



Greensboro Truth and Reconciliation Commission Final Report

Greensboro Police Department
and the “Communist problem”

Chapter 5



Photos courtesy of the Greensboro News & Record

The GPD and “the communist problem”

In the summer and fall of 1979, local law enforcement was becoming increasingly concerned about the RCP and communist groups in general.¹ However, many (“Major E.R. Wynn and several other officers” in the GPD) either did not understand or did not think relevant the differences and conflicts between the RCP and WVO,² instead lumping them together as “Communists” who were, in Det. Jerry Cooper’s words, “giving us problems.”³ This made it possible to overstate the threat they posed by attaching any activities or violent rhetoric of any of the communist groups to all of them.

Statements and testimony from police officers and FBI repeatedly refer to a pattern of violent tendencies and criminal behavior on the part of Communists in general and the WVO in particular. However, when pressed for details, law enforcement officers and agents cite the same three incidents. Sometime during the summer of 1979, members of the RCP allegedly interrupted a class to hand out literature and vandalized property on the UNCG campus by splashing red paint on dumpsters.⁴ In July 1979, a skirmish between Hampton Homes residents and police attempting to break up a noisy block party sparked outcry from the RCP, who distributed leaflets and posters alleging police brutality.⁵ On Oct. 11, the RCP held a rally in Hampton Homes around the alleged police brutality incident, a rally that erupted with rock-throwing at the GPD.⁶ Finally, on Oct. 16, a clash between competing groups of leafletters from the WVO and RCP escalated into a fistfight at the White Oak plant. At least one WVO member was taken to the hospital and released. GPD responded to the scene, but neither side of the fight wished to bring charges.⁷ However, the brawl at the mill gates worried Cone management, who called Special Investigations, which Cooper attributed to the fact that there was “an on-going investigation on the RCP because they had been causing problems.”⁸

The GPD Internal Affairs report notes that at the GPD staff meeting on Oct. 10, concern was expressed about a Channel 8 news story that aired on Oct. 4 announcing that the WVO planned to hold an anti-Klan rally in Greensboro.⁹ Misgivings about the WVO’s involvement and members’ “propensity for violence” sparked a discussion about whether it was permissible to deny the permit.¹⁰ Police Attorney Maurice Cawn advised that, “When they mentioned Nelson Johnson they were concerned that Nelson might stir something up...And here it was in ‘79; and whatever had happened at A&T, you know, had been a little while. So I expressed the opinion that – I took the question being posed to me of ‘Can’t we just deny it?’ and said ‘I don’t see how. It’s very difficult to just censor something of that kind. So I don’t think it can be.’”¹¹ He made a similar statement in response to a TV broadcast reporting that a Morningside Homes resident didn’t want the rally to happen there: “That’s unfortunate but it’s not a basis for denying a permit. ... the First Amendment gives you a right to be unpopular and we really can’t censor something before it starts.”¹² It was decided that weapons restrictions and limitations on placard materials and the size of sticks used for placards were permissible.¹³ It is notable that these concerns were raised before the RCP incident in Hampton Homes and the RCP/WVO fistfight at White Oak had occurred.

But while there was some blurring in the understanding of the communist groups, the GPD discussion about the parade make it clear that one member stood out as especially worrisome for the police. The characterization of Nelson Johnson in particular (and the WVO by association) as a “dangerous person” entered into the police protection plans from the very first time the parade was raised in police meetings, a characterization that was unjustified based on the actual threat to public safety that he posed. Many officers were candid in civil suit depositions and testimony about their concern for the WVO march being directly linked to their suspicions of one individual: Nelson Johnson. Gibson said his concern about Johnson related specifically to the unrest and violence in 1969 due to the Dudley and A&T revolt,

for which he held Johnson directly responsible.¹⁴ Cawn recounted, “There was more than one person in the staff . . . who were concerned about the fact that Nelson Johnson was going to be involved in this parade. I do recall that.”¹⁵ It is worthy of note that Chief William Swing told the grand jury that Johnson and his associates Sandi Smith and Dot Johnson had received six parade permits since the incident at Dudley and A&T, and had never been asked to comply with weapons or placard restrictions.¹⁶

The GPD acted on their concern about the public threat of Johnson and his associates through more than just discussions; they also conducted surveillance. Det. Herb Belvin of Special Intelligence admits that they kept “pretty active” intelligence on both Nelson Johnson and Sandi Smith through about 1975 or ’76, and on the RCP.¹⁷ These files, which were referred to as “civil intelligence” files because surveillance was collected without a pending criminal charge, were all destroyed when the Freedom of Information Act passed that would make these records available for public scrutiny.¹⁸

The police had other reasons to have negative feelings toward Johnson and his associates and to be wary of a hostile confrontation with them. Although they arguably did not pose a threat to public safety, Johnson and his associates did have a record of vocal accusations of police brutality against the GPD (See “Black Liberation to Multicultural Organizing” Chapter).

Often GPD officers refer to the WVO and RCP fistfight in their explanation of why they were concerned about the Nov. 3, 1979, march. However, the GPD’s own administrative report demonstrates that these conversations were already occurring on Oct. 10, before this fight took place on Oct. 15. Further, Capt. B.L. Thomas admitted in his Grand Jury testimony that surveillance of demonstrations at Cone “increased” with the announcement of the march, undertaken by Det. Cooper and Det. Sgt. Furman Melton.¹⁹ This choice of words suggests that it had been ongoing prior to the announcement, although we have no information about why this investigation was warranted or the nature of the surveillance. In his deposition, Police Attorney Cawn stated that he was not consulted on the legality of surveillance of WVO members, nor did he even know about it until January 1980.²⁰ Lt. Sylvester Daughtry said that Johnson would not have been a legal target of surveillance,²¹ and Det. Belvin claimed in his sworn testimony to the Federal Grand Jury that there was no one doing civil intelligence after 1978.²² These statements are contradicted by the sworn testimony of Capt. Thomas on the “increased” surveillance of the WVO in the fall of 1979 after the march was announced.²³

While the WVO used confrontational and hyperbolic “revolutionary” rhetoric about “overthrowing the capitalist system” as part of their message, the level of concern and police resources devoted to the WVO was disproportionate to their actual actions and the threat they posed. In their depositions and civil trial testimony, GPD officers attribute their concern about the WVO to the group’s “known criminal behavior,” which when pressed, is detailed as “malicious mischief” for posting handbills in illegal locations (telephone poles, underpasses and the like), even though campaign posters for political candidates were tolerated in these same illegal locations. Concern about the WVO apparently stemmed from complaints from Cone about “traffic obstructions” from leafleting outside gates during shift changes and holding demonstrations at the mills.²⁴ The majority of line officers named in the plaintiffs’ civil suit had no knowledge or experience with the WVO prior to Nov. 3, 1979,²⁵ which belies the claim that they were a noticeable public threat on the streets and were “causing problems.”

The evidence shows that the concern about the WVO had more to do with their “revolutionary” rhetoric – which was not only intensely anti-establishment but particularly anti-police – than their actual criminal activity. Sgt. Melton said in his deposition that he believed the WVO was a threat not because of its specific activities or rhetoric, but because “I thought all communist groups were trying to overthrow the U.S. government. I had been told and read about it as long as I can remember. I think any communist organization would be a threat to this country in some form or fashion.”²⁶

In fact, Melton said he was unaware of any illegal activity in which the WVO was involved.²⁷ But even though he did not expect anything more than “malicious damage” (from postering and spray painting) or maybe simple assault, he felt the police had a responsibility to keep the WVO under surveillance because of the threat they posed to the government by “trying to persuade a group of people over to their way of thinking.”²⁸ Later in the interview, Melton added that they kept the WVO under surveillance because of the threat to the U.S. government and because of “problems at Cone Mills” by “leafleting and trying to organize a union inside the plant.”²⁹

Daughtry likewise explained the police concern about the WVO this way, “They were a vocal group and wanted to overthrow the government.” However, when pressed, he concedes that there was no real substantial fear of that.³⁰ Lt. R.L. Talbott, however, denies there was a policy of communist surveillance because of their political views and ideological goals, saying that the WVO and RCP were surveilled “because of the evidence of their criminal actions.”³¹

As discussed earlier in this report, there is evidence suggesting some of the GPD’s interest in the WVO stemmed from the concern of Cone Mills management about the activities of the WVO at their mill. Security and safety management officials at Cone established a security team in the spring of 1979, at least in part due to WVO practices of handing out handbills, trespassing, postering and causing traffic problems on the property. They clearly communicated about the union organizers’ activities in each of their workplaces. GPD intelligence detectives were involved in surveilling union organizers as a result of this concern at Cone (see Labor and Unions in North Carolina’s Textile Mills).

At the Oct. 17, 1979, GPD staff conference, the topic of communism was again on the agenda. Minutes from the meeting show the staff discussed problems with Communists at Cone and the fistfight the day before, as well as information the Klan planned to disrupt a communist meeting and to come to Greensboro to hold a demonstration. Chief Swing asked how they were staying on top of the situation and was told that there was an informant inside the Klan.³²

■ Notes

¹ FBI files of RCP activity throughout the nation, including breaking into the White House Rose Garden allegedly to splash red paint on visiting Deng Xiaoping, indicated that they were attracting the attention of law enforcement.

² Internal Affairs Division, Captain D.C. Williams, Commanding Officer, “Summary of Planning Activities for Anti-Klan March Scheduled November 3, 1979,” to Greensboro Chief of Police (7 December 1979), 8; GPD Case Report #79-0136868 on the fight outside White Oak Plant, 10/16/79, Officer Davis cites Manzella and four other ‘members of RCP’ in fight with employees of White Oak and though Manzella did not wish to press charges, Officer Davis filed a case report anyway ‘due to extenuating circumstances surrounding the case.’ Elsewhere police documents cite the fight as having been WVO and employees of White Oak. (GPD, “Police Chronology of Events,” (2 February 1980), 24).

³ Jerry Cooper Deposition, *James Waller et al. v. Bernard Butkovich et al.*, Civil Action No.80-605-G, Middle District – North Carolina (25 June 1984), 19-20.

⁴ IAD D.C. Williams, “Summary of Planning Activities for Nov 3,” to GPD (7 December 1979), 8, Det. Cooper gave information on RCP having been involved in activities at UNCG in the summer; Maurice Cawn Deposition, *Waller v. Butkovich* (14 August 1984), 21-22; Cooper Deposition, *Waller v. Butkovich* (25 June 1984), 139-140.

⁵ Greensboro Police Department, “Chronology of Events,” (28 February 1980), 5-7. RCP distributed flyers announcing a July 15 rally for action in response to police brutality and the two arrests made at Hampton Homes skirmish; GPD incident report (10 October 1979).

⁶ For description of event and reference to GPD case # 79-134774, see GPD, “Police Chronology of Events” (28 February 1980), 19.

⁷ GPD Officer E.M. Davis, “Case Report” (16 October 1979), Manzella at hospital, does not press charges,

1; GPD, “Police Chronology of Events,” (28 February 1980), 24; Sgt Furman Melton, Criminal Investigation Division, “Report of 10-10 at White Oak Cone Mills Plant,” to Capt. Steele, Field Operations Bureau (16 October 1979) observes two people at scene with bleeding head wounds.

⁸ GPD Case Report #79-136868 cited in GPD, “Police Chronology of Events” (28 February 1980), 24; Cooper Deposition, *Waller v. Butkovich* (25 June 1984), 138-40, 158, 202; “Meeting Minutes of Chief’s Staff Conference,” Chief Swing, Burch, Colvard, Wynn, Wade present. (17 October 1979).

⁹ Chief of Police William Swing, “An Administrative Report of the Anti-Klan Rally, Greensboro, NC, Nov. 3, 1979,” Greensboro (19 November 1979), 1-2.

¹⁰ Chief Swing, “An Administrative Report,” 2, discuss that permit could not be denied due to First Amendment, but restrictions of weapons could help ensure public safety; IAD Williams, “Summary of Planning Activities for Nov 3,” to GPD (7 December 1979), 7, Cawn said they had First Amendment rights but GPD could regulate their conduct without violating rights.

¹¹ Cawn Deposition, *Waller v. Butkovich* (14 August 1984), 32-33.

¹² Cawn Deposition, *Waller v. Butkovich* (14 August 1984), 42; Cawn Grand Jury Testimony, *Waller v. Butkovich* (18 August 1982), 8.

¹³ Chief Swing, “An Administrative Report,” 2; Cawn Deposition, *Waller v. Butkovich* (14 August 1984), 28-34.

¹⁴ Cawn Deposition, *Waller v. Butkovich* (14 August 1984), 36, 71, recalled that someone in the GPD reminded everyone in group about 1969 and N. Johnson, GPD had N. Johnson “labeled as instigator” from 1969 *Ibid*, 71.

¹⁵ Cawn Deposition, *Waller v. Butkovich* (14 August 1984), 34.

¹⁶ William E. Swing Grand Jury Testimony (17 August 1982), 73

¹⁷ Herb Belvin Federal Grand Jury Testimony (24 August 1982), 9-10.

¹⁸ *Ibid*, 9, 12; B.S. Ford Deposition, *Waller v. Butkovich* (19 July 1984), 50-52 they shredded the documents.

¹⁹ Byron L. Thomas Federal Grand Jury Testimony (26 August 1982), 33.

²⁰ Cawn Deposition, *Waller v. Butkovich* (14 August 1984), 8-9.

²¹ Sylvester Daughtry Deposition, *Waller v. Butkovich* (16 August 1984), 140.

²² Belvin Federal Grand Jury Testimony (24 August 1982), 9.

²³ Thomas Federal Grand Jury Testimony (26 August 1982), 33.

²⁴ Robert L. Talbott Deposition, *Waller v. Butkovich* (1 November 1984), 22, 31; Daughtry Deposition, *Waller v. Butkovich* (16 August 1984), 129, WVO under surveillance for posters; Daughtry Deposition, *Waller v. Butkovich*, 130, reference to defacement of city property; Daughtry Deposition, *Waller v. Butkovich*, p131, surveillance for overthrow of US govt to putting up posters.

²⁵ “Answers of Defendants to Plaintiffs’ Interrogatories,” *James Waller et al. v. Bernard Butkovich et al.*, Civil Action No.80-605-G, Middle District – North Carolina (21 January 1985): Defendant Swing p6, no knowledge of communists/socialists; Defendant Thomas p13, no briefings/knowledge; Defendant Melvin p3, no briefings or conversations of communists/socialists groups or individuals in GSO up to Nov 3; Defendant Hampton p6, no meetings re: communists or socialists but any briefings would have been in connection to specific GSO activities; Defendant Hightower p1, knowledge of WVO one week prior to Nov 3; Defendant Comer p8, heard from other policemen that WVO was hostile toward police but no personal knowledge or information; Defendant Daughtry p8, aware of CWP/socialists demonstrations or criminal investigation only as verbal or written briefs issued when info was necessary to police tasks; Defendants Bryant, League, Anderson, Dixon, and Gerringer on pages 1-2 of their interrogatories, state their knowledge of Nov 3 parties was only at pre-Nov 3 briefing; Defendant Henline p3, no prior info on conduct of WVO/CWP; Defendant RL Smith p3, no info prior to Nov 3 briefings except local WVO/CWP flyers; Defendant Compton p5, had 1 or 2 contacts with CWP prior to Nov 3 on use of PA system at Cone Mills, no arrests were made by him and no specific info was received; Defendant Freeman p2; Defendant T.R. Johnson p4.

²⁶ Furman Melton Deposition, *Waller v. Butkovich* (30 October 1984), 19.

²⁷ Melton Deposition, *Waller v. Butkovich*, 20.

²⁸ Melton Deposition, *Waller v. Butkovich*, 24-25.

²⁹ Melton Deposition, *Waller v. Butkovich* (30 October 1984), 32.

³⁰ Daughtry Deposition, *Waller v. Butkovich* (16 August 1984), 131, admits no real threat of WVO overthrowing US government.

³¹ Talbott Deposition, *Waller v. Butkovich* (1 November 1984), 21-22.

³² “Meeting Minutes of Chief’s Staff Conference,” Chief Swing to Staff Burch, Colvard, Wynn, Wade (17 October 1979).