohibits unauthorized persons from carrying loaded weapons on a public street or in a public place. It does not discriminate against the legitimate sportsman or the private citizen who keeps a loaded weapon in his home. It does not violate the Constitutional rights of citizens to protect themselves.

The intent of the measure is to discourage armed gangs from roaming our streets and intimidating citizens with loaded weapons.

I appreciate hearing from you on legislative matters of concern to you.

Cordially,

DON MULFORD

em

Enclosure

EXHIBIT 26 – 19

June 14, 1967

Mrs. Fay Maxwell
855 York Street
Oakland, California 94610

Dear Mrs. Maxwell:

Thank you for your recent letter concerning Assembly Bill 1591, which I authored. This measure was passed in the Assembly on June 8, 1967. I enclose an amended copy.

The measure prohibits unauthorized persons from carrying loaded weapons on a public street or in a public place. It does not discriminate against the legitimate sportsman or the private citizen who keeps a loaded weapon in his home. It does not violate the Constitutional rights of citizens to protect themselves.

The intent of the measure is to discourage armed gangs from roaming our streets and intimidating citizens with loaded weapons.

I appreciate hearing from you on legislative matters of concern to you.

Cordially,

DON MULFORD

em

Enclosure

EXHIBIT 26 – 20

AB 1591

June 14, 1967

Mrs. R.M. Pickens
754 Rand Avenue
Oakland, California 94610

Dear Mrs. Pickens:

Thank you for your recent letter concerning Assembly Bill 1591, which I authored. This measure was passed in the Assembly on June 8, 1967. I enclose an amended copy.

The measure prohibits unauthorized persons from carrying loaded weapons on a public street or in a public place. It does not discriminate against the legitimate sportsman or the private citizen who keeps a loaded weapon in his home. It does not violate the Constitutional rights of citizens to protect themselves.

The intent of the measure is to discourage armed gangs from roaming our streets and intimidating citizens with loaded weapons.

I appreciate hearing from you on legislative matters of concern to you.

Cordially,

DON MULFORD

em

Enclosure

EXHIBIT 26 - 21

June 15, 1967

Mr. Lloyd E. Stahl
6400 Rembert Drive
Carmichael, Calif. 95608

Dear Mr. Stahl:

Thank you very much for sending me a copy of your letter of May 12 to the Editor of the Sacramento Bee.

I am sure you are aware that I am very grateful to the National Rifle Association for its help in making my gun control bill, AB 1591, a workable piece of legislation, yet protecting the Constitutional rights of citizens.

I am enclosing a copy of this bill in its amended form, as it was passed by the Assembly.

Thank you for writing to me.

Cordially,

DON MULFORD

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Enclosure

EXHIBIT 26 – 13

1591

June 15, 1967

Mr. Paul F. Perati
6110 Aspinwall Road
Oakland 11, California

Dear Mr. Perati:

I purposely refrained from acknowledging your card of May 10 until my bill, AB 1591, was amended to my satisfaction. As you know now, the Assembly has passed it and it is on its way to the Senate.

The bill enjoyed the full support of the National Rifle Association and was without opposition in the committee after we had amended it.

I was particularly careful to make sure that the constitutional rights of citizens to protect themselves was included in this measure. I must disagree with you that present laws have given excellent coverage in this field. If this were true, we would not have armed bands of citizens frightening school children, invading courts, invading police departments, invading the halls of the Legislature, with loaded weapons.

Regarding your comment that my record on civil rights and civil liberties is the poorest of any elected Republican Assemblyman since September 9, 1850, I would be interested to know the source of your statistics.

Sincerely,

DON MULFORD

em

EXHIBIT 26 – 15

AB 1577

June 16, 1967

Mr. Roger A. Hanes
126 Sears Street
San Francisco, California 94112

Dear Mr. Hanes:

Thank you for your letter concerning my gun-control bill. I am enclosing a copy of the bill as you requested.

As you will see after studying this measure, the bill does not discriminate against the legitimate citizen or the hunter. The intent of the bill is to prohibit unauthorized persons from carrying loaded weapons in a public place or on a public street.

I do not believe there is a place in modern society for armed gangs to parade up and down our city streets intimidating honest citizens.

Thank you for your interest in this legislation.

Cordially,

DON MULFORD

ew/ fd
enclosure

EXHIBIT 26 – 12

June 16, 1967

Mr. F.D. deGroot
961 Tulare Avenue
Berkeley, Calif. 94707

Dear Mr. deGroot:

I purposely refrained from acknowledging your letter of May 10 until my bill was in final form and amended to my satisfaction. My bill, AB 1591, has passed the Assembly and is on its way to the Senate.

I shall attempt to answer your letter in detail.

First, let me point out that this bill was introduced at the specific request of law enforcement people, specifically the police departments, sheriffs, and district attorneys of Alameda and Contra Costa counties. I hope you will read my bill, which I attach.

We have very carefully worked to protect the constitutional right of people to bear arms, but at the same time I do not believe there is any justification for armed bands on our public streets and entering public buildings, schools, colleges and the University with loaded weapons.

I believe the information you had about charges that could be preferred against the Black Panthers was inaccurate.

The Black Panthers are now being prosecuted in several areas, but primarily for having a loaded weapon near a jail, and for violation of the Fish & Game Act.

EXHIBIT 26 – 17

Mr. F.D. de Groot - 6/16/67 - 2

I believe the people have had ample notice because my bill has been available for public review for several weeks, as you can tell from the date on the face of the bill.

I point out to you that the National Rifle Association has cooperated with me and helped me amend this bill into its present form.

Thank you very much for your interest.

Sincerely yours,

DON MULFORD

em

EXHIBIT 26 – 18

June 19, 1967

Mr. William C. Dietrich
100 Ardmore Road
Kensington, California 94707

Dear Mr. Dietrich:

I have purposely refrained from acknowledging your very welcome letter regarding my gun bill, AB 1891, until it was amended and approved by the Assembly.

I am unaware, incidentally, of any legislation here that will restrict E-B and CQ guns.

I hope that after you have read this legislation you will agree with me that it does not restrict the constitutional right of citizens to protect themselves, yet it does treat the problem of armed bands of citizens carrying loaded weapons in public places.

The Oakland Police Department sent me an urgent request for this legislation and I am optimistic that this bill will be of some assistance in the protection of innocent citizens of the State.

Sincerely,

DON MULFORD

ek
Enclosure

EXHIBIT 26 - 22

June 20, 1967

Miss Mary A. Boland
550 Battery Street, Apt. 910
San Francisco, California

Dear Miss Boland:

Thank you for your recent letter concerning Assembly Bill 1591, which I authored. This measure was passed in the Assembly on June 8, 1967. I enclose an amended copy.

The measure prohibits unauthorized persons from carrying loaded weapons on a public street or in a public place. It does not discriminate against the legitimate sportsman or the private citizen who keeps a loaded weapon in his home. It does not violate the Constitutional rights of citizens to protect themselves.

The intent of the measure is to discourage armed gangs from roaming our streets and intimidating citizens with loaded weapons.

I appreciate hearing from you on legislative matters of concern to you.

Cordially,

DON MULFORD

DM:bnk
Enclosure

EXHIBIT 26 – 23

June 21, 1967

The Honorable Fred Maggiora
Councilman
City Hall
Oakland, California

Dear Fred:

I thought you would be interested to learn that Assembly Bill 1591, which I authored, was passed in the Assembly on June 8, 1967.

I enclose an amended copy.

The measure prohibits unauthorized persons from carrying loaded weapons on a public street or in a public place. It does not discriminate against the legitimate sportsman or the private citizen who keeps a loaded weapon in his home. It does not violate the Constitutional rights of citizens to protect themselves. The intent of the measure is to discourage armed gangs from roaming our streets and intimidating citizens with loaded weapons.

I appreciate hearing from you on legislative matters of concern to you.

Cordially,

DON MULFORD

DM:bnk
Enclosure

EXHIBIT 26 – 70

SENATOR JOHN G. SCHMITZ
34TH DISTRICT
5070 STATE CAPITOL
SACRAMENTO
PHONE: 445-5831

PRESS RELEASE: July 24, 1967

State Senator John G. Schmitz, R-Tustin (Orange County), has warned of "serious danger threatening every American living in an urban or suburban area if the present wave of nation-wide rioting continues."

Senator Schmitz said:

"For years we have been preaching peace, love and handouts to those who tell us, in Mao Tse-tung's words, that 'political power grows out of the barrel of a gun.' With each new riot we have been urged to give even more in unearned benefits to match the robbery and looting which are fast becoming the primary purpose of these outbreaks. The carnival of destruction now underway in Detroit is strange and bitter fruit of the incessant propaganda during the last twenty years from those who claim to love mankind -- in the collective and abstract -- so much.

"The time has come for justice. The cornerstone of justice is each man's absolute right to defend his home and family against violent assault. The police, much as they have been abused, will do all they can to protect us. But alone they are not enough. When the Governor of Michigan finds it necessary to call upon not only the National Guard but the United States Army to help the Detroit police, it becomes obvious that this rioting has gone beyond mere crime to the first stage of armed revolution.

"Consequently this is the worst possible time for the California legislature to pass any bill limiting the individual's right of self-defense and his right to bear arms. If my home and family is threatened, I would far rather have guns of my own to defend them, than the mere empty assurance that the guns carried by the rioters are not being legally used."

- 30 -

EXHIBIT 26 - 53

JUL 31 1967

DONALD L. GRUNSKY
Chairman

ANTHONY C. BEILENSON
CLARK L. BRADLEY
GORDON COLOGNE
GEORGE E. DANIELSON
GEORGE DEUKMEJIAN

California Legislature

SENATE COMMITTEE ON JUDICIARY

ROOM 2191, STATE CAPITOL
SACRAMENTO, CALIFORNIA 95814
TELEPHONE: 445-5887

R. BLAIR REYNOLDS, COUNSEL

ROBERT S. STEVENS
Vice Chairman

RICHARD J. DOLWIG
JOHN L. HARMER
ROBERT J. LAGOMARSINO
GEORGE R. MOSCONE
LEWIS F. SHERMAN
ALFRED H. SONG

July 28, 1967

TO: The Honorable Don Mulford

FROM: Blair Reynolds

SUBJ: AB 1591

Dear Mr. Mulford:

In response to the call from the Governor's office concerning the wire service story of yesterday leading people to thinking that AB 1591 makes it illegal to carry ammunition in near proximity to an otherwise unloaded weapon I thought this memo might be helpful.

Section 4 of this bill states that a firearm shall be deemed loaded whenever both the firearm and ammunition therefor are in the immediate possession of the same person, i.e., in near proximity. However, this section is expressly limited to the simultaneous possession of the firearm and its ammunition in the following places: the State Capitol, any Legislative office, any office of the Governor or other constitutional officer, any hearing room in which any Committee of the Senate or Assembly is conducting a hearing, the State Capitol grounds, the Governor's Mansion or other residence of the Governor, the residence of any other constitutional officer or Legislator, the grounds of any public school, the University of California or the state colleges.

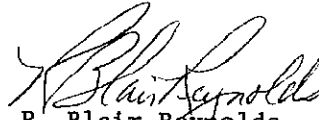
Other than these specifically mentioned places, the possession of ammunition in near proximity to an unloaded firearm is no violation under the provisions of AB 1591. Therefore, it would be perfectly legal under this bill to carry ammunition and firearms together while on a public street while enroute to a place of hunting, etc.

Although I have not personally seen the wire service story, it is my impression from discussions with your office and people in Senator Grunsky's district that this story raised the implication that in all cases the gun and ammunition could not be kept together while in a public place or on a public street.

EXHIBIT 26 - 5

The Honorable Don Mulford
Page 2

I hope this memorandum is sufficient to dispel this
erroneous impression and will be helpful to you.


R. Blair Reynolds
Committee Counsel

RBR:bh

EXHIBIT 26 – 6

BILL MEMORANDUM

Date: July 28, 1967

TO : GOVERNOR REAGAN

FROM: VERNON L. STURGEON
Legislative Secretary, Senate

JACK B. LINDSEY
Legislative Secretary, Assembly

Assembly BILL No. 1591 By Mulford

VOTE: Senate 29 ayes
7 noes - Collier, Marler, Miller, Mills, Schmitz, Schrad
Teale

Assembly

Assembly Bill No. 1591 prohibits the carrying of a loaded firearm on one's person or in a vehicle while in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of unincorporated territory, except for specified law enforcement officers, military personnel, bank guards and messengers, sportsmen, private investigators and patrol operators, and persons authorized to carry concealable weapons.

The bill prohibits bring a loaded firearm into, or possessing a loaded firearm within, any public school, the State Capitol, any legislative office, any hearing room in which a committee of the Senate or Assembly is conducting a hearing, any office of the Governor or other constitutional officer, the Governor's residence or the residence of any other constitutional officer or the residence of any Member of the Legislature.

The bill is actively supported by law enforcement groups.

Assemblyman Mulford, the author, requests approval.

RECOMMENDATION: Approve

IW

97378-601 1 1/16 1/67

EXHIBIT 26 - 76

JUL 31 1967

DONALD L. GRUNSKY
Chairman

ANTHONY C. BEILENSON
CLARK L. BRADLEY
GORDON COLOGNE
GEORGE E. DANIELSON
GEORGE DEUKMEJIAN

California Legislature

SENATE COMMITTEE ON JUDICIARY

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GEORGE R. MOSCONE
LEWIS F. SHERMAN
ALFRED H. SONG

July 28, 1967

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FROM: Blair Reynolds

SUBJ: AB 1591

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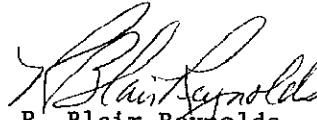
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EXHIBIT 26 - 5

The Honorable Don Mulford
Page 2

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R. Blair Reynolds
Committee Counsel

RBR:bh

EXHIBIT 26 – 6

BILL MEMORANDUM

Date: July 28, 1967

TO : GOVERNOR REAGAN

FROM: VERNON L. STURGEON
Legislative Secretary, Senate

JACK B. LINDSEY
Legislative Secretary, Assembly

Assembly BILL No. 1591 By Mulford

VOTE: Senate 29 ayes
7 noes - Collier, Marler, Miller, Mills, Schmitz, Schrad
Teale

Assembly

Assembly Bill No. 1591 prohibits the carrying of a loaded firearm on one's person or in a vehicle while in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of unincorporated territory, except for specified law enforcement officers, military personnel, bank guards and messengers, sportsmen, private investigators and patrol operators, and persons authorized to carry concealable weapons.

The bill prohibits bring a loaded firearm into, or possessing a loaded firearm within, any public school, the State Capitol, any legislative office, any hearing room in which a committee of the Senate or Assembly is conducting a hearing, any office of the Governor or other constitutional officer, the Governor's residence or the residence of any other constitutional officer or the residence of any Member of the Legislature.

The bill is actively supported by law enforcement groups.

Assemblyman Mulford, the author, requests approval.

RECOMMENDATION: Approve

IW

97378-001 1 1/2 IN 05P

EXHIBIT 26 - 76

November 15, 1967

Honorable Dan Mulford
California State Legislature
State Capitol
Sacramento, California 95814

Dear Mr. Mulford:

Since the recent enactment of the Mulford Firearms Control Act by the California Legislature there have been two occasions in which it was necessary to use the Act to avert serious civil disorder in the City of Berkeley.

In both cases the responsible person was carrying a loaded firearm under conditions that would have been lawful prior to the adoption of the Mulford Act by the Legislature. In one instance the arrested person who was carrying the firearm openly in his automobile had a long criminal record and a history of violence. In addition to the firearms violation under Section 12031 of the California Penal Code the subject was also found to have narcotics in his possession.

While these are only two examples, it has occurred to me that you might be interested to know of the use that has been made to date of your Legislative efforts to prevent irresponsible and potentially dangerous persons from transporting and using firearms in public streets and other places covered by the statutes.

The new Legislation has been and will continue to be of significant help to law enforcement and public safety.

Best regards,

W. P. BRALL
Chief of Police

CB/201

EXHIBIT 26 - 52

2150 FRANKLIN STREET
OAKLAND, CALIFORNIA 94612
836-3050

SACRAMENTO ADDRESS
STATE CAPITOL
85014
445-7554

COMMITTEES
WAYS AND MEANS
GOVERNMENT ORGANIZATION
PUBLIC HEALTH
LEGISLATIVE REPRESENTATION
RULES EX OFFICIO

Assembly California Legislature

DON MULFORD
MEMBER CALIFORNIA LEGISLATURE, SIXTEENTH ASSEMBLY DISTRICT
CHAIRMAN
MINORITY CAUCUS

Dear

I have received many letters regarding gun legislation.

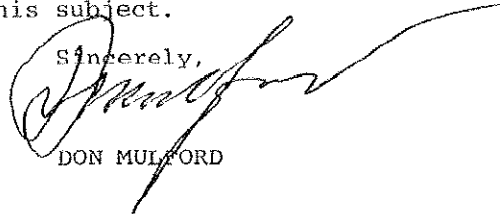
I am the author of the first gun control law to be passed in California in many years and, in my opinion, one of the toughest laws to be passed in the United States on the subject of gun control. I enclose letters from law enforcement officials reporting on the effectiveness of this law.

We are in the final few weeks of this Session of the Legislature. It is my understanding that a gun control bill will be introduced within the next few weeks. I intend to examine this legislation, if introduced, very carefully. I personally believe the subject requires federal legislation in order to be truly effective. What good is it to have a California gun law if a person may obtain a gun from the neighboring states of Nevada, Arizona, and Oregon, or through the mail.

This is a serious and complex problem. I assure you I will approach the subject very seriously.

I appreciate hearing from you on this subject.

Sincerely,



DON MULFORD

hrt
Enclosures - 3

EXHIBIT 26 - 67

OFFICE OF
C. E. BROWN
CHIEF OF POLICE



December 22, 1967

Hon. Don Mulford, Assemblyman
2150 Franklin Street
Oakland, California 94612

Dear Sir:

I thought you might be interested in the fact that the revisions of the Penal Code concerning the carrying of loaded firearms, under your instigation, were very important to our citizenry last night.

Co-incidental with the funeral services in our city of a murdered San Francisco Police Officer, two alleged black panthers were observed carrying a .30 caliber M1 Carbine in our downtown business area. We also had other problems from the panthers directly connected with the funeral.

Because of the new teeth in the law, we were able to minimize the effect the panthers wished to convey by searching and identifying them and their weapon.

No arrest was made because the weapon was not loaded and ammunition was not immediately available to them. We were, however, able to immediately allay the fears of merchants and citizens present.

It also enabled us to legally contact, identify and surveil the men without fear of being accused of illegal search or harassment.

Thanks for the good work on behalf of law enforcement.

Very truly yours,

A handwritten signature in dark ink, appearing to read "C. E. Brown".

C. E. BROWN
Chief of Police

CEB:ML

EXHIBIT 26 - 68