

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 TWO STORY WHITE FRAME)
 DWELLING HOUSE AT 3508)
 NORTH 24TH STREET, OMAHA, NEBRASKA,)
)
 Defendant.)

COMMISSIONER'S DOC. NO. 2
 CASE NO. 253

AFFIDAVIT

UNITED STATES OF AMERICA)
) ss.
 DISTRICT OF NEBRASKA)

Before me the undersigned, Richard C. Peck, United States Commissioner for the District of Nebraska, personally appeared Thomas John Sledge, Special Investigator, Alcohol, Tobacco, and Firearms Division, United States Treasury Department, who being first duly sworn deposes and says:

That on July 15, 1970, affiant interviewed Mary Ellis Clark, a negro woman whose address is [redacted] North 25th Street, Omaha, Nebraska; that Miss Clark's date of birth is May 17, 1958; that Miss Clark said she had a sister named Linda who was a member of the Black Panther party, being 22 years of age and being a girlfriend of Ed Poindexter, who is known to affiant as a prominent member of the Omaha group sometimes known as the Black Panthers or the United Front Against Facism or the United Coalition Against Facism.

That Miss Clark stated she has been going to Black Panther headquarters for four or five months, it being nearby and it being the place where her sister often visited; within recent weeks she saw ten boxes that she observed to contain machine guns. She saw six more or less machine guns in each box with three boxes in a stack and one box standing in a corner.

The markings had been scraped off of all the boxes. Miss Clark said the guns were black and brown in color with a round thing in the middle with straps, things you look through, and a lampshade shaped thing at the end of the barrel. She said that if they were set down they would stand upright and would not fall over. She drew a picture of the guns for affiant and quite accurately pictured a machine gun affiant is familiar with of Russian manufacture, having all of the features described by Miss Clark. She said she had seen the guns in the basement of the above-described premises and had seen them fired there. She said the bullets all seemed to go off at once.

Miss Clark said that in recent weeks she had also seen dynamite in a box, that there were fifteen more or less bundles of twelve sticks in a bundle wrapped with cord or wire; that the sticks were about twelve inches long and one inch in diameter and brown in color.

Miss Clark said she knows Melvin Collins, his brother, Calvin Drake, Mary Peak, Dorothy Stubblefield, Frank Peak, Ed Poindexter, Cecil (last name unknown), Pete Johnson, E. C. (last name unknown), David Poindexter, David Rice, and Ernie Chambers to be members of the Black Panther organization. She said that recently she saw Frank and William Peak, Calvin Drake, Melvin Collins, and Calvin Drake's brother put together a bomb of dynamite which they placed in a wooden box which in turn was placed in a cardboard box; that all of the above-named persons worked on the bomb. She said Frank and William Peak brought blue and yellow batteries about twelve inches high into the basement to be used in the bomb; that William Peak brought in gray wire in a coil.

Miss Clark said that after the bomb was assembled it was placed in Frank and William Peak's yellow Thunderbird automobile in the trunk, which car was parked in the alley behind the above premises.

That Miss Clark said she saw a picture of a room where the bomb was supposed to have been planted showing the bomb in place; that the bomb was in a corner of the room and the room also had in it a cabinet, table and chair; that the picture was shown to her by the makers of the bomb.

That affiant knows by personal inspection that a bomb that exploded at Component Concepts Corp., 3815 North 24th Street, Omaha, Nebraska, on July 2, 1970, was placed in the corner of the room on the 2d floor. Affiant knows that the room was not used and had in it electronics, console cabinet, and chair and little else. Affiant knows that the general public believes that the bomb was thrown on the roof of the building and that few members of the public, if any, know it was set off inside the building or in a small room or in the corner of any small room, or what furnishings were in the room where the explosion occurred. Affiant of his own knowledge knows most of the individuals identified by Miss Clark are Black Panthers and knows that Ed Poindexter is a leader of the group as stated by Miss Clark. That affiant smelled what he believes was dynamite at the Component Concepts bombing location and knows dynamite was used in a bombing at the Omaha Police Sub-Station at 48th and Ames, Omaha, Nebraska. Affiant knows that a clocklike device and batteries were used at the Police Station location. Affiant further knows that Frank and William Peak drive a yellow Thunderbird automobile. Affiant to his own knowledge knows that the Black Panthers headquarters is at the premises described

above and that it is occupied by someone every twenty-four hours of every day. Affiant knows that non-members of the Black Panther group are not permitted into the premises.

Affiant further states that Lyne Keith Kilcrease was convicted by a jury in Federal District Court on June 23, 1970, for possession of three unregistered machine guns; to wit: one AK 47, model M22 assault rifle, 7.62 caliber, serial number 10054557; one AK 47, model M22 assault rifle, 7.62 caliber, serial number 11107; and one French model 1949 machine gun, Manufacture Nationale D'Armes De Tulle, 9MM parabellum, serial number B24006, and one Ithaca Arms Company rifle/shotgun, USAF, survival model MG, .22 caliber, 410 gauge, serial number 158614, and one single shot revolver, .410 gauge, 4 3/4 inch barrel; that the said Lyne Keith Kilcrease testified at his trial that he had been approached by local Black Panthers about selling them the machine guns enumerated above, and Lyne Keith Kilcrease told affiant the same thing in a personal interview conducted at Offutt Air Force Base.

That affiant has contacted the National Firearms Record Center in Washington, D.C., by telephone on July 20, 1970, and asked whether any of the members of the local Black Panthers mentioned above had a machine gun or explosive device registered to them and affiant was told they did not.

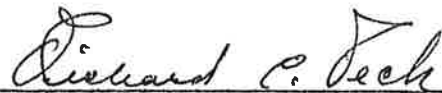
That affiant talked with Sidney Pruitt, an F.B.I. Agent, on July 20, 1970, and the said Sidney Pruitt advised that he talked to a reliable informant on July 17, 1970, who had given him information in the past which had been correct, and that the informant stated that Raymond Peter Gearhart, a convicted felon who is known to affiant to be currently under indictment in the Federal District Court, had told the informant on July 17,

1970, that he (Gearhart) had sold machine guns to the Black Panthers two weeks prior to July 17, 1970; the informant went on to state to Pruitt that Gearhart had told him that he had more machine guns for sale but that the Black Panthers were unable to purchase them as they were having financial difficulties; that the said Raymond Peter Gearhart is a friend of Lyne Keith Kilcrease; that affiant has in his possession a note taken from Raymond Peter Gearhart advertising machine guns and ammunition for sale; that said piece of paper was removed from Raymond Peter Gearhart by F.B.I. Agent Sidney Pruitt at the time he was arrested on the charge that is now pending in Federal District Court.

That the foregoing constitutes affiant's probable cause to believe that there is concealed contraband; to wit, machine guns and dynamite possessed in violation of the Gun Control Act of 1968, specifically 26 U.S.C. 5861d, upon the above-described premises.


THOMAS JOHN SLEDGE

SUBSCRIBED in my presence and sworn to before me this
20th day of July, 1970.


RICHARD C. PECK
U. S. COMMISSIONER, DIST. OF NEBR.

