

Klan trial: Plaintiffs claim victory

By ROBIN ADAMS
Chronicle Assistant Editor

Finally somebody has been found guilty of something, said Andrea Bernstein, a spokesman for the plaintiffs in a \$48 million civil suit filed against Klansmen and Nazis.

A six-person jury had awarded nearly \$400,000 in damages to some of those plaintiffs last Saturday in a case stemming from a Nov. 3, 1979, Greensboro shootout between Klansmen and Nazis and members and supporters of the Communists Workers Party.

"This is a major victory in this case," plaintiff Nelson Johnson said on the steps of the Federal Building Friday afternoon. "(But) no dollar amount can measure the significance of this historic victory."

The monetary award was assessed against Greensboro police Sgt. P.W. Spoon, Detective Jerry "Rooster" Cooper, former police informant Eddie Dawson and Klan-Nazi defendants David Wayne Matthews, Jerry Paul Smith, Roland Wayne Wood, Jack Wilson Fowler Jr. and Mark Sherer. They were all found guilty in the wrongful death of Dr. Michael Nathan, one of five people killed during the shootout.

Dr. Marty Nathan, his widow, was awarded \$335,000 for the wrongful death charge and another \$3,600 from Matthews, Smith, Wood and Fowler, who were also found liable for assault and battery on her husband.

Paul Bermanzohn, the CWP member who was shot in the head and paralyzed, was awarded \$38,359.55 from Matthews, Smith, Wood and Fowler, all found liable for assault and battery on Bermanzohn.

Tom Clark was the only other plaintiff receiving a monetary award. He was awarded \$1,500.

All charges against the city of Greensboro and

the federal defendants were dropped.

The plaintiffs had contended that federal agent Bernard Butkovich, who they say conspired with the Nazis, and knew of potential violence and did nothing to stop it, was one of the key defendants in the case.

News of the jury's decision has been viewed by some as a victory for the plaintiffs, by others as a defeat. To appreciate the verdict, said Lewis Pitts, the head attorney for the plaintiffs, one must consider that it happened in North Carolina.

"Remember Ben Chavis and Joann Little," said Pitts in an interview with the *Chronicle* Tuesday. "Remember Jesse Helms. This is a fairly reactionary state in terms of its racial attitudes. We feel it's a real victory to get a North Carolina jury to find liability and complicity between the Klan, Nazis and Greensboro police."

Pitts said his problems with the verdict involve some of the particulars.

"It's very unfortunate that no black person recovered (a monetary award)" he said. "Frankie Powell, who lives in Winston-Salem, was eight months pregnant and sprayed with pellets. It's disappointing that they all weren't treated the same."

The discrepancy in how the plaintiffs were treated by the jury, said Pitts, may have occurred because of "polarization."

The jurors at first had returned to the courtroom saying they couldn't reach a verdict. Judge Robert Merhige told them to try again.

"To have any decision shows that a lot of compromise was made," said Pitts. "I've tried to reason why certain people got awards. Nathan wasn't a member of the Communist Party but Bermanzohn was and he got a reward. I haven't been able to find the logic in it."

Please see page A3

Assistant DA to Daulton: 'You blew it'

By ROBIN ADAMS
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Observations while covering the Darryl Hunt trial:

• Assistant District Attorney Richard Lyle was not pleased Friday with the testimony of Winston-Salem police Detective J.I. Daulton.

Lyle was overheard during a recess telling Daulton, "You blew it. We been schooling you for months and you blew the whole damn thing in front of everybody."

The comments were picked up by a courtroom microphone and heard by most of the reporters covering the trial.

When asked about the statement, District Attorney Donald K. Tisdale said that what Lyle meant by the statements is that Daulton had been "short and uncooperative" with the defense attorneys while being cross-examined.

Daulton has been the principal investigator of the Sykes murder for the police department.

• A statement by one of the prosecution's witnesses prompted the defense Friday to call a hairdresser to the stand to explain different types of black hairstyles to the jury.

Roger Weaver, an auditor at the Hyatt House, had testified that he saw Hunt come into the Hyatt Aug. 10, 1984, the morning of the Sykes murder, to use the restroom.

Weaver said the man he saw wore a curly, "Michael-Jackson-type" hairstyle. Other key prosecution witnesses had testified that the man they saw minutes earlier had his hair braided.

The black members of the audience laughed aloud as Weaver made his observation, but the defense and prosecution attorneys didn't seem to get the joke.

Local hairdresser Minnie Ervin told the jury that it is impossible for a black person to go from braids one minute to a Jheri curl 15 minutes later. That process, said Ervin, requires a chemical reaction that can take anywhere from two to four hours.

• Throughout the trial, presiding Judge Preston Cornelius exhibited perfect courtroom decorum. Whenever the jury left or entered the courtroom, Cornelius made a point of standing until the members had all left, or were all seated. Even during the jury selection process, Cornelius stood as potential jurors entered and exited the courtroom. And, once each witness finished his testimony, Cornelius always thanked him politely.

• Unlike the other attorneys in the Hunt case and Hunt himself, Tisdale never wore a suit to court. He either wore a dark blue or light blue blazer and khaki pants.

• Fred Jenkins, founder of the law firm that represented Darryl Hunt, is not one of Hunt's attorneys, but he appeared in the courtroom almost daily once testimony started. The elder Jenkins sat behind the defense table and often passed notes to his son, Gordon Jenkins, and his son's partner, Mark Rabil.

The elder Jenkins' help may have paid off for Rabil. At the beginning of the trial Rabil had difficulty phrasing his questions. Judge Cornelius often chastised him for testifying for the witnesses and the prosecution objected to many of his questions.

As the trial progressed, Rabil's performance improved and the objections to his questions decreased.

Please see page A3

Arena

From Page A1

iseum committee and president of the local NAACP chapter, also opposed previous coliseum bonds. In 1985, he plans to push them and wears a black and yellow button that says "Vote Yes."

Hairston was not available for comment when recently contacted about the issue. However, he did discuss his position on the coliseum during a meeting of blacks on the coliseum committee last week.

Hairston said during the May 31 meeting that he's satisfied that the issues that made him oppose the coliseum in the past have been resolved.

He was referring to housing for low-income people in the city, jobs for black workers and the unlikelihood of a property tax increase if the bonds pass.

"I thought that housing and jobs should take precedent over a coliseum," Hairston said of his past concerns.

Blacks will get jobs if the bonds pass, he said. "The city cannot build a \$24 million coliseum without black people getting jobs," Hairston said.

Hairston also said the city's \$2 million housing program ad-

dresses the needs of low- and moderate-income people.

"The city plans to spend \$1.3 million on housing per year in the future," he said.

Tatum said he didn't support a new coliseum in the past because it didn't address the real needs of blacks in the community.

"We had no ties to the coliseum," Tatum said. "It was for the city and white people. I wanted to see how it would benefit blacks."

In addition, Tatum said, blacks, at that time, did not totally understand the coliseum bonds.

He said he can understand now how the building of a coliseum can benefit blacks.

"We are seeking management positions in the coliseum structure," he said, "... not just janitorial jobs."

Tatum also said black firms will have the opportunity to bid on coliseum construction contracts.

And he said he is "90 percent sure" that the promises made to blacks in 1985 will be kept.

On his change of attitude concerning the coliseum issue, Tatum said, "I don't want people to think that I have turncoated."

Simmons agreed that the

scenario has changed.

"Everything they (the city) wanted to do in past bond referendums wouldn't benefit the black community," she said. "There was nothing they promised that would attack the problem of housing and jobs."

She said people who supported the bonds in the past knew that the "jobs they promised were 'several years down the road.'"

"Black people perceived it as happening the very next year," Simmons said.

Now she is not only for the coliseum, but working for it. Simmons said her change of attitude is based on her belief that the entire community, including blacks, will benefit from the building of a new coliseum.

"Black organizations will be able to sponsor concerts in the coliseum," she said. "Also blacks can make money through selling concessions."

Simmons said she also believes black firms can help build the coliseum. "We (blacks) can submit bids and get subcontracts," she said.

She said her main concern is the creation of ongoing jobs for blacks at the coliseum. "I'm looking at key and decision-making positions," she said.

Democrats

From Page A1

has to throw black voters overboard to get the white voters back," Hart said. "It would be a profound and moral mistake."

Hart said Democrats must reaffirm their commitment to civil rights, economic opportunity and the concerns of whites and blacks across the nation.

"What it means for us is that we have to be a party of all races, of all genders, of all economic classes," he said.

For the Democrats to rebuild the party after two sound defeats, Hart said, the party must clearly communicate to the people the difference between a Democrat and a Republican.

"People have forgotten which party brought a lot of the successes of the past," he said. "Young people don't see the difference. They think the Democrats are a bunch of old

fogeys who are out of touch with the 80s and 90s. We have to remind people of the difference."

Hart said the Democrats have to offer candidates who can communicate, as well as new proposals that respond to the changing times.

Hart termed the more conservative mood of the nation as the hidden agenda of the Reagan administration.

"The attacks on civil rights and affirmative action do not represent the views of the nation," Hart said. "However, they do represent the policymakers of the nation. I think they came into office with a hidden agenda to regress 20 to 30 years of progress in a variety of areas: civil rights, cleaning up the environment and creating a more just and fair society. Of course, they didn't announce this."

Hart said the current administration is quietly implementing this regressive process through the Justice Department and through appointments to the Civil Rights Commission.

He said that charges by black Republicans that Democrats take black voters for granted are incorrect. "We don't take black voters for granted," he said. "We are the party of both black and white."

"I don't think most white Americans are racists," Hart said. "I don't think most white Americans want to regress on civil rights. I don't think most white Americans want to keep minority Americans in an inferior status."

Hart said the Democratic Party seeks to have all Americans progress equally

Please see page A16

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