

Regional Friday, June 26, 1981

## Decision on Klan case action may take months

GREENSBORO, N.C. (AP) — The U.S. Justice Department says it may take months to decide whether to prosecute participants in a Nov. 3, 1979, confrontation and shootout that left five anti-Klan demonstrators dead.

Meanwhile, both sides hailed the recommendation by former U.S. Attorney H.M. "Mickey" Michaux that the Justice Department investigate possible civil rights violations by participants in the shootout, including members of the Ku Klux Klan, the Nazis and the Communist Workers Party.

Justice Department spokesman John Wilson said it would take "a long time" for the department to decide what to do because of the complexity of the case.

Cecil Moses, assistant special agent in charge of the FBI in North Carolina, said the department had been hampered by Communist party members' refusal to cooperate with the investigation.

"We weren't able to get all the facts," Moses said. "It is always better to get both sides of the story and we weren't able to get any information from (the Communists)."

He said the investigation, performed with the help of between 25 and 40 agents sent by former President Jimmy Carter, had numerous "false starts" because of the party's unreliability.

"They indicated they might (talk to agents), then they'd back off," he said. He added that a \$37 million lawsuit filed by the party against a group of federal, state and local law enforcement officers, allegedly involved in a "conspiracy" against the Communists had caused problems as well.

Michaux criticized the Justice Department for the delay.

"I really am disappointed. It didn't take me six or seven months to come up with my conclusion and they are far smarter than I am," he said.

Communist party spokesmen applauded Michaux's decision to press for federal prosecution but only to the extent that it appeared to affect the opposition.

Representatives of the Communist Workers Party said they think Michaux was referring only to Klansmen and Nazis when he said Wednesday he had recommended that the Justice Department file criminal civil rights charges against those involved in the skirmish.

"I didn't see anything in (Michaux's statements) that suggests (members of the party) will be charged," said Sigme Waller, wife of Dr. James M. Waller, who was killed in the confrontation.

"I think it is an absurd implication to make. To even suggest that victims or families of victims of the assassinations would themselves be prosecuted is outrageous."

Marty Nathan, wife of Dr. Michael R. Nathan, who also was killed, said there would be a "great public outcry" if the Justice Department decided to seek indictments against party members.

"It would be a ... transgression against justice of the highest magnitude," she said. "I really do not believe they will do such a thing."

Michaux declined to identify the people he had recommended for prosecution, but said they could include Klansmen, Nazis and Communist party members.

Mrs. Nathan also said the party would cooperate with the Justice Department "as long as it acts in good faith (by prosecuting Klansmen and Nazis)."

She said the party had declined to cooperate during the trial of six Klansmen and Nazis last year because "it was obvious" that it was slanted in favor of the defendants, all of whom were acquitted by the all-white jury.

"We really don't have much confidence in the Justice Department, but we're willing to give them a whirl," she said.

Klansman Joe Grady of Winston-Salem, N.C., said the decision by Michaux, a black, showed he was a "racist."

"I had thought he was a pretty good guy, but his racism came through," he said.

Grady said he didn't think Michaux had recommended that any Communist party members be prosecuted. "It's only the Klan that gets charged for these things," he said. "The whole thing was the Communists' fault, but they'll get off scot-free."

Clipped By:



jerriwilliamsauthor  
Sun, Apr 14, 2019