



Greensboro Truth and Reconciliation Commission Final Report

Sequence of events on Nov. 3, 1979

# Chapter 7



### Preparations

At 6:00 a.m. on the morning of Nov. 3, Sgt. Comer held the morning line-up briefing with the regular patrol officers and those who were assigned to the march, Officers T.R. Johnson and J.T. Williams. Comer, who had been briefed by Lt. Spoon on the latest intelligence and parade coverage plans, gave everyone their assignments. They discussed the low-profile approach to the march, and that the Klan and Nazis would probably be coming to heckle and throw eggs. He said that the Klan and Nazis might have guns, and that Officers Williams and Johnson should be ready for trouble.<sup>1</sup> Comer asked his two officers to be at Everitt and Carver at 11:30.<sup>2</sup>

Meanwhile, Nazis and Klansmen and women began converging at Brent Fletcher's house on Randleman Road, on the outskirts of Greensboro. Klansman Lawrence Morgan drove his yellow van from Lincolnton, picking up Billy Franklin, Harold Flowers,<sup>3</sup> Roy Toney, Michael Clinton, Chris Benson, Mark Sherer, Grady Hoppes, Roy Splawn and Lee McClain. On the way, they stopped to buy seven dozen eggs to throw at the Communists<sup>4</sup> and talked about "getting into some fistfights" in Greensboro.<sup>5</sup> In Winston-Salem, 16 year-old Claude McBride rode with his stepfather Milano Caudle<sup>6</sup> and other Nazi party members Jack Fowler, Roland Wood, and Charles Finley in Caudle's blue Ford Fairlane. McBride said he had a "vague idea that there was going to be a fistfight in Greensboro and that his stepfather had planned it."<sup>7</sup>

At around 8:30 a.m., GPD informant Eddie Dawson called Det. Cooper from home to tell him Griffin and two of his Klansmen had arrived in Greensboro and that he had seen that they had brought at least two handguns.<sup>8</sup> Around 9:00 a.m., Cooper called Sgt. Burke and asked him to go along to Fletcher's house to write down license plate numbers of the approximately 10 cars assembled.<sup>9</sup> Burke said while they were there someone in the house appeared in the door and looked out at them.<sup>10</sup> Virgil Griffin later said he saw what he assumed was an unmarked police car driving back and forth in front of the house.<sup>11</sup>

Capt. Thomas said Cooper called to update him sometime that morning, including information that there were guns at Fletcher's house. Upon receiving this information, however, rather than remaining where he could be contacted or notify any other key officers, Thomas left home to take his son for a haircut, without taking his hand radio.<sup>12</sup> Cooper denies making this call and denies having any direct information about guns being loaded into the cars.<sup>13</sup> However, Lt. Talbott, who left town to go to the beach on Friday Nov. 2 and returned on Sunday Nov. 4, recalled that he heard, although he did not recall whether from Thomas or Cooper, that Cooper had directly observed guns being loaded into cars.<sup>14</sup>

Meanwhile, Lt. Spoon arrived at 9:00 a.m. at All Nations Pentecostal Holiness Church to check for bombs, as instructed by Capt. Hampton at the Nov. 1 meeting. However, when he arrived at the church, Spoon found it locked.<sup>15</sup> The church was originally to be the site of the conference at the termination point of the parade, but Nelson Johnson had announced at this press conference on Nov. 1 in front of the police department that the pastor had pulled out of that agreement. Spoon left the church and went back to the police station, but we have seen no evidence that he mentioned anything about his failure to check for bombs at the tactical briefing.

At 10:00 a.m., tactical units reported for their line-up briefing. Sgt. Comer was not present because he was already headed toward the parade starting point to look for Nelson Johnson, as instructed by Spoon and pre-arranged with Johnson by Hampton.<sup>16</sup> Comer, who was in charge of the patrol officers

coverage of the parade, was never informed of the 10:00 meeting, nor have we seen any evidence that he communicated to the tactical units what he would consider a reason to call for tactical back up.

In the briefing, Cooper said he talked for only about five minutes about the latest intelligence: about a dozen Klansmen and Nazis were already assembling on the outskirts of town and planned to heckle and throw eggs, and they had guns. They expected any trouble to be at the end of the march.<sup>17</sup> He advised that there was a person at the Klan assembly point known to carry large caliber weapons, and that he was “a hot head with a short fuse.” This was Klan leader Virgil Griffin, whose car was among those whose plates had been run by Cooper earlier that morning.<sup>18</sup> Cooper said he left the meeting after relating that information.

Spoon said he and Police Attorney Maurice Cawn arrived a few minutes late to line up and so he did not hear any discussion about guns. Nonetheless, he would have learned at earlier meetings that guns had been discussed and that there was a rumor that one of the Nazis coming to disrupt the march might have a machine gun.<sup>19</sup> Cawn, in contrast, recalled that he and Spoon arrived just as, or even before, Cooper began speaking, and were in fact present for the discussion of the presence of guns at the Klan/Nazi assembly point.<sup>20</sup>

### Demonstrators gather for the parade

Meanwhile, at Windsor Center and Morningside Homes, preparations for the parade were beginning. A autumn foggy morning was turning into a sunny fall day as people began to gather at Carver and Everitt. Some were there for the parade, others were there in preparation for a wedding reception to be held that day at the neighborhood community center also at the same intersection. Some WVO/CWP members attached signs proclaiming “Death to the Klan” and “Celebrate the Founding of the Communist Workers Party”<sup>21</sup> to sticks they had painstakingly cut down to the required 2X2 size and stacked in the back of demonstrator Tom Clark’s pickup, parked in the middle of the intersection.<sup>22</sup> Nelson Johnson recalled,

*By the time I arrived at Carver and Everitt Streets, the beginning point of the march, around 10:00 A.M., the sun had broken through the fog as a bright warm day was emerging. I was among the early arrivals. Shortly after I arrived, the sound truck arrived. People started to attach the speakers on the flatbed truck.... That morning I went back and forth between Morningside Homes and several blocks over to Windsor Community Center, checking with people on how the preparations were going. Everything looked great.*

*At approximately 11:20, I was waiting at Morningside homes to meet Lt. Trevor Hampton, with whom I had had a brief meeting in the hallway of the police department on November 1<sup>st</sup>...<sup>23</sup>*

Although there was a restriction against possession of firearms as a condition of the permit, it was, as Nelson Johnson put it, a “compromise” to those who had security concerns that a few “marshals” had weapons:

- Tom Clark had a 12-gauge pump shotgun;
- Dori Blitz had .3-caliber handgun given to her by Jim Waller;
- Claire Butler had a .357-caliber Magnum handgun;
- Frankie Powell had a tiny two-shot Derringer .38-caliber handgun;
- Bill Sampson had a .38-caliber handgun and had several long guns in cases locked in his car.<sup>24</sup>
- Other demonstrators had billy clubs and sticks of firewood.<sup>25</sup>

In addition, some marchers were wearing hard hats and GPD physical evidence inventory showed that at least one of the male shooting victims was wearing an athletic protector.

Earlier that morning, Jim Waller had pulled fellow-WVO/CWP member Dori Blitz aside. He said that he wasn't concerned about the security of the march, but that "all it would take was one crazy person to disrupt it." Because the parade had to march under a number of overpasses, Waller was concerned about the possibility of a sniper and he wanted Dori to carry his pistol and defend the march if necessary. Blitz said she would but, "I didn't think much of it because I was so sure nothing would happen." She didn't even know how to fire it but he showed her how and loaned her a yellow raincoat so she could put the gun in the pocket. Blitz said that he thought Waller had chosen her because he thought she was "clear-headed in tough situations."<sup>26</sup>

Media had begun to arrive a little after 10 a.m. because they were expecting the parade to start at 11 a.m. according to the fliers distributed to newsrooms. The journalists went to Windsor Center because that was the location on the flier they had received, and from there were directed by WVO/CWP members to Everitt and Carver.<sup>27</sup> One reporter recalled that one of the demonstrators told her to go to Carver and Everitt, "but don't tell the cops."<sup>28</sup>

One of the key points of argument about the alleged GPD confusion about the location of the starting point of the march revolves around the failure of Sgt Comer to locate a crowd of demonstrators at Everitt and Carver. Around 10:15 a.m., Sgt. Comer reported that he went to Everitt and Carver but couldn't find Nelson Johnson and didn't see any sign of a group gathering.<sup>29</sup> Comer and Officer Williams said they did not know what Nelson Johnson looked like,<sup>30</sup> however Officer Johnson disputed this, saying he did and just about everyone in the police department did because Nelson Johnson was always on TV "doing this or that."<sup>31</sup>

Comer said in his deposition that his patrol officers Johnson and Williams also had been in Morningside before 10:30.<sup>32</sup> Between 10:10 and 10:30 a.m., one of the marchers at Everitt and Carver did recall seeing an empty police car near Everitt and Carver.<sup>33</sup> There are no reports of anyone seeing any uniformed officers at Everitt and Carver at that time. Further, one marcher said he/she arrived at 10:30 and was one of the first to arrive.<sup>34</sup> Most other demonstrators said they arrived between 10:45 and 11:00.

Although it is possible that there was not a sizable crowd at Everitt and Carver when Comer arrived to look for Johnson, Comer was more than an hour ahead of the time Hampton had stipulated. Further, marked media cars started arriving between 10:00 and 10:30 and Comer should have seen them. For example, Elizabeth Slade, a Morningside resident, was passing though and not looking for any sign of a march but reported that she saw a Channel 2 news car on Everitt when she drove past between 10:00 and 10:30.<sup>35</sup>

At 10:36 a.m., after leaving Morningside, Comer and Williams went to Windsor Center to look for Johnson and were confronted by a crowd of angry marchers shouting anti-police chants and refusing to speak to them.<sup>36</sup> Recalled Williams,

*I approached Ms. Cannon and I asked her – I said, "Is Nelson Johnson here?" And then she just started screaming in my ear – she just put the megaphone to my ear and she started screaming, "Death to the Klan, death to the pigs."<sup>37</sup>*

Willena Cannon recalled confronting the police at Windsor,

*I went to Windsor Center along with Joyce Johnson, to welcome marchers that was*

*coming from the Raleigh-Durham area, from Chapel Hill. And we were singing and waiting for the marchers to come by, and we planned to join in with them. But meanwhile, people from Chapel Hill would come straight down to Windsor Center and would not get lost.*

*While we was there, the police came. And after being harassed for three weeks... once I saw him come, I said something like, "You know where you are supposed to be; just go on in and don't bother me." 'Cause I had actually had enough. So I want to put that out. I knew they knew where the march was gonna start. They had a permit. There was a group of people to meet with some of the CWP and marchers who weren't CWP, to meet with them and talk about how this was going to be carried out. So it wasn't a matter of the police asking me for directions. For me it was another opportunity to do some harassing, so I did say that.*

Comer decided that because there were in his estimation some 40-50 people gathered at Windsor, that must be the starting point. Comer left Windsor, and radioed Officer Johnson and told him to meet him at Washington School, where he instructed Officer Johnson to stay "a brick's distance" from the rear of the parade to avoid confrontation with the WVO/CWP.<sup>38</sup> Comer then radioed Spoon to tell him he hadn't found Nelson Johnson. Spoon told him to "go back and look again." Spoon said he assumed Comer would return to Carver and Everitt,<sup>39</sup> while Comer said because he had just told Spoon he had checked Windsor, he assumed Spoon meant for Comer to return there<sup>40</sup>. Rather than asking Williams to meet him at or near Carver and Everitt, this is the first of two meetings Comer called at Washington School with Officer Williams. The second meeting occurred from 10:52 until 11 a.m., when there was already a recognizable crowd gathered at Carver and Everitt.

By 10:30 a.m., some 35 Klansmen and women and Nazis had gathered at Fletcher's house.<sup>41</sup> The following people are known to have brought guns:

- Virgil Griffin (.25-caliber semi-automatic handgun);
  - Jerry Paul Smith (.22 –caliber rifle);
  - Roland Wood (12-gauge pump shotgun);
  - Milano Caudle (.357-caliber Magnum handgun and an AR 180 semi-automatic rifle);
  - Terry Hartsoe (12-gauge single-action shotgun);
  - David Matthews (two 12 gauge pump shotguns);
  - Mark Sherer (.22-caliber rifle and .44 handgun);
  - Coleman Pridmore (.32-caliber handgun); and
  - Beulah Taylor (.25-caliber semi-automatic handgun).
- In addition, there were nunchucks, hunting knives, brass knuckles, ax handles and other clubs, chains, tear gas and mace.<sup>42</sup>

Several at the house report that Milano Caudle had a military machine gun that he was showing to everyone and telling them he could get them one for \$280.<sup>43</sup>

Dawson claimed he left Fletcher's house and made a second call to Cooper around 10 a.m. to report more people and guns at the house.<sup>44</sup> Cooper, however, denies receiving this call.<sup>45</sup> Two Klansmen independently reported that Dawson was not at Fletcher's house when they arrived around 10:00 but showed up shortly after.<sup>46</sup> Griffin said around this time, someone came in and told them the rally point was no longer at All Nations Church.<sup>47</sup>

The Klansmen and Nazis began to discuss where the location of their "picket" should be. Dawson got out the permit with the parade route and fellow Klansman and Greensboro resident James Buck traced it

on a map.<sup>48</sup> They decided not to have their “picket” in any of the black neighborhoods, but instead near South Elm because Buck said he drank beer in the Texaco there sometimes and “if a fight broke out we could get some help from there.”<sup>49</sup>

They agreed that they would ride by the assembly point to heckle the marchers and “recon” how many are there.<sup>50</sup> Hartsoe recalled that “there was talk at the house about if the Communists give us trouble we would fight back ... We would try to talk them down, but if they want a fight, we’ll give ‘em one ... I would kill someone if they gave me trouble.”<sup>51</sup> Smith recalled that there were two people talking at the table, one said no guns and the other said he didn’t give a shit.<sup>52</sup> When police and FBI agent Brereton, who later interviewed Smith, tried to get him to identify those two men, Smith refused because he said they will surely kill his children and the police won’t be able to protect him.<sup>53</sup>

As they prepared to leave, Wood talked about using a tear gas grenade, but Dawson told him the streets are too narrow.<sup>54</sup> Mark Sherer said it was discussed that they should roll up the windows when the tear gas grenade was thrown.<sup>55</sup> Wood confirmed he had such a grenade, which he said he got from Ft Bragg.<sup>56</sup> Fletcher recalled that some people in the caravan said they were going to “kick some goddamn nigger ass.”<sup>57</sup> Nappier said that, upon leaving the house, “I think it was well understood that we would give ‘em a good fight ... but I assumed that we would use sticks.”<sup>58</sup> Benson said when they got ready to get into their cars, Dawson told them that when they got there they should “do their own thing” and that Griffin said “if anyone jumps on you, fight back.”<sup>59</sup> FBI agent Brereton’s report concluded, “the mood among the assembled Klansmen and Nazis was hostile and that they expected a violent street-fight. Further, they expected that their mere presence would provoke such a confrontation.”<sup>60</sup> Mark Sherer recalled, “By the time the Klan caravan left Fletcher’s house, it was generally understood that our plan was to provoke the Communists and blacks into fighting and to be sure that when the fighting broke out the Klan and the Nazis would win. We were prepared to win any physical confrontation between the two sides.”<sup>61</sup>

Meanwhile, back at police headquarters, the tactical unit briefing ended shortly after 10:30. Daughtry said that because he was not sure how long they would be on duty, he told all the men they could go get something to eat and to be in their positions by 11:30.<sup>62</sup>

Just before 11:00 a.m., Patrol Officers April Wise and L.S. Cundiff responded to a domestic disturbance call at 801-H Dunbar, just a few doors down from the intersection of Everitt and Carver. Wise said that while they were there, they received a radio call from Communications asking “how soon before we would clear the area.” They responded they would clear in five minutes, and were told to clear as soon as possible.<sup>63</sup> From their morning briefing with Comer, Wise and Cundiff were aware that the parade was to be forming in Morningside. So Wise said that after their call, she and Cundiff went down to “see how the group was forming” at Carver and Everitt and saw 20-30 people gathered there.<sup>64</sup>

At about the same time, at Brent Fletcher’s house, Dawson began “rushing” the Klansmen and Nazis to leave the house<sup>65</sup> He told them to load up the cars so there are as few as possible.<sup>66</sup> When Mark Sherer got in the truck, he had a “civil war type” powder pistol in his hand.<sup>67</sup> Terry Hartsoe got into the van carrying his shotguns and David Matthews brought two shotguns and a pistol.<sup>68</sup>

Nazi Jack Fowler and Milano Caudle’s stepson Claude McBride had taken Caudle’s Fairlane and gone to get sandwiches. The caravan vehicles left the house without them. However, when they pulled out onto Randleman Road to head toward Interstate 85, they passed the Fairlane heading in the opposite direction. The caravan pulled onto the curb on the I-85 on-ramp and waited for the Fairlane to join them.

### Caravan<sup>69</sup>

*Car No. 1: Buck's Pickup*

Jim Buck  
Eddie Dawson

*Car No. 2: Station Wagon*

Jerry Hatcher  
Glenn Miller  
Charles Finley  
Milano Caudle

*Car No. 3: Fletcher's Green Sedan*

Brent Fletcher  
Bobby Bradshaw  
Harry Hayes  
Timothy Rockett

*Car No. 4: Tan Pickup*

Grady Hoppes  
Roy Splawn  
Mark Sherer

*Car No. 5: Griffin's White Buick*

Chris Benson  
Ruby Sweet  
Barbara Ledford  
Lee McClain  
Renee Hartsoe  
Carl Nappier

*Car No. 6: Harris' White LTD*

John Harris  
Charles Palmer  
Virgil Griffin

Morningside resident Elizabeth Slade and Frankie Drummond (in a brown pickup) inadvertently joined the caravan as it turned onto Everitt. (see below)

*Car No. 7: H. Matthew's Black Pick up*

Horace Matthews  
Beulah Taylor

*Car No. 8: Caudle's Blue Fairlane*

Jack Fowler  
Claude McBride

*Car No. 9: Morgan's Yellow Van*

Lawrence Morgan  
Terry Hartsoe  
Jerry Paul Smith  
Johnny Pridmore

Billy Franklin  
Jerry Hatcher  
Roland Wood  
David Matthews  
Harold Flowers  
Michael Clinton  
Roy Toney

(See map of Greensboro in annex)

### The caravan heads toward Morningside

At the corner of Everitt and Carver around 11 a.m., demonstrators were taping signs onto the flatbed sound truck. An effigy of a Klansman with a noose around his neck and a sign that said “KKK Scum” was held by demonstrator Jim Carthen, while some neighborhood kids in football uniforms on the way to team practice and Percy Sims, who was visiting relatives in the neighborhood, punched it. Paul Bermanzohn walked around with a clipboard, checking the arrangements. Several news teams had arrived by then and neighborhood kids mugged for the cameras. Demonstrator Tom Clark played the guitar and people sang re-styled protest songs, “Death to the Ku Klux Klan, we shall not be moved...”, and “Woke up this morning with my mind set to build the Party...” Signe Waller and other WVO/CWP members were handing out the *Workers Viewpoint* newsletter and discussing the Party’s ideas with local residents. “The Klan works together with the capitalists—the Cones, the Dukes...” “And the Communists,” added a confused Sims, who later said he had been drinking that morning. Waller corrected him, “No, we’re Communists. And what that means is that we’re working for the people. That’s why we’re out here.” she said.

Meanwhile, at around 11 a.m. Cooper and police photographer J.T. Matthews arrived at Fletcher’s house but most of the cars Cooper had seen before were gone. They headed to I-85 and saw a line of eight cars pulled over on the onramp. Cooper and Matthews pulled off the highway into a parking lot with a good view of the ramp so they could photograph the parked caravan.

Cooper said he did not see any weapons while they had the caravan under observation<sup>70</sup> and none are visible in the photos released by the GPD. However, a witness who was driving by on I-85 reported to the GPD on the afternoon of Nov. 3 that he had seen a bearded man with “an Ivy League type hat” walking alongside a line of parked cars on the on ramp, carrying an AR-180. This witness later declined to testify for fear of retaliation from the Klan.<sup>71</sup>

At 11:05 a.m. Cooper tried to radio Spoon and Daughtry that the Klansmen and Nazis have left the house, but both commanders were still inside the station and not using their hand radios.

Cooper then spotted the caravan parked on the on-ramp and tried again to call Daughtry and Spoon. Sitting in the squad car waiting for his partner to come out of the Biscuitville restaurant, Burke heard Cooper’s attempted transmission to Spoon and Daughtry. Burke answered and Cooper advised that eight cars from the assembly point are pulled over on I-85 and U.S.220 and that he would watch to see what they did.<sup>72</sup>

At 11:13 a.m., Cooper advised Burke that another car had joined and there were now nine cars “heading in that direction”.<sup>73</sup> Cooper admitted later that he thought the caravan was probably heading toward the parade route.<sup>74</sup> Cooper called Daughtry and informed him that the caravan was moving in the direction of the parade, but still could not make contact with Spoon<sup>75</sup> (see police investigations).



At this time, Spoon said he was on a phone call related to the cancellation of the All Nations Pentecostal Church as the rally site.<sup>76</sup> Spoon and Cawn were about to leave the police station at 11:14 when Spoon was advised by the Operator on the general patrol radio frequency, Frequency 1 (F-1), to call Communications. Spoon said later that the call was to return a call to All Nations Pentecostal about a change of conference venue, one which Nelson Johnson had already been announced in his press conference on Nov. 1. Spoon recalled that he was unable to reach anyone at the church but was advised that the conference location had been changed and he then returned to the car.<sup>77</sup>

At about this time, about 11:15, Daughtry said that he called Spoon to relay to him the information about the caravan heading toward Morningside.<sup>78</sup> However, this call does not appear in the radio transcript. Later at 11:21 in the transcript, Daughtry asks Spoon whether he heard Cooper's transmission, to which Spoon replies, "Negative." This is one of a number of inconsistencies in the radio transcript, which are discussed later in the report (see police investigations).

Tactical Officers League and Bryant also heard Cooper and Burke's transmission that the caravan was underway. League and Bryant said that they left the restaurant where they were eating on East Market Street, just a few blocks from Morningside, and headed toward their post at Dudley High School.<sup>79</sup> On the way, out of "curiosity", the two officers drove within one block of Carver and Everitt, where the caravan was heading.<sup>80</sup> From that vantage point, where Wise and Cundiff reported seeing a small crowd gathered about 20 minutes earlier, League and Bryant would have seen the demonstrators, TV crews and unmistakable flatbed sound truck with large speakers. They also would have seen that no police car was present.

11:16 a.m.: Burke called Daughtry and told him nine cars of Klansmen are heading "in that direction" and that the Windsor demonstrators were boisterous and belligerent. Daughtry asked if the caravan was moving toward the "starting point" Burke said yes.<sup>81</sup> Daughtry asked Burke where the tactical units were and Burke advised that they were still eating. Rather than order the tactical units, most of whom are nearly four miles away eating breakfast, to immediately proceed to the parade starting point where the Klan and Nazi caravan was heading, Daughtry told Burke, "They have 14 minutes by my watch. Rush 'em up."<sup>82</sup>

11:17 a.m.: over the police radio, Cooper advised they were turning onto Lee Street.<sup>83</sup> At this point it is clear that the caravan cannot be heading toward Windsor Center, which is in the opposite direction. The caravan was at this time only seven blocks away from Everitt and Carver, and driving directly in front of (within one block) of the two tactical units already position on Lincoln Street at Dudley High School.

Daughtry tried to reach Hightower at this point, but was unable because he was inside the Biscuitville away from his car radio and his walkie talkie was reportedly malfunctioning.<sup>84</sup> Hightower was on the radio some two minutes later, and said he had borrowed someone else's radio.<sup>85</sup>

11:19 a.m.: Cooper advised that the caravan was turning onto Willow St, just three blocks from Carver and Everitt. Daughtry finally told Burke to hustle into position because "they are moving before we anticipated."<sup>86</sup> Daughtry said he meant by this that "the caravan of alleged Klan members was moving and activity pertaining to the parade was taking place before the scheduled time."<sup>87</sup>

11:21 a.m.: Cooper reports that the caravan is parking on Everitt. One second later, Spoon finally got back in radio contact as he was leaving the GPD and radioed Daughtry, who asks him if he has been listening to Cooper's transmissions. Spoon replies, "Negative. I've been on the phone. Another thing popped up you need to be made aware of." Rather than asking Daughtry what radio traffic he has missed, Spoon asks Daughtry, who is at Washington and Benbow, just a couple blocks from Carver

and Everitt, to meet him at the old train station – some 20 blocks in the opposite direction. Rather than inform Spoon that a caravan is one block from the parade formation point, Daughtry simply agrees to the meeting and leaves the area.<sup>88</sup>

11:22:02. Cooper radios Daughtry, “They’re at the formation point.” Det. Belvin, of Criminal Investigations, who was on an unrelated investigative assignment in the area, testified that about this time he drove up alongside Daughtry, who was parked on the side of the road.<sup>89</sup> It is not clear how long Daughtry had been parked there or why he did not immediately proceed to Everitt and Carver – when he was just a few blocks away, and he now knew the caravan had already arrived there. He was in an unmarked car, so if he was worried about maintaining low-profile he could have remained in his car, while in view of the marchers. Since he was in uniform, he could have intervened if necessary once the Klan did arrive.

### **Three minutes that shattered lives**

At around 11:20 a.m. some 40-50 demonstrators, children and Morningside residents were gathered at or near the corner of Carver and Everitt, singing protest songs and chanting slogans: “Death to the Klan” and “People, people have you heard? Black and white is the word!” A line of cars began slowly driving past. From the lead vehicle, Dawson spotted Paul Bermanzohn, who had invited him to attend the march when they encountered each other at Johnson’s press conference at the police department on Nov. 1. Dawson shouted at him, “You wanted the Klan, you Communist son-of-a-bitch, well you got the Klan!” One of the cars had a rebel flag on the front, which tipped off the group of demonstrators. Someone cried, “Here comes the Klan!” and TV cameras spun around towards the caravan. As they drive slowly past, Milano Caudle gestures at the window toward the demonstrators and said, “Remember China Grove?” Demonstrators report being taunted by racist insults.<sup>90</sup> Demonstrators, most of whom were standing on the side of the road looking bewildered, began chanting “Death to the Klan!”

(See map of intersection in annex)

11:22:20 a.m.: Spoon radios Cooper and asks, “What traffic you got going?” Cooper replies, “OK we got nine or 10 cars...now at the parade formation point ... They are driving through and heckling ... they’re scattering”.<sup>91</sup> Spoon later claimed that this was the first he had learned anything about the caravan.

A space opened up between the fifth and sixth cars in the caravan. Lacy Russell, a demonstrator who was walking down the right side of the road with a bundle of sticks in his arms, recalled that sixth car, the LTD in which Virgil Griffin was riding, drove very close by his side and sped up just as he walked past it, perhaps to close the gap, but he thought it was trying to hit him.<sup>92</sup> Russell responded by striking the trunk of the car with one of the pieces of wood he was carrying and is visible in the TV footage doing so.<sup>93</sup>

A few feet after being hit on the trunk, the LTD gunned its engine and swerved sharply to the left. The car might have been trying to pass the car in front, but in the video it appears to be swerving directly at one of the demonstrators, who visibly jumps out of the way. Dori Blitz also recalled in her FBI interview that it seemed to her that the car had swerved in an attempt to hit one of the demonstrators.<sup>94</sup> Another demonstrator, Ed Butler, reported that he was walking on the left side of the road when the LTD gunned its engine and swerved toward him. He reported that he kicked the back of fender of the car<sup>95</sup> because it tried to hit him.<sup>96</sup> At this point, the video shows that most of the WVO/CWP demonstrators are still standing to the right side of the road and not spilling out in between the cars.

After the car was kicked by Butler from the left, it swerved right and hit the right rear bumper of the

car in front of it, leaving a footprint on the left rear fender and a dent on hood and trunk, and a dent on the left front bumper.

The view of the TV cameras is blocked at this point, but caravan witnesses report that “blacks” banged and jumped on cars, tried to pull people from cars and smashed windows.<sup>97</sup> However, this testimony is contradicted by GPD physical evidence, which shows car No. 6 in the caravan (the LTD with Griffin in it), was the only car in the caravan that showed any evidence of being struck in any way.<sup>98</sup> Harry Hayes identified Lacy Russell (“a black man in a dark coat with a toboggan”—consistent with Lacy Russell’s clothing) as beating on the window of his car (vehicle No. 3).<sup>99</sup> Ruby Sweet (along with Renee Hartsoe), one of the caravan passengers, told Mark Sherer that she leaned out the window of car No. 5 and smashed the window of a parked car.<sup>100</sup> Nelson Johnson,<sup>101</sup> and news cameramen Ed Boyd<sup>102</sup> and Jim Waters<sup>103</sup> reported seeing several people beating on cars with their hands or sticks.

A shot rang out and smoke is visible in the video, although the shooter is not. Several witnesses however, recalled that it was Mark Sherer who fired the first shot into the air and the thick blue smoke is consistent with what would have come from the powder pistol he had (Shot No.1).<sup>104</sup> Caravan passengers are visible in the video getting out of their cars and walking back towards the intersection. There are no visible demonstrators near the front cars at this point. Brent Fletcher, driving the third car, said he saw black men beating on his car and he grabbed his shotgun off the floor and got out of the car and fired it once up in the air, which is confirmed by another passenger in the car, Timothy Rockett (Shot No. 2).<sup>105</sup>

Mark Sherer, who had earlier fired the powder pistol, leaned out of the truck window and waved a long barreled pistol in the air.<sup>106</sup> In his plea bargain statement, Sherer said that he fired two more times in the next 10-20 seconds, once into the ground and once into a parked car (Shots No. 3 and 4).<sup>107</sup> Sherer reported that he shouted “Show me a nigger with guts and I’ll show you a Klansman with a gun!”<sup>108</sup> Brereton’s investigation, however, reports that Sherer yelled, “Shoot the niggers!”<sup>109</sup>

Dawson said he and Buck noticed the cars behind them were getting beaten on, so they stopped and got out and started back toward the intersection on foot. By stopping their car at the head of the caravan, they blocked the rest of the cars from moving forward (but at least one car was able to reverse out). Then Buck and Dawson both say they heard shots and ran back to the car and left the scene.<sup>110</sup>

Horace Matthews said that after he saw some people beating on some of the cars in the caravan in front of him he heard small caliber gunfire (consistent with a powder pistol) or firecrackers. He tried to drive his truck around to pass, but couldn’t get by.<sup>111</sup>

Prior to the shooting, Elizabeth Slade and Frankie Drummond, both residents of Morningside, tried to turn down Everitt Street, where they had seen a lot of TV cameras and people gathered earlier in the day. As they turned onto Everitt from Willow Road, a car with four white men blocked their way. After Slade blew the horn of her pickup, the obstructing car pulled over and let her into the line of cars. The line of cars came to a stop and Slade saw some of the demonstrators banging on the cars and passengers of the cars get out and engage in a stick fight with the demonstrators. When they heard shots fired, Slade backed into the Laundromat parking lot and left the scene heading east on Everitt, a maneuver visible in the video. This exit demonstrates that even when Dawson and Buck’s truck was still blocking the road ahead, cars could have retreated from the scene to the rear.

WVO/CWP member Frankie Powell recalled hearing the first shot and seeing the blue smoke hanging in the air. Someone yelled, “They’re shooting” and she turned and began to run north on Carver away from the intersection. But she was eight months pregnant and lost her balance while trying to flee. She fell and hit her head, which began to bleed profusely. She said someone dragged her to the side of the

road behind the news car, where she was shot in the legs with birdshot fire coming from the rear of the caravan.<sup>112</sup>

Klansmen and Nazis in the yellow van could not see out at what was happening but reported that someone yelled into the CB “They’re beating on the cars!” One of the Klansman, Terry Hartsoe cried, “My wife’s in one of those cars!”<sup>113</sup> The van passengers piled out of the van, leaving their guns behind, and rushed toward the intersection, grabbing sticks from the back of Tom Clark’s truck where posters had been assembled. A vicious stick fight between demonstrators and caravan passengers ensued. Sandi Smith received a heavy blow to the head, which knocked her to the ground. She cried for someone to get the kids out of the way because she could not walk.<sup>114</sup>

Sally Bermanzohn recalled the scene,

*I am standing on Everitt Street, maybe 20 feet from the corner of Carver Street. I am talking to Mike Nathan...Suddenly there is caravan of cars driving up, slowly. Who are they? I see a Confederate flag license plate – it is the Ku Klux Klan. The cars are packed with people, white men, driving slowly. They yell, “Niggers!” “Kikes!” “Nigger lovers!” I think, “How can they say these awful words? They don’t even know us.” I pray that they just drive by us and keep going ... A shot – I look towards the sound, towards the front of the caravan, not far from where Mike and I stand. I see a man leaning out of the lead car with a pistol in his hand, smoke in the air where he has fired the gun. I take cover, crouching between two cars. I see Mike running back, away from the first shot. Should I follow him? I decide to stay where I am ...<sup>115</sup>*

Nelson Johnson recalled,

*At around 11:23, according to the police report, the Klan and Nazi Caravan arrived at the march starting point at Carver and Everitt Street. And when I saw a Confederate flag license plate on the front of one of the cars in the caravan, I knew that it was probably the Klan. I saw women and children in several of the Klan vehicles near the front. And it seems in retrospect worthy to investigate why the women and children were in the front vans and the guns in the eighth van and all the people shooting them in the ninth van.*

*In any event, I saw a shot fired out of the window of the car that Eddie Dawson was driving. I didn’t see any cars blocking. I did see a young man in the lead vehicle slide his upper body out of the window and fire a shot into the air which I understand the judge said was a ‘non-hostile shot.’ The people rushed from the shot towards the rear of the caravan. Almost at the same time the shot was fired, Klan and Nazi members jumped out of their vehicles and began to attack the march. We attempted to defend ourselves.*

*A man who I later determined was a Nazi member rushed towards me with a long knife. I was thrown a stick on which we were attaching posters by Lacy Russell. The throwing of that stick by Lacy saved my life. The man with the long knife attempted to stab me in an uppercut motion, he dropped low and came at me. I threw my arm out and blocked the butcher knife and the knife came through my arm.<sup>116</sup>*

Reporter Winston Cavin recalled,

*Within seconds I heard the sounds of people hitting and kicking metal. I looked to my right and saw bystanders attacking the vehicles with fists, sticks and feet kicking the*

*cars. I immediately ran to the other side of the narrow street—I suppose its Everitt Street—I immediately ran to the other side of the narrow street and stood behind a large, brown Ford sedan... Then the shooting broke out. I crouched behind the Ford's trunk and saw men getting out of the vehicles and firing rapidly. The driver of a small powder blue car, which has been identified by Judge Long as a Fairlane, the driver got out casually, walked to the back of the vehicle, opened the trunk, and handed out long guns to his friends: rifles, shotguns, et cetera. Several of them stood behind that trunk and fired away. At the time they seemed to be shooting wildly or randomly into the crowd.<sup>117</sup>*

Don Pelles recalled,

*I saw the caravan coming by. And people were lining up along the street and starting to yell "Death to the Klan! Death to the Klan!" And I saw the cars coming by rather slowly. And there were people in the cars, men, women...and I heard people hitting on the cars. And somehow, my first reaction was, well that was wrong. I mean just the idea of hitting a stick on a nice car and damaging it, but then I thought, "What am I talking about, these are the Klan." ...so then, they kind of sped up, and by then I kind of regretted not banging on one of the cars, so I kind of ran after it. So by then, I must have put my stick down...I tried to kick a car and I missed and I went running after it. But by that time they were speeding up and I stopped by the side of the road...and then I looked up and I saw silhouetted against the sky I saw a figure leaning out of a window with a long barrel pistol. I don't remember it firing. I just remember him waving it. And then I heard people yelling. I looked around me and I realized I was kind of isolated. I had run up the street and there was nobody around me, so I started to come back towards the corner. There was this little exchange along the sidewalk. And I heard people yelling. I heard "Get the children." And then I thought about just jumping over this little chain fence...and going back, but then I thought better of it and I kept going towards the corner. I saw kind of out of the corner of my eye the stick fight...and I kind of had this idea that maybe I should go join that, but I really didn't relish that idea, I guess out of fear.*

*Somehow I knew that there was shooting, but I didn't hear any shots... I looked up. By this time I was back near the corner...and I saw Dori Blitz firing a little pistol...At least she was waving it and I assume she was firing it. And I thought, damn, they're shooting. And then I looked and saw Chekesha, Frankie Powell, down on the ground. There was blood on her forehead, but she was conscious...I remember saying to her, "can you walk?" and she said, "I don't know." ... I was on one side of her. Kate White was on the other side and we got her under the arms and started helping her back towards the shelter and we turned the corner and were going to go around and hide behind the car...even though I don't remember hearing any shots, I knew there was shooting. I felt a little pain on my cheek, just some birdshot. And a second later we were back behind the wheel of the car.... I don't know if it was then, but at some point I said, "I'm hit." And then I heard the voice of Jim Wrenn say, "I'm hit too," but I couldn't see him. At that point I could hear this roar of gunfire."<sup>118</sup>*

11:23:10: Cooper announces on the radio that there is a fight in progress. "You better get some units in here."<sup>119</sup> Daughtry asks Hightower his position and Hightower responds that he is still several minutes away at I-85 and U.S. 220.<sup>120</sup> Tactical officers League and Bryant were parked at their posts at Dudley High School when they received the call. Without being instructed, they immediately headed toward Carver and Everitt.<sup>121</sup> Tactical officers Boyd and Geringer (at their posts at Gillespie School),<sup>122</sup> and

Henline and Toomes (also at Gillespie School) proceeded toward the location without being dispatched when they heard a fight was in progress.<sup>123</sup>

Comer said he did not move from his location because he felt they should remain and protect those gathered at Windsor and thought the tactical units were moving in to control the situation.<sup>124</sup> It is not clear why Comer didn't tell Williams to move in from Washington School. Meanwhile, the tactical officers at Biscuitville reported that they believed Comer and his men had primary responsibility for the parade security so they did not get into position, even though those who had been monitoring their radios were aware that Comer and his men were not at Carver and Everitt where the parade was scheduled to form.

- 11:23:20 Spoon asks Daughtry if tactical units are in position. Daughtry asks Hightower, who says they are still many blocks away at I-85 and U.S. 220.<sup>125</sup>
- 11:23:28 Cooper reports, "shots fired."<sup>126</sup>

Klansman Roy Toney rushed toward the intersection and reported seeing a bearded white man, Jim Waller, point a shotgun at him. The two began struggling over the shotgun, which Waller had grabbed from Tom Clark's truck, parked in the middle of the intersection.<sup>127</sup> WVO/CWP member Jim Wrenn, meanwhile, said he saw Waller and Toney struggling. Wrenn ran to help and "got into a pile up" with several men. Wrenn had fallen on top of Toney, with a shotgun in between them.<sup>128</sup> Other Klansman report their recollection of this scene was that they saw several people holding Toney down and one was punching him in the face.<sup>129</sup>

Roland Wood:

*When I saw James Waller pulled that shotgun up ... I don't know 'til this day if he was thinking: I'm going to kill you or if he was (saying) don't hurt me. You understand what I'm talking about. Here comes this 230 pound, 6 foot man running right at you. I am 6'2" exactly barefoot and I wore my army boots that day. I don't know really how tall James Waller was. He must have been pretty dagoned scared himself. So when he got that shotgun did he mean to hurt me or was he just trying to protect himself. I don't know because it happened so fast! And from the left side come R.T. I used initials because I don't think R.T. knew anything that was supposed to happen – Roy Toney.<sup>130</sup>*

Wrenn jumped up and ran toward the community center. GPD evidence<sup>131</sup> and Toney's testimony<sup>132</sup> show that it was Toney who came out of that struggle with the shotgun, which was registered to Tom Clark. GPD autopsy evidence shows a deep gash in Waller's left hand, which seems to have been torn in the struggle with Toney. FBI sound analysis indicated that shot number five may have been fired from this location, but it is not clear who fired it or in what direction (Shot No. 5, 6). However, Toney admitted that he fired the gun twice and then began to run back toward the rear of the caravan.<sup>133</sup>

Roland Wood:

*They were fighting, then the gun went up and hit Roy Toney. You'll see in the pictures a barrel mark right there on his head, forehead...I am thinking get out of here and just as I turned to run. Bam! The third shot... Now the first shot was fired by Mark Sherer but to us it was like a stick that hit against a car. We didn't know it was a shot, we really didn't... But that (the third) was the first shot I personally (heard). I didn't know who had the shotgun or nothing...*

*The last person I saw was the two of them were fighting over it. Did it go off accidentally? Did it go off on purpose? I don't know. I honestly do not know.*<sup>134</sup>

Klansman Lawrence Morgan, the driver of the van, said he never saw anyone shooting at them, rather he only heard shots,<sup>135</sup> but David Mathews said that he got out of the car and saw two black men coming at him, pointing shotguns at him. He says, one yelled, "I'm gonna kill you son of a bitch! I'm gonna kill the Klan!" Mathews began firing at them.<sup>136</sup> No other witnesses can substantiate any black men with shotguns on the scene. Matthews claimed he got his shotgun and "shot back to defend myself... some other people might have gotten in the way and got hit...because they were all mixed in with the whites."<sup>137</sup> Flowers said he saw a white male come from behind the truck and fire a nickel plated pistol several times.<sup>138</sup> In contrast, Hartsoe recalled, "The only people I saw with guns were the Klan."<sup>139</sup>

11:23:31 Spoon tells Communication to move all available cars to Windsor.<sup>140</sup>

11:23:37 Daughtry tells Burke to "move in".<sup>141</sup> Daughtry and Burke later report that they both assumed they were to move in to the Everitt and Carver area.<sup>142</sup> Comer reports that "I think they're at Everitt and Carver. We are with the group at Windsor, no problems."<sup>143</sup> Comer and Williams leave Windsor Center for Everitt and Carver.<sup>144</sup>

At 11:23:47 Jim Wrenn and Don Pelles are visible in the background of the TV footage, dragging Frankie Powell to safety behind the TV News car. Tom Clark, still holding his guitar, runs to help. At this point, after the stick fight has subsided and the first five shots have been fired, a black pickup with Horace Matthews and Beulah Taylor can be seen in the video, driving from the scene past César Cauce, who is standing alone in the intersection with a stick in his hand. The departure of this vehicle indicates that the road ahead is no longer blocked.<sup>145</sup>

Although the rest of the cars in the caravan have fled the scene, Fowler, Wood, Pridmore, McBride, Smith, and Matthews return to the Ford Fairlane and retrieve firearms from the trunk, and begin firing at the demonstrators. Cooper saw Fowler and Wood firing long guns, but due to the slight rise in the street from where he was parked, some 50 feet behind the end of the caravan, Cooper could not see at whom the Nazis are firing. He reported later that they did not appear to be ducking as they fired.<sup>146</sup> The video, in fact, shows the two smoking cigarettes, and there is what looks like a trace of a smile on Wood's face. Cooper reports into the radio, "Heavy gunfire."<sup>147</sup> Heavy gunfire is also picked up on the video at this point.

Cooper later explained that although he knew shots were being fired, he did not intervene because "I was just one guy, and in plainclothes. I wouldn't be sitting here today."<sup>148</sup> He was also in an unmarked car, which he said had no siren or blue lights.<sup>149</sup>

Behind Tom Clark's pickup, there is a scuffle between several people that is not visible to the TV cameras. In the video, César Cauce emerges from behind the truck, unarmed, and is struck hard with a stick from behind by Billy Franklin. Jim Waller, unarmed, is also visible in the background, moving away from the truck and falling as he is first shot in the back by birdshot from Wood's gun, which causes him to double over. He is then struck by buckshot from Matthew's gun that tears into his lungs and heart.<sup>150</sup>

Dori Blitz saw Jerry Paul Smith firing a pistol at César Cauce, who stood unarmed in the grass near the Fairlane. Blitz is visible in the video, wearing a yellow raincoat, emerging from close to the apartment building, firing a handgun toward Smith. Paul Bermanzohn is also visible to her left, inching his way

out from near the apartments, carrying nothing but a protest sign. Blitz empties her gun in the direction of Smith but she hits no one.<sup>151</sup> Her gun empty, she backs up toward the apartment building, tripping over Jim Waller's body.

GPD physical evidence indicated that Toney then runs back towards the Ford Fairlane with Tom Clark's shotgun that he wrestled from Jim Waller, firing it twice, striking Paul Bermanzohn.<sup>152</sup> He is visible in the video pointing the gun in Bermanzohn's direction.

Mike Nathan saw Jim Waller fall and ran to try to help him. Nathan was then struck in the face by buckshot from Matthews' gun.<sup>153</sup> Claire Butler fires her .38 in the direction of the men who had retrieved guns at the rear of the Ford Fairlane and had begun to approach on Carver, but she does not hit anyone. Sandi Smith is standing beside her on the community center porch. "Don't look out," Claire tells her. "There is someone shooting this way."<sup>154</sup> But Sandi peeks out to see what is happening and is shot by buckshot from Matthews' gun, hitting her over her right eye as she pokes her head around the building's corner.<sup>155</sup>

Bill Sampson fires his handgun twice in the direction of the Fairlane, but does not hit anyone. At the same time, Mike Nathan attempts to go to the aid of Jim Waller, but is struck in the chest by shotgun fire from Mathews, who is firing at Sampson.<sup>156</sup> Sampson cries out "I'm hit" and Rand Manzella, who is nearby is also struck and yells "I'm hit too." Sampson throws his gun to Manzella.<sup>157</sup>

Klansman Billy Franklin is visible in the video hitting unarmed Cauce from behind in the head with a stick—a hard blow that knocks Cauce to his hands and knees. Jerry Paul Smith is then visible in a crouched run, firing a handgun in what appears in the video to be the direction of Cauce. Smith said he fired only one shot at a black male who had fired at him from behind the truck, and then later testified in court that he had no recollection of his actions.<sup>158</sup> However, the medical examiner testified that Cauce was killed by a bullet from a pistol of the type Jerry Paul Smith shot. The bullet hit Cauce in the chest when he was bent forward.<sup>159</sup> From his vantage point across the street, WTVD reporter Matt Sinclair said he saw Klansman Harold Flowers standing near the back of Clark's pick up, with something in his hand. Sinclair is then struck by birdshot from the direction of the Fairlane.<sup>160</sup>

Sally Bermanzohn recalled,

*Bang ... bang... bangbangbangbang. I am crouching. I think the shots are coming from where the first shot was fired. Then I realize the shots are from a different direction – from the back of the caravan. I look back, and see a big man aiming a big gun, carefully, slowly. He looks like he is not worried about anything. He is wearing a jean jacket, smoking a cigarette. I realize I am in his line of fire. I run across the street to better cover.*

*Across Everitt Street, I crouch behind a car where other demonstrators are. I see César lying on chest in a strange and awkward position. César, my co-worker, my close friend -- he needs help! I want to run to him, but men with guns are still firing, still aiming. They are in no hurry.<sup>161</sup>*

Jim Wrenn saw Mike Nathan lying bleeding in the street, a few feet from where Wrenn was crouched.

*I thought, I need to go to him and try to pull him off the street. I was aware of shooting and I might get shot, but that was...well, I had to do it. If I had not gone to him I would have regretted it the rest of my life...I ran in a crouch to him. And I got shot in nine places. It felt like being hit by a baseball bat. I crawled back behind the car and*



*waited for what seemed like an eternity for the shooting to stop. I didn't realize until later that I had been shot so many times, just that I had been shot in the head because it felt so powerful. Only later I realized I was missing some teeth. I thought I had clinched my teeth so hard they broke, but I had been shot... I was blessed because I was shot two places in the head. One embedded in my skull and the other entered and exited my skull without touching my brain and I don't know how that happened. I also got shot that grazed my lung which caused fluid build up. I had several in my arm and in my shoulder. One was so close to the surface that in the federal trial they extracted it so they could identify the gun that it came from. It was buckshot from David Matthews, the same buckshot that hit Mike Nathan and Sandi and Bill. I was closer to the shooter than any of them. Bill was shot once in the heart and Sandi once in the head and I was shot nine times and am here today talking to y'all. If I had moved a fraction of an inch in any direction, I would be dead. I am missing these teeth and I don't want to have a permanent partial bridge put in, because I want to take it out every day so I don't forget that I am here for a reason.<sup>162</sup>*

The video picks up a final shot fired from near the camera, which appears to be Allen Blitz firing the Derringer (owned by Frankie Powell) once toward the Fairlane.<sup>163</sup> Cameraman Jim Waters saw Blitz aiming the gun and, fearing the shot will draw fire in their direction, pleaded, "Please don't!"<sup>164</sup> Blitz fires one bullet, which struck no one, and the gun jammed.<sup>165</sup>

The remaining caravan members get back in the van, all except Carl Nappier. All the other vehicles had already left the scene. Mathews said, "I got three of em."<sup>166</sup> Nappier saw a man lying down, apparently hurt. He went over toward him to see if he can help, and Rand Manzella, still holding Sampson's handgun, pointed it at him and fired twice. Nappier turned and ran and was picked up by the van.<sup>167</sup>

Sally Bermanzohn recalled,

*Finally the men with guns drive off. I run to César . Allen (Blitz), another demonstrator, and I turn César over. A long breath comes out of him ... he is alive? The breath is too long. I yell for doctor ... where is Paul? I see Paul, lying in crumpled heap. I run to Paul, he is bleeding from his head and arm. What should I do? For a moment Paul wakes up, tries to move. He is alive! I crouch next to him to keep him calm.*

*I see Jim lying in the grass. Nelson comes up, tells me Jim is dead. "No, no, it can't be ..." Tom tells me Sandi is dead, Bill is dead, half of Mike's head is blown off .... I am stunned, I go numb, stop feeling. Everything seems distant, unreal...*

### After the bloodshed

Just over three minutes after they arrived, the last of the caravan cars screech away from the intersection. Officer April Wise called in a report that a pedestrian has reported seeing a light blue Ford Fairlane driving down Gillespie Street, while its white passenger pointed its shotgun out the window, threatening pedestrians. The transcript indicates no response to her transmission or order to pursue the car. Wise did not give pursuit and went to the scene.

11:25:27      Tactical officers League and Bryant arrive on the scene in time to block the escape of the van. Twelve passengers are arrested.<sup>168</sup>

Police officers arrested 12 Klan and Nazi members and found the following weapons inside the van:

- .12-gauge shotgun,
- a hunting knife with blood on the blade,
- a .22-caliber revolver and nine rounds of ammunition, plus a bag with three boxes of .22 ammunition and a sales slip for the revolver made out to David Matthews,
- a .32-caliber revolver and six rounds of ammunition,
- a .357-caliber revolver and two live rounds and four spent rounds of ammunition,
- two .12gauge pump shotguns and six rounds of ammunition,
- a .12-gauge single barrel shotgun and two rounds of ammunition
- a Crown Royal cloth bag containing 25 assorted .12-gauge shotgun shells, two .38-caliber bullets, a box of .22-caliber bullets, and one .22-caliber rifle bullet
- two sets of brass knuckles,
- a pick handle with KKK printed on it
- a 5-footlength of chain<sup>169</sup>

Sgt. Comer saw César Cauce on the ground. Nearby he said he saw a bag with a Derringer pistol sticking out. “Due to the number of people wandering around and the lack of police personnel at that time, I picked the cosmetic bag up and carried it in my hand until we had the situation under control and the police line set up.” Comer said he never removed the gun from the bag and placed the bag back in same approximate position.<sup>170</sup>

11:27:07            Burke radios Daughtry to ask if they should stop other cars with white passengers that were leaving the area—cars that Burke recognizes from the morning surveillance at Fletcher’s house. But there is no reply, according to the GPD Administrative report, because Daughtry was outside the car assisting with arrest of the van suspects (presumably without his walkie talkie). Burke lets the cars proceed.<sup>171</sup> Six seconds later Daughtry comes on the radio to instruct Burke where to park the police van.

11:27:19            Hampton advises to seal off area of Carver and Everitt.<sup>172</sup>

Meanwhile, frightened demonstrators and journalists emerged from their hiding places and tried to take in what has happened. Stunned protesters wandered around the intersection, hovering over the bodies of their loved ones, trying to tend to the wounded. Slowly, as the reality of what has happened took hold, rage set in, especially about the absence of the police. Dori Blitz shouted at police officers, “Where were you? Where were you, you f---king pigs!”

Floris Weston recalled,

*As soon as the shooting stopped and I realized that people were injured, I searched for César and found him dead and I immediately knew that we had been set-up... I didn't have any facts. All I had was my gut and my belief that something was wrong and that someone had helped this to happen. So what else was I supposed to do but to cry out, make charges, call for trials, call for special prosecutors. I didn't have any facts. I didn't have any transcripts. But you know, sometimes you can just smell it when you think you're being set-up and told that to the first person I saw as soon as I found César and that was a Greensboro policewoman. I am certain that most of the cops were unaware of the magnitude of what was before them. These were individuals, they were beat cops, they had their assignments. They were guys out there trying to do a good job. This policewoman was very kind to me out there with my husband dead in front of me in the first moments of my grief and I'll never forget*

*that. I want to say to her where ever she is, if she can hear this, that I will always appreciate her kindness to me in my first moments of grief.*

It appears that this officer was April Wise, because she reported that,

*The second victim's wife, Ms. Cauce, a black female, stated she wouldn't talk to anyone. She then decided to tell me her husband's name, spelling it because she didn't want it wrong. She then told me that he was white. She then stated they had never had any children and how was she to tell his parents.<sup>173</sup>*

Don Pelles,

*The shooting stopped. I think maybe I saw Sandi first. She was lying on her back with eyes wide open and a little round hole right between her eyes<sup>174</sup> and a pool of blood under her head. I thought, well, she's probably dead, but if she's not, then she'll be cold so I took off my coat and put it over her. And then I walked away. And it was then that I saw César and he was kind of lying there with his mouth open and his shirt was pulled up and his stomach was kind of riddled with shots. Then I think I turned and saw Bill who was lying on his back by the recreation center and there were several people around him. Tom Clark. And Tom said "can you give him mouth to mouth?" Because he was working on his chest. I'd never given anyone mouth to mouth before, but I did. I put my mouth around his. I remember tasting vomit and trying to blow air into his lungs. And as I did, there was a sound coming back. And I thought oh, well maybe he's alive. I was over where Paul Bermanzohn was. He had been shot in the head and the arm, but I don't think I noticed the head wound at that time. He was bleeding profusely from his right arm. He had a big wound there. So I took off my shirt and tied it around his arm as a tourniquet really, to try to stop the bleeding.*

*Pretty soon after that I ran in to Roz (Pelles) who was pretty frantic who had been looking for me. And she realized that she was in charge, as all the other leaders were gone. That all of the WVO leadership were either dead or incapacitated so she was kind of the ranking leadership there.<sup>175</sup>*

*The ambulance took me to the hospital...and I sat there, by now quite chilled, for the longest time waiting in the emergency room and this policeman showed up and wanted to talk to me and at first I said I wouldn't talk to him because I think like everybody else there I thought there was something very fishy about the police behavior. I thought that they were in cahoots with the Klan. So at some point the doctor finally showed up and he took some of the pellets out of my cheek...it turns out there were pellets all down the left side of my arm, my back, my ankle...after the doctor finished with me, this policeman took a statement...I was scared I was kind of isolated and he was telling me that he wanted me to come down to the station with him and I didn't want to, then he said "that's where all of your friends are and if you want to see them then you need to come with me." He wasn't arresting me. So I gave him a statement, for which later I regretted and I was roundly criticized within the organization for even talking to the police. So I went down to the police station with him and he took me into a room and I sat down and he left, said, "Wait here." So I waited there for a little bit. Nobody came. I went to the door and looked out the door and looked up and down the hall and there was nobody. I walked out the door, found the nearest exit and walked out of the police station. By then I realized that they weren't telling me the truth, that my friends were not at the police station. And I just left.*

Reporter Winston Cavin recalled,

*I heard screams everywhere. Gunfire. Screams. Gunfire. Screams. Engines gunning as the shooters fled... That eerie silence. I could smell gunpowder in the air and heard the groaning of people who were dying. I was in shock but did what many people do after surviving or witnessing a tragedy: I went on automatic pilot. I ran across the street to the courtyard, scribbling notes like mad as I tried to comprehend what was happening. People were screaming, crying. There were bloody victims lying on the ground. A woman cradling her husband's head in her arms, the sounds of people gurgling their last breaths, unable to speak.*

*I remember thinking, "Where are the cops?" "Where are the cops?" Soon I heard sirens approaching and hoped that order would soon be restored. Colleagues from the News & Record soon arrived and I felt some relief having friends amid all of this chaos.<sup>176</sup>*

Nelson Johnson recalled,

*As quickly as the Klan and Nazis had jumped out of their vehicles, they jumped back into them. And I crossed the street and the shooting started and I saw, when it was over, the carnage. Let me just say that at that point, I ran to Jim. Jim was lying face down, I turned him over, shot in the back. He was breathing deeply and he took his last breath and Signe came over and I said "Signe, he's gone."*

*At that point, I stood up and I actually could see scrolling before my eyes this discussion with Larry Gibson saying that we will protect you in this march, but you have to sign this... and I could hear Jim Melvin saying publicly, in the newspaper that you are the most dangerous man in Greensboro, and I knew in the depths of my soul that we had been set up and I stood up and started to say so. The police rushed over and asked me to stop speaking and I refused to do so. I was wrestled to the ground and arrested for inciting a riot as I was bleeding and speaking out of my pain to what had happened to my friends.*

*I was then taken to jail and that night I was taken out of my cell and taken to a holding cell. Two officers came in, identified themselves as police and FBI. And they started to interrogate me. They said that your life is not worth a nickel. They said that your name is on the lips of every Klan member on the state of North Carolina. I needed to tell you this. And that your only chance is to cooperate with us. I had no idea what they meant. I refused to speak to them and I tuned them out. They said that we will kick the stool from under you and rip the bandages off of your arm. I refused to speak with them and eventually they left. I went back to my cell, I spent the remainder of the night in pain and in jail. I didn't know who had been killed. I just knew that this could not have happened without some conscious involvement.<sup>177</sup>*

Concerned that they might be outnumbered by hostile protesters and bystanders, Lt. Ward asked Police Attorney Cawn if Johnson's speech to the gathered Morningside residents was enough to charge him for disorderly conduct. Cawn said yes because he felt Johnson was inciting the crowd. Cawn remembers Johnson's words to be "Go get your guns and let's kill some cops." The video demonstrates that this is an incorrect recollection. However, Cawn's testimony is similar to the recollection of many other officers at the scene, which demonstrates the level of threat that the police thought that Johnson posed to public safety and their assessment of the volatility of the situation.

Willena Cannon recalled,

*I went over to where Jim Waller was laying down, face down, and Nelson turned him over, and he kinda had his head on my knee and he was bleeding. When I went to jail later I had Jim's blood all over my hands. I actually saw that Jim was alive and then saw the light go out of his eyes. He was dead, and Nelson was talking to him. I could see ... then I saw Paul ... Then I heard Nelson. He was telling the people that this whole thing was a set-up, and what he felt about it. And knowing the years that police always would beat on Nelson, or really kind of ... They went for him most of the time. So I ran around to where he was. He was telling people what was going on. The police crowded in. And actually one had him down on the ground, with their boot against his neck, and was pulling on him. All I could think of was, oh my God, they're going to break his neck right here. And I could hear the papers saying later that he was acting wild or whatever and broke his neck. I could think about all that.*

*The guys around this whole thing, the people from that neighborhood, did not like what was going on and they was saying stuff, but wasn't moving to stop it or get involved. So actually I just jumped in on the police. I knew these black men would not let the police handle me. Once I jumped in, they were handling me and then these guys started coming in; they were moving in, and the police was forced to stop it because of that. And that stopped that whole scene, right there. And then they said we were arrested. I asked why was I arrested, and they said they didn't know why but would think of something by the time we got there. I was put in a car and carried to, not to jail, but down to the police station, in the basement. They were trying to get me to answer, asking me what was my name. I told them, "Look, you know what happened because you was involved in some of it. You knew what was going on."*

*Then they said, "Look, Willena, if you don't tell us, answer our questions, we can't help you." I said, "Well, you know my name already." And to be honest with you, I was angry with myself because I was answering them. I figured that they knew all of this and was gonna interrogate me a long. So what I did was focus on what had happened that day, and then focus on some of my childhood, around the Klans. And actually I remembered when we were coming to the police station, the female policeman said, "Oh, I think there was children killed, too." And I remembered that at least my son and lots of people's children, neighbors' children, lots of children was there, and all I could think of was children killed.... Excuse me... (Paused, overcome by emotion) And for the first time in my life, I blanked out.<sup>178</sup>*

## FINDINGS

The preceding pages are the result of many months spent collecting information and distilling a complicated set of events, evidence, vantage points and beliefs into a single, impartial and well-supported narrative. Based on the information available to us, we have come to a number of conclusions about these events. It is important to note that our analysis likely is, as explained previously, necessarily imperfect, however, given that we were missing key pieces of evidence, such as statements from many police personnel who held decision-making roles in 1979 and trial transcripts that are no longer available. We also requested from the GPD documents including complete unedited radio transcripts and an Operational Plan for the march (if one indeed existed), but we did not receive them. Where trial transcripts were not available, we turned to secondary sources such as newspaper accounts or Wheaton's

account in her book *Greenkil* but wherever possible we have used the primary source material.

Because more than an impartial recitation of the facts is needed to bring healing to the Greensboro community around events that have been marked by divisions, distrust, myths and misinformation, we also have sought – as our Mandate directs – to “establish accountability.” Many individuals played roles that contributed to the tragedy, and although our intent was not to place blame, it is important to understand and acknowledge them all. Our findings both of fact and of accountability follow below.

### **Caravan passengers**

The GTRC finds that on the morning of Nov. 3, 1979, the members of the Klan caravan headed for Greensboro with malicious intent. At a minimum, they planned to disrupt the parade and assault the demonstrators (by throwing eggs), violating the marcher’s constitutional rights to free speech and assembly. Further, we believe there is sufficient evidence to conclude that they intended to provoke a violent confrontation, and that this was broadly understood among those present in the multiple planning discussions. Those who left their cars to engage in violence did so willingly. More importantly, Klan members have admitted since the event that they intentionally came prepared to use deadly force in order to be victorious in any violence that occurred.

But not all Klan members bear equal responsibility. We find the heaviest burden of responsibility is on those (Wood, Pridmore, Fowler, Matthews, and Smith) who, after they returned to their cars and their path of exit was cleared, instead went to the trunk of the last car to retrieve weapons. They then fired at demonstrators, fatally wounding Nathan, Waller, and Cauce when they were unarmed. They also wounded Bermanzohn, Wrenn, Powell, Clark, Manzella, and Dalton when they were unarmed. The fourth person killed, Sandi Smith, was also unarmed, although she was in the vicinity of someone who was firing at the Klansmen and Nazis and could have been hit by Klansmen or Nazis returning fire. The fifth person killed, Bill Sampson, had a handgun and was firing it when he was fatally wounded.

### **Workers Viewpoint Organization (Communist Workers Party)**

We also find that some, albeit lesser, responsibility must lie with the demonstrators who beat on the caravan cars as they passed. Some CWP members also brought guns to the rally and fired them in the direction of the Nazi/Klan members. We find that the CWP did not fire until the Klan already had fired a minimum of two shots and perhaps as many as five shots first. The FBI evidence indicted that 18 shots were fired from locations occupied by the CWP and demonstrators and 21 were fired from locations occupied by the Nazi-Klan. However, we find the multiple revisions by the FBI of its own testimony make it unreliable evidence (see Injustice in the justice system chapter).

The GTRC believes that the cause of the WVO/CWP protesters that compelled them to speak out against racist violence, poverty and unfair labor practices, was just and commendable. However, we find that the WVO/CWP leadership was very naïve about the level of danger posed by their rhetoric and the Klan’s propensity for violence, and they even dismissed concerns raised by their own members. We find the use of aggressively challenging and hyperbolic rhetoric, threats of physical harm, and the attack on the caravan’s cars encouraged a violent environment of cyclic retaliation.

The GTRC feels that the WVO/CWP decision to undertake this highly risky strategy in a marginalized poor neighborhood, without seeking their collective permission, was irresponsible. All too often residents of public housing are not consulted in decisions that affect their lives, even when the organizations making these decisions may be acting in a benevolent spirit. We believe that WVO/CWP’s reckless bravado and failure to take seriously the risks presented by their march, even when their own members

raised them, places an additional responsibility on them for putting the community and their own membership in harm's way.

However, the GTRC wishes to be perfectly clear that this finding does not mean that we believe the WVO/CWP "asked" for brutal violence to be committed against them, or that their responsibility is equal to those who pulled the triggers or even to those whose sworn duty it is to protect the public, including those whom the police may regard as advocating unpopular views. Further, we also find that the WVO/CWP's naïveté about the danger of their planned march was caused in part by the GPD, which did not inform either the WVO/CWP or Morningside residents about the Klan's plans and its coordination with other racist groups. Further, their hostile stance toward the police notwithstanding, the WVO/CWP, like all citizens, had a reasonable expectation that the police would be present at the march to provide protection.

### *The Role of Violent Rhetoric*

Much of the public debate about the causes of the Nov. 3 shootings has centered on the role of aggressive speech in bringing about violence. The common thread in this debate on November 3 describes two "extremist" groups, sometimes even referred to as "hate" groups.

Yet we do not believe there has been balance in the debate, which at times has placed heavier responsibility on the WVO/CWP for their aggressive challenge of the Klan. The GTRC finds that while both groups deliberately engaged in provocative and even violent-sounding rhetoric, the message of racism and violence promoted by the Klan and Nazis outweighs in effect or intent to the WVO/CWP's rhetoric of violent overthrow of capitalism and destruction of the Klan. This is even more true because the demonstration was to occur in the heart of the Greensboro's black community.

The Klan and Nazi's racist rhetoric was plainly intended to provoke:

- The message of the film "Birth of a Nation", showed at Klan recruiting rallies, glorifies the murder of black people, whom it portrays as drunks and sexual predators;
- Griffin made the statement at the Lincolnton Klan rally, just weeks prior to the confrontation, that "If you loved your children, you would go shoot 100 niggers and leave their bodies in the street";
- At the same Klan rally, Dawson encouraged a confrontation with "the Communists" in Greensboro, and challenged the Klansmen that there would be some "big buck niggers... bigger than anyone in this room" at the parade;
- The night before the march, Dawson plastered a poster in black neighborhoods that bore a lynched body with the warning to "Traitors, communists, race mixers and black rioters ... the cross hairs are on the back of YOUR NECK. Its time for some old fashioned American justice."

The intent expressed in this language, which glorifies and encourages the oppression and outright murder of black people is immoral and demanding of public rebuke. Nevertheless, the GTRC supports the Constitutional right of the Klan and Nazis to hold and express those views, however repugnant.

However, the GTRC further upholds the right of people to protest and advocate for the rejection of those views. We, therefore, emphasize that the rhetoric used by the WVO/CWP was also constitutionally protected speech. In fact, we applaud their principle of speaking out against bigotry and racist and religious violence.

Nevertheless, it is clear that the aggressive and hyperbolic form of WVO/CWP's rhetoric, which often advocated the use of violence, contributed to a climate of hostility and dehumanization :

- Paul Bermanzohn’s statement to the press on Oct. 11, 1979, “(The Klan) can and will be crushed. They are cowards, nightriders who try to terrorize innocent people. They must be physically beaten back, eradicated, exterminated, wiped off the face of the earth. We invite you and your two-bit punks to come out from under your rocks and face the wrath of the people.”
- In a flier advertising the Nov. 3 march, the WVO/CWP declared, “These dogs (the Klan) have no right to exist! They must be physically beat them and driven out of town. This is the only language they understand.”
- In an open letter to Klan leaders Joe Grady and Gorrell Pierce and “all KKK Sympathizers”, which was distributed at work places and ultimately found its way into the hands of the Klan, the WVO/CWP again called the KKK “treacherous scum” and “two-bit cowards” and renewed their challenge for the Klan to come to the rally, warning them, “We take you seriously and we will show you no mercy.”

This language regrettably shows not only disapproval for the Klan “as a political institution” or their ideology, as many former CWP members have claimed was their aim, but is personally insulting and expresses a desire for their physical confrontation.

Navigating the often murky divide between free expression and unacceptable aggression comes with the territory of an open, democratic society. While being provocative is often acceptable when exchanging opposing ideas, language can also be aggression when “fighting words” are used that are intended as actionable threats and are likely to be immediately successful. However, speech that is protected cannot be used to justify violent response, especially when that response comes weeks later. Provocative speech may contribute to the environment that leads to violence but cannot justify violence.

We believe there is a difference between the Klan and Nazi’s speech at the corner of Carver and Everitt on the morning of Nov.3, 1979, and that of the WVO/CWP. The Klan and Nazi caravan drove slowly through a black neighborhood, where they knew an anti-Klan rally was forming, while displaying the Confederate flag and shouting “You asked for the Klan, you Communist son of a bitch, you got the Klan!” Other passengers yelled “Nigger” “Nigger lover” “Kike” at the mixed race crowd assembled there to protest the Klan. The WVO/CWP responded with chants of “Death to the Klan!” Mark Sherer shouted , “Show me a nigger with guts and I’ll show you a Klansmen with a gun!” and “Shoot the niggers!” as he waved a loaded pistol in the air and as his fellow Klansmen were getting out of their cars to join in a stick fight. We believe the WVO/CWP’s chants cannot be equated to the Klan’s insults and direct exhortation of violence.

Many former WVO/CWP members themselves now recognize that the language they used in the months and weeks leading up to Nov. 3 was reprehensible in that it added to the dehumanization of people and was dangerous because it invited retaliation. For this, many of the former WVO/CWP members have publicly expressed regret (see Box “Violent language in retrospect” above). The GTRC celebrates this reconciliatory gesture, as it does the public expression of regret of former Klansman and Nazi Roland Wood for his racist hatred.

We note that, in general, the public debate on the use of provocative rhetoric has largely focused on WVO/CWP rhetoric and not on that of the Klan. We find that unbalanced formulation of responsibility to reflect the pervasive over-emphasis of the threat posed by outspoken anti-Klan activists and a striking dismissal of the threat posed by the Klan. We hope that community members will look into their own hearts and answer for themselves the source of this fear and apathy. We hope that each of us will question what role we play as community when we silently acquiesce or deliberately distance ourselves when wrongs are done to people whose demeanor we might find offensive and whose political views some of us reject.



## Were Victims Targeted?

Many of the former CWP members believe that those who were killed were targeted for their leadership role in union activism. With evidence available to us, we cannot make a clear determination on this point.

There is some evidence that caravan members discussed targeting particular individuals, although not for shooting. Sworn testimony of Chris Benson, a high ranking officer in Virgil Griffin's Klan, offered compelling evidence that the night before Nov. 3, 1979, he, Griffin, Pridmore and Jerry Paul Smith used photos of China Grove to choose who they were going to "beat up" at the march. However, even if it were their explicit plan to beat up selected CWP leaders, we have seen no evidence that the plan extended to shooting them.

The affidavit of Kannapolis mill worker Daisy Crawford that, prior to Nov. 3, 1979, men identifying themselves as FBI agents came to her home and showed her photos of Sandi Smith and other men she later speculated were Waller and Sampson is also inconclusive. The FBI has offered no reports or agent testimony of this visit. Based on this evidence, we cannot know for sure who was in the photos; who the men were who showed the pictures to her; or for what purpose they did it; and what, if anything, this visit had to do with the deaths of the five victims.

The fact that, although many others were present, the five who were killed were union leaders is often used as evidence that they must have been targeted. However, their leadership role in itself is not evidence that they were deliberately singled out. We suspect that those who were killed were those who were in the front of the fray, perhaps because of their leadership roles. The possible exception is Sandi Smith. She was standing near two demonstrators who were firing guns, Claire Butler and Bill Sampson. These demonstrators very possibly drew return fire from the caravan that hit Smith instead.

## Morningside Homes Residents

The GTRC finds that some Morningside residents were not in agreement with the march and felt resentful that they were exposed to this risk and trauma. At the same time, however, the WVO/CWP felt it had sufficient support and personal ties with the Morningside community after years of working on housing and education issues there. In addition, the WVO/CWP did leaflet in this and other housing projects along the route. Further, the WVO/CWP did hold a meeting with the Neighborhood Residents Council, who did not adequately inform Morningside residents about the upcoming event and must bear some responsibility for the breakdown in communication. However, by staging the gathering there, the WVO/CWP exposed residents to a risk they had not accepted as a community.

As a legal matter, the parade permit meant that the WVO/CWP had permission from the city to conduct the march and did not legally need permission from Morningside residents to carry out the march. However, the GTRC feels that an anti-racist organization explicitly advocating for the empowerment of working-class, black people had an ethical obligation to ask permission of the residents before staging the parade and conference in their neighborhood, rather than simply informing them. This is especially true given the risks involved.

From the GTRC's own experience, we know that the fear produced by the history of the Klan, and this event in particular, means that many in black working class communities, and especially former residents of Morningside, are still afraid to talk about this issue. For this reason, we acknowledge that there may well be others with viewpoints in support of the WVO/CWP who have not felt at liberty to come forward.

### Greensboro Police Department

While we find the WVO/CWP members were naïve in their expectation that no Klan would accept their challenge to attend the march, we find the police were irresponsible in their deliberate absence from the parade starting point, given the information that the Klan indeed were coming and would likely provoke violence. While we believe the highest responsibility for bringing about the confrontation lies with those Klansmen and Nazis who went to the parade intending to provoke a fight and ultimately opened fire on the demonstrators, the GTRC also believes that the deaths could have been prevented with visible police presence. Hostility between the WVO/CWP and white supremacist groups ran high, and was unnecessarily inflamed by violent language on both sides. Yet vocal expression of political disagreement is the lifeblood of a healthy democracy. The two groups had met before at China Grove and exchanged insults and jeers and displayed weapons, and no violence resulted. The GTRC firmly believes this was due to the presence of a few uniformed police officers, who did nothing other than to be present. They did not draw guns. They made no arrests.

The GTRC recognizes the complex decisions and judgment called required in police work. We further acknowledge that police departments have the difficult and crucial job of protecting those whose views are distasteful, who are hostile and who may do things that obstruct protection.

But these difficulties do not negate or minimize the responsibility of protection. Indeed, civil and human rights do not derive their meaning from their protection for the universally adored; rights only have meaning if we apply them to everyone, even the most despised and hostile and groups whose ideas we may even find threatening. Further, officers are surely trained to deal with this hostility as it is a routine occurrence in police work.

The GTRC finds strong evidence that there were those in the GPD who had strong negative feelings toward Communists in general, and Nelson Johnson in particular, feelings that were out of proportion to the threat the Communists posed. We believe that the GPD's demonization of Johnson as a public threat was attributable to his abrasive outspokenness on unpopular causes of black advocacy in the late 1960s, including one—a community demand for justice in the 1969 Dudley High School student government election—resulted in the unsolved shooting death of A&T student Willie Grimes. Although we have seen no evidence that Johnson had anything to do with that death and was only charged with disorderly conduct in association with this whole event, the GPD viewed him as, a “threat” that they also associated with the WVO/CWP. The GPD further overstated the criminal threat posed by the WVO/CWP because of their unpopular political views and hyperbolic rhetoric, and used this as a justification to conduct surveillance of the group's members and unionizing activities at Cone Mills.

At the same time, we find a pattern of underestimation of the risks posed by the Klan that amounted to reckless disregard for the safety of the marchers and the neighborhood residents. This fear of vocal black activists who advocated armed self-defense but who had no criminal record other than disorderly conduct, stands in stark contrast to the dismissal of the threat posed by Klansmen and Nazis who openly advocated and had a criminal record of committing racist violence. This double standard is evident in the police department's characterization of Klan leader Virgil Griffin as “a hothead with a short fuse” while WVO/CWP leader Nelson Johnson was “the most dangerous man in Greensboro.”

The police took steps to contain the threat posed by Communist activists by requiring that marchers relinquish their right to bear unconcealed weapons, a step we believe was prudent. Yet, police refused to stop the Klan caravan, even for an investigative stop, although one key commander admitted that he “could think of no more suspicious circumstance” than that posed by the nine cars of Klansmen

and Nazis heading toward the parade route, probably armed, to confront anti-Klan demonstrators. The police double standard of threats posed by blacks advocating armed self-defense and white supremacists advocating racist violence clearly affected decisions about the parade in a way that endangered marchers and neighborhood residents, as well as caravan passengers.

From the totality of evidence available to us, we find that the key officers in charge of planning—Chief Swing, Deputy Chief Burch, Capt. Thomas, Sgt. Melton, Det. Talbott, Det. Cooper, Capt. Steele, Capt. Hampton, Lt. Spoon, Maj. Wynn, Capt. Gibson and Lt. Daughtry—knew there was a high likelihood of violence when the Klan and demonstrators came into contact.

**This timeline summarizes our findings on the GPD’s information about the anti-Klan parade, based on GPD records and testimony:**

- |          |  |
|----------|--|
| Oct. 10  | WVO/CWP planned an anti-Klan parade on Nov. 3 in Greensboro, weapons restrictions for marchers discussed to avoid trouble.   |
| Oct. 17  | Klan and Nazis planning to demonstrate at parade.  |
| Oct. 19  | Windsor Center would be assembly point for out-of-town people, who would be brought over to Everitt and Carver to begin parade.  |
| Oct. 22  | 50-85 Klansmen planning to come to confront parade, guns discussed.  |
| Oct. 26  | Klansmen and Nazis organizing to come from all over the state, under leadership of Virgil Griffin, Harold Covington and Leroy Gibson (all known for violent and incendiary tendencies). Group would assemble at house in Greensboro, and collectively “heckle” and throw eggs at marchers. The Klan planned to ride the parade route beforehand to find a spot for a “confrontation.”  |
| ~Oct. 27 | A member of the Nazi Party in Winston-Salem recently bought a machine gun and planned to come to Greensboro and “shoot up the place.”  |
| ~Oct. 30 | The WVO/CWP and Klan had a conformation in China Grove in July that nearly erupted into violence and resulted in the Klan backing down and the Confederate flag being burned. The Klan publicly vowed revenge.   |
| Nov. 1   | Klan given copy of the parade permit by GPD, and knew the requirement for demonstrators to be unarmed.<br>WVO/CWP had publicly called the Klan “cowards” and “scum” and challenged them to come to the march.<br>Virgil Griffin is known to have a short fuse.<br>GPD Klan informant tried to call off the march and then obtained a copy of the permit route and starting point.<br>Everitt and Carver was the designated step-off point for parade, but some marchers also would be assembling at Windsor. |
| Nov. 3   | Klansmen and Nazis assembling on the outskirts of town, had guns.  |

Yet key police planners, Dep. Chief Burch, Capt. Hampton, Lt. Spoon, Capt. Gibson, and Lt. Daughtry made repeated decisions to divert officers away from the designated and agreed upon assembly point. In making this explicit decision to be absent given the reasonable expectation that violence would result from any contact between the Klan and WVO/CWP, key GPD officers were negligent in their duty to protect the marchers and residents of Morningside.

**Based on available GPD intelligence, these are our findings of the key GPD decisions that increased the likelihood of violence and guaranteed police absence:**

1. Did not take Lt. Ford’s invitation to arrange a meeting between informant Dawson and Deputy Chief Burch to discuss the Klan’s plans to confront the marchers (Burch, Thomas,

- Talbott).
2. Did not ask Dawson why he wanted to cancel the march (Warren, Talbott, Cooper).
  3. Did not ask Dawson, a known Klansman, why he wanted a copy of the permit (Gibson).
  4. Did not notify WVO/CWP that the Klan intended to attend and that the Klan had a copy of the parade permit. Also failed to pass this information on to officers in charge of parade security (Gibson, Henderson, Wynn, City Attorney Warren, Talbott, Cooper).
  5. Did not question intelligence that any confrontation would only occur at the end of the march (all GPD involved in planning).
  6. Interpreted “low profile” as having no officers on the site or within view or a reasonable distance from the designated parade starting point (Burch, Hampton, Gibson).
  7. Observed Nelson Johnson’s press conference and/or received literature, and so knew that the All Nation’s Pentecostal Holiness Church had pulled out as the location for the conference. Yet no one ensured that this information was discussed in the Nov. 1 planning meeting where Hampton instructed Spoon to check the church for bombs on the morning of Nov. 3, nor at the 10 a.m. line up on Nov. 3 (Thomas, Cooper, Gibson, Burke).
  8. Spoon did not contact church staff to discuss plans for securing the conference site. Upon arriving to find the church locked, Spoon did not adjust his understanding of the location of the march, nor did he make further arrangements for securing the church.
  9. Daughtry and Spoon did not remain in radio contact at all times (nor did Hampton).
  10. Cooper did not stop the caravan once they were on their way to the parade formation point, when he admitted there was a “reasonable chance” there were concealed guns in the cars.
  11. Comer stationed his men away from Everitt and Carver, deviating from the location designated by parade organizers and discussed in all planning meetings.
  12. Comer only checked Everitt and Carver once, more than one hour before the appointed time to meet Johnson, and did go back to check again, even though it had been reiterated to him that the parade was starting at that location and he was to meet Johnson there.
  13. Once Comer had decided to deviate from this policing plan and place his men at Windsor Center, he did not call for additional officers to cover Everitt and Carver.
  14. Daughtry did not immediately call tactical units to Everitt and Carver when he heard the caravan was heading toward the parade assembly point.
  15. In view of Daughtry’s radio silence, Burke did not step into the breach and order his men to get into position once Cooper had sent word that the caravan was heading toward the parade starting point.
  16. Further, although they knew their assignment was to get in between demonstrators and the Klan/Nazis, when tactical officers themselves heard that a caravan of nine cars of Klan and Nazis intent on confronting the marchers and possibly armed was en route to the parade formation point, tactical officers did not leave their breakfast spots to get to their assigned posts, nor were they ordered to move.
  17. Upon learning that the caravan was on its way to Everitt and Carver, League and Bryant drove within a half a block of that intersection, saw that demonstrators were gathered there that no police were present, yet nevertheless departed for Dudley, without reporting any of this information to commanding officers.
  18. No officers in a position to do so—Daughtry, Spoon, Hampton or Burke—acted to stop the majority of the fleeing caravan cars.
  19. No one responded to Wise’s report that a Fairlane departing the scene had threatened pedestrians with a shot gun. Wise did not attempt to give pursuit.

## Sequence of events on November 3, 1979

TIME	RADIO TRANSMISSION <sup>179</sup> (from the GPD Internal Affairs Division's publicly released transcription)
11:13:51	<i>Cooper</i> : Caravan of nine cars moving toward the parade starting point from Interstate 85 and Randleman Road (~four miles away from Everitt and Carver)
11:16:20	<i>Cooper</i> : Caravan on U.S. 29 and Florida Street (2.5 miles away).
11:16:35	<i>Daughtry</i> : Tells tactical units they “have 14 more minutes” to get into position.
11:17:45	<i>Cooper</i> : Caravan “turning onto Lee Street” (seven blocks away)
11:18:57	<i>Cooper</i> : Turning onto Willow Road (four blocks away)
11:19:28	<i>Daughtry</i> : “Hustle into those positions. They’re moving before we anticipated.”
11:20:14	<i>Cooper</i> : “Part of (the caravan) should be there by now almost.”
11:20:52	<i>Cooper</i> : The caravan “parking on Everitt and Willow” (one block away)
11:21:20	<i>Spoon</i> : Tells Daughtry (three blocks from Everitt and Carver) to meet him at the train station (20 blocks in opposite direction)
11:22:02	<i>Cooper</i> : Caravan “arrived at the formation point”
11:22:25	<i>Cooper</i> : “They’re heckling... Demonstrators are scattering”
11:23:10	<i>Cooper</i> : Fight in progress. “Get some units in here.” League and Bryant (five blocks away), Boyd and Gerringer (24 blocks away) and Henline and Toomes (24 blocks away) head for Everitt and Carver
11:23:27	<i>Cooper</i> : “Shots fired.” Remaining tactical units proceed toward Everitt and Carver
11:23:31	<i>Spoon</i> : “Move the cars into that area.”
11:23:37	<i>Daughtry</i> : “Move tactical units in”
11:23:47	<i>Cooper</i> : “Heavy gunfire.”
11:23:51	<i>Spoon</i> : “All available units to Windsor Center”
11:24:14	(Unknown): “I think they’re at Everitt and Carver. We’re at Windsor and there’s nothing here.”
11:24:29	<i>Cooper</i> : “Most of the gunfire from yellow van. It’s now leaving the scene.”
11:25:27	<i>League</i> : “We’ve stopped the van. Need help”
11:26:26	<i>Daughtry</i> : Situation under control.

*Underestimation of risks and careless disregard for protection of the march*

In light of the information they possessed, the officers in charge of planning protection for the march

displayed a reckless disregard for the risks posed by the Klan and Nazis' plan to confront the marchers. Although Dawson repeatedly reported the number of Klansmen and Nazis who planned to attend was upwards of 50 men, some officers in planning meetings insist that the number discussed was "approximately 10," if any were expected to come at all.

Another of the GPD's staggering underestimations was of the likelihood that the Klan and Nazis, who planned to confront the marchers, would bring firearms. While Dawson reported to his handlers that he told Klansmen he could not order them not to bring guns, he also surmised, as anyone with even a passing knowledge of the Klan would, that many members would indeed bring guns.

Similarly, the GPD appears to have accepted uncritically most everything Dawson said. For example, the GPD knew for certain that the Klan had a copy of the parade route and Dawson had made repeated reports that the Klan had met numerous times to discuss plans to follow the marchers to heckle and possibly assault them by throwing eggs. Yet, the GPD seems to have accepted uncritically that Klan and Nazis were going to limit themselves only to these activities. The GPD's unquestioned acceptance that the end of the march would be the site of any possible problems was another example of an erroneous assumption.

Although much of Dawson's information was accepted without question, when the GPD received information from a police officer (who received it from an independent source) that a Nazi planning to attend the march might be in possession of a machine gun and intended to use it in Greensboro, this information was dismissed as an "unconfirmed rumor."

This lack of critical thinking about the intelligence they had revived about the Klan and Nazis' plans demonstrates extremely negligent regard for the safety of all concerned. The failure of trained police officers to consider the likely consequences of the Klan and Nazi's planned actions is incomprehensibly poor police work. In light of the animosity between the two groups that the GPD knew to exist, it was reasonably foreseeable that any contact between them would result in violence.

### *Leadership Role of Police Informant*

We find that Eddie Dawson, in his capacity as both Klansman and police informant, took a leadership role in bringing his fellow Klansmen to Morningside. The facts show that Dawson:

- Made the initial racist speech designed to incite those at the Lincolnton rally;
- Arranged the meeting point at Fletcher's house;
- Was in regular contact with Griffin about plans to confront the march;
- Obtained a copy of the parade permit and route;
- Drove the route with Pridmore and Smith the night before the march;
- Posted KKK posters with the threat to "traitors, communists, race mixers and black rioters" that "The crosshairs are on the back of YOUR necks;"
- Pointed out the route on a map to the assembled Klansmen and Nazis ;
- "Rushed" everyone to leave the house;
- When someone at the house asked "Who's in charge of this thing?" Imperial Wizard Griffin said, "I guess he is." (indicating Dawson) ;
- Organized the order of cars in the caravan to have CBs in the front and rear;
- Was in the lead car of the caravan;
- Was the first to drive by and shout insults at the assembled marchers.

These deliberate actions demonstrate Dawson's leadership role in encouraging Klansmen to confront the marchers and to incite violence, a role about which his GPD handlers were well aware and did

nothing to prevent or mitigate. In fact, commanding officer Capt. Thomas said he believed Dawson was problematic as an informant because he was clearly a believer in the KKK's views and had allegiance to them as a group. He claimed he told Talbott and Cooper to ensure that Dawson did not attain a position of leadership in the Klan.<sup>180</sup> Although Dawson was not the only leader in bringing about the violence, he clearly played a central role in the Nov. 3, 1979, confrontation. Dawson was poorly instructed and supervised, and inflamed anti-Communist sentiments and urged Klansmen into a violent confrontation with the Communists and facilitated that contact.

Further, Dawson appears to have believed he was acting with the approval and even encouragement of his police handlers, who paid him for his information.<sup>181</sup> Dawson claimed that when he went to the GPD to meet with Maj. Colvard, who was the head of Criminal Intelligence when he was an informer in the early 1970s, Colvard took him to Cooper's office with the suggestion, "If you want somebody to go to one of these Communist meeting things, you ought to talk to Dawson here."<sup>182</sup> Dawson also claimed that it was Cooper and Talbott who suggested that he attend the Klan rally in Lincolnton on Oct. 22, where Dawson made a speech urging the conformation of "the Communists" in Greensboro.<sup>183</sup> As further evidence of his assumed approval, after he was named as a defendant in the civil suit Dawson approached the police department to ask if the city attorney would represent him in the case.<sup>184</sup>

GPD officials admit that there were not written guidelines for handling informants in 1979.<sup>185</sup> While Talbott and Cooper say they told Dawson he couldn't break the law. In Cooper's words:

*And I told him that, you know that if he went to the meeting that's fine we would like to know what he found out and if he did disrupt the meeting, that he would be arrested, just like anybody else who violates the law.<sup>186</sup>*

However, there is no evidence that Cooper and Talbott ever advised Dawson *specifically* what would constitute a violation of the law, specifically what would be viewed as illegal behavior in the context of the Klan's plans to disrupt the march and potentially assault the demonstrators by throwing eggs. We believe this omission is negligent in overseeing informants who are known to have been involved in racist violence and who are providing information about plans that could be reasonably foreseen as producing violence.

### *Permit process*

Gibson did not have any information on Oct. 19 about the Klan coming, when Johnson asked if the police expected trouble. However, when Johnson came to pick up the permit on Nov. 1, Gibson did have information from an inside informant that 50-85 Klansmen and Nazis were planning to come to disrupt the march and potentially assault the demonstrators. Although, Gibson says that he was not the one to give the permit to Johnson on Nov. 1, he also did not feel the need to communicate any intelligence to Johnson about the possibility of Klan violence. Likewise, Hampton, whom Johnson encountered that day in relation to the march, also chose not to reveal this information to him. In fact, Hampton claimed that informing the WVO/CWP of this danger "served no purpose that I could see." Hampton said this was because, "I had read his (Johnson's) flyer. He was inviting them to come so, you know ..." We find police failure to inform the WVO/CWP of known threats to the marchers unconscionable.

According to Capt. Gibson, the parade permitting process ordinarily involved an assessment by the Chief's Office if there were any problems with the parade route and requirements for police personnel. The permit was then passed to the City Manager's office to issue the permit, which was either mailed to the applicant or picked up at the station. Johnson's permit took almost two weeks to process even though the restrictions on demonstrators were already discussed among the officers and agreed to by Johnson in his application.<sup>187</sup> Gibson said he did not know what caused this delay, saying that his only involvement with the process was initial discussions with Maj. Wynn about denying the permit and

then taking the application from Johnson. However, Gibson speculated that, “If I had to guess, I’d say they were having meetings and discussions about it upstairs.”<sup>188</sup> We have found insufficient evidence to make a finding about what caused the delay.

*WVO/CWP demand police “stay out of our way”*

The facts show that the WVO/CWP were openly hostile to the police and made the job of protecting them difficult. However, hostility and verbal abuse do not preclude their right to police protection. The police knew this enmity existed and yet delivered the explicit promise of protection of the marchers and their First Amendment rights when Johnson applied for the permit.<sup>189</sup>

*“Low Profile” or No Profile?*

The key decision to be absent from the starting point of the march turned on the concept of a “low-profile” approach to policing the march. Given the enmity between police and WVO/CWP, the GTRC feels some version of a “low-profile” presence by the police was reasonable. However, the discussion of the profile of the police in relation to Nov. 3 often seems as though only two options were available to the GPD: full presence in riot gear at the starting point or removing officers to a location four minutes away from the parade. However, a range of intermediate options also could have been considered as “low profile.” These options would have been much more reasonable given the available intelligence about the risks of violence. For example, a few unmarked cars with uniformed officers sitting inside, within sight of the parade, would have provided protection without agitating the crowd. Indeed, Comer and Johnson did just this at the Windsor Center without producing a violent clash between marchers and police.

The police have publicly argued that this version of low profile is indeed what was planned, and it was because Comer and his officers were in the wrong place that the police protection was absent (see police investigation). However, both Comer and Spoon knew the designated assembly point for the march was Everitt and Carver; yet, they did not call in any back up to provide coverage to this location.

*Early lunch*

Over the years, those in the community who suspect a police conspiracy have pointed to Daughtry’s decision to send the tactical officers to an early lunch before assuming their assigned positions. Given the information available—that the Klan and Nazis were already in town with guns and a copy of the parade route (which indicated the demonstrators were required to be unarmed), and intended to engage in a confrontation and assault, in some form, on the demonstrators—we believe the decision to not have a single unit on hand as back up until 30 minutes before the parade step-off shows deliberate indifference to the safety of the marchers and the neighborhood residents.

However, while the decision to send units to an early lunch was clearly a poor one that reflects a pattern of a stunning underestimation of the threat posed by the volatile situation, it is very important to note that *even if the tactical units had been in position when the caravan arrived, they would not have been at either Windsor Center or Carver and Everitt.* The decision was made by Gibson and Hampton that a “low-profile” approach was to have tactical units in positions located many blocks from the actual parade starting point. Starting positions were to be at Dudley High School, (five blocks away from Carver and Everitt) and Gillespie Junior High School (some 24 blocks away from Carver and Everitt). Indeed, several of the cars of tactical units were in position when the call came in regarding the confrontation, and these units say they immediately proceeded to the scene when they heard a fight was in progress. Nevertheless, they arrived too late, which demonstrates that this aspect of the “low profile” option was insufficient to protect the marchers and locals, *regardless* of the decision to send



officers to lunch.

### *Starting point*

One of the police department's most often repeated reasons for why no police were present on Nov. 3 was over confusion because the WVO/CWP changed the starting point of the parade. The GTRC finds this to be simply untrue. The WVO/CWP designated on their parade permit that Everitt and Carver was the starting point, and Nelson Johnson explained the discrepancy with the posters to Capt Gibson when he applied for the permit. The discrepancy was repeatedly discussed in planning meetings on Nov. 1 and Nov. 3. It was repeatedly emphasized that the starting point was to be at Everitt and Carver. In their depositions, Spoon, Daughtry, Burke, Hightower and Cooper all say they understood Carver and Everitt to be the starting location.

With the facts available to us, we cannot determine whether a significant crowd was gathered at Everitt and Carver when Comer went there at 10:13. However, given his deviation from the plan for coverage, which was for the parade to begin at Everitt and Carver and for Comer to meet Nelson Johnson there, we find Comer's failure to return there, to post his second officer there, or to call in for additional officers to be negligent, and not due to confusion or to a change on the part of the WVO/CWP.

### *Failure to adequately plan for foreseeable events*

Lt. Spoon briefed Sgt. Comer on the location of tactical units, which Comer had asked to be in place as back up in case of trouble. However, Spoon did not give Comer specific instructions on what might constitute a basis for calling in tactical units, or how to instruct his own two officers in what police intelligence indicated was the likely event of Klan and Nazi protesters confronting the march.<sup>190</sup>

Likewise, it is not entirely clear what the specific orders were, if any were given, to tactical officers and patrol officers about their respective responsibilities in protecting the demonstrators should the Klan and Nazis show up. Many of the officers present at the lineup, including tactical field commander Lt. Daughtry,<sup>191</sup> understood their assignment was to "get in between" the Klan and marchers, but only after the parade had begun.<sup>192</sup>

However, Capt. Gibson<sup>193</sup> and Hampton<sup>194</sup> said that they understood the tactical assignment was only as back up to be called for if needed by Comer. Clearly the responsibilities and contingencies were not adequately discussed.

Tactical officers do not recall any instructions at all on what would constitute a need for tactical units to respond.<sup>195</sup> In addition, the tactical units were supposed to "get in between the Klan and demonstrators," yet Daughtry made the decision not to call them in, even when it was obvious to Daughtry that the groups were about to come into contact.

This is why, they explain, that they did not proceed to Carver and Everitt, or even to their posts, when—knowing that Comer and his men were at Windsor Center and that there was no one stationed at Everitt and Carver—they heard that the Klan and Nazi caravan had departed the house and was headed in the direction of the parade starting point.<sup>196</sup> In fact, when Officer Freeman relayed the order to "rush up" into position because the caravan was moving, Tactical Officer R.L. Smith reportedly replied, "You tell the lieutenant I'll be there just as soon as I finish eating,"<sup>197</sup> a comment that shows reprehensible disregard for the safety of the marchers and local residents.

### *Confusion about the cancelled use of the church as rally site*

Lt. Spoon had not discussed with church staff in advance his plan to do a bomb check at the church that

was to be the location of the conference after the parade.<sup>198</sup> If he had done, he would have been aware that the church had already backed out, as Nelson Johnson announced in his Nov. 1 press conference, as the officers observing the press conference also would have known. We have seen no evidence that Spoon investigated further why the church was locked or if that served as an indication to him of a change in venue. Rather, from the information available to us, he continued to believe the church was the conference site. If that is true, Spoon left what he understood to be the conference site unattended and unsecured because he was unable to do his bomb check, even though the known intelligence was that the confrontation with the Klan was to be at the end of the march.

### *Failure to stop the caravan*

Cooper admits there was a “reasonable chance” guns were in the cars and the caravan was “probably” heading toward the parade assembly point. The Klan informant had communicated to Cooper the Klan’s intent to interfere with the march and assault the demonstrators. However, Cooper (and all other officers questioned on this topic) insisted there was no probable cause to stop the caravan.

Is “probable cause” or “articulable suspicion” needed to make such a stop? Daughtry admits they had articulable suspicion but not probable cause.<sup>199</sup> Gibson said,

*Had I been there I would have ordered them to stop them. It would saved a lot of trouble... Under those circumstances, you may have been overstepping your boundaries a bit, but you could have said, guys I’m going to put you in jail for something. I’ll think of something, there’s always something. But the civil suits had everybody afraid of getting sued. It was drilled into us. That was the problem.<sup>200</sup>*

“Probable cause” exists where there is reasonable grounds to believe that the proposed stop or search of a designated person or premise will reveal criminal conduct or contraband. To satisfy the legal test, the operative facts must show that it is “more probable than not” that the designated crime has been committed or that contraband is stored at a particular identified location. The information which establishes “probable cause” must be specific, but need not rise to the level of proof beyond a reasonable doubt. The test used by the court to determine whether “probable cause” exists is the totality of the circumstances.<sup>201</sup>

The State and Federal constitutions also allow a limited “stop and frisk” upon a showing of reasonable suspicion by a law enforcement officer. “Reasonable suspicion” is based on a showing that an officer has received information or observed circumstances where specific and articulable facts are available which, based upon the officer’s background, training or specific experience, taken together with reasonable inferences warrants the officer’s belief that a crime is about to occur.<sup>202</sup>

We have seen legal and police opinions on both sides of this question: that there was and was not probable cause to stop the caravan. It is obvious that whether or not there was sufficient cause to make the stop was not a clear-cut issue—a judgment call had to be made. However, this circumstance was certainly not unanticipated, yet no tactical officers can recall any discussion on this issue. Again, the failure to anticipate reasonably foreseeable problems and discuss procedures indicates to us to be a stunning failure to prepare adequately for the march.

Further, the report of the police witness who said he saw a man walking alongside a line of parked cars on the I-85 on-ramp carrying an AR180, coupled with Dawson’s claim that he reported to police the presence of more guns at the house, and Talbott’s recollection that Cooper had reported seeing guns loaded into the cars, combine to raise questions about Cooper’s credibility in what he knew about weapons and, therefore, the reasonableness of not stopping the caravan.

Finally, when the caravan was pulled over on the ramp into I-85, there were eight cars of tactical officers less than two blocks away. Some officers said they did not move to intercept or visibly accompany the caravan because they were not ordered and because they understood that Comer and his men were in charge of security and tactical was there for back up (even though they knew from his transmissions that Comer and his men were at Windsor and not at Everitt and Carver). Others said they believed they were to stay out of sight of the Klan, that such an approach was what was implied by “low profile.” Police Attorney Cawn argued that for marked police cars to follow the caravan would have been “chilling” to the Klan’s free speech rights.

The GTRC, however, finds that, given the nature of the confrontation in China Grove, the subsequent inflammatory propaganda distributed by both sides, the strong commitment of the WVO/CWP to proceed with the march and conference, the reliable, specific intelligence received from the informant about the preparations of the Klan and Nazi members, and the common knowledge at the time of the proclivity of the Klan toward violence, the GPD would have been clearly justified in ordering a significant and visible police presence accompanying the caravan and at the parade assembly point to protect the public safety, including the safety of the demonstrators and the occupants of the caravan.

Such a police presence would not have contravened the First Amendment rights of the demonstrators to conduct a peaceful march and conference, or of the Klan and Nazi members to conduct a peaceful counter protest in a vehicle caravan. As long as the participants were permitted to engage in protected speech, even if that speech involved hateful insults and slogans, the police presence would not be considered an impermissible “chilling” of protected First Amendment freedoms. An adequate police buffer could have protected, rather than hindered the exercise of those freedoms.

### *Failure to stop fleeing vehicles*

The failure to stop cars fleeing the shooting resulted in loss of critical evidence and maybe even key witnesses. In addition to no directive being issued to cut off possible escape routes, at least two units (Sgt. Burke and Officer Wise) called in information or requests about fleeing cars and received no replies. Further, although by that point in the morning, it was clear that these cars were fleeing a felonious shooting, neither officer opted to pursue the cars.

## ■ Notes

<sup>1</sup> “Answer of Defendant JT Williams to Plaintiffs’ Interrogatories,” *James Waller v. Bernard Butkovich et al.*, Civil Action No.80-605-G, Middle District - North Carolina, (6 August 1984), 3-4; W.D.Comer Testimony, *Waller v. Butkovich* (29 April 1985), 99.

<sup>2</sup> Administrative Report (19 November 1979), 7.

<sup>3</sup> Now deceased.

<sup>4</sup> GPD Officer GF Minor, Statement of Michael Clinton (3 November 1979); GPD Cuthbertson, Statement of Billy Franklin (3 November 1979), 1; GPD Officer GF Minor, Statement of Harold Flowers (9 November 1979), 1. GPD Criminal Evidence Report “Crime Scene Investigation,” J.R. Ballance Notebooks 1983, Activity 79-145368, page 81, shows that indeed seven dozen eggs were found in the van.

<sup>5</sup> GPD Statement of Billy Franklin (3 November 1979), 1. Jerry Paul confirms that he “thought there might be street fights,” GPD Statement of Jerry Paul Smith, (8 November 1979), 8.

<sup>6</sup> Now deceased.

<sup>7</sup> GPD Statement of Claude McBride (5 November 1979), 1.

<sup>8</sup> Jerry Cooper Deposition, *Waller v. Butkovich* (25 June 1984), 128; Edward Dawson Deposition III, *Waller v. Butkovich* (13 June 1984), 672, 688, Edward Dawson FBI Pre-Grand Jury Testimony (22 June 1982), 99-100.

<sup>9</sup> Cooper Deposition, *Waller* (25 June 1984), 36-37; Burke Grand Jury Testimony (19 August 1982), 10.

<sup>10</sup> T.L. Burke Federal Grand Jury Testimony (19 August 1982), 10.

<sup>11</sup> GPD, Statement of Virgil Griffin (20 November 1979), 1.

- <sup>12</sup> B.L. Thomas Testimony, *Waller* (26 August 1982), 38; Thomas Deposition, 130.
- <sup>13</sup> Jerry Cooper Testimony, *US v Griffin* (10 February 1984), 139.
- <sup>14</sup> R.L. Talbott Federal Grand Jury Testimony, (5 August 1982), 41.
- <sup>15</sup> IAD DC Williams, “Summary Report – Incident at Everitt and Carver Street, November 3, 1979,” to Chief Swing (6 November 1979), 2.
- <sup>16</sup> IAD DC Williams, “Summary Report – Incident at Everitt and Carver Street, November 3, 1979,” to Chief Swing (6 November 1979), 2; GPD Chief of Police William E. Swing, “An Administrative Report of the Anti-Klan Rally, Greensboro, NC, Nov 3, 1979,” Greensboro (19 November 1979), 11.
- <sup>17</sup> “Answer of Defendant Dixon to Plaintiffs’ Interrogatories,” *Waller* (30 July 84), 2; Daughtry Grand Jury Testimony (19 August 1982), 25; “Answer of Defendant Wells to Plaintiffs’ Interrogatories,” *Waller* (31 July 84), 2; “Answer of Defendant Clark to Plaintiffs’ Interrogatories,” *Waller v. Butkovich* (26 July 84), 2. Spoon Deposition, *Waller* (14 August 1984).
- <sup>18</sup> GPD license plate report, produced at 10:04 a.m., 3 November 1979.
- <sup>19</sup> P.W. Spoon Testimony, *Waller* (no date given on transcript), 58; Spoon Deposition, *Waller* (14 August 1984), 41.
- <sup>20</sup> Maurice Cawn Deposition, *Waller* (14 August 1984), 99-100.
- <sup>21</sup> The WVO had planned to announce the change of their name to the Communist Workers Party at the rally following the parade.
- <sup>22</sup> Floris Weston, interview with the *Greensboro Truth and Reconciliation Commission*, 26 August 2005.
- <sup>23</sup> Nelson Johnson, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- <sup>24</sup> Gibson reported that when he arrived on the scene after the shooting, he saw the long guns in cases through a window in the back of a locked parked car. Police Attorney Cawn who had also arrived by that time, said that because there was no evidence that they had been used in any crime they could not be seized. Larry Gibson, interview with the *Greensboro Truth and Reconciliation Commission*, 5 May 2006.
- <sup>25</sup> FBI SA Brereton, “Greenkil Report: Civil Rights,” to US Attorney, Greensboro 44-81521, FD-204 (no date), 13-14.
- <sup>26</sup> Doris Blitz Deposition, *Waller* (24 July 84), 114-121.
- <sup>27</sup> GPD Statement of Edward Boyd (12 November 1979); GPD Statement of Laura Blumenthal (9 November 1979); GPD Statement of Matthew Sinclair (9 November 1979); GPD Statement of Charles Travis (3 November 1979); GPD Statement of David Dalton (3 November 1979); GPD Statement of George Vaughn (8 November 1979); GPD Statement of James Waters (8 November 1979).
- <sup>28</sup> GPD Statement of Laura Blumenthal 5 November 1979. Johnson said he can’t deny anyone told journalists this but that no demonstrators were instructed to tell media to keep information from the police. (Nelson Johnson, statement to the GTRC, Public Hearing, 26 August 2005.). We have seen no evidence that police sought any information from any journalists that morning about where the parade was to start.
- <sup>29</sup> FBI SA Beckwith and SA Lowe interview of Sgt W.D.Comer (28 November 1979), 7; W.D.Comer Testimony, *Waller v. Butkovich* (29 April 1985), 99, said that he sat at the intersection of Everitt and Carver from 10:05 or 10:10 until 10:30. So it is not clear from these two sources whether Comer stayed in one place to observe or drove around the neighborhood. See also, IAD DC Williams, “Summary Report – Incident at Everitt and Carver Street, November 3, 1979,” to Chief Swing (6 November 1979), 3; GPD Chief Swing, “An Administrative Report,” 19 November 1979, 12; J.T. Williams Federal Grand Jury Testimony (20 August 1982), 20, says he didn’t know what Nelson looked like; T.R. Johnson Federal Grand Jury Testimony (20 August 1982), 17, says he knew what Nelson looked like; W.D. Comer Federal Grand Jury (23 August 1982), 29-30.
- <sup>30</sup> W.D. Comer Federal Grand Jury testimony (23 August 1982), 29-30. Williams Federal Grand Jury Testimony (20 August 1982), 20.
- <sup>31</sup> “Nelson was causing problems down at the service center, which is the city garage, or I heard them mention him and that they had seen him do this or that or the other on previous occasions.” T.R. Johnson, Grand Jury Testimony 20 August 1982), 17-18.
- <sup>32</sup> W.D. Comer Deposition, *Waller* (27 June 1984), 48.
- <sup>33</sup> Federal Bureau of Investigation, “Subject: Paul Bermanzohn,” Charlotte Field Office (CE 44-3527 – Sub. A, Vol. 5), name blacked out
- <sup>34</sup> Federal Bureau of Investigation, “Subject: Paul Bermanzohn,” Charlotte Field Office (CE 44-3527 – Sub. A, Vol. 5), name blacked out
- <sup>35</sup> GPD, Statement of J.R. Ballance, 14 March 1980.

- <sup>36</sup> FBI interview of W.D.Comer (28 November 1979), 7.
- <sup>37</sup> GPD Statement of JT Williams (3 November 1979), 1, JT Williams Grand Jury Testimony (20 August 1982), 19.
- <sup>38</sup> FBI interview of W.D.Comer (28 November 1979), 8.
- <sup>39</sup> P.W. Spoon Deposition, *Waller v. Butkovich* (14 August 1984), 76.
- <sup>40</sup> W.D. Comer Federal Grand Jury Testimony (23 August 1982), 52-53.
- <sup>41</sup> GPD, "Police Chronology of Events," 28 February 1980, 55-56.
- <sup>42</sup> FBI SA Brereton, "Greenkil Report: Civil Rights," to US Attorney, Greensboro 44-81521, FD-204 (no date), 12-13; GPD Cuthbertson, Statement of Billy Franklin (3 November 1979), 2; GPD Fuller and Warrant, Statement of Lisford Carl Nappier (3 November 1979),5; FBI SA Brereton interview of Chris Benson (17 June 1982), 92; GPD Welch, Cuthbertson and Knight, Statement of Ruby Sweet (10 December 1979), 1.
- <sup>43</sup> GPD Melton, Statement of Edward Dawson (5 November 1979); GPD Minor, Statement of Harold Flowers (4 November 1979), 2; GPD Fuller and Warren, Statement of H. Flowers (3 November 1979); GPD Fuller and Warrant, Statement of L.C. Nappier (3 November 1979), 10.
- <sup>44</sup> FBI SA Thomas Brereton, Pre-Grand Jury interview of Edward Dawson, Winston Salem (22 June 1982),106. In his deposition, Dawson changed his recollection and said he made the first call at 7:30 but Cooper was in the shower. See Dawson Deposition, *Waller v. Butkovich* (13 June 1984), 667, he went to Fletcher's and then left on the excuse of going to find one of the Klansmen who had gotten lost. He arrived at his own home around 10:00 and called Cooper to tell him who was there and that they had guns. Dawson said this was the first time he spoke to Cooper. Dawson Deposition, *Waller v. Butkovich* (13 June 1984), 675-79.
- <sup>45</sup> Jerry Cooper Deposition, *Waller v. Butkovich* (25 June 1984), 151. Dawson claimed that he called Cooper at his home, which seems impossible since Cooper was in the police station by that time.
- <sup>46</sup> Cooper Deposition, *Waller v. Butkovich* (25 June 1984), 152; Jerry Cooper, Report of interview with James Buck (8 November 1979); GPD Melton, Statement of Grady B. Hoppes (19 November 1979), 1 (statement taken at the Forest City, N.C. Police Department).
- <sup>47</sup> GPD McNair, Statement of Virgil Griffin (20 November 1979). See also GPD, "Police Chronology of Events," (28 February 1980), 58.
- <sup>48</sup> GPD J.H.Cooper, Statement of James Buck (8 November 1979), 1, GPD Melton, Statement of Roy Splawn (19 November 1979), 5; GPD Minor and Cuthbertson, Statement of Miller (no date), 2.
- <sup>49</sup> GPD J.H. Cooper, GPD Statement of J.Buck (8 November 1979), 1.
- <sup>50</sup> GPD J.Cooper, Statement of J.Buck (8 November 1979); GPD Minor and Cuthbertson, Statement of Miller (no date), 2; "Statement of Mark J. Sherer" given in conjunction with is plea bargain agreement with Daniel L. Bell II, US Department of Justice Attorney, witnessed by FBI Special Agent (10 March 1983), 2.
- <sup>51</sup> GPD Warren and FBI Brereton, Statement of Terry.Hartsoe (3 November 1979), 2-3.
- <sup>52</sup> GPD Belvin and FBI Brereton, Statement of Jerry Paul Smith (8 November 1979), 2.
- <sup>53</sup> GPD Statement of J.P.Smith (8 November 1979), 2-3. [NOTE: There is a section of tape missing from this interview.] Newspapers later reported that Virgil Griffin and David Matthews had plotted to kill Smith for giving information about the shooting to prosecutors. (See Justice System chapter.)
- <sup>54</sup> GPD Melton, Statement of Edward Dawson (5 November 1979).
- <sup>55</sup> Plea Bargain "Statement of Mark J. Sherer," (10 March 1983), 2, signed by Daniel L. Bell II, U.S. Dept of Justice Attorney, witnessed by FBI Thomas Brereton.
- <sup>56</sup> Roland Wood, interview with the *Greensboro Truth and Reconciliation GTRC*, 7 December 2005. That same fall, undercover ATF agents arrested several Ft Bragg soldiers for stealing weapons and selling them. One soldier said he believed the weapons were being sold to the Klan, who intended to take them to Greensboro in November 1979 (*Fayetteville Observer*, 26 November 1980). In his deposition, however, Dukes said he had no knowledge of the investigation or arrests. Dukes Deposition, *Waller v. Butkovich* (2 July 1984), 164-165.
- <sup>57</sup> This is a quote from Cooper who interviewed Fletcher the evening of Nov 3. Cooper Testimony, *US v.Griffin* (10, 13 February 1984), 8.
- <sup>58</sup> GPD L.C.Fuller and Det. R.L.Warren , Statement of L.C.Nappier (3 November 1979), 19.
- <sup>59</sup> Chris Benson, FBI interview with SA Brereton (17 June 1981), 94.
- <sup>60</sup> FBI SA Brereton, "Greenkil Report: Civil Rights," to US Attorney, Greensboro 44-81521, FD-204 (no date),13.
- <sup>61</sup> Plea Bargain "Statement of Mark Sherer," (10 March 1983), 2.
- <sup>62</sup> Chief W. Swing, IAD "Administrative Report of the Anti-Klan Rally" (19 Nov.1979), 11.
- <sup>63</sup> April Wise Deposition, *Waller v. Butkovich* (23 October 1983), 21-22.
- <sup>64</sup> *Ibid*, 25.

<sup>65</sup> Dawson Deposition *Waller v. Butkovich* (13 June 1984), 634

<sup>66</sup> GPD Melton, Statement of Roy Splawn (19 November 1979), 6. Dawson admits to rushing people, Dawson Deposition, *Waller v. Butkovich* (13 June 1984), 634.

<sup>67</sup> GPD, Statement of Splawn (19 November 1979), 6.

<sup>68</sup> GPD Statement of Hartsoe, (3 November 1979); Jim Wicker, “Prosecution says Matthews alters story” *Greensboro Record* (9 October 1980)

<sup>69</sup> GPD, “Police Chronology of Events,” 28 February 1980, 58-59.

<sup>70</sup> Cooper Deposition, *Waller v. Butkovich* (25 June 1984), 163, 174.

<sup>71</sup> GPD Statement of Fred Don Taylor (3 November 1979), 1. “Mr. Taylor stated he was going south on 220 between 9:30 and 10:30 a.m. on 11/3/79. He stated he saw several cars parked on the left side of the road as he was going south. The first car he saw was a light blue, four door older model Ford. The second car was an older model van that needed painting. The third car was a light colored car. The fourth was a pickup truck. He stated as he was traveling south, he observed a white male exit vehicle 1, the light blue, four -door, older model Ford, with what appeared to him to be an automatic weapon of some type. He stated when the suspect exited the vehicle, he looked directly at him, and he could visibly see the automatic weapon. He stated the man he observed had on a plaid colored shirt and had a neatly trimmed dark brown beard and dark brown hair and was wearing a hat that he described as an Ivy League type hat. This officer made a sketch, and Mr. Taylor stated that resembled closely the hat the subject was wearing.

Mr. Taylor was shown a photographic spread of approximately 10 to 12 people and identified Roland Wayne Wood, Terry Wayne Hartsoe, and Lawrence Gene Morgan. Mr. Taylor further positively identified the light blue Ford vehicle that was in a photograph that is in this officer’s possession. Mr. Taylor’s lawyer later speculated that his client had a distant relative who may have been in the Klan and therefore might have communicated the information Mr. Ford had to the Klan. According to the lawyer’s statement to the police the Klan had offered to pay the witness in exchange for his not testifying. We have no evidence for why he was not subpoenaed for any of the trials. Prosecutors in the murder trial did not recall Taylor’s name or anything about his statement.”

<sup>72</sup> Cooper Testimony, *Waller v. Butkovich* (13 April 1985), 47-48; GPD “Radio Transcript,” in Annex of GPD Chief Swing, “An Administrative Report of the Anti-Klan Rally, Greensboro, NC, Nov 3, 1979,” Greensboro (19 November 1979), 66.

<sup>73</sup> IAD DC Williams, “Summary Report – Incident at Everitt and Carver Street,” to Chief Swing (6 November 1979), 4.

<sup>74</sup> IAD DC Williams, interview of Jerry Cooper (20 November 1979), 5; Cooper Testimony, *Waller v. Butkovich* (13 April 1985), 194; Cooper Deposition, *Waller v. Butkovich* (25 June 1984), 177.

<sup>75</sup> GPD “Radio Transcript,” in Annex of GPD Chief Swing, “An Administrative Report of the Anti-Klan Rally, Greensboro, NC, Nov 3, 1979,” Greensboro (19 November 1979), 66-70

<sup>76</sup> GPD “Radio Transcript,” 62.

<sup>77</sup> IAD DC Williams, “Summary Report – Incident at Everitt and Carver Street,” to Chief Swing (6 November 1979), 5.

<sup>78</sup> GPD Statement of Lt S. Daughtry (3 November 1979), 1.

<sup>79</sup> “Answers of Defendant S.A. Bryant to Plaintiffs’ Interrogatories,” *Waller v. Butkovich* (12 October 1984), 4.

<sup>80</sup> A.A. League Federal Grand Jury Testimony (24 August 1982), 11, 22-23.

<sup>81</sup> IAD DC Williams, “Summary Report – Incident at Everitt and Carver Street,” to Chief Swing (6 November 1979), 4.

<sup>82</sup> GPD “Radio Transcript,” 70.

<sup>83</sup> GPD “Radio Transcript,” 70.

<sup>84</sup> IAD DC Williams, “Summary Report – Incident at Everitt and Carver Street,” to Chief Swing (6 November 1979), 4.

<sup>85</sup> IAD DC Williams, “Summary Report – Incident at Everitt and Carver Street,” to Chief Swing (6 November 1979), 4.

<sup>86</sup> GPD “Radio Transcript,” 70.

<sup>87</sup> IAD DC Williams, “Summary Report – Incident at Everitt and Carver Street,” to Chief Swing (6 November 1979), 5.

<sup>88</sup> GPD “Radio Transcript,” 71.

<sup>89</sup> Herb Belvin Federal Grand Jury Testimony (24 August 1982), 16. Daughtry describes this exchange as Belvin “flagged me down.” see GPD, Statement of Lt. S. Daughtry (3 November 1979), 1.

<sup>90</sup> Sally Bermanzohn, statement to the *Greensboro Truth and Reconciliation Commission*, 26 August 2005; Paul Bermanzohn, statement to the *Greensboro Truth and Reconciliation Commission*, 15 July 2005; GPD Statement

of Percy Simms (14 November 1979).

<sup>91</sup> GPD, "Radio Transcript," 72.

<sup>92</sup> Lacy Russell Testimony, *Waller v. Butkovich*, page 11; GPD Statement of Lacy Russell (2 January 80), 1.

<sup>93</sup> GPD, "Police Chronology of Nov.3 Shooting, Audio/Video Synchronization," (28 February 1980), 6.

<sup>94</sup> *Ibid*, 7

<sup>95</sup> *Ibid*, 7.

<sup>96</sup> Ed Butler Federal Grand Jury Testimony (3 May 1982), 30.

<sup>97</sup> GPD GC Ritter, Statement of Brent Fletcher (28 December 1979); GPD Cuthbertson, Statement of Billy Franklin (3 November 1979), 2; GPD Melton, Statement of Roy Splawn (19 November 1979), 7; GPD Fuller, Statement of David Matthews (3 November 1979), 1.

<sup>98</sup> Jim Ballance, interview with the *Greensboro Truth and Reconciliation Commission*, 12 December 2005.

<sup>99</sup> GPD Statement of Hayes, (20 November 1979), 2.

<sup>100</sup> FBI SA Brereton, "Greenkil Report: Civil Rights," to US Attorney, Greensboro 44-81521, FD-204 (no date), 3; Plea Bargain "Statement of Mark J. Sherer" (10 March 1983), 2.

<sup>101</sup> Nelson Johnson Testimony, *Waller v. Butkovich* (16 April 1985), 138.

<sup>102</sup> GPD, Statement of E. Boyd (12 November 1979).

<sup>103</sup> GPD, Statement of J. Waters (8 November 1979). GPD, Statement of Robert Lee Marshall (31 December 1979); GPD, Statement of Ansly Jessup (15 November 1979).

<sup>104</sup> GPD, Statement of Floris Cauce (8 March 1980); GPD Statement of Nelson Johnson (18 January 1980). GPD, Statement of Robert Lee Marshall (31 December 1979); GPD, Statement of Ansly Jessup (15 November 1979).

<sup>105</sup> GPD, Statement of B.Fletcher (28 December 1979), 2; GPD, Statement of Timothy Rockett (27 November 1979), 1.

<sup>106</sup> Also corroborated by eyewitnesses GPD GC Ritter, Statement of Nelson Napoleon Johnson (18 January 1980); GPD GC Ritter, Statement of Paul Bermanzohn (1 February 1980); GPD GC Ritter, Statement of Elizabeth Parker Slade (12 March 1980); GPD GC Ritter, Statement of Derrick Sims (10 December 1979);

<sup>107</sup> GPD A.Travis, Statement of M. Sherer (12 May 1980).

<sup>108</sup> GPD A.Travis, Statement of M. Sherer (12 May 1980).

<sup>109</sup> Elizabeth Wheaton, *Codename GREENKIL: The 1979 Greensboro Killings* (Athens, GA: The University of Georgia Press, 1987), 136.

<sup>110</sup> GPD Melton, Statement of Dawson (5 November 1979), 1.

<sup>111</sup> GPD, Statement of H. Matthews (28 November 1979), 1.

<sup>112</sup> GPD, Statement of Frankie Powell (no date).

<sup>113</sup> David Matthews, Testimony *State v. Fowler*, 41

<sup>114</sup> Dale Sampson Federal Grand Jury Testimony, page 29.

<sup>115</sup> Sally Bermanzohn, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.

<sup>116</sup> Nelson Johnson, statement to the *Greensboro Truth and Reconciliation GTRC*, Public Hearing, 26 August 2005.

<sup>117</sup> Winston Cavin, statement to the *Greensboro Truth and Reconciliation GTRC*, Public Hearing, 26 August 2005.

<sup>118</sup> Don Pelles, interview with the *Greensboro Truth and Reconciliation Commission*, 23 December 2005.

<sup>119</sup> GPD "Radio Transcript," 72.

<sup>120</sup> GPD "Radio Transcript," 72.

<sup>121</sup> GPD, Statement of A. League (3 November 1979), 1; GPD, Statement of S.A.Bryant (3 November 1979), 1.

<sup>122</sup> GPD, Statement of E.Boyd (3 November 1979).

<sup>123</sup> GPD, Statement of G.K.Henline (6 March 1980), 1; GPD Chief Swing, "An Administrative Report," 19 November 1979, 87.

<sup>124</sup> IAD DC Williams, "Summary Report – Incident at Everitt and Carver Street," to Chief Swing (6 November 1979), 6.

<sup>125</sup> GPD, "Radio Transcript," 72.

<sup>126</sup> *Ibid*.

<sup>127</sup> GPD Cuthbertson, Statement of Roy Toney (3 November 1979), 1.

<sup>128</sup> Jim Wrenn, interview with the *Greensboro Truth and Reconciliation Commission*, 6 July 2005.

<sup>129</sup> Toney said it was a red haired man who knocked him down and punched him in the face (Grand Jury Testimony (13 April 1983), 85). GPD Statement of B. Franklin (3 November 1979), 2; GPD Statement of

- H. Flowers (9 November 1979); GPD, Statement of J.P.Smith (8 November 1979); GPD of L.C.Nappier (3 November 1979), 26.
- <sup>130</sup> Roland Wood, interview with the *Greensboro Truth and Reconciliation Commission*, 7 December 2005.
- <sup>131</sup> GPD, “Police Chronology of Nov.3 Shooting, Audio/Video Synchronization,” 28 February 1980.
- <sup>132</sup> Toney Federal Grand Jury Testimony (13 April 1983), 89.
- <sup>133</sup> *Ibid.*
- <sup>134</sup> Roland Wood, interview with the *Greensboro Truth and Reconciliation Commission*, 7 December 2005.
- <sup>135</sup> GPD, Statement of L. Morgan (5 November 1979).
- <sup>136</sup> Matthews, *State v. Fowler* 49, 51
- <sup>137</sup> GPD, Statement of D. Matthews (3 November 1979), 5-7.
- <sup>138</sup> GPD, Statement of H. Flowers (9 November 1979), 2.
- <sup>139</sup> GPD Warren, Statement of T. Hartsoe (3 November 1979), 3.
- <sup>140</sup> GPD “Radio Transcript,” 72.
- <sup>141</sup> GPD “Radio Transcript,” 72.
- <sup>142</sup> IAD DC Williams, “Summary Report – Incident at Everitt and Carver Street,” to Chief Swing (6 November 1979), 6.
- <sup>143</sup> GPD “Radio Transcript,” 73.
- <sup>144</sup> IAD DC Williams, “Summary Report – Incident at Everitt and Carver Street,” to Chief Swing (6 November 1979), 7.
- <sup>145</sup> GPD, “Police Chronology of Nov.3 Shooting, Audio/Video Synchronization,” 28 February 1980, 13.
- <sup>146</sup> Cooper Testimony, *Waller v. Butkovich* (13 April 1985), 58.
- <sup>147</sup> GPD, “Radio Transcript,” 73.
- <sup>148</sup> Cooper Deposition, *Waller v. Butkovich* (25 June 1984), 186.
- <sup>149</sup> Cooper Testimony, *Griffin* (10 February 1984), 173.
- <sup>150</sup> GPD Evidence Control Form, 8 November 1979, Activity # 79-145368; Office of Chief Medical Examiner, Chapel Hill, NC, File # ME 79748, 3 November 1979. On file at GTRC. “Doctor testifies one rally victim shot in the back” *Winston Salem Journal* (27 August 1980); J.R. Balance physical evidence files noting ammunition fired by different suspects guns (no date). On file at GTRC.
- <sup>151</sup> Doris Blitz Deposition, *Waller v. Butkovich* (24 July 84), 114 Don Pelles also told the GTRC he saw Blitz pointing her gun at the caravan. Interview with the GTRC, 23 December 2005.
- <sup>152</sup> GPD Criminal Evidence Report “Crime Scene Investigation,” J.R. Ballance Notebooks 1983, Activity 79-145368., On file at GTRC. J.R. Balance physical evidence files noting ammunition fired by different suspects guns (no date). On file at GTRC. See also report on FBI ballistics expert Don Havekost, “FBI expert testifies on shots fired by Klan” *Fayetteville Observer*, (3 Sept 1983).
- <sup>153</sup> GPD Evidence Control Form, 8 November 1979, Activity # 79-145368; Office of Chief Medical Examiner, Chapel Hill, NC, File # ME 79748, 3 November 1979. On file at GTRC. “Buckshot killed four of the five slain communists” *Burlington Times-News* (27 August 1980). J.R. Balance physical evidence files noting ammunition fired by different suspects guns (no date). On file at GTRC.
- <sup>154</sup> Claire Butler Deposition, *Waller v. Butkovich* (1 December 1984), 7.
- <sup>155</sup> GPD Evidence Control Form, 8 November 1979, Activity # 79-145368; Office of Chief Medical Examiner, Chapel Hill, NC, File # ME 79748, 3 November 1979. On file at GTRC. J.R. Balance physical evidence files noting ammunition fired by different suspects guns (no date). On file at GTRC.
- <sup>156</sup> “Buckshot killed four of the five slain communists” *Burlington Times-News* (27 August 1980).
- <sup>157</sup> Rand Manzella Testimony *Waller v. Butkovich* (6 March 1984), 56.
- <sup>158</sup> GPD, Statement of J.P.Smith (8 November 1979), 10; Gary Terpening, “Klansman Claims Not To Remember Rally” *Winston-Salem Journal*, 3 April 1984.
- <sup>159</sup> Jim Wicker, “Examiner links pistol, death” (28 August 1980); GPD Criminal Evidence Report “Crime Scene Investigation,” J.R. Ballance Notebooks 1983, Activity 79-145368.,
- <sup>160</sup> GPD, Statement of Matt Sinclair (3 January 1980).
- <sup>161</sup> Sally Bermanzohn, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.
- <sup>162</sup> Jim Wrenn, interview with the *Greensboro Truth and Reconciliation Commission*, 6 July 2005.
- <sup>163</sup> GPD, “Police Chronology of Nov.3 Shooting, Audio/Video Synchronization,” 28 February 1980, 18.
- <sup>164</sup> GPD, Statement of Waters (8 November 1979).
- <sup>165</sup> Comer reported that he found the gun sticking out of the purse by Cauce’s body. Since Blitz appears in the video with Sally Bermanzohn attending Cauce’s body, he may have placed it there after the caravan had fled



the scene. Comer reported that he picked up the purse and carried it around the scene before replacing it (GPD Comer, Supplementary Report, 3 November 1979 at 20:00), which might have resulted in tainting physical evidence collection.

<sup>166</sup> GPD Fuller and FBI Phillips, Statement of D. Matthews (3 November 1979),11; GPD Fuller and Warrant, Statement of L.C. Nappier (3 November 1979), 27.

<sup>167</sup> GPD, Statement of Nappier (3 November 1979), 8. He further added, “This is a shining example of why I am against the use of guns...those men lying there dead, they shouldn’t be there. They didn’t deserve that. I mean, even if they’re Communists.” GPD, Statement of Nappier, (3 November 1979),18.

<sup>168</sup> GPD Chief Swing, “An Administrative Report,” 19 November 1979, 22.

<sup>169</sup> GPD FH Wilson, “Supplementary Report” filed at 10:45 (6 November 1979) 2.

<sup>170</sup> GPD Comer, Supplementary report, 3 November 1979 at 20:00.

<sup>171</sup> Sgt T.L.Burke “Shooting at Everitt Street and Carver Drive,” Letter to Lt Daughtry (3 November 1979), 2; IAD DC Williams, interview of T.L. Burke (3 June 1980), 2; GPD Chief Swing, “An Administrative Report,” 19 November 1979,77.

<sup>172</sup> GPD, “Radio Transcript,” 63.

<sup>173</sup> GPD, Statement of April Wise (3 November 1979), 2.

<sup>174</sup> Smith was actually shot over her right eye.

<sup>175</sup> Rosalyn Pelles, interview with the *Greensboro Truth and Reconciliation Commission*, 23 December 2005.

<sup>176</sup> Winston Cavin, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.

<sup>177</sup> Nelson Johnson, statement to the *Greensboro Truth and Reconciliation Commission*, 26 August 2005.

<sup>178</sup> Willena Cannon, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 30 September 2005.

<sup>179</sup> Chief Swing, “An Administrative Report,” (19 November 1979), 68-77.

<sup>180</sup> B.L.Thomas Federal Grand Jury Testimony (26 August 1982), 12-14.

<sup>181</sup> Dawson deposition, *Waller v. Butkovich* (13 June 1984), 313; Dawson Pre-Grand Jury Testimony (22 June 1982), 29. Cooper Deposition, *Waller v. Butkovich* (25 June 1984), 55; Talbott Deposition, *Waller v. Butkovich* (1 November 1984), 184. Cooper and Talbott deny in their depositions that they asked him to attend the meetings, but would be interested in his information.

<sup>182</sup> Dawson Deposition, *Waller v. Butkovich* (13 June 1984), 348.

<sup>183</sup> Dawson Deposition, *Waller v. Butkovich* (13 June 1984), 303, 306, 313.

<sup>184</sup> GPD Chief Swing, “Conversation with Edward Dawson,” 25 February 1980.

<sup>185</sup> Swing Deposition, *Waller v. Butkovich* (18 August 1984), 61; Cooper Deposition, *Waller v. Butkovich* (25 June 1984), 80; Talbott Deposition, *Waller v. Butkovich* (1 November 1984), 17, 112.

<sup>186</sup> Cooper Deposition, *Waller v. Butkovich* (25 June 1984), 23.

<sup>187</sup> “Application for Parade Permit,” Appendix E at pages 45-46; and “Sec. 12-90. Parades regulated.” Appendix G at pages 58-59, both in GPD Chief Swing, “An Administrative Report,” 19 November 1979.

<sup>188</sup> Larry Gibson, interview with the *Greensboro Truth and Reconciliation Commission*, 5 May 2006.

<sup>189</sup> Attorney Irvin Joyner, Memo on “Amended Discussion of Applicable North Carolina Law,” 17 February 2006, 12.

<sup>190</sup> P.W. Spoon Federal Grand Jury Testimony (18 August 1982), 34-35.

<sup>191</sup> Daughtry IAD interview (29 November 1979).

<sup>192</sup> IAD DC Williams, “Summary Report – Incident at Everitt and Carver Street,” to Chief Swing (6 November 1979), 9; Gibson Grand Jury Testimony (23 August 1982), 92; “Answers of Defendant Dixon to Plaintiffs’ Interrogatories,” *Waller v. Butkovich* (30 July 1984), 4.

<sup>193</sup> Gibson, interview with the *Greensboro Truth and Reconciliation Commission*, 5 May 1980.

<sup>194</sup> T. Hampton Federal Grand Jury Testimony (24 August 1982), 10.

<sup>195</sup> “Answers of Defendant Boyd to Plaintiffs’ Interrogatories” number 15, Boyd, Gerringer, Henline, Toomes; League Federal Grand Jury Testimony (24 August 1982), 21.

<sup>196</sup> IAD interview of Burke (3 June 1980).

<sup>197</sup> IAD interview of Freeman (3 June 1980).

<sup>198</sup> Spoon Deposition, *Waller v. Butkovich* (14 August 1984), 47.

<sup>199</sup> Daughtry Federal Grand Jury Testimony (19 August 1982), 54-57.

<sup>200</sup> Larry Gibson, interview with the *Greensboro Truth and Reconciliation Commission*, 5 May 2006.

<sup>201</sup> *South Dakota v. Opperman*, 426 U.S. 364, 96 S. Ct. 3092 (1976); *United States v. Ross*, 456 U.S. 798, 102 S.

Ct. 2157 (1982); *Michigan v. Long*, 463 U.S. 1032, 103 S. Ct. 3469 (1983); *State v. Blackwelder*, 34 N.C. App. 352, 238 S.E.2d 190 (1977); *State v. Braxton*, 90 N.C. App. 204, 368 S.E.2d 56 (1988); *State v. Green*, 103 N.C. App. 38, 404 S.E.2d 363 (1991).

<sup>202</sup> *Terry v. Ohio*, 392 U.S. 1, 88 S. Ct. 1868 (1968); *Sibron & Peters v. New York*, 392 U.S. 40, 88 S. Ct. 1889 (1968); *Florida v. Rodriguez*, 469 U.S. 1, 105 S. Ct. 308 (1984); *United States v. Place*, 462 U.S. 696, 103 S. Ct. 2637 (1983); *State v. Butler*, 331 N.C. 227, 415 S.E.2d 719 (1992); *State v. Hendrickson*, 124 N.C. App. 150, 476 S.E.2d 389 (1996); *State v. Fleming*, 106 N.C. App. 165, 415 S.E.2d 782 (1992)