

STATEMENT OF OFFICER EUGENE JENNINGS

Oakland Police Department

April 10, 1968

BY MR. HEDERMAN: Q. The time is 5:25. Officer Jennings, we're trying to talk with everyone who was in or about the scene on 28th Street on the night of the 6th so as to reconstruct everything that happened as best we can.

I guess you might say we're trying to debrief everybody to get all the details and fit it all together.

Now who were you working with on that evening?

A. I was working with Officer Glenn Pierson.

Q. Now we have talked with him so in order to expedite things a little bit, let me relate generally some things that we have said and see if they check with you. He said you people arrived on Magnolia Street and at some point in time after some things had happened, you split up and it was his understanding that you went to the brick building and got on the roof thereof, the building on the southwest corner of 28th and Magnolia, is that correct?

A. After a period of time, I did.

Q. Yes. Now when you took your position on the brick building roof, what we're looking for is what you observed in connection with the house at 1218-28th Street, from that vantage point. First of all, let's try and locate it in time a little better. Were you on the roof when the two suspects in 1218 came out?

A. Yes.

Q. Let's go back a little bit before that. Did you see the fire start in that building?

A. Yes.

Q. And the fire was visible before any suspects came out of the building?

A. Correct

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Jennings/cont.

BY MR. HEDERMAN: Q. That is at the time the fire started.

A. Well, this isn't really to scale, is it?

BY LT. VERWER: Not fully.

A. That would be rather difficult.

Q. Well, in relation to 1218?

A. Well, I would have been in a position as I had a straight  
around in this area. (Indicating.)

BY SGT. FUGLER: Q. Right about where those X's are?

A. No, here a little further

BY LT. VERWER: Q. More east, more in front of 1212?

A.

BY MR. HEDERMAN: Q. In any event, in a position where you  
could look down the alley and see the east side of 1218?

A. That's correct

Q. Taking it up again from the point where you first observed  
the fire breaking out, just your own words what you saw?

A. When the fire broke out, well, we just -- I figured it was  
just a matter of time from this point when they would be  
coming out. As I watched the fire grow, I heard a voice  
from inside yell out that, "We're coming out." And an  
officer from the back of the house yelled out, "Throw your  
guns out, first." And after a few seconds pause I heard  
glass shattering from the side and observed objects being  
thrown out of the windows.

Q. Did they appear to be guns?

A. From that point I couldn't tell exactly and as the fire  
grew I heard the door open, the side door open and observed  
it open and I observed Eldridge Cleaver step out the door  
and apparently there was debris in front of the door. He  
tripped over it and fell and was laying on the ground. And  
also, Hutton tripped over Cleaver as he came out.

Jennings/cont

Q. Did he fall to the ground also?

A. Yes, they were both on the ground

Q. In a heap, so to speak?

A. In somewhat of a heap, so to speak.

Q. I show you a picture, number 200160. Do you recognize that man?

A. Well, that appears to be Cleaver

Q. And by Cleaver, you mean the person you saw coming out first?

A. Yes.

Q. I show you a picture, number K10828. Do you recognize that?

A. To be quite honest with you, I don't. I haven't seen him. I saw Hutton from a distance only. I only got a look at his face after he had been shot so this doesn't look like the person that I saw. I think the person I saw had a mustache

Q. It was the person who fell over Cleaver, the same person you later saw that night on the pavement?

A. Yes.

Q. And has that person been identified to you as Hutton?

A. Yes, that's right.

Q. But as far as identification from a distance or from prior knowledge or whatever, you can't positively say that the person in this picture is the same person you saw there?

A. No

Q. When you saw Hutton on top of Cleaver, what next occurred?

A. At that time an officer yelled out, "Put your hands up," which they did. They were laying, I believe Hutton was sitting, in a sitting position, and they put their hands up and at this point several of the officers that had been in front of the house rushed up and encircled them.

Q. At the point when they were still down on the ground?

A Right. And they got up off the ground and they were, I guess, rushed towards the street. Well, this was a rather confusing right here

Q. As best as you can recall it?

A. I recall it but

Q. As best you can describe it?

A. Well, from what I saw, the officers appeared to be, you know, BY LT. VERWER: Q. Speak up.

A. Well, they were beating, you know, Hutton, and Cleaver, you know, with the guns and pushing them out towards the street.

BY MR. HEDERMAN: Q. The officers were giving them the rush in the sense of fast movement or was it slow movements?

A. It was rather fast.

Q. And in the course of this you've indicated that there was some pushing or shoving or striking?

A. Right. Well, like it was just -- (Officer starts to indicate)-- pushing primarily and at this point it appeared that Hutton was stumbling and he stumbled toward the side. At this time there were still several officers around him and one officer shot him, just shot him

Q. Do you say that by virtue of your seeing the officers shoot or did you hear it?

I'll say this, I had an excellent line of vision from where I was and also the accountics were very good up there. Like say, I saw him stumble and the shots were fired

Q. Let's see if we can clarify this a little bit. You say one officer fired?

This is the main thing that stands out in my mind. I've never seen a man shot before in my life. Naturally, this was rather a shocking experience to me and I can only see in my mind one officer shooting.

Q. Now as they came out in the officers' custody, was Cleaver ahead of Hutton or was Hutton ahead of Cleaver?

A. They were sort of side by side at first.

Q. To the best of your recollection, which one was on which side?

A. Well, facing the street from the house, Cleaver would have been on the left side. Hutton was on the right.

Q. And at the time of this firing, was Cleaver still moving or had he already been located at the front of the house stopped there?

A. Well, to be quite honest with you, at the time of the firing my attention was diverted from Cleaver to Hutton.

Q. Were you in a position where you actually could see Hutton falling, hitting the ground?

A. Yes. From where I was Hutton was in somewhat of a semi-circle or a little more, about three-fourths of a circle when the shooting happened

Q. With the opened end of the circle?

A. Facing the street

Q. So you had a clear view of him?

A. Well, it was just a little past my point of view

Q. Generally you could look through the opening in the semi-circle?

A. Well, it wasn't necessary to look through because from where I was I could look down

(Mr. Hederman leaves the room for a moment.)

BY SGT. FUGLER: Q. Did you fire at the suspects in the basement?

A.

Q. This was with a service revolver?

A. No, a carbine.