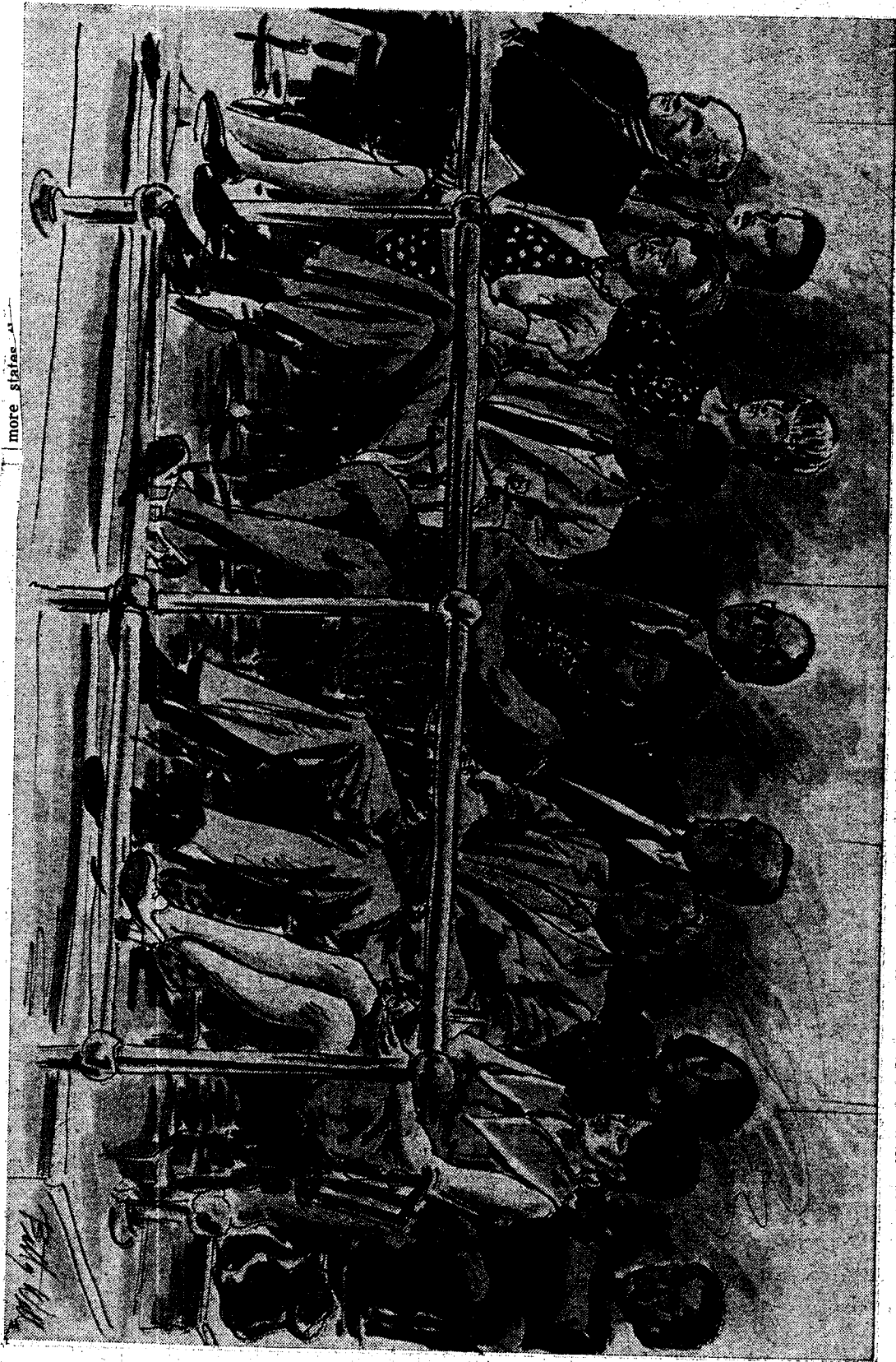


WEDNESDAY, SEPTEMBER 8, 1971



more states

TURCO, From C1

Next came a black detective from the Baltimore City Police, who started working on the Anderson homicide some time in December, 1969. To me, the most interesting part of his testimony was that he repeatedly characterized the homicide as a "torture murder" until he had to stop as a result of an objection raised by defense attorney William Kunstler. There was no evidence on the skeleton that the victim was ever tortured. Testimony later in the trial concerning the alleged torture was thrown out by the judge in one instance, and in another instance appeared to have been prompted by the police to some extent.

The detective testified that three of the state's key witnesses in the trial—former Black Panthers—had been promised immunity, held in protective custody and paid \$40 a week since April 1970, when indictments were prepared in connection with Anderson's murder.

On Friday, June 18, the prosecution introduced Det. Sam Walters, a 22-year-old undercover agent.

Mr. Walters, also known as Agent 94 and John S. Waltman Jr., was an undercover agent of the instant peacenik type. His testimony showed that people who were suspected of being spies were not automatically subject to harm at the hands of the Black Panther Party brothers. Two years after the events described by him, Mr. Walters still could have used, in my opinion, a few lessons in How To Act Like Real People. Yet, in July, 1969, he roamed the alleged Black Panther Party headquarters with impunity, trying to take pictures with an Instamatic camera, and circulating a petition favoring reinstatement of the former defence captain, who had fallen from grace.

Aside from getting into a discussion with Mr. Turco regarding the merits of the petition he was trying to circulate, according to his testimony, Mr. Walters' activities at the house brought down no great wrath upon himself.

Walters testified that he saw Turco at Panther headquarters several times the week of July 7, 1969, and that Turco was "running things" at the headquarters. Using his own reports, returned to him by his police superiors to refresh his memory, Walters described what he saw. Testifying about the events of July 9 from memory—Walters said he had filed no report for that day—the agent described a discussion he had with Turco while a Black Panther, Henry Mitchell, "sat silently by."

Following Walter's testimony, Kunstler asked Judge Murphy to instruct the Baltimore City Police to turn over all relevant documents in their file concerning the case.

A week after his original testimony, Walters was recalled by Kunstler, who asked the agent to identify a report. Walters identified his own report for July 9, explaining that he had forgotten its existence and that his police superiors had not given it to him before he testified. . . .

The report attributed to Henry Mitchell the statements that Walters a week earlier had testified were made by Turco.

Kunstler read a large portion of the earlier testimony to Walters and then asked,



Arthur F. Turco Jr. was on trial on a charge of accessory to murder.

"That was totally untrue, was it not?"

"According to the report," Walters replied.

"According to you, isn't that right?" Kunstler said.

"Yes," Walters replied.

Beginning the second week of the Turco trial, the first of the three former Black Panther Party brothers took the stand. The three were the only witnesses who tried to incriminate defendant Arthur F. Turco Jr. directly with respect to being an accessory before the fact of murder. They testified that they overheard him say something which, when subjected to subjective interpretation, was translated as an exhortation to murder.

The three all had a certain timeless quality to them, since they never wore wrist watches, according to their own testimony. Furthermore, they usually had no clear idea of the time of day episodes occurred, going so far as falling to distinguish between day and night, at times. Their excuse was that the shades were drawn in the fun house, making it more

or less gloomy and sinister at all times.

Mr. Mahonnev Kebe, a tall black man in his early 20s and wearing eyeglasses during his testimony, took the witness stand on June 21, 1971, and remained on the stand until June 23, when he was dismissed after his testimony had been thrown out for excessive contradiction. But Kebe had already done his job, impressing 11 of the 12 jurors the alleged torture of Eugene Leroy Anderson with such vivid description that they later accepted it as a fact, even though they had been instructed not to consider Kebe's testimony.

Acceptance of the alleged torture as a fact was a prerequisite to finding that the Black Panthers as a group had any substantial motive in seeking to silence permanently the one allegedly tortured.

Mr. Kebe described a knife torture of Anderson at Black Panther headquarters where a "white hot" (a metachromatism impossible with the limited heating-facilities at hand) knife was dipped into heated sugar water and then laid on the face of the victim, then removed, pulling skin with it. I found this description so specious that I had to think that either there had been no real torture or that this supposed eyewitness had not seen it.

His customary manner of speech was somewhat cultured, although with overuse of words like "tentatively," "in a manner of speaking," "probably," "maybe" and "perhaps." While describing the alleged torture, however, he affected some kind of jive talk with frequent and awkward use of the expletives "like" and "man." It didn't ring true.

It seemed to me that if the man had ever seen anything like the alleged knife-torture, it was probably in connection with some esoteric initiation ritual, with the neophyte suffering only momentary discomfort. After all, if you really want to hurt a guy with a knife, it is not necessary to heat the blade up or to quench it afterward in warm sugar water. But the latter bit does have nice ironic symbolism for those that dig that kind of jazz.

It may be of interest to psychology freaks that Mr. Kebe was a "left looker," that is, he tended to glance left rather than right when asked a question to which the answer was not forthcoming immediately.

Kebe, in an extraordinary move, was excused as a witness after the prosecution and defense agreed that his testimony was inherently contradictory. Judge Murphy ordered Kebe's testimony stricken from the

trial record and instructed the jury to disregard it.

The second of the three former Black Panther Party brothers began his testimony on June 23, 1971. Like Mr. Kebe, Donald Vaughn was also a left-looker and wore large, metal-framed tinted glasses.

Mr. Vaughn's statement to the Baltimore police begins by describing how a group of Black Panthers were trying to give away old copies of their newspaper on July 9, with an unidentified "Negro male" itching to get in on this giveaway action. The unidentified "Negro male" later turns out to be Eugene Leroy Anderson.

Toward the end of the evening, though, when it was time to go home, Anderson becomes suddenly an unidentified "colored male" instead of the unidentified "Negro male" he was referred to as at the start of the newspaper distribution activities. It's unlikely that Vaughn would call another young man of his own race either a "Negro male" or a "colored male."

The following evening, that of Thursday, July 10, 1969, Vaughn's statement has the unidentified "colored male" going to Black Panther headquarters to paint the place. After all, he had just spent a day working for a car painting establishment, so it was only natural that he should go to the Black Panther Party house to help paint it, right?

But according to the statement, he got himself into hot water because of something he said soon after he arrived on the premises, and, as a result, got beaten and scalded and burned with a Winston cigarette.

Precisely what Anderson was supposed to have said was never made clear in the trial. Neither Kebe nor Vaughn, the only two witnesses who testified about "torture," provided an explanation of why Anderson was allegedly beaten and detained.

After the maltreatment, the "colored male," according to the statement, said that the police had made him try to find out something about the Panthers because if he didn't do so, the police would have hurt his family.

On the witness stand, which he occupied until Friday, June 25, Mr. Donald Vaughn had speech difficulties to the extent that some of the legal talent in the court had trouble in understanding him. He had trouble in recalling the details of the knife-torture which were in his signed statement.

During his direct testimony and cross examination, Vaughn was given his earlier statement by the prosecution and the defense to refresh his memory. Vaughn customarily would look at the statement, sometimes for several minutes, and then would reply in the affirmative when asked if he had read it.

On cross-examination, Vaughn exasperated the defense with repeated repetitions of the phrase "I don't recall off-hand." But although he tried hard, he could not suppress a grin when he mentioned the victim's calling in his agony for the spiritual sustenance of Vaughn's "Quotations from Chairman Mao," and in my opinion, the grin at that point was the most honest thing Vaughn did during all his time on the witness stand.

It was brought out later in the trial (Vaughn admitted under oath) that he



PAUL F. RONNHOLM
... tells why he had doubts

could not read and so the book by the Chinese Communist Party chairman was just so much ballast, unless it was being used to press flowers.

The third of the three former Black Panther Party brothers began his testimony on June 25 and remained on the stand until Monday, June 28. This third Panther witness, Arnold Loney, 22, testified about several automobile trips made the day Anderson was allegedly killed.

His first automobile ride in connection with the Anderson affair, according to his testimony, came on the morning of Friday, June 11, 1969, when Mr. Loney said he rode in Mr. Charles Wyche's Volkswagen bus to Glen Burnie to find a finishing off spot for the alleged victim.

The purpose of the trip, as given by Loney, did not seem reasonable to me. I could see going to Glen Burnie to go to the Motor Vehicle Department or to Montgomery Ward or to Sears, Roebuck, but not to look for a body disposal spot, because there are many less congested areas available around Baltimore.

But Glen Burnie was where they were to get a ticket later that night in another car, so there had to be some reason why they had gone to that area. Another thing wrong with the morning Glen Burnie trip story was that evidence, though not 100 per cent conclusive, was later introduced to show that Mr. Charles Wyche was working that morning and thus not available for this scouting duty.

When the time was ripe for disposal of the intended victim, suddenly Mr. Wyche's car was no longer in favor. The car used belonged to Irving Young, but for some esoteric reason, even Mr. Young's car was not deemed adequate for the job, so Loney said he, Young,

Wyche, another Panther and Anderson drove 10 miles northwest to get Mr. Young's girl friend's car, an older model to be sure, before proceeding to Glen Burnie.

And when they got to Glen Burnie, according to Mr. Loney, there were too many cars and people around, a situation that could have been predicted by anybody who had been there before.

Then Mr. Loney spoke about going over a toll bridge. The nearest toll bridge anybody on the jury knew about was the Chesapeake Bay Bridge at Annapolis. But if they had gone over this toll bridge, there certainly would have been no reason to bring back the intended victim with them again, since there would have been ample room to dispose of the body on Maryland's Eastern Shore.

Then they got stopped by a state trooper. Where? Well, back in Glen Burnie, right in front of the big Montgomery Ward store. Why? Registration plate light not illuminated. Although the alleged victim was sitting, according to Loney, between himself and Mr. Wyche on the rear seat of the car, he made no attempt to say anything to the trooper when the latter looked into the car with his flashlight. Loney also said that there were two sawed-off shotguns on the floor of the car in the rear and another shotgun on the front floor.

It was not possible for me to believe that the intended victim would not have seized this opportunity to take his leave from what looked like curtains for him.

Irving Young was issued a summons for his girl friend's defective rear light, he signed the ticket, and at 1:35 a.m., Saturday, July 12, the trooper let the car go.

Loney testified that Young then drove to a wooded area that Loney could not identify. Loney said he waited at the car as a lookout, while the others took Anderson into the woods. Loney said he "heard a shot" and the three Panthers returned to the car without Anderson.

After Mr. Loney had left the witness stand on June 28, the state trooper who had stopped the car that Mr. Loney claimed to have been riding in took the witness stand. The state trooper, a big, good-natured Gothic type with a crew haircut, testified that he had stopped the '61 Chevrolet not only because of an extinguished registration tag light, but also because a car of similar description carrying six men was being sought in connection with an armed robbery.

The trooper had pulled up behind the car with his headlights on and called for a backup man on his radio. When the backup man arrived, he added much candlepower from the headlights of a second squad car to the light bathing the '61 Chevrolet.

In addition to all the headlights on the car, the trooper shined his sealed beam hand searchlight into the car to check it out thoroughly. He did notice a black man who had had his face banged up

somewhat seated between two others on the rear seat.

When the trooper asked about the man, he was told that the apparently beaten man had gotten into a fight in Annapolis. The trooper was apparently satisfied with the explanation, and after issuing a summons for the tag light, he allowed the group to proceed.

The state trooper's testimony came as a breath of fresh air in that it was perfectly straightforward. There was no mention of any sawed-off shotgun having been spotted on the floor of the car, and there was no mention of the identity of the five occupants of the car other than that of Irving Young, who was named on the summons.

The defense called only two witnesses, who testified briefly. After final arguments, the case went to the jury. The following is Ronnholm's account of what then took place.

Was the jury affected by the emotional scene at the end of defense attorney Kunstler's closing statement? Back in the jury room, one woman juror was heard to say, "I ain't changing my mind!"

Assistant State's Attorney Hilary Caplan wound up his final declamation of the accused by reading from Proverbs out of a Bible which had a cover as red as the one on Mao Tse-tung's quotation book. This gimmick is what is known as "dragging God into the act," as we learned a generation ago in freshman composition. Still, I guess it was no more schizoid than some of the other stuff in the trial.

The value of the seven or 10-minute pre-trial examination period for each prospective juror is questionable, it seems to me, since prospective jurors can mute their real inclinations to arrive at answers they feel would be acceptable to the defense.

For another thing, the right questions were not or could not be asked. Some of the black people on the jury felt that Turco, a white man, should not go free because Irving Young, a black man, had been convicted.

They refused to consider that Wyche, also a black man, had been found innocent, and also refused to consider the possibility that Young's conviction had not been just. They didn't want to see Turco go free because he was white while Young languished in jail because he was black.

What kind of questions can you ask prospective jurors to find out their prejudices in this regard?

In my opinion, it would not have been possible for me to find Mr. Young guilty on testimony similar to that heard in the Turco trial. His presence in Glen Burnie at 1:35 a.m. on July 12, 1969, was corroborated by the summons. The connection between his summons and Anderson and Leakin Park was not proven because it rested solely on the uncorroborated testimony of the lone witness, Mr. Loney, who did not make sense to me.

Remember that the state trooper did not know the identity of the occupants of the car other than the driver, and even if he had, he certainly had no way of knowing that one of the strangers wound

up in the ground of Leakin Park on that particular night. Anderson could have passed away at any time during the next month or so, according to expert testimony.

I was shocked by the amount of yelling that some of the jurors indulged in as we went into our so-called deliberations.

One black juror on two separate days during the trial had asked in the jury room what kind of nationality Turco was: specifically, was he a Puerto Rican? One white woman said rather superciliously that Turco was Turkish or Greek or some one of "those" people. One hopes that they didn't allow their judgment to be clouded by such trivia.

The use of young black witnesses of limited mental capacity to testify against Mr. Turco tended to put defense attorney William Kunstler into an almost impossible bind: if he pressed his interrogations on cross-examination to the point where the witnesses looked stupid, the sympathies of the black jurors were aroused to the point where they were ready to make all kinds of excuses for apparent lapses in truthfulness. Their sympathies were with the poor blacks standing up to the smart New York lawyer.

I was accused of being a racist by some black jurors because I believed the sharp, husky, fair-haired state trooper and not the slow, puny, black Arnold Loney. The thought did not occur to them that they could have been equally racist in believing Mr. Loney no matter how nonsensical his story was.

There was nothing in the state trooper's testimony or in his manner of saying it that would cause me to doubt him. If there had been sawed-off shotguns on the floor of the stopped vehicle, it would have taken more than the likes of Mr. Loney to fool this state trooper.

As was reported in the press, some card-playing was indulged in by some of the jurors during the long hours of deliberation. I saw no great harm in it since the alternative would have been to listen to a lot of emotional yelling. Occasional card games relieved the tension while tempers cooled.

The first poll of the jury showed that two people wanted a straight guilty verdict for the accused, a verdict that would have permitted capital punishment. Five additional votes were cast for a guilty without capital punishment verdict. Five voted not guilty.

At the second poll of the jury, the two that had voted for a straight guilty verdict on the first poll softened their position to a guilty without capital punishment verdict.

At the third poll of the jury, there were eight votes for a guilty without capital punishment verdict, and four votes for a

not guilty verdict.

On the second day of deliberation, the poll remained the same at night as it was in the morning: nine voting for guilty without capital punishment, and three, not guilty. There was little likelihood of further change, since at least two of us not guilty voters, both middle-aged men, were determined to hold out as long as was necessary. Thus the trial ended in a mistrial, to be followed apparently by yet another.

Turco, released on \$10,000 bail, is scheduled to appear at a new arraignment Thursday in Baltimore criminal court. The state has announced its intention to try him again. Kunstler has filed suit in federal court asking that court to prevent a new trial.