

point of view

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The 'Conspiracy' Of White Justice

The key figures in the "conspiracy" case against Fred 'Ahmed' Evans and four others are Sgt. John Ungvary, head of the Cleveland Police Subversives Squad, and Walter Washington, a teenager.

It was Ungvary who went to City Hall July 23rd with the story of an impending conspiracy by black nationalists, allegedly recently returned from Detroit, Akron and Pittsburgh with weapons. It was Walter Washington, who, after the Glenville gun battle, claimed to be privy to the planning of an ambush of police on July 23rd in Evans' apartment.

To understand the prosecution's case against Ahmed and to understand why the guilty verdict is unacceptable, one must examine these two witnesses.

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Conspiracy has been Sgt. Ungvary's job for nearly 30 years as head of the subversive squad. You might say it's an obsession with him.

Two years ago, he testified before Mississippi Sen. James O. Eastland's Internal Security Subcommittee that "What we need is a law that would let us charge them all (black nationalists) as conspirators... before an overt act is committed. Wouldn't this be far better than to wait for an overt act?"

Black nationalism per se is conspiracy to Sgt. Ungvary. The purchase of weapons by black nationalists then becomes a conspiracy to murder.

Let's look for a moment at the conspiracy of Ahmed Evans to "ambush" police.

St. Ungvary himself testified that Ahmed had visited him prior to the Glenville shooting for an informal discussion.

That's strange behavior for a man planning to "ambush" police.

Ahmed, indeed, appeared openly with his weapon and bandolier of ammunition to talk with city officials July 23rd at his apartment building. He didn't hide his weapon or avoid the officials.

This seems strange behavior for a man preparing to "ambush" police.

Ahmed purchased weapons and ammunition openly and legally. He used his correct name and address and bought the weapons in the Cleveland area, even in a suburb where one must sign a police document to be recorded with the police.

That, too, is strange behavior for a man conspiring to "ambush" police.

Ahmed was aware of the police surveillance and placed an armed guard at the front of the apartment house, to be openly observed by the police.

Does that suggest preparation for an "ambush?"

Or was the Glenville shoot-out the result of police acting out a self-fulfilling prophecy based on their assumption that black men with guns had to be up to something illegal and why not, as Sgt. Ungvary reasoned get them before an overt act. In Sgt. Ungvary's words, "Wouldn't this be far better than to wait for an overt act?"

Indeed, the police had done it before with less tragic results. In 1967, after Ahmed told the Wall Street Journal that an eclipse of the sun on May 9th would signal an eruption of violence in Cleveland, police burst into Ahmed's astrology shop with shotguns at stomach level on that otherwise uneventful day. The best charge they could come up with that time was a charge of "housing violation."

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The key witness that Ahmed had been conspiring against the police was 17-year-old Walter Washington, a most unbelievable witness.

Walter Washington, who testified he was a Black Panther and described the Panthers as a "social group," was an accused thief, arsonist, and murderer. When he was arrested earlier this year, the Cleveland police charged him with terrorizing residents and merchants in Glenville.

That was in January. In April he testified against Ahmed. By May he was free from all charges. Today he is in the U.S. Army.

According to The Cleveland Press, Jan. 23, 1969, Washington admitted six fire-bombings, including a fire at St. Mark's Presbyterian Church.

Washington was charged, under the alias of Walter Brown, with the stabbing death of Willie T. Davis, 68. Davis was knifed 11 times in the back.

This was the star witness for the prosecution.

Here is a sample of Washington's cross-examination by the defense:

- Q. What were you taken to Central Police Station for?
A. To be charged.
Q. With what?
A. First degree murder.
Q. Are you charged now with first degree murder?
A. No.
Q. First degree murder in connection with what?
A. A stabbing up on 105th.
Q. When did this stabbing occur?
A. Sept. 12th
Q. Were you charged with first degree murder?
A. Yes.
Q. What happened to the charge?
A. I got a "no bill."
Q. Is the arson case still pending?
A. If I don't go in the Army.
Q. What do you mean, if you don't go in the Army?
A. If I don't go to the Army, it's still pending.
I am going to the Army, sir.

* * * * *

The real unanswered question of the Glenville tragedy is whether some

police, obsessed with the conspiracy notion, did not themselves set in motion the events later called "conspiracy."

Why, for example, were police cars with white officers parked visably at the scene when orders from City Hall were for an "inconspicuous" and "mobile" surveillance?

How does one explain that when Patrolman Wolff and Gibbon arrived at the scene after hearing the 8:25 p.m. call for help from the tow truck, plainclothesmen and officers were holding black men at gunpoint, when surveillance cars were supposedly ordered out of the area?

Why has there been no attempt to clearly establish the time of the initial gun play?

Patrolman Louis Golonka is recorded as being pronounced dead at 8:40 p.m. at Forest City Hospital. Yet, the initial firing, according to police reports, started with the ambush of the tow truck at 8:25 p.m. How did Ptl. Golonka respond to the 8:25 p.m. radio message, get shot, rescued, transported to the hospital, and pronounced dead within 15 minutes of the first shot?

Further, two patrolmen, Traine and Herron, said on Aug. 7 -- 17 days after the shooting -- that they participated in a rescue attempt with Ptl. Golonka. Yet the two patrolmen heard of the shooting via radio when they were five miles from Glenville.

Indeed, the Plain Dealer on July 24th reported that the shooting broke out at 7:30 p.m., an hour earlier than police reports.

Such discrepancies, without serious attempts to inform the public, lead to speculation. Here the Masotti report becomes significant. NBC-TV has reported that the Masotti document contains information about a serious "communications" blunder.

It is likely that the tactical unit which was carrying out the surveillance failed, either intentionally or because it operated on a different radio frequency band, to alert all patrol cars to the start of hostilities. Not until the tow truck was fired upon did the alert go out to regular police patrols. When they responded they did not know that hostilities had been under way for some time.

Why would the tactical squad intentionally fail to report a gun battle? Possibly because it had disobeyed orders by making contact when ordered out of the area. Or possibly because it felt it could handle the job alone.

* * * * *

Even the prosecution admitted it was unable to prove Ahmed killed anyone.

"There is no direct evidence that Evans killed anybody...." Charles Laurie, assistant prosecutor said.

Presiding Judge George J. McMonagle said, "It is not contended by the state that Mr. Evans directly or personally did commit the offenses charged in these separate counts... But it is the contention of the state that he aided and abetted" in the resulting crime.

Tow truck driver William H. McMillan identified Ahmed as the one who shot him, but an x-ray technician testified that McMillan, when he was taken at the hospital for treatment, couldn't say who shot him and that he was more interested in calling reporters than getting medical aid.

Other testimony placed Evans in an attic, where he was waiting to surrender to police, while police officers were killed. A Legal Aid lawyer testified that a witness quoted Laurie saying he was aware of the fact that Evans was in the attic at the time officers were shot.

There are other troubling discrepancies resulting from reports and interpretations arising from the County Coroner's office.

For example, the original autopsy report on Lt. LeRoy Jones, indicated he was hit by a shotgun blast. It was later changed to a gunshot wound.

William Hoffman, assistant professor of forensic pathology at Case-Western Reserve University and a member of the County Coroner's staff, was asked pointedly by the defense:

"Before you made this change (from shotgun to gunshot) did you find by conversation or otherwise that the police had a number of shotguns as they tried to stop this riot situation?"

He answered: "No, sir, I never spoke to the police or anyone else except members of our own department at the office."

Hoffman was asked whether he had before him the body of Lt. Jones when he made the "shotgun" determination and whether he had seen marks he referred to as "pellet marks" on the face of Lt. Jones. He answered that he did see these marks, but that he changed the decision based on further examination made without the body but with an x-ray report.

Under questioning Hoffman said that such changes don't "happen too frequently."

The evidence showing that two of the three dead policemen were drunk also was handled in an unusual manner by the coroner's office.

"In every (homicide) case in which you and I were involved, wasn't the laboratory report contained on this report of autopsy...." the defense asked Hoffman, who answered, "Yes, that is right."

But in the case of the drunk policemen, the report was kept separate. Why? the defense asked.

"Some time back and I don't recall the date, Dr. Gerber asked that these reports be submitted on separate sheets; this is within his perview not mine," Hoffman answered.

"It wasn't because of the alcohol found in the blood and urine of these officers, was it?" the defense asked.

"I have no idea why he had it put on separate sheets," Hoffman replied.

The case of James Chapman, a black man killed in Glenville and labeled a hero by police for he

The case of James Chapman, a black man killed in Glenville and labeled a hero by police for helping rescue an officer, also comes under severe challenge. Evans is convicted of his murder also on the basis of the conspiracy charge.

The autopsy report on Chapman states that "abundant powder residue" was found in the forehead defect. Dr. Cyril Wecht testified for the defense that Chapman was shot from within

"six inches." It is the prosecution's contention he was killed by long-range sniper fire and therefore not by the police.

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Another factor that has been woven into the conspiracy theory was the use of high-powered weapons by the Nationalists. The police consistently claim to have had no such weapons in Glenville.

But this is hard to believe. There is a police rule that officers are to use only issued weapons. But in 1966 during the Hough riots, former Police Chief Richard Wagner took his personal "hunting" rifle into the riot area, hardly an example for his officers to obey a ban on personal weapons.

And a short time after the Glenville shoot-out, NBC filmed Cleveland police officers with unauthorized weapons. Reporters were told by police on the scene that many officers carried personal high-powered weapons in the trunks of patrol cars.

Finally, the overt racism of the prosecution during the Evans trial and the failure of the County Prosecutor's office to respond when blacks were victimized suggests it is incapable of seeking justice on an equal basis.

The prosecution chose to call the defense attorneys "boys" during the trial and made other racist remarks, such as shouting at one witness,

"You hate white people, don't you?"

While "screaming" for conviction in the Evans case, the Prosecutor's office apparently is content to forget violence against blacks and others during this period.

For example, since NBC cameraman Julius Boros was acquitted of assaulting a policeman, Boros having been beaten badly himself, why has there been no charge brought against the police who beat him?

Why was there no pursuit of justice in the shooting death of a black private guard who was shot at the Afro-Set after a black Cleveland police officer, ordered to guard the building, was sent away by white police?

Why has there been no indictment of police officers who have been charged in open testimony with beating, shooting and molesting patrons of the Lakeview Tavern?

What has happened to the charge that 15 uniformed Cleveland patrolmen beat L.A. Sargeant, an employe of the Regent Hotel, July 29th?

One gets more than an impression of the County Prosecutor's office as a dispenser of Mississippi justice in Cleveland.

This is not acceptable. Neither is the jury verdict of murder in the Ahmed Evans case acceptable. Mississippi justice in Cleveland must be reversed. The first step is a new trial for Evans.

Jurors Dined at Plain Dealer During Trial

Though the court had stringent rules to guard against mass media influence upon the jury, members of the jury ate lunch at the Cleveland Plain Dealer during the trial and at the Rockwell Inn, a hangout for reporters and lawyers.

One jurist admits jury members watched coverage of the trial on television too.

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