



**Greensboro Truth and Reconciliation Commission Final Report**

**Police Internal Affairs investigation:  
Making the facts known?**

# **Chapter 8**

The Internal Affairs Division (IAD) of the GPD is tasked (among other things) with investigating police performance and ensuring accountability. Investigations are normally kept as internal documents, but on Nov. 27, 1979, the GPD opted to release the Administrative Report on the shootings of Nov. 3, 1979 (hereafter “Administrative Report”), in the words of IAD Commander Capt. D.C. Williams, in order “to make the facts known.”<sup>1</sup> In addition, the city established a Citizens Review Board to investigate what happened on Nov. 3, 1979 and specifically the police role (see following chapter).

However, our review of material from the GPD and other sources demonstrate that the commitment to “make the facts known” was unmet. Documents reviewed include previously unreleased IAD interviews and transcripts of testimony by GPD and city officials to a Federal Grand Jury and at the civil trial, as well as their responses to the civil suit discovery interrogatories and depositions and other discovery material collected by the plaintiffs. Rather than an effort to fully explore and communicate all the facts in an impartial manner, we find evidence of deliberate manipulation and concealment of the facts that we can only interpret as intended to sever the GPD from any responsibility.

For example, in comparing individual officers’ police statements, IAD interviews and the various IAD summaries undertaken in the days and weeks immediately following Nov. 3, 1979, the IAD report shows a pattern of playing down certainty of information relating to the risks of violence and/or dismissal of the possible threats. This distancing strategy is consistent with public statements by GPD and city officials to the press and the Citizen’s Review Committee regarding knowledge of planning for the march (see following chapter).

Further, regarding the actual operations of the parade protection on Nov. 3, 1979, there are inconsistencies in police narratives regarding alleged “communication failures,” a pattern of removal of officers from the area at critical time points, inconsistencies that are not revealed or examined in the IAD report. More troubling, there are deliberate omissions of important facts from the IAD investigation report, which were dismissed as “irrelevant” by Chief Swing, who had ultimate authority over the final report content. These omissions obscure the advance information police had and their failure to take adequate steps to prevent violence, as well as the failure to apprehend suspects and criminal evidence as cars fled the scene.

In addition to the publicly released Administrative Report, there are other sources of individual officers’ trial testimony, statements to the city-established Citizens Review Committee, statements to the press that offer contradictory explanations of the events and the failure of police protection.

### **Denied awareness of likely violence**

#### *Denial of knowledge of WVO-Klan confrontation in China Grove*

The city of Greensboro’s Director of Public Safety, Hewitt Lovelace, repeatedly and emphatically claimed to the city-established Citizens Review Committee that, prior to Nov. 3, 1979, neither the city nor the police had any information about the China Grove confrontation between the WVO and the Klan. In fact, he repeated this assertion a remarkable seven times during his interview with the committee.<sup>2</sup> In answering the committee’s question regarding the actions taken by city officials with

respect to the Nov. 3, 1979 rally, Lovelace referred to China Grove but added,

*I hasten to point out that it is information that was received after. Please hear me, after the Nov. 3, 1979 incident. We were not aware, the police administration and I don't think—no, I know—that those people working in police intelligence at the time were not aware of the incident at China Grove. ...The still pictures show the volatility of the situation....We did not have that information and I am not making excuses. I am damning a situation that exists and I very sincerely mean that. I am damning it...it has tied one hand behind the back of the protection that we can afford you. Governor Hunt at the present time is attempting to alleviate that situation (referring to Hunt's instruction to allow investigation of "extremist" groups]<sup>3</sup>. Since this incident the police and FBI have been authorized to monitor and keep track of Klan organizations.<sup>4</sup> Up to that time even the FBI was prohibited from doing that. What I am saying to you is that we didn't have any information to let us know that this situation was as volatile as it is. That's not an excuse, it's a statement of fact ... if we had known on the morning of Nov. 3, 1979 what we know today we would have violated the law (and stopped the caravan) ... and you might have five people alive today who are dead.<sup>5</sup>*

Lovelace "damned" the lack of knowledge about China Grove not only as an explanation for the failure to protect the parade, but also as a justification for expanded authority to gather "civil" intelligence on groups not suspected of any crime, which was previously legally prohibited.

However, his assertions are not borne out by the GPD's own evidence. Almost as soon as Dawson began providing information to Talbott and Cooper, GPD records of their conversations show that he began talking about China Grove, a confrontation he personally found particularly galling. In an IAD interview, Talbott recalled that on Oct. 15 Dawson met with him and Cooper (only their second meeting), and in the course of discussing his desire to disrupt an RCP meeting recounted that the WVO sponsored an anti-Klan rally and march in China Grove. The incident, he said, "almost turned into a riot."<sup>6</sup>

Dawson was not the only one who recognized the volatility of the face-off between the WVO and the Klan in China Grove. In his sworn Federal Grand Jury testimony, Lt. Spoon recalled that after the WVO march in Greensboro was announced, an intelligence memo on China Grove was circulated around the Department.<sup>7</sup> In addition, Swing told the Federal Grand Jury that Nelson Johnson had received six parade permits in the years prior to 1979 and had never had restrictions on carrying unconcealed weapons or on placard posts. It is, therefore, reasonable to conclude that the difference in parade restrictions this case was a result of the confrontation at China Grove. When the discussion about permit restrictions took place on Oct. 10, none of the other events often cited as justifications for the restrictions had yet occurred. The WVO's fistfight with the RCP, the WVO's open challenges to the Klan, and the press conference demanding the police "stay out of our way" all happened later.

Likewise, Lt. Ford, upon hearing from Dawson that the Klan planned to come and confront the WVO's anti-Klan rally, went to meet with Deputy Chief Burch to discuss the "potentially explosive situation" posed by such a confrontation. During this conversation Ford says he specifically mentioned the near-violence at China Grove as one of his concerns regarding the security of the situation.<sup>8</sup>

Both Capt. Hampton and Capt. Gibson recall that this volatile recent altercation in China Grove was also specifically mentioned by Cooper in the Nov. 1 executive planning meeting.<sup>9</sup> In addition, according to tactical officers Dixon and Clark, Cooper mentioned China Grove in the 10 a.m. line-up briefing on Nov. 3, 1979.<sup>10</sup> It is worthy of note that Gibson told the GTRC in his statement that while they knew from

the media about the China Grove confrontation, they did not bother to talk directly to the China Grove police, which Gibson in retrospect believes resulted in mistakes in the adequacy of GPD's planning.

Given the weight of all this evidence that the GPD did indeed know about China Grove and was well aware of the volatility of that incident, we believe Lovelace's repeated and categorical declarations to the contrary a full three months after the shootings can be no mere slip of the tongue. They can only be interpreted as a deliberate attempt to mislead the public and sever the city from responsibility.

### *Downplaying the number of Klansmen expected*

The most clear cut and significant aspect of the GPD's denial of knowledge the likelihood of violence is its downplaying of the number of Klansmen they expected to come to Greensboro from what informant Eddie Dawson reported as 85 to "approximately 10," and even denying any "reliable information" that anyone would come at all.

- Det. Talbott said that on or about Oct 22 Dawson told him and Det. Cooper that **85** Klansmen raised their hands at the Lincolnton rally when Griffin asked who would come.<sup>11</sup> Talbott further reported that Dawson said that Griffin expected **60** to actually come.<sup>12</sup>
- Capt. Thomas told the Federal Grand Jury that **80** local Klansmen were planning to come.<sup>13</sup>
- Chief Swing told the Grand Jury that the information they had indicated the number planning to come was "**in the hundreds**" from Raleigh and Charlotte.<sup>14</sup>
- Dep. Chief Burch recalls that in the Nov. 1 staff meeting Cooper and Thomas told him that **80 Klansmen + and an unknown number** from Covington's Nazis and Gibson's Rights of White People were planning to come.<sup>15</sup>
- GPD Attorney Maurice Cawn said in his deposition that he recalled the number cited in the Nov. 1 meeting was **50-60**.<sup>16</sup>
- Capt. Hampton recalled in his Grand Jury testimony that Cooper and Thomas told the Nov. 1 meeting that **10** Klansmen were planning on coming.<sup>17</sup> Hampton further claimed that the first he had heard of Klan planning to come at all was at this meeting. However, Talbott said he relayed all the information he and Cooper received from Dawson to Thomas and that he specifically passed on to Hampton any information regarding the parade beginning in Oct. 14, 1979.<sup>18</sup>
- Capt. Gibson recalls either Cooper or Thomas saying at the Nov. 1 meeting that "**if any showed up, it would be maybe 10, but that the final analysis was they really didn't expect anybody.**"<sup>19</sup> In addition, although Gibson was in attendance in the staff meeting on Oct. 17, where minutes show that they discussed the intelligence that the Klan was planning to march in Greensboro, he claims in his deposition that when he and Maj. Wynn discussed permit restrictions, the possibility of the Klan coming was "the furthest thing from my mind."<sup>20</sup>

Those officers who were best in a position to know the facts about the intelligence, Talbott and Thomas, both agree that Dawson put the number of those planning to come as some 80 Klansmen, a number that Dep. Chief Burch confirms was discussed. However, the IAD summary memo to the Chief nevertheless reports the number discussed as being "approximately 10" with no qualification of the conflicting and better-informed sources.<sup>21</sup> The Administrative Report does not make any mention of the number

expected until the Nov. 3 tactical briefing, in which it says “the number of Klan members that might be present was unknown.”<sup>22</sup>

Even this watered-down summary of intelligence and planning discussion in fact was more detailed than what ultimately was included in the publicly released Administrative Report. In that report, the intelligence of the Klan and Nazis plans and police discussion of those plans is reduced to one clause in a summary of agenda items in the Nov 1. 9 a.m. planning meeting that included, “the parade permit and its content, *groups that might attend the march*, and police assignments.”<sup>23</sup> In the report, it is not until the 10 a.m. tactical line up that any mention of knowledge that the Klan planned to confront the march is mentioned.<sup>24</sup> The reader is left with the impression that the police only learned on the morning of Nov. 3 that any Klansmen “might be present” and does little to reveal the depth of intelligence and formal discussions the Department had received for a month prior to the meeting.<sup>25</sup>

### *Dismissal of information that the Klan might be armed*

One of the most incomprehensible aspects of the Administrative Report is the absence of any discussion of the likelihood that there would be guns in a group of Klansmen and Nazis who had publicly sworn vengeance for China Grove, and might come armed to confront the group that had burned their Confederate flag. This silence is especially remarkable given the photos and news footage of the confrontation plainly show the Klan and Nazis openly brandishing a large array of heavy weapons. The Administrative Report indeed acknowledges that the Klan had been armed in China Grove. However, the report’s first mention of any guns in planning meetings was in the tactical briefing on Nov. 3 in which Cooper states that there were two handguns at the house where some Klansmen had begun to assemble.

In fact, Dawson had reported to his handlers Cooper and Talbott that at the Lincolnton Klan rally, when Dawson exhorted Klansmen to confront the WVO, the discussion immediately turned to guns. Dawson told Cooper and Talbott that when the Klansmen asked if they could bring guns, he had told the crowd, “I ain’t your daddy. I can’t tell you whether to bring guns or not. But if you bring them, you better have bond money in your pocket because the place is going to be crawling with police and they will arrest you.”<sup>26</sup>

Police officers seem to have interpreted this rather ambiguous statement as an unequivocal indication that there would be no firearms present, even though Dawson later also told Cooper and Talbott that he didn’t know if they would bring guns or not.<sup>27</sup> Ford said when he asked Dawson if the Klan planned to come armed, Dawson had told him what he told Cooper and Talbot but added, “Well, these are a bunch of rednecks.”<sup>28</sup> As Dawson stated what would seem to be obvious even to a layperson without access to insider information, “Everyone knows the Klan takes weapons wherever they go.”<sup>29</sup>

Both Dawson and Cooper agree that Dawson had already called Cooper by 10 a.m. on Nov. 3, 1979, to tell him that the Klan and Nazis assembling on the outskirts of Greensboro indeed had brought guns, as reported in the Administrative Report.<sup>30</sup> Yet, those present at the 10 a.m. tactical lineup that day are split on whether guns were even mentioned, and if so, how strongly this point was made to those responsible for the security of the march. Those who did recall that Cooper mentioned guns couldn’t specifically remember whether the Klan and Nazis either “had” guns or “might” have guns.

- Hightower said in his IAD interview<sup>31</sup> that Cooper said the Klan “either did or may have guns,” but later in his Grand Jury testimony said he didn’t recall any discussion of guns at the lineup at all<sup>32</sup>
- Wells says he remembers a discussion about “guns either coming or being in Greensboro.”<sup>33</sup>

## What happened after November 3, 1979?

- Clark remembers Cooper saying the Klan “might have guns but none have been seen at this time”<sup>34</sup>
- Burke<sup>35</sup> and Bryant,<sup>36</sup> in their Federal Grand Jury testimonies, didn’t recall any discussion of guns at line up

Further, Hightower Grand Jury Testimony (19 August 1982), 18-19, specifically recalled information related to Klan Imperial Dragon Virgil Griffin:

- Cooper reportedly told the briefing that Griffin was known to be a “hothead with a short fuse” and often carried large caliber hand guns.<sup>37</sup> Further, Griffin was meant to come to the rally. Griffin’s name was in fact on the list of tags that Cooper ran at 10:04 a.m. on Nov. 3.<sup>38</sup>

No prior knowledge related to Griffin and his propensity for violence is mentioned in the report, although repeated reference is made in the report to the implied violent tendencies of the WVO and Nelson Johnson in particular.

Another important piece of intelligence about the information received regarding firearms is Burke’s conversation with Detective Montgomery that a Klansman in Winston-Salem had purchased a machine gun and planned to come to Greensboro to “shoot up the place.”<sup>39</sup> Cooper denied any knowledge of a machine gun in his deposition.<sup>40</sup> Yet, Burke says he told Cooper.<sup>41</sup> Hampton says Cooper specifically mentioned it in the Nov. 1 meeting,<sup>42</sup> which GPD staff meeting minutes confirms.<sup>43</sup> This information is absent from the report and police officers’ subsequent testimony said they dismissed it as “unconfirmed rumor.”<sup>44</sup>

Another persistent explanation by the GPD (and many city officials, see City Response chapter) for their absence was that they simply were taken off guard by the violence. Gibson also said that even after they discussed the confrontation at China Grove and the Klan got a copy of the permit, the police thought that “possibly some Klansmen would show up, very few, and if they did, they would be on the sidewalk heckling. I don’t think we ever lost perspective of that viewpoint. Certainly did not expect any of them to show up with guns or anything else, you know, do any shooting.”<sup>45</sup>

However, statements from key GPD officers in the planning contradict this portrayal:

- Swing told the Grand Jury they expected some kind of violence, “We expected some problems...heckling, interfering with speeches, possibly some **rock throwing**, egg throwing” (emphasis added).<sup>46</sup> When asked if they expected there would be fights as a result of this, Swing answered yes.<sup>47</sup>
- On Nov. 1 the GPD had a copy of the CWP’s open letter insulting and challenging Klan leaders Joe Grady and Gorrell Pierce,<sup>48</sup>
- Key planners knew about the near physical confrontation at China Grove between the WVO and Klan/Nazis. China Grove was discussed in the Nov. 1 executive planning meeting<sup>49</sup> and in the 10 a.m. line-up briefing on Nov. 3, 1979.<sup>50</sup>
- Lt. Ford’s meeting with Dep. Chief Burch expressed concern for the “potentially explosive situation.”<sup>51</sup> Dawson told him that he didn’t know if the Klan would bring guns, but “this is a bunch of rednecks.” Ford said he told D.C. Williams from IAD what he had told Burch, yet it is not mentioned in the report.<sup>52</sup>
- Patrol Officers Williams and Johnson were told by Sgt. Comer that Klansmen

and Nazis were coming to confront the marchers and might have guns, and that officers Williams and Johnson should be ready for trouble.<sup>53</sup>

### *Concealed discussions of discrepancy in starting point/time*

One of the major explanations provided by the GPD about the failure of police to provide protection for the marchers is the fact that the GPD was confused about the starting point for the parade. The report and police public comments after the shooting made repeated reference to posters and a newspaper article citing Windsor Community Center as the assembly point at 11 a.m. on Nov. 3, implying that this was a last minute change by the WVO.

However, the potential discrepancy in starting locations was discussed on at least five separate occasions by police planners, and on one occasion was discussed and clarified directly by Nelson Johnson to Capt. Gibson.<sup>54</sup> Further, in the police transcripts on the day of the shooting there was no discussion of confusion. Comer, although he and his men were waiting at Windsor, told his men that they might have to escort the demonstrators gathered there to Everitt and Carver at 11:30 a.m. to start the parade.<sup>55</sup>

- In the parade application submitted on Oct. 19, the starting point was at 12 noon at Everitt and Carver. Both Johnson and Gibson recall that Gibson specifically asked Johnson about the conflict between the permit and the starting point advertised in posters (Windsor Center at 11 a.m.). In Gibson's recollection, Johnson explained that parking was easier at Windsor, and that they planned to transport everyone from Windsor to the Everitt and Carver location for the noon start.<sup>56</sup>
- The discrepancy was discussed at the Oct. 31 staff meeting.<sup>57</sup>
- It was discussed again at 9:30 a.m. Nov. 1.<sup>58</sup>
- Again at 4:30 p.m. Nov. 1.<sup>59</sup>
- And a fifth time at 10 a.m. Nov. 3, 1979.<sup>6</sup>

We do not know the WVO's full reasoning behind why there were two starting points, but given that the GPD's own records show well-documented repeated discussion of the two possible locations for assembly of marchers, the failure to provide safeguards at both locations is inexcusable and the claim that officers were confused about where the parade would start is simply not credible.

Further, if the posters and fliers were indeed such a major point of confusion as to the true starting point, the Commission has difficulty understanding why the difference in time between the parade permit (12 noon) and the posters/fliers (11 a.m.) seemed to have posed no similar confusion on the part of the police. There was no effort to address that discrepancy by putting tactical units in place before 11 a.m. since that was the time publicly advertised on the posters and fliers and in the news article.

## **Decisions based on this knowledge**

### *Was there an Operational Plan?*

There is conflicting information about whether a written Operation Plan was prepared for the parade and, if so, what became of it.

The report of McManis Associates, the management consulting firm commissioned by the city to review the police planning and actions, reported that there was no written operational report for the

event.<sup>61</sup>

In contrast, Retired Patrolman Ramon Bell, who worked in the traffic division of the Field Services Bureau in 1979, told commissioners at a public hearing that he had personally seen and read the Operational Plan for the march,

*The physical location of my office was near the patrol assembly area. It was also near an area where all the district captains had their offices... There was an administrative plan. I read it, and I saw it. I have no idea what happened to it, or where it went after November 3. But there was an administrative plan. It was written by, I suppose, Captain Hampton and approved by administrative.*

*...I had access to these documents. I have read them. In fact, I read that Operational Plan twice because I couldn't believe it. A lot of us read the operational plans and just shook our heads. You don't let 2 groups with extreme political views from each other come together without a buffer; and the buffer would have been the police.<sup>62</sup>*

On its own, Bell's recollection is not sufficient to conclude that there was indeed a written plan when none of the officers directly involved in the planning have mentioned it. Indeed, Gibson noted that he did not believe that in 1979 Operational Plans were standard procedure, although they became so afterwards. However, Bell's insistence that he clearly recalls the document and read it twice raises questions about the existence of such a written plan.

In addition, while the GTRC received from the GPD some 4 linear feet of documents made from microfilm there was nothing resembling a 10 page operation plan that Bell described. Police Attorney Cawn, who was appointed to redact the documents for release to the GTRC, also did not recall seeing an Operational Plan.

If there was a plan, it is concerning that it appears to be no longer in existence when voluminous other documents were preserved in microfilm. Bell told the GTRC that he did not know what happened to the Operational Plan. In addition, Capt. Gibson told the GTRC that Bell had recently called and asked Gibson "if I knew that the Department had shredded all the documents after the trial in Winston Salem. I said I had no knowledge of that. I had no reason to know anything about that."<sup>63</sup> The documents we received from the GPD were made from microfilm, so it may well be that paper documents were shredded after they had been filmed.

Based on available evidence, we cannot make a clear determination about whether there was indeed a written Operational Plan that was not microfilmed with the other records, or if one never existed. However, we are troubled by either alternative, and that such a basic fact is not known about such a controversial event in our city.

*'Low profile' approach attributed to Hampton*

Many officers and others in the community attribute the decision to take a 'low profile' approach to Capt. Hampton. For example, Sgt. Hightower stated that it was Hampton who wanted the low profile approach in order to not provoke Nelson Johnson.<sup>64</sup> Gibson testified in the civil trial that it was Hampton who planned the 'low profile.'<sup>65</sup> Further, Ret. Officer Bell told the audience that he had come to one of the GTRC's public hearings at the specific request of the District Attorney, Mike Schlosser, for whom Bell said he does private investigations work. Both Bell and Schlosser offered newspaper clippings with statements about Hampton's decision to have the police take a low profile (neither Officer Bell nor Mike Schlosser were involved in any of the parade planning).<sup>66</sup>



However, while Hampton may have been in agreement with the “low Profile” approach as a way to minimize a confrontation with Nelson Johnson that so many other officers in the GPD seemed to fear, GPD staff minutes show that in fact it was Dep. Chief Burch who suggested that the parade be handled on a low key, low profile.<sup>67</sup> This decision was made on Nov. 1 at the 9:30 a.m. commanders’ planning meeting chaired by Burch, where Hampton and Gibson were both present. Burch was the one who decided no armed police force should be at the starting point,<sup>68</sup> and it was Gibson, Spoon and Hampton who jointly planned where tactical units would be located.<sup>69</sup> In fact, Gibson himself told the GTRC during his statement that he now recalls that the decision had been Chief Swing’s (although Swing was not in the planning meetings because he was out sick having dental surgery).<sup>70</sup>

The mistaken idea of Hampton as being the sole source of this decision often repeated today in community discussions of the event, has led many to make the argument that there could be no possible wrongdoing on the GPD’s part because Hampton is an African American and it would, therefore, be unthinkable for him to allow or conspire with the Klan to assault and kill people in a black neighborhood.<sup>71</sup> We do not of course infer a police-Klan conspiracy based on this misapprehension, but believe it is worthy of dispelling since it is so often repeated in the retelling and interpretation of the event. We further question why this mistaken impression seems to have taken such hold in public debate and why no one who has the facts to the contrary has publicly refuted it.

*Why was Hampton not on duty?*

Numerous rumors and speculation have circulated in the community as to why Capt. Hampton, Commander of District II, which included the Morningside neighborhood, was not on duty on Nov. 3. Although Hampton declined to speak to the GTRC, his testimony in the Federal Grand Jury and the civil suit as well as his IAD interviews indicate that he had a pre-existing commitment to attend a Law Enforcement Association meeting at the Cosmos Restaurant on that day.<sup>72</sup> Hampton’s acting supervisor Capt. Steele apparently had strong reservations about Hampton’s absence on that day, which left a lieutenant as event commander. Gibson said both he and Hampton’s acting supervisor were concerned about Hampton’s planned absence on Nov. 3,

*I had thought about working that event and for two reasons I didn’t. One reason was because Hampton wasn’t going to be there, which would have left me subordinate to a Lieutenant and that would have just created confusion. The other reason was because Hampton was bowing out of this for some reason, and I wasn’t going to go down there and take the blame for him. That’s exactly what I told the investigators who came down here from DC. The problem was that Bob Steele told me, when he was asked the chief on two different occasions to order Hampton to work, whether that’s true or not I don’t know. That’s what he told me. <sup>73</sup>*

## Operations on Nov. 3, 1979

*Communication failures?*

There are several apparent contradictions in what have been portrayed by the GPD as breakdowns in radio communications. Commanding officers decided that all officers assigned to the parade function would operate on police radio Frequency 3 (F-3), while regular patrol traffic would remain on the standard Frequency 1 (F-1).<sup>74</sup>

*Was Spoon in or out of radio contact?*

Lt. Spoon, event commander for the parade, said that the first radio communication he received was when he got in the car at 11:14 a.m., and therefore was unaware of the development regarding the

caravan moving toward the parade site.<sup>75</sup> Spoon claimed that he “did not feel it was necessary” to monitor the hand radio to remain updated on Cooper’s surveillance of the Klan and Nazis.<sup>76</sup>

However, this statement is contradicted by the radio transcript, which shows at 11 a.m. Comer and Spoon discussing the hostile crowd at Windsor Center and Spoon telling him to go back and look for Nelson.<sup>77</sup> This demonstrates that Spoon was in fact monitoring his walkie talkie, at least on Frequency 1. Indeed, both Daughtry and Cawn remember Spoon receiving this call while they were talking together inside the station.<sup>78</sup>

### *Spoon’s reported phone call with Williamson about All Nations Church*

Lt. Spoon further said he was delayed and out of radio contact for some five minutes by a telephone call at a critical time, just minutes before the shootings. He says that around 11:14 a.m. he then got in the car, but GPD Communications immediately radioed to tell him to telephone Communications Staff Duty Officer E. Williamson. Spoon said he walked back and used the phone inside the building to call Williamson, who told him about Rev. Johnson refusing to host the WVO’s post-parade rally at All Nations Pentecostal Holiness Church. Spoon said after he received this information from Williamson he hung up and tried to call Rev. Johnson but was unsuccessful. Spoon said he then went back to the car and radioed Communications to have Daughtry meet him at the train station so Spoon could discuss the cancellation of the rally location with him.<sup>79</sup>

However, the radio transcript shows a somewhat confusing and contradictory story:

- the F1 operator tells Spoon to call communications at 11:14 a.m.;
- at 11:15 (when Spoon is inside calling Williamson) Williamson calls the F3 operator trying to get in contact with Spoon<sup>80</sup> and the F3 operator tries to reach Spoon at 11:15:30<sup>81</sup>
- At 11:21:54, Williamson again calls the F3 operator to ascertain if Spoon had received the information he was trying to pass on and expresses surprise when the operator tells him Spoon already knows,<sup>82</sup> so it is clear that Spoon did not talk with him. Williamson says in his deposition that he never spoke with Spoon but another staff duty officer<sup>83</sup>

In addition to this confusing exchange that put Spoon out of touch with the caravan developments at a critical moment, the GTRC is troubled by the failure to communicate the public announcement of the cancellation of All Holiness as the conference site two days earlier during Nelson Johnson’s press conference that was attended by several police officers (see Sequence).

### *Use of alternate radio channels to discuss caravan movement*

There is some discussion in the administrative report about confusion in communications but no discussion of the fact that Cooper was transmitting information about the movement of the caravan on an unassigned frequency. Although Frequency 3 had been designated as the frequency for all parade transmissions, and Frequency 1 was the standard patrol frequency, key information about the caravan was only transmitted on Frequency 4.

- At 11:06:37, Cooper observes the Klan/Nazi caravan parked on the on ramp heading to the parade route. He calls to inform Daughtry and Spoon, but Burke answers. Cooper tells Burke to switch to F-4 to relay the information about the caravan.
- At 11:15:46, Burke tells Daughtry to switch over to F4 to relay the information that he got from Cooper that the caravan of nine cars with 30-40 people was heading “toward the starting point,” and that Comer had encountered a “boisterous” crowd of demonstrators – a dangerous combination about which no one else on the designated parade frequency would have heard.

- Later, at 11:16:20, Cooper tells Daughtry over the F4 frequency that the caravan was approaching Florida Street.

Since only one conversation could be transmitted at a time, it was normal for unrelated conversations to switch to another channel so as not to tie up the airwaves in case relevant information needs to be communicated. However, Cooper's transmissions about nine Klan and Nazi cars traveling toward the parade point can hardly be seen as irrelevant conversations and should have been on the designated event frequency or on the standard patrol frequency. It is reasonable that these transmissions should have been on a channel where all personnel tasked with security for the march would be made aware of this increasingly dangerous circumstance.<sup>84</sup>

### *Officers called away or delayed from arriving at Carver and Everitt*

In addition to the explicit plan to be absent from the designated parade starting point, officers were repeatedly called away from the area immediately around Everitt and Carver. Shortly before 11 a.m., officers Wise and Cundiff were on the block from that intersection on an unrelated domestic call when they were told by the frequency operator to "clear the area."<sup>85</sup> Additionally, at 11:03:15, Officer McMillan was at Dudley High School (four blocks away) and was called by the F3 operator from to police headquarters to pick up a reserve officer.<sup>86</sup>

Further, Spoon sent Comer and Williams back to Windsor Center to look for Nelson Johnson at 11:01:36, even though the agreed starting point for the parade and the meeting point arranged between Johnson and Hampton were both at Carver and Everitt.<sup>87</sup> Even though he ordered his men to deviate from these agreed upon plans, Spoon does not arrange for one of Comer's men to go to Carver and Everitt to double-check for Nelson Johnson or to look for demonstrators assembling there, even though the one and only time Comer checked the designated point was almost two hours before the designated parade start time. One of Comer's men remained stationed at neither location, but rather at Washington School. This advance visit to Everitt and Carver is even more striking in comparison with the order for tact units not to be in place until 30 minutes before the designated start time.

In addition, the radio transcript shows that one second after Cooper announces the caravan is parking on Everitt and Willow – ***just two blocks from the designated parade starting point*** – Spoon asks Daughtry, who was about three blocks from Morningside, to meet him at the train station, some 20 blocks in the opposite direction. Det. Herb Belvin further delays Daughtry by reportedly flagging him down to discuss an unrelated police matter.<sup>88</sup>

## Omissions from the IAD Public Report

One of the most troubling aspects of the Administrative Report is the clear alteration of the record in a way that omits important elements of police action.

### *Omissions from transcript*

Chief Swing admitted that the radio transcript released publicly in the IAD administrative report was altered and information deleted that was not deemed "relevant."<sup>89</sup> Among the omitted transmissions that were in earlier transcriptions but not in the final report are those of Wise and Cundiff being told to clear the area just before 11 a.m. (described above).

In addition, Wise's later radio transmission reporting that someone in a blue Ford Fairlane using a shotgun to threaten pedestrians on Gillespie Street immediately after the shooting was also omitted from radio transcripts in the report.<sup>90</sup> There is no response to this transmission by Wise and without an order, she chose not to give pursuit. As a result, invaluable evidence was lost, since the guns that had been used to shoot the victims were returned to the trunk of the Fairlane, and shooter Jack Fowler was

not apprehended and later fled the state.

### *Information omitted and altered*

April Wise reported that when she responded to the domestic call on Dunbar Street, just half a block from Carver and Everitt, just before 11 a.m., she and Officer Cundiff saw some 20-30 people gathered there.<sup>91</sup> She was interviewed by IAD Commander D.C. Williams, and she said that during this interview they drove to Dunbar to demonstrate their location. But her information was not included in any of the IAD reports or summaries.<sup>92</sup>

Further, Wise claims in her deposition that both she and Cundiff drove by Carver and Everitt and commented to each other that the crowd, she estimated of some 20-30 people, was smaller than they expected.<sup>93</sup> However, Cundiff is cited in the IAD report as recalling that there was no one at the intersection. Although it conflicts with Wise's report, this version of Cundiff's recollection is central to the IAD's interpretation that,

*“Both Sgt. Comer and Officer Williams firmly believe that between the first and second time they were at Windsor Community Center Mr. Johnson arrived and took back part of the group from Windsor Community Center to Everitt and Carver Drive. **This assumption would appear to be correct** as Officer L.S. Cundiff answered an unrelated call in the area of Dunbar near Everitt at or about 10:55 am. Cundiff later reported that he saw **no group** gathered on Everitt Street.”<sup>94</sup>*

Although the report was released to the public, in Chief's Swing's words, “to provide a complete explanation of what happened on that day,”<sup>95</sup> there is no mention in it that information came from informants inside the Klan, nor was there any mention of the ATF's undercover agent inside the Nazi group. Internal Affairs officers tasked with producing the report, D.C. Williams and Capt. R.G. Bateman, claim they did not learn of Dawson's informant status until the day after the IAD report was publicly released. Chief Swing claims he did not learn of Butkovich until July 1980 when he was exposed in the press.

However, this conflicts with evidence from Capt B.L. Thomas, who recalled in his Grand Jury testimony that Butkovich called him on Nov. 3, 1979 after the shootings and offered information, and was allowed to personally interview Wood on Nov. 4. The DA's office recalled that they learned about Dawson on Nov. 4, 1979. It seems unlikely that this information was not shared with the IAD, which would indicate that the IAD deliberately concealed it. On the other hand, if the fact that the GPD had a Klan informant who provided intelligence and took a leadership role in bringing about the conflict was not shared with the agency tasked with investigating police wrongdoing, it is a strong indication of an attempt to conceal that fact, at least from the IAD.

Although Chief Swing and IAD officers Williams and Bateman all insist that there was only one draft of the IAD administrative report, the GTRC has seen two different reports, one with a second page of conclusions added and the subsequent page numbers hand written. The extra conclusions in that apparent subsequent report were findings that:

- there was insufficient probable cause to stop caravan;
- police response time was not delayed by Spoon's call to send all cars to Windsor Center rather than to Everitt and Carver; and
- Cooper had acted properly maintaining continuous contact with the caravan rather than intervening

## Findings

Our review of the GPD's own internal records and statements as well as sworn trial testimony and depositions reveal that overall city officials and the GPD:

- denied information about prior volatile confrontation between the WVO and Klan and Nazis in China Grove, in which the Klan and Nazis brandished large firearms;
- downplayed the information about the number of Klansmen and Nazis that they expected;
- dismissed information that Klansmen and Nazis might have guns;
- concealed repeated discussions about the apparent discrepancy in parade starting points;
- falsely attributed the "low profile" approach solely to Capt. Hampton;
- concealed inconsistencies in claims of communication "failures" at key moments;
- omitted important information regarding police presence at Everitt and Carver and the failure to stop fleeing caravan vehicles.

Taken together, these facts lead us to conclude that both the GPD and key city managers deliberately misled the public about what happened on Nov. 3, 1979, the planning for it and the investigation of it. It is difficult to view these statements as sincere efforts to "make the facts known." To the contrary, these statements can only be interpreted as a tactic to deflect blame away from the police department.

## Notes

<sup>1</sup> This report is on file at the GTRC and available at the Greensboro Public Library.

<sup>2</sup> *Citizens Review Committee Meeting*, interview of Hewitt Lovelace (11 February 1980), 88, 89, 92, 95.

<sup>3</sup> Jack Betts, "Hunt Says FBI Should Spy on Extremists," *Greensboro Daily News*, 20 December 1979.

<sup>4</sup> This change also resulted in the authorization to monitor the WVO: "On November 5, 1979, a full Domestic Security investigation of the WVO, also known as the CWP, was authorized under guidelines set forth by the Attorney General of the United States," quoted in FBI Special Agent Zachary T. Lowe, "Report on Workers Viewpoint Organization, also known as Communist Workers Party – Domestic Security," Federal Bureau of Investigation, Charlotte 100-12202, FD-204 (29 January 1980), 3. The GPD carried out its own surveillance of the WVO, see "Answer of Defendant J.P. Dixon to Plaintiffs' Interrogatories," *James Waller v. Butkovich et al. v. Bernard Butkovich et al.*, Civil Action No.80-605-G, Middle District – North Carolina, (30 July 1984), 7-8; GPD reports of informant #006 in UNC Wilson library, Southern Historical collection, Greensboro Civil Rights Fund archive (folders 1137-38).

<sup>5</sup> *Citizens Review Committee Meeting*, interview of Hewitt Lovelace (11 February 1980), 88-89.

<sup>6</sup> Internal Affairs Division Captain DC Williams, "Incident at Everitt St and Carver Dr, Nov 3, 1979," interview of R.L.Talbott (20 November 1979), 2.

<sup>7</sup> P.W. Spoon Federal Grand Jury Testimony (18 August 1982), 55-56.

<sup>8</sup> S.N. Ford Deposition *Waller* (19 July 1984), 64. Ford further informed IAD Commander Williams of his meeting with Burch. Ford said he was never interviewed by the McManis reviewers.

<sup>9</sup> Trevor Hampton Deposition, *Waller* (24 August 1982), 13; "Answers of Defendant Larry Gibson to Plaintiffs' Interrogatories," *Waller* (19 July 1984), 3.

<sup>10</sup> "Answers of Defendant J.P. Dixon to Plaintiffs' Interrogatories," *Waller* (30 July 1984), 2; "Answers of Defendant J.B. Clark to Plaintiffs' Interrogatories," *Waller* (26 July 1984), 2. However, Hightower does not recall any mention of China Grove, Jimmy Hightower Federal Grand Jury Testimony (19 August 1982), 2.

<sup>11</sup> IAD DC Williams, "Incident at Everitt St and Carver Dr, Nov 3, 1979," interview of R.L.Talbott (20 November 1979), 2-3.

<sup>12</sup> *Ibid.*, 3.

<sup>13</sup> B.L.Thomas Federal Grand Jury Testimony (26 August 1982), 32-33. He had this information from Talbott who reported it from their conversations with Dawson.

<sup>14</sup> W.E. Swing Federal Grand Jury Testimony (17 August 1982), 47-48.

<sup>15</sup> IAD DC Williams interview of Lt Col. W.A. Burch (30 November 1979), 2.

<sup>16</sup> Maurice Cawn Deposition, *Waller* (14 August 1984), 52.

- <sup>17</sup> IAD interview of Trevor Hampton (29 November 1979). In the “IAD Planning Memo,” (7 Dec 79), 5, states that Cooper gave the information that approx 10 Klan members would be present on Nov. 3. GPD “Staff Meeting Minutes,” 1 November 1979, 9:30 a.m., ‘Info Spider’ (Det. Cooper) states “local KKK 10 members.”
- <sup>18</sup> IAD interview of Talbott (20 November 1979), 4.
- <sup>19</sup> Larry Gibson Deposition, *Waller* (26 June 1984), 46.
- <sup>20</sup> Gibson Deposition, *Waller* (26 June 1984), 33.
- <sup>21</sup> IAD Planning Memo: “Summary of Planning Activities for the Anti-Klan March Scheduled November 3, 1979” dated 7 December 1979, submitted by Internal Affairs Division Commanding Officer, Capt. DC Williams to Chief William Swing, 5.
- <sup>22</sup> GPD Chief William Swing, ““An Administrative Report of the Anti-Klan Rally, Greensboro, NC, Nov 3, 1979,” (19 November 1979), 9.
- <sup>23</sup> GPD Chief Swing, “An Administrative Report,” (19 November 1979), 4 , emphasis added.
- <sup>24</sup> *Ibid*, 9.
- <sup>25</sup> Capt Gibson recalled between six and eight intelligence meetings to discuss what was known about the Klan and Nazis plans. Larry Gibson, interview with the *Greensboro Truth and Reconciliation Commission*, 5 May 2006.
- <sup>26</sup> Edward Dawson Deposition, *Waller* (13 June 1984), 315-317, 334-335; Jerry Cooper Deposition, *Waller* (25 June 1984), 62-63; IAD DC Williams interview of J.H. Cooper (20 November 1979), 6; R.L.Talbott Deposition, *Waller* (1 November 1984), 115.
- <sup>27</sup> Det. J.H. Cooper, “Contact with Confidential Informant 1068,” Investigator’s Report (31 October 1979), 1.
- <sup>28</sup> Ford Deposition, *Waller* (19 July 1984), 69.
- <sup>29</sup> Dawson Deposition, *Waller* (13 June 1984), 245, 366-368; FBI Pre-Grand Jury Interview with Edward Dawson (22 June 1982), 74.
- <sup>30</sup> Cooper Deposition, *Waller* (25 June 1984), 128; FBI Pre-Grand Jury Interview with Edward Dawson (22 June 1982), 99-100.
- <sup>31</sup> IAD interview with Hightower (2 June 1980).
- <sup>32</sup> Hightower Federal Grand Jury Testimony (19 August 1982), 20.
- <sup>33</sup> “Answer of Defendant E.D. Wells to Plaintiffs’ Interrogatories,” *Waller* (31 July 1984), 2.
- <sup>34</sup> “Answer of Defendant Clark to Plaintiffs’ Interrogatories,” *Waller* (26 July 1984), 2.
- <sup>35</sup> T.L. Burke Federal Grand Jury Testimony (19 August 1982), 10.
- <sup>36</sup> S.A. Byant Federal Grand Jury Testimony (24 August 1982), 10.
- <sup>37</sup> Hightower Federal Grand Jury Testimony (19 August 1982), 18; Cooper Deposition, *Waller* (25 June 1984), 116.
- <sup>38</sup> Copy in GTRC files.
- <sup>39</sup> IAD DC Williams interview with Sgt T.L.Burke (3 June 1980), 2.
- <sup>40</sup> Cooper Deposition, *Waller* (25 June 1984), 219.
- <sup>41</sup> IAD DC Williams interview with Sgt T.L. Burke (3 June 1980), 2.
- <sup>42</sup> “Answer of Defendant Hampton to Plaintiff’s Interrogatories,” *Waller* (23 July 1984), 2; Hampton IAD interview (29 November 1979).
- <sup>43</sup> GPD “Staff Meeting Minutes,” 9:30am, 1 November 79.
- <sup>44</sup> Swing Deposition, *Waller* (18 August 1984), 188-89. Answer of Defendant Hampton to Plaintiff’s Interrogatories,” *Waller* (23 July 1984), 2; Cooper deposition, *Waller* (25 June 1984), 115-116, Talbott Deposition, *Waller* (1 November 1984), 129, B.L.Thomas Deposition, *Waller*, 102; Daughtry Federal Grand Jury Testimony, (13 August 1983), 15.
- <sup>45</sup> Gibson Deposition, *Waller* (26 June 1984), 93. Additionally, Police Attorney Maurice Cawn recalled in his deposition that “I knew that it had the potential for trouble, but nothing of the magnitude that resulted. I thought it was a possibility that if the Klan showed up somebody would chunk a rock or call somebody a name or there would be a fist fight or something. I saw that as a possibility that I felt we were prepared for.” Cawn Deposition, *Waller* (14 August 1984), 106.
- <sup>46</sup> Sgt Hightower also recalled that he had expected “rock throwing.” IAD interview with Hightower (2 June 1980).
- <sup>47</sup> W.E. Swing Federal Grand Jury Testimony (17 August 1982), 78-79.
- <sup>48</sup> IAD Planning Memo (7 December 1979), 3.
- <sup>49</sup> Hampton Deposition, *Waller* (24 August 1982), 13; “Answer of Defendant Gibson to Plaintiffs’ Interrogatories,” *Waller* (19 July 1984), 3; Hightower Federal Grand Jury Testimony (19 August 1982), 11.
- <sup>50</sup> “Answer of Defendant Dixon to Plaintiffs’ Interrogatories,” *Waller* (30 July 84), 2; “Answer of Defendant

Clark to Plaintiffs' Interrogatories," *Waller* (26 July 1984), 2. However, Hightower does not recall any mention of China Grove: Hightower Federal Grand Jury Testimony (19 August 1982), 21.

<sup>51</sup> S.N.Ford Deposition, *Waller* (19 July 1984), 64.

<sup>52</sup> *Ibid.*

<sup>53</sup> "Answer of Defendant Williams to Plaintiffs' Interrogatories," *Waller* (6 August 1984), 3-4, Answer of Defendant Johnson to Plaintiffs' Interrogatories," *Waller* (6 August 1984), 4,; W.D. Comer Testimony, *Waller* (29 April 1985), 99.

<sup>54</sup> Nelson Johnson Testimony, *Waller* (no date on transcript), 106; Larry Gibson Federal Grand Jury Testimony (23 August 1982), 12-13.

<sup>55</sup> FBI SA Beckwith and SA Lowe interview with Sgt W.D. Comer, CE 44-3527 (29 November 1979), 8.

<sup>56</sup> Gibson Federal Grand Jury Testimony (23 August 1982), 12-13.

<sup>57</sup> GPD "Staff Meeting Minutes," 31 October 1979; Comer Federal Grand Jury Testimony (23 August 1982), 28, 31; IAD Planning Memo (7 December 1979), 3.

<sup>58</sup> Hampton Federal Grand Jury Testimony (24 August 1982), 16; FBI SA Brereton, interview of W.A. Burch (26 August 1982), 5; IAD DC Williams, interview of Lt Col Burch (30 November 1979), 1; IAD Planning Memo (7 December 1979), 6.

<sup>59</sup> Spoon Deposition, *Waller* (14 August 1984), 29; Daughtry Deposition *Waller* (13 August 1984), 21; Hampton Federal Grand Jury Testimony (24 August 1982), 18; Gibson Federal Grand Jury Testimony (23 August 1982), 30.

<sup>60</sup> Burke Federal Grand Jury Testimony (19 August 1982), 24; Daughtry Federal Grand Jury Testimony (19 August 1982), 54-57; FBI SA Beckwith and SA Lowe, interview of Sgt W.D. Comer (28 November 1979), 5, Comer on Nov. 2 tells Spoon that there was a conflict between the WVO poster stating 11am at Windsor C.C. and parade permit stating 12noon at E&C, Spoon advises Comer to use his judgment on where to place men; Comer Federal Grand Jury Testimony (23 August 1982), 41.

<sup>61</sup> McManis Associates, *Assessment of Planning and Operations of Greensboro, North Carolina, Police Department for Demonstration of November 3, 1979* (May 1980), II-6.

<sup>62</sup> Ramon Bell, statement to the *Greensboro Truth and Reconciliation Commission*, Public Hearing, 26 August 2005.

<sup>63</sup> It was not clear if he meant the federal criminal trial or the civil trial, which were both held in Winston Salem. Larry Gibson, interview with the *Greensboro Truth and Reconciliation Commission*, 5 May 2006.

<sup>64</sup> Hightower Federal Grand Jury Testimony (19 August 1982).

<sup>65</sup> "Answer of Defendant Gibson to Plaintiffs' Interrogatories," *Waller* (19 July 1984), 2; Gibson Deposition, *Waller* (26 June 1984), 74.

<sup>66</sup> Officer Bell, although not a scheduled speaker, said he was asked by former DA Mike Schlosser to come to the hearing (after Schlosser had declined to speak) to "monitor" the proceedings and "tell them what you know." Because he told the GTRC Research Director he had direct knowledge of the Operational Plan and what happened to it, and "why the police were not at Everitt and Carver" an exception was made to allow Officer Bell to speak.

<sup>67</sup> IAD Planning Memo (7 December 1979), cites date of decision on 1 November 1979. At the 9:30am meeting on Nov.1, minutes show that it was Burch who ordered officers remain "low key." In the memo from D.C. Williams to the Chief on "Summary of Planning for Nov. 3" (7 Dec 1979), it also notes that Burch was not present in the afternoon meeting, and that Hampton relayed the decision to take a low profile approach. See IAD Planning Memo (7 December 1979), 9.

<sup>68</sup> IAD DC Williams interview with Lt Col. W.A.Burch (30 November 1979), 2.

<sup>69</sup> Larry Gibson, interview with the *Greensboro Truth and Reconciliation Commission*, 5 May 2006. Chief Burch said he thought the placement of tact units had been Gibson's decision as commander of the tactical division. See IAD interview with W.A. Burch (30 November 1979), 2. Burch's IAD interviews states that Gibson advises that the tact squads would be at Dudley & Gillespie. IAD Planning Memo (7 December 1979), 9, says that it was joint decision between Gibson and Hampton.

<sup>70</sup> Gibson, interview with GTRC 5 May 2006.

<sup>71</sup> This view is also widely held among key city officials. (pp102-103 of Lovelace interview to CRC, 11 Feb 80, states that the GPD makes a point of knowing everything about their officers and they would know for sure if a Klan member was in the police dept...in the following interview to CRC on 19 feb 80 p1-2, he states in depth the city's equal employment program in the 70's and specifically the GPD's high rate of minority applicants in 1979.) Former DA Mike Schlosser and former Assistant DA Jim Coman (who was one of the co-prosecutors in the murder trial) repeated several times in their statements to the Commission that a "low profile" for police

was Hampton's call. (Michael Schlosser, Jim Coman and Rick Greeson, interview with the *Greensboro Truth and Reconciliation Commission*, 4 August, 2005, 16 November 2005.) This view was reiterated in a letter to the GTRC Research Director, dated 26 April 2006.

<sup>72</sup> Hampton Grand Jury Testimony (24 August 1982), 25; Daughtry Deposition *Waller* (13 August 1984), 27-28

<sup>73</sup> Larry Gibson, interview with *Greensboro Truth and Reconciliation Commission*, 5 May 2006.

<sup>74</sup> IAD Planning Memo (7 December 1979), 8; Gibson, interview with the *Greensboro Truth and Reconciliation Commission*, 5 May 2006.

<sup>75</sup> Spoon Deposition, *Waller* (14 August 1984), 58.

<sup>76</sup> *Ibid.*, 52.

<sup>77</sup> Chief Swing, "An Administrative Report," (19 November 1979), 60-61; Daughtry Federal Grand Jury Testimony (19 August 1982), 27, says he was talking to Spoon and Cawn in headquarters when this call came in from Comer.

<sup>78</sup> Daughtry Federal Grand Jury Testimony (19 August 1982), 27.

<sup>79</sup> Spoon Deposition, *Waller* (14 August 1984), 47- 48; "Answers of Defendant Spoon to Plaintiffs' Interrogatories," *Waller* (31 July 1984), 4.

<sup>80</sup> Chief Swing, "An Administrative Report," (19 November 1979), 68.

<sup>81</sup> *Ibid.*, 69.

<sup>82</sup> *Ibid.*, 71.

<sup>83</sup> Williamson

<sup>84</sup> Gibson agreed that Cooper should have been transmitting on Frequency 1. (Gibson interview with GTRC, 5 May 2006.)

<sup>85</sup> April Wise Deposition, *Waller* (23 October 1983), 20-22.

<sup>86</sup> 11:03:21 F-1 transcript in GPD Chief Swing, "An Administrative Report," 61.

<sup>87</sup> 11:01:21 , *Ibid.*

<sup>88</sup> IAD interview of Lt. S.Daughtry (3 November 1979), 1-2. Belvin confirms this brief conversation, but says that he found Daughtry parked some three blocks from Morningside. Belvin Grand Jury Testimony (24 August 1984), 16

<sup>89</sup> W.E. Swing Deposition, *Waller* (18 August 1984), 33.

<sup>90</sup> This transmission was on Frequency 5 and was transcribed for the GPD Supplementary report on Nov. 3, 1979 (on file at the GTRC). Wise recalls the transmission in her deposition, Wise Deposition, *Waller* (23 October 1983), 83. Jim Ballance, tasked with investigation, specifically noted this omission to the Federal Grand Jury: Ballance Federal Grand Jury Testimony (17 August 1982), 111.

<sup>91</sup> Wise Deposition, *Waller* (23 October 1983), 25.

<sup>92</sup> *Ibid.*, 98.

<sup>93</sup> *Ibid.*, 25-27.

<sup>94</sup> IAD DC Williams, "Summary Report – Incident at Everitt and Carver Street, November 3, 1979," to Chief Swing (6 November 1979), 8, emphasis added.

<sup>95</sup> Swing Deposition, *Waller* (18 August 1984), 30-33.