

FBI to Probe Slaying at Hunters Pt.

SF Chronicle

By Paul Avery

The FBI was ordered yesterday to conduct an independent investigation into the killing of Clarence Johnson, the black burglary suspect shot to death by Patrolman Richard Lewis at Hunters Point on Tuesday.

The swiftness of the action was termed "unprecedented" by the legal community, particularly in light of the fact the San Francisco Police Department has not yet concluded its own investigation of the shooting.

United States Attorney James L. Browning issued the order to the local field office of the FBI after conferring by telephone with Justice Department officials in Washington.

SCOPE

Browning said the scope of the federal investigation will be limited to determining whether Johnson's civil rights were violated during the incident which occurred at 5:24 p.m. at Reardon and Southridge roads in the Hunters Point housing project.

The action by the Justice Department was in response to a demand made by the San Francisco branch of the NAACP.

In a telegram sent to the Justice Department on Wednesday, the NAACP charged that Johnson had been "cold-bloodedly murdered" by Patrolman Lewis and that the killing was in-

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olation of federal civil rights laws.

"We have no confidence that local police will deal with this matter," the NAACP's telegram stated.

CALL

The NAACP and other groups representing the residents of the almost entirely black Hunters Point area continued to call for the immediate suspension of Lewis, a police officer with five years service on the force, three of them with the Crime Prevention (Tactical Squad) Unit.

Police Chief Donald Scott stood firm in his position that Lewis will remain assigned to his regular duties pending the outcome of the departmental investigation.

Calls from the public to the Hall of Justice relating to the incident were referred to the Community Relations Bureau. Officers there had copies of an official department statement which they read.

STATEMENT

It went:

"This department is conducting a thorough investigation into the death case involving Clarence Johnson. The investigation is far from completion.

"Based on a careful evaluation of all facts thus far presented, we have been unable to establish that the officer involved had taken any improper action or violated any penal statutes or rules of the department that would be grounds for suspension.

"Please be assured that the investigation is continuing, and, if the results so indicate, proper administrative action will be taken by this department.

"Our complete file will be made available to the district attorney, the Police Commission and the U.S. Department of Justice."

ALIOTO

Mayor Joseph Alioto issued a statement expressing "confidence" in the investigation into the shooting being conducted by the Police Depart-

ment, the results of which will be turned over to District Attorney John Jay Ferdon.

"Both Chief Scott and Mr. Ferdon are men of very high, proven integrity. I believe their investigations will be fair, impartial, and extensive, and will determine the truth of this case," the mayor said.

"Until the results of those investigations are complete, it is not proper for any of us to pronounce judgment on what happened during this unfortunate incident. I would hope these investigations can be conducted free from political pressures," he said.

UNAVAILABLE

Mayor Alioto was not immediately available for comment when it was announced the FBI was moving into the case.

But Chief of Inspectors Charles Barca said on behalf of the Police Department that "the assistance of any federal agency, including the FBI, will be welcomed. We have nothing to hide."

Barca, who is in charge of the department investigation into Johnson's death, said homicide detectives have talked to "about a dozen" witnesses to the shooting.

He said nine eyewitnesses came forward at the urging

of black leaders in the Hunters Point area and that their versions are being studied along with those of "several other witnesses" investigators have located.

Barca declined to reveal the substance of these statements, but did offer the remark that "there are some that support the police version."

Leaders of the black community said they welcomed the entry of the FBI into the case.

"We intend to cooperate fully with the federal investigators," said black attorney Richard Bancroft, one member of the Ad Hoc Committee for Justice.

DETECTIVE

That committee is also conducting its own investigation into how Johnson came to die and has hired a white private detective, Harold Lipset, who has gained the confidence of the black community through previous civil rights cases he has investigated.

Patrolman Lewis remained unavailable for interviews by the press. A Hall of Justice source said he is spending his duty hours assigned to office work rather than on his usual street patrol.

Also unavailable were the three other men arrested with Johnson as suspected burglars of a residence at 99 Reardon road, where two of them lived as well.

They are Frank Green, 20, and Larry Jones, 19, who reside in the Reardon road complex of apartments, and Robert (Bubba) Caldwell, 21, of 819 Girard street.

BAIL

Detectives declined to say if any of the three men gave any statements concerning what they may have witnessed at the time of the shooting. Following their release Wednesday morning after posting bail they have dropped out of sight.

The first police version of the shooting was that Johnson, while being transferred from the suspected getaway auto to a squad car, made a threatening move which caused Officer Lewis — "as a defensive reflex" — to accidentally discharge his .41-caliber magnum revolver.

The Ad Hoc Committee for Justice claims there are "at least 13" witnesses who "saw Lewis deliberately shoot Johnson" through the head while Johnson was standing with his back to the officer, his hands outstretched on the top of a car.