

Interview with **Jerris Leonard**

Date: September 21, 1989

Interviewer: Louis Massiah

Camera Rolls: 3122-3124

Sound Rolls: 354-355

Team: C

Interview gathered as part of *Eyes on the Prize II: America at the Racial Crossroads, 1965-mid 1980s*. Produced by Blackside, Inc. Housed at the Washington University Film and Media Archive, Henry Hampton Collection.

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**Note:** These transcripts contain material that did not appear in the final program. Only text appearing in *bold italics* was used in the final version of *Eyes on the Prize II*.

[camera roll #3122]

[sound roll #354]

00:00:12:00

Camera Crew Member #1:

And mark it. Got it.

Camera Crew Member #2:

1001, 2. K.

Camera Crew Member #1:

And mark.

[slate]

Camera Crew Member #1:

Thank you.

Interviewer:

OK—

Camera Crew Member #2:

Offset reference. Great.

Camera Crew Member #1:

OK, go ahead.

00:00:28:00

Interviewer:

OK. We're, we're gonna start off with trying, trying to frame and, and give some, some context to the period. I'm interested in, in your view, in 1968 Richard Nixon has, has just been elected. Can you talk a little bit about the polarization that you saw in the country at that time? And talk a little bit about the radicalization of youth in, in that era. Just sort of set us, set us up in that time, what, what you saw happening in the country.

00:00:57:00

Jerris Leonard:

Well, *I think it's fair to say that in...as, as the Nixon administration came into office, as we came into office in 1969, there certainly was, was a, a, a strong perception of radicalization.* My own views are that there was far more rhetoric-rhetoric about radicalization than there really were radicals. As you review that period of time, no question about the fact that there were some serious riots, but there was never a real threat to the United States because of the radical movement. There were people who were killed, and that was most assuredly unfortunate. There was property that was damaged, but I think the rhetoric was a lot greater than the, than the fact.

00:01:48:00

Interviewer:

OK. What was your mandate? You were appointed Assistant Attorney General for Civil Rights Division. What was your mandate from President Nixon and from Attorney General Mitchell?

00:02:00:00

Jerris Leonard:

I had a meeting with the president and Attorney General Mitchell shortly after we were all in office, and I asked President Nixon, I said, Exactly what is it you...what are your marching orders? In fact, I think I used those terms. And he said, Jerris, very simply, I want you to

enforce the law, but I want you to use your head. And that's really was the totality of the conversation as far as marching orders were concerned. I took that to mean that, consistent with Attorney General Mitchell's own beliefs, that we had to be vigorous in enforcing the civil rights laws, but we had to try to do it without rhetoric, wi-wi—and, and try to, try to, try to bring about solutions rather than simply saying that, Well, we want another lawsuit. Mitchell was a great believer in trying to, to, to bring consensus where you, where you could get that done. Now, if not, as the record clearly indicates, in those two years that I headed the Civil Rights Division we brought more lawsuits than either before or after.

00:03:22:00

Interviewer:

What was meant by...what, what did you understand by civil rights? What did that mean to you?

00:03:28:00

Jerris Leonard:

Well, some people feel that that's simply the, the, the simple enforcement of the federal laws, and certainly that was the mandate.

Interviewer:

Could you just say, "civil rights..."?

Jerris Leonard:

Sure.

00:03:39:00

Interviewer:

Just rephrase the question.

00:03:40:00

Jerris Leonard:

Civil rights, to some people, means simply the enforcement and the mandate, enforcing the mandate of the laws. I had a strong feeling that our real purpose was to try to be a, a tool, an effective tool to, to trying to bring Blacks more closely involved in the, in the mainstream of American life, whether that be in schools or, or housing or public accommodations or, or employment. In a sense, I guess, I felt that there was more than simply enforcing the law, that

you had to look at the broader pic—what were you accomplishing? And the importance of that was, you had to recognize that the federal government was not going to solve the racial problems in the country, it had to be a much broader perspective. And we did involve state and local people to a far greater degree, and, and in, in a very important sense, they contributed as much as the Civil Rights Division did to trying to bring Blacks into a greater share of the mainstream of America.

00:05:05:00

Interviewer:

OK. And could you talk about some of the specifics in terms of civil rights enforcement?

00:05:09:00

Jerris Leonard:

Sure. Per—one, one of the important ways in which we worked with local communities and local people was in school desegregation. We brought about a tremendous advancement in the desegregation of the schools in the eleven Southern and border states in 1969 and 1971. That could not have been accomplished if we hadn't worked closely with local public officials, with local business people, labor people, community people. That's how it really got done. The, the numbers were really overwhelming. There were thousands and thousands of children that were Black children, that were brought in to desegregated schools during that period of time.

00:05:56:00

Interviewer:

And what about in the North, in the Northern cities? What, what was the work there?

00:06:00:00

Jerris Leonard:

Well, I think you have to understand that in 1969 we really weren't facing, at, at least in the, in, in the area of school desegregation we weren't facing the, the, the problems in, in, in the schools in the Northern, Northern schools were just beginning to, to foment, if you please. We weren't very reactive, proactive, rather, at, at that point in time. Frankly, with the resources we had, we had our hands full with the Southern schools, but understand, we were bringing employment cases, housing discrimination cases in the, in the, in the Northern areas at that period of time. We were very vigorous in the employment and housing area in Northern states.

00:06:49:00

Interviewer:

OK. How did you view the Black Panther Party, vis-a-vis the, the civil rights movement and...?

00:06:56:00

Jerris Leonard:

Well, there is no doubt in my mind that, that, that by and large the Black Panther Party had a lot of people, a lot of elements in it who were simply stated law violators. They, they were, they were caching weapons, they were committing other, other types and kinds of crimes. But history has got to record the fact that there was an element, either as individuals or as part of the philosophy of the Black Panthers, that was dedicated to helping and assisting Blacks in, in the, in the Black ghettos, particularly in the North and the West. There isn't any question about that. They did a great job, for instance, in, in, in trying to help feed, feed young children. And they did other things were, which were important. But history is also gonna record that a serious part of the Black Panther, Black Panthers overall engaged in violent and criminal activities.

00:08:07:00

Interviewer:

OK. And, and sort of a specific sort of comparison between someone like Fred Hampton from the Black Panther Party in Chicago and someone doing service work in the Southern civil rights movement. I mean, did you see any similarity in, in...?

00:08:22:00

Jerris Leonard:

Well, you know, you, when you ask whether or not there's a similarity between Fred Hampton and people working in the Southern civil rights movement, you have to be a little careful that you're not misunderstood. There's no question that Fred Hampton...that there was a part of Fred Hampton that wanted to help in a proper and non-violent way, wanted to help Blacks in his community in Chicago. To that extent, there is a parallelism to the non-violence of the Blacks in the South. But there was another side of Fred Hampton which was very violent, and which was criminal, and unfortunately those two melded together, and, and I think in the end it's probably what resulted in his death.

00:09:10:00

Interviewer:

OK. There, there are FBI memos from that time that talk about a genuine fear of Black hate groups. And was that a fear that was also in, in the Justice Department at that time? A, a fear of, of, of Black organizations, what were called Black extremist groups?

00:09:30:00

Jerris Leonard:

I, I have...as far as the leadership in the Justice Department during Attorney General Mitchell's tenure, I can assure you there wasn't any fear that the nation was going to be overrun by Black militants. On the other hand, I, I think it's important to recognize that the FBI has a kind of a schizophrenic character to it. One of its important obligations is to be concerned about radical, militant, violent organizations that might be controlled by outside forces. There was at least some evidence that the Black Panthers were getting assistance, financial assistance from elements outside the United States. That, melded with the violent nature of some of the Panthers themselves, I think caused the, the FBI to possibly overstate the case. I can assure you that nobody at the top of the Justice Department was concerned that the Black Panthers were gonna take over the United States, however.

00:10:52:00

Interviewer:

J. Edgar Hoover, who was head of the FBI at the time, talked about the Black Panthers being the, the single threat to the internal security of the country. I'd be interested—

[rollout on camera roll]

[wild sound]

Interviewer:

—we're gonna stop, we're gonna change.

[cut]

[camera roll #3123]

Camera Crew Member #3:

OK [inaudible]

[slate]

00:11:17:00

Camera Crew Member #1:

Louis, give me a sec. OK.

00:11:19:00

Jerris Leonard:

One has to be very careful when you try to put the role of J. Edgar Hoover as director of the FBI in proper context during this period of time. First of all, it has to be said that Mr. Hoover, at least in my opinion, headed the finest investigative organization in the world. There are those people who said that Mr. Hoover wasn't...didn't look too favorably on the Civil Rights Division. I want to tell you that every single request that we made of the FBI was carried out fully, completely, in a professional and competent manner. At the same time, Mr. Hoover had a political audience to play to. He had a huge organization. He had to continue to support that organization, unfortunately, at times he supported it with rhetoric. ***I think, frankly, that he overstated the, the concern, the, the, the real concern that the Black Panthers were to the country. I think it was legitimate for him to state that they were a violent and unlawful element, but referring to them as the most dangerous or most important, and I don't remember it exactly, the words he used, the greatest threat to, to the United States at that time, I think, was an overstatement.***

00:12:54:00

Interviewer:

OK. To the grand jury...in your work with the grand jury, what, what, first off, what, what was your, your mandate? You were, you were asked by Att-Attorney General Mitchell to, to go to Chicago. What, what was your, your, your marching orders then?

00:13:11:00

Jerris Leonard:

Well, my marching orders specifically were broader than, than just Chicago. There was a good deal of unrest and, and, and riot, riotous type situations and, and police-and-student and police-and-radical involvement at the time. General Mitchell became very concerned that there was an overreaction by law enforcement to these radical groups, whether it be campus, or the Panthers, the Kent State situation, the Jackson State situation. He wanted to send a message that the Justice Department was going to take a very close look at situations which resulted in any death, where there was a situation like the Panthers or, or the, the student and campus situation. Specifically, however, I think he was very concerned in, in the Black Panther case, about the fact that the raid occurred at four or five o'clock in the morning, that there, there hadn't been any precedent violence by anyone from the Black Panther apartment, you know, that it was a kind of a raid in the night and that there was a massive amount of shooting. I don't remember the numbers, but it was something like over a hundred gunshot

shots were fired. And, as I believe the grand jury report shows, only one of those were fired by the Panthers, and the balance of over a hundred shots were fired by the police. I think that was really deep, of deep concern to General Mitchell because he said, How can there be that much response to one shot from the other side? so to speak.

00:15:02:00

Interviewer:

I'm gonna ask you to summarize some of the conclusions, and we talked about them. First off, was the raid necessary? And you might talk about the number of officers, the level of surveillance and the choice of weapons.

00:15:14:00

Jerris Leonard:

Well, the question is, is always asked whether or not the raid itself was necessary. In my humble opinion it wasn't. I, I think there were better tactics that could have been used to bring about control of the people and, and arrest of the people in that apartment. No question that the police had, had the right, they had a search warrant. There were illegal weapons in the apartment, the police had a right to arrest them. But the question is, how do you go about doing it? There are a number of different tactics that could and should have been used. As far as the weapons in the apartment, I don't remember the number, but there were substantial numbers of, of weapons loaded, ready to fire, that were in the apartment.

00:16:06:00

Interviewer:

OK. Why, why were there no indictments from the, from the grand jury? Why weren't indictments recommended?

00:16:13:00

Jerris Leonard:

I don't think there's any question that people don't really understand that the federal government's role in this area is very limited. The statute which, under which the Justice Department has to work is very stringent. It, it's not like local criminal law where there's a, a lot of different choices. The, the issue simply stated under the federal statute is that the federal authorities, the Justice Department has to show that the police officer had control over the person that he's arresting, and after getting control over that person then executes what we call "summary punishment," either begins to beat the person or kills the person. And that's the very limited area that the federal government has to work in. And that's why there was no indictment in that case.

00:17:10:00

Interviewer:

OK. Could, could you talk a, a little bit about the first shot, the—

Jerris Leonard:

Right.

Interviewer:

—first shot supposedly coming from Mark Clark? And, and—

00:17:16:00

Jerris Leonard:

The, the facts, the facts in the Chicago Black Panther killing are pretty clear. There's no question that there were weapons in the apartment. There's no question that, at least to the extent of Hampton and Clark, I believe they both had previous convictions or at least had previous arrests, so there was a threat of danger. The police had a warrant. At the time that that warrant was executed, at five...four or five in the morning, when the police went to the door and knocked on the door and announced who they were, the first shot came from inside the apartment. And it was that shot that, in my opinion, made it impossible for the Justice Department to justify bringing a criminal investiga—a, a criminal indictment against the, against the police officers.

00:18:13:00

Interviewer:

I know this is asking you to restate.

Jerris Leonard:

Go ahead.

Interviewer:

But, but do you think this is sort of a very narrow interpretation of civil rights that, because the first shot out of a hundred-some shots was not...came, came from the Panthers, that that, there was no civil rights violation?

00:18:27:00

Jerris Leonard:

Now, there's no question that that's a very narrow concept of law enforcement. But what we have to understand is that the federal government's role in this area is very narrowly circumscribed by federal statute and case law. As an example, to give you an example, you will recall the Kent State killings. I refused—

Interviewer:

OK, we shouldn't—

Jerris Leonard:

OK, don't wanna, all right.

00:18:50:00

Interviewer:

And, and if you could just say, "in terms of the indictments from the grand jury." OK. Do you think it's a narrow interpretation to say that, because one shot came from the Panthers, therefore...the first shot came from the Panthers, therefore no civil rights violation had taken place?

00:19:04:00

Jerris Leonard:

I, I think it is very narrow. On, on the other hand, philosophically—

Interviewer:

If, if you could restate.

Jerris Leonard:

Oh, yeah. The question is whether or not that is a very narrow view of law enforcement. There isn't any question that it is. I personally believe its proper. The reason I believe that is that I don't think that the federal government ought to get into any area of law enforcement that can't be addressed by state and local government. There is a, there is a myriad of statutes which could have been bro...state statutes which could have been brought against the police officers and police officials in that situation. So, I think the federal government's role ought to be only to react where there is a total absence of any effort on the part of state and local government to address these kinds of situations. Let me point out something else. The report that was issued by the federal grand jury in the Chicago Black Panther case still impacts in

the city of Chicago today. It's still used today by people who, who are seeking to bring the police department under proper control.

00:20:29:00

Interviewer:

OK. How was...we're talking about this period from '69 to '70, how as the American legal system, how was it being challenged by, in this period, in, particularly in, in events surrounding the, the Panther, Panther raid, Kent State, and Jackson State?

00:20:48:00

Jerris Leonard:

I think it's important that, when you look at the period from around '69 and '70, that you also understand that the American legal system, particularly the law enforcement community, was under tremendous pressure to deal with a problem that they really had no experience with, and that was the mass radicalization of individuals who, whether they be the Panthers in an enclave in an apartment in, in, in, in Chicago, whether they be a massive number of students at Kent State University or Jackson State University, law enforcement community simply had no background or experience in dealing with those kinds of situations. The closest they ever came to that was in, in union strikes, an entirely different set of facts that they had to deal with.

00:21:49:00

Interviewer:

OK. We talked earlier about the radicalization and particularly how it seemed to focus on the youth. In your, your position in the Justice Department, how did you, how did you measure what was going on in terms of this, this, this radicalized youth? We're gonna stop.

[rollout on camera]

[wild sound]

Interviewer:

That was very good.

Jerris Leonard:

Good.

Camera Crew Member #3:

[inaudible]

Interviewer:

Very strong.

[cut]

[camera roll #3124]

[sound roll #355]

Camera Crew Member #1:

When you're ready. Rolling.

[slate]

Camera Crew Member #1:

Thank you.

Interviewer:

Ready?

00:22:26:00

Camera Crew Member #1:

Uh-huh.

00:22:27:00

Interviewer:

OK. And the question is about radical youth and your responsibilities in the Justice Department at that time.

00:22:33:00

Jerris Leonard:

I think it's important that we all try to put in perspective in content the role that young people were playing in the '60s. I think it's fair to say, having been young once myself, that young

people get very impatient. I think it's important that government not overreact to the impatience that youth has, and yet at the same time it has a role to see to it that that impatience doesn't boil over into unlawful activity which results in the death of people or massive destruction of property. At the same time, the federal government most certainly has a role under the Constitution to see to it that those people have every right to exercise their freedom of speech and their freedom of movement. I think that was a conflict in, in, in those periods of time that which, which many people, and maybe myself, overreacted to. I think there was a lot, as, as I look back on that period of time, I think there was a lot less violence when you look at the country as a whole than what we were reacting to at the time. I think we saw a lotta hobgoblins that really weren't there to the degree we thought they were.

00:24:02:00

Interviewer:

OK. In, in, in the, in the program that, that has been so-called COINTELPRO there seemed to be this sense of, of danger about the Panthers. Could you talk a little bit about that perceived danger—

Jerris Leonard:

Huh.

Interviewer:

—and why a program like COINTELPRO...?

00:24:16:00

Jerris Leonard:

Well, a-again, I think as, as we look back at the times, no question the Panthers were caching weapons around the country. They had a paramilitary organization and a camp going in California and possibly other places. But my own perspective is that the First Marine Division woulda wiped the Panthers out in twenty-four hours. That's, that's my view of it. That being the case, I think we overreacted at the time that the Panthers were somehow, some kind of a threat to the, to the whole United States, and I think in, in retrospect that was simply not the case.

00:24:56:00

Interviewer:

Well, what about the methods of the FBI? You were talking about street agents making these decisions. I mean, with-within this program that, that was called COINTELPRO there, there

were memos talking about to disrupt and to neutralize and to prevent the rise of a Black messiah. Could you, could you talk about...?

00:25:12:00

Jerris Leonard:

Well, the, I, I think the role of the FBI has to be put in the proper perspective and context. To a great extent, the, the, the, the FBI relies on reports and information that are coming from the very lowest level of FBI street agents, in many cases the, the, the more newer agents. A lot of what surfaces to Washington and the bureau itself comes from informants, it comes from newspaper reports, it comes from general discussions in the community, and that all gets mixed together. And I think in that period of time, that a lot of that mix was creating a, a fear that somehow the Panthers were gonna overrun the United States. But you, you can't, you can't stop the FBI from carrying out the function of the need to know. Law enforcement, the law enforcement community has a real need to know what's happening. That's good because it also keeps law enforcement from overreacting. As I said earlier, nobody at the top of the Justice Department ever believed that this country was in any danger of collapsing from these various radical groups. That's just, that, that's nonsense for anybody to think that, that any, anybody at the top level of the Justice Department believed that.

00:26:43:00

Interviewer:

What about language like disrupt, neutralize, prevent the rise?

00:26:47:00

Jerris Leonard:

Well, that, that's—

Interviewer:

[unintelligible]

Jerris Leonard:

—that's rhetoric. The, the use of, of terms like disruption and, and challenging of these groups and, and that, that's, that's by and large...and neutralizing them, I think that was one of the terms that was used, that's a lotta rhetoric. That's coming from people who are beefing up their turf, they wanna keep the, there are people, you know, in the city of Washington who get up every morning and pray that the problem continues. And one of the ways you do that is to keep salting it, salting it with rhetoric. You keep talking about the problem and building it, and the reason you do that is because you get more people. You go to the Congress and

say, Oh, this is a horrible problem, you better give us a, a thousand more agents! And you build, you know, you have, you have, let's face it, there are empire-builders in, in Washington. I, I don't think that's any, any news to anybody.

00:27:54:00

Interviewer:

OK. Cut. All right. I'm just gonna go back to—

[cut]

Camera Crew Member #1:

And rolling.

[slate]

00:28:05:00

Camera Crew Member #1:

OK.

00:28:06:00

Interviewer:

OK. We talked earlier about how, how early on you had some sense that there would be no indictments, and also that, at, at some point, you let it be known to the judge that you had no intention of handing down any indictments. Could you talk a little bit...why?

00:28:23:00

Jerris Leonard:

Well, it became fairly clear to me, I, I don't recall exactly when, but certainly midway, maybe two-thirds of the way into the grand jury investigation that we were gonna have a very difficult time with the narrow federal criminal statute by way of, of bringing an indictment and getting a successful conviction. I let it be known at that time that I was not very happy with the fact that Hanrahan's office had indicted the, the Panthers in the very same activity. And I think it's fair to state that I let it be known that, that we might look favorably on something other than indictments if the, if the state indictments against the Panthers were dismissed. I, I refused to admit and I would deny that I made a deal with 'em, but I certainly let that be known.

00:29:25:00

Interviewer:

If you'd just say that again and say, "indictments of police or law enforcement officials."

00:29:27:00

Jerris Leonard:

Yeah. I certainly let it be known that if the indictments against the Panthers by the state prosecutor were dismissed, that we would not seek indictments against the police officers and the police...and the city officials, and Hanrahan in the grand jury case.

00:29:46:00

Interviewer:

K. Could you talk about—

Jerris Leonard:

[clears throat]

Interviewer:

—Nixon's mandate to you when you came into office in the Department of Justice?

00:29:53:00

Jerris Leonard:

Well, anecdotally, lots of people have seen President Nixon. I had a meeting with he and Attorney General Mitchell and I said, Mr. President, what, what are my marching orders? And he said in his own inimitable way, [imitates Nixon] Jerris, enforce the law. And use your head. [laughs]

00:30:13:00

Interviewer:

OK. Thanks. Very good, very good.

[cut]

Camera Crew Member #1:

And rolling.

[slate]

00:30:26:00

Camera Crew Member #2:

Wait just one moment. OK.

00:30:29:00

Interviewer:

K. Your, your perception of the Chicago Police when coming into Chicago to the grand jury.

00:30:36:00

Jerris Leonard:

My view of the Chicago Police Department in 1969 as I observed them during the course of the grand jury investigation was that this was a huge department which had excellent street skills. If you were ever in a street fight, you'd sure want 'em on your side, but that they lacked, at that time, the kind of training and skills that are needed to have a certain sensitivity that, in spite of the fact in this country that we insist that the law be enforced, there is another law called the Bill of Rights, and the Constitution, and that you...that a police officer has no right to summarily punish a citizen. That's up to judges and juries. And, and I, I think that the department in Chicago at that time lacked those skills, the skills necessary to deal with the, the, the radical. And even radicals have constitutional rights. Our Constitution gives very broad rights to people to, to expound their, their point of view. It also says that you're not guilty til you're convicted by a judge or a jury, and every police officer in this country has to know that. And I think today, by and large, because of the kinds of things that happened in the Chicago grand, Chicago Bla-Black Panther situation, I think police officers are, are much better trained, including, I know the Chicago Police Department is better trained today because one of my former assistants is the deputy chief for training there.

00:32:33:00

Interviewer:

Great, cut.

Jerris Leonard:

[laughs]

Interviewer:

Thank you.

[cut]

[end of interview]

00:32:40:00

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