

# Trial Begins in Raid Shooting

By Alice Bonner

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BALTIMORE, Dec. 9—Saraluis Ballew, in bitter and sometimes angry tones, described in U.S. District Court here today the shooting of her husband Kenyon during a June, 1971, raid on their Silver Spring apartment by U.S. Treasury agents and local police.

"I wish to hell I could forget it," she said when Justice Department trial attorney Charles Kruse cross-examined her, asking if she might have confused the sequence of events during the incident.

Mrs. Ballew was the first witness in the trial that began yesterday of a suit by her husband against the U.S. government charging that the shooting resulted from the negligence of federal agents. The suit asks damages of \$5 million and is being heard by Judge Alexander Harvey without a jury.

Ballew was shot in the head and permanently injured on June 7, 1971, when 13 Treasury agents and 12 Montgomery and Prince George's County policemen forcibly entered his apartment at 1014 Quebec Ter., Silver Spring seeking illegal weapons. In court today government attorneys and Treasury Special Agent Marcus J. Davis, who led the officers, called the incident "execution of a search warrant," while Mrs. Ballew and her husband's attorney, John Bonner, referred to it as a "raid."

Mrs. Ballew said outside the courtroom that her husband, who did not attend the trial today, still has a bullet lodged in his brain, walks with a brace or cane, has no use of his right arm, suffers difficulty speaking and is subject to confusion as a result of the shooting.

"He can't even shave himself," she said. The \$12,000 income he earned during the last year he worked has been reduced to about one fourth of that amount in Social Security disability payments, she said.

Mrs. Ballew, who said she

was living with Ballew "as man and wife" at the time of the shooting and married him about seven months later, gave testimony that differed in detail from that of Agent Davis, who was on the witness stand most of the afternoon.

Kenyon Ballew, she testified, was a press room employee working at The Washington Post, Washington Star and Wall Street Journal in 1971 and had several hobbies, including tropical fish, working with the Boy Scouts and collecting "all kinds of knives, guns, hatchets and ammunition."

On the night of the raid, she testified, he was in the bathtub and she was leaving the bathroom when she heard "an ungodly amount of screaming and banging on the door" but could only distinguish what sounded like someone shouting "open up," before the door started coming loose at the hinges from blows on the outside.

Davis testified that Treasury Agent William Seals knocked at the door saying "open up, search warrant." Davis said Seals was talking "in a normal manner" but that he (Davis) felt certain "nobody was about to open that door" before instructing the officers to use a battering ram.

Mrs. Ballew described the sounds she heard as similar to "a bunch of drunks or somebody having a fight."

Bonner said he will prove that Davis obtained the search warrant on second- or third-hand information and that his failure to fully inform his superiors and U.S. magistrate, F. Archie Meatyard Jr. (who signed the warrant) of this "conscious, negligent and deliberate."

The suit also charges that Ballew was shot either by Royce Hibbs or Louis Ciampillo, two of the 12 Montgomery County policemen who assisted in the raid along with two from Prince George's. The suit argues that their firing of three shots each after they followed Seals into the apartment was caused by Seals re-

acting in a "paroxysm of fear" and shouting "he's got a gun."

Mrs. Ballew testified that her husband did have a gun, an antique pistol he grabbed in the bedroom where he ran when his wife shouted, "they're breaking in." Mrs. Ballew said she, too, had a gun but did not aim or fire it.

The suit asserts that Ballew's pistol fired only after he had been shot and had fallen to the floor.

Government attorney Kruse said in a pretrial statement he will show that Ballew kept "destructive devices" in violation of the U.S. Firearms Act

and that he intended, to use them as grenades. He defended the agents' actions as consistent with law enforcement procedures.

Kruse said in court today that the government will prove that canisters and grenades seized at Ballew's apartment "needed only powder to become operational." Agent Davis testified that two kinds of powder were found close to the grenades in the bedroom.

Mrs. Ballew testified that her husband came into the bedroom directly from the bathtub where he had been soaking "because he had a lot of ink in his skin."

Davis, however, said he found Ballew on the floor,

wounded and unclothed but "dry as a bone."

Mrs. Ballew also testified that none of the men was in uniform. She said she did not know the men were law enforcement agents until after the shooting when she shouted: "Help! Murder! Police!" and one said, "We are the police."

Davis, who testified he heard "no human response from inside the apartment until after the shooting," modified that statement after Bonner recalled a pretrial deposition in which Davis described sounds "as though someone was shuffling away from the door."

Davis testified today: "I

won't characterize that sound as human, animal or inanimate objects."

Mrs. Ballew said she was forced into the hallway wearing "nothing but black stretch lace underpants," while the agents "kept yelling 'come out' and I said 'he can't come out, he's dead,' then somebody threw me a dress." According to Davis, Mrs. Ballew became hysterical and ran out of the apartment, refusing to keep on a blanket or a sheet he tried to cover her with.

The trial is expected to last three days. Bonner said he will call other federal agents, a forensic medicine specialist and an expert witness on firearms.