

SFChronicle

OCT 14 1971

Witnesses to a Slaying

I observed the suspect move to the right in a sudden movement, as if to strike the officer, and Officer Lewis raised his hands as if to ward off a blow . . . and the weapon discharged.

--Patrolman Richard T. Oakes

While they was searching Clarence and everything the police kicked him and he turned around and said . . . 'Man, you didn't have to kick me' . . . then the police popped him on the head with the gun and stood back and shot him.

--LaVerne Bell, 16



Here is approximately where suspects, witnesses and police were when Clarence Johnson was shot: (A) Johnson, (B) Frank Green, (C) Robert Caldwell, (D) Larry Jones, (E) LaVerne Bell, (F) Florence Gardner, (G) Charles Gardner, (H) Karen Murray, (I) Betty Stewart, (J)

Florence Smith, (K) Kathy Williams, (L) Juanita Nelson, (M) Shirley Geeter, (N) Janice 2X Hall, (1) Officer Richard Lewis, (2) Sergeant Edward Epting, (3) Officer Stephen Gough, (4) Officer Allan Duncan, (5) Officer Richard T. Oakes, (6) Sergeant Edward M.

Hackett, (7) Officer Robert Williams. The station wagon on the left was placed by The Chronicle in the approximate spot where the suspected burglars' car parked. The auto in the middle of the street represents the approximate position of one of the police cars.

Hunters Point Killing Described

By Paul Avery and Mitchell Thomas

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Somewhere, whether in the stilted office of the white San Francisco policeman—Richard T. Oakes—or in the ghetto accents of a black Hunters Point child—LaVerne Bell—lie the facts about the death of Clarence Johnson.

A few basic details are undisputed:

Johnson, a 32-year-old black handyman with a minor police record, a father of two, died suddenly on the warm, sunny afternoon of October 5, face-down on a street in the sprawling, decaying housing project at Hunters Point.

He was killed by a single shot through the head from the powerful .41 magnum revolver of police officer Richard Lewis, white, 28.

Beyond those certainties, the truth becomes elusive. Police say it was an accidental

shooting of a burglary suspect, who, they say, was resisting arrest. Hunters Point residents call it murder.

There were many witnesses. Their tangled, conflicting stories are being sorted by squads of investigators, city, federal and private. They may eventually have to be unraveled in court.

Officer Lewis hasn't been permitted to tell his version publicly. Clarence Johnson—he called himself Clarence Ellis on occasion—can't.

All that follows, then, is an account of how official police reports say the incident came about, and of what some of the witnesses, policemen and bystanders, say they saw and heard.

At 5:14 p.m. on that Tuesday, a police radio dispatcher alerted squad cars in the southeast district that there was a "459 (burglary) in progress" at 99 Reardon road in the

Hunters Point Housing Project.

The broadcast was based on telephoned information from two sources: (1) a woman who said she was watching several young black men stealing a color television set from Apartment 123, and (2) officers on duty at the project police station at 725 Kirkwood street who could see, through a window, an apparent burglary being executed.

The radio reports during the next couple of minutes gave these details: four blacks involved in the alleged burglary were fleeing the scene in a red Rambler station wagon; the car was traveling along Kiska road, apparently trying to leave the project area; one of the suspects was a "Bubba Caldwell."

Three squad cars in the area sped to the scene. One spotted the Rambler turning into Reardon, a cul de sac, and the officers, Patrolmen Richard Oakes, 28, and Allan Dun-

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can, 21, turned on their flashing red light and gave chase. "The station wagon went by me and then I saw the red lights and thought the police was after me," said Charles Gardner, a black warehouseman who was returning to his home at 99 Reardon after picking up his children at nursery school. "I pulled over and the police car went by and it stopped the station wagon. One officer jumped out and he aimed his gun at the men in the station wagon and told them to stay put."

"First (the policemen) pulled their billy clubs out, and then they put them back and then they pulled their guns out," said another witness, Juanita Nelson, 18.

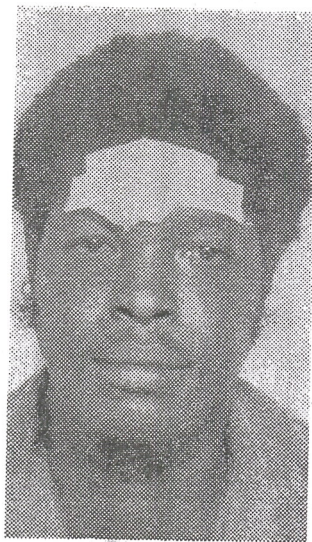
Two other police cars then arrived on the winding, downhill, dead-end street to cover Oakes and Duncan.

The first was a Crime Prevention Company (Tactical Squad) unit with three officers, Sergeant Edward Epting, 51, and Patrolmen Richard Lewis, 28, and Stephen Gough, 25.

The other was a Housing Authority police unit, with Sergeant Edward M. Hackett, a black, and his partner, Patrolman Robert Williams, a white officer.

SUSPECTS

The two housing policemen stayed in their squad car. Oakes and Duncan took two of the suspects, Larry Jones, 18, and Frank (Bubba) Caldwell, 19, out of the car searched and handcuffed them, then put them in the



CLARENCE JOHNSON
A bullet in the head



RICHARD LEWIS
His gun fired fatal shot

police car. "While Officer Gough gave us cover," Sergeant Epting relates, "Officer Lewis and myself moved toward the suspect vehicle."

Epting went to the passenger side and ordered Frank Green, 19, out.

"He (Green) alighted from the car, and I kicked the door closed with my foot, told him to place his hands on the roof of the vehicle. He did so, and as I got him spread out in the acceptable searching position I then returned my service revolver to the holster and proceeded to give him a rubdown for weapons.

"At this time I also noticed Officer Lewis over the roof of the car was taking the driver from the left front door of the suspect vehicle.

"I told my suspect to put

his left hand behind his back, which he did . . . I handcuffed the left hand and was just telling him to put his right hand behind his back when . . ."

ROOF

Over the roof of the car, Epting could see Officer Lewis and Clarence Johnson. Johnson said something.

A split second later, Lewis' weapon fired and the bullet tore through Johnson's head. He fell, dying, to the street.

It was 5:24 p.m. Johnson was pronounced dead shortly after he was taken by ambulance to Mission Emergency Hospital.

The next morning an autopsy was performed by a coroner's pathologist. It showed Johnson had been shot at point-blank range—a fact not in question. It also

showed he had a blood-alcohol count of .19. At the moment of his death, by legal measurement, Clarence Johnson was drunk.

There are two basic — and conflicting versions of what happened that afternoon at Hunters Point.

Thirty tape-recorded statements have been taken from those who claim they were eyewitnesses to the shooting. The six officers who were at the scene with Lewis gave statements to homicide inspectors at the Hall of Justice. The project witnesses told their stories to Harold Lipset, a white private investigator hired to investigate the incident.

STORIES

The Chronicle has heard these tapes. Here is how the major witnesses viewed the fatal event:

Sergeant Epting said he had ordered the suspect in the right front seat of the station wagon to get out, spread-eagled him against the right side of the vehicle, and was in the process of searching and handcuffing him.

"At this time," Epting said, "I also noticed Officer Lewis over the roof of the car was taking the driver from the left front door of the suspect vehicle . . . my attention was attracted by words on the other side of the car.

" . . . I looked up when I heard the words to the effect, 'Man —' something —"

"I looked up. I saw the suspect (Johnson) pull his — I don't know whether he had his right hand on the roof of



LaVERNE BELL
'Popped him on the head'



EDWARD EPTING
'Impetus from . . . thrust'



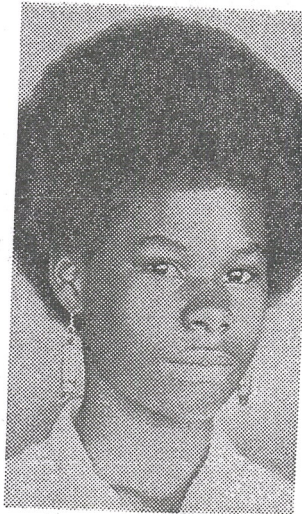
STEPHEN GOUGH
'Suspect swung around'



ROBERT WILLIAMS
Housing policeman



KATHY WILLIAMS
'The police kicked him'



JOHNNIE STOKES
'The cop just shot him . . .'

the car at the time or not. I saw his left hand was on the roof of the car, and I saw him swing violently back . . . I saw him swing violently back at Officer Lewis. With his right . . .

"And when he swung violently back, I saw Officer Lewis come up with his right hand, at which time the service revolver was still in his hand, and there was a collision of arms, it appeared to me, there was a collision of arms, Officer Lewis' right arm or hand-wrist area, which had the gun, and the suspect's right upper arm, it looked like to me, collided in the air, and I heard, what I didn't believe at the time . . . a discharge.

"I thought that the roof of the car had been struck with a bottle, and this was the apparent discharge at the time and I saw, I sorta looked at Officer Lewis and he looked at me over the top of the car — the suspect dropped down — with a look of amazement on his face, and I'm sure I had the same. . ."

CHILDREN

Housewife Florence Gardner of 99 Reardon had just arrived at the scene in a car driven by her husband, Charles. They had returned from picking up their children at nursery school. There were two older neighbor children in the car as well and they, too, saw the shooting.

"There was no hassle whatsoever," she said. "There couldn't have been no hassle 'cause Clarence's hands was up like this on the car (demonstrating both hands on the car) . . ."

She said she heard Johnson say, "You're going to have to carry me out of here, you mother-----," so when he said that, the police then went 'Bang!' and he was standing right up on Clarence and the bullet . . . hit the building, 'cause it went straight through Clarence's head and when Clarence fell, Clarence fall back on the policeman. "The police took Clarence

and, you know, kinda jerked him off of him and let him fall on the ground . . . I ran up to Clarence . . . everything was just flowing out of his head . . .

"As soon as the policeman, he shot Clarence, he ran dead to his car."

Mrs. Gardner said she went to the police car and told the officer, "You're not getting away with this. You killed him. It wasn't justice . . . He didn't say nothing . . . just held his head down."

Housing Authority Sergeant Hackett: "I observed a suspect get out of the vehicle on the driver's side, at the orders of a police officer, and



The bullet that killed Clarence Johnson went through his head, sped on through an open second-floor window in this Reardon road apartment, entered the ceiling (top arrow), ricocheted off a steel beam and, finally, lodged in a kitchen cabinet door (lower arrow).



RUBEN McFALAND
'Shot him in the head'

place his hands on the top of the vehicle.

"The officer then kicked the suspect's right foot, twice, and at this time the suspect turned his head to the right and a movement of lips were observed. Then he returned his head forward, and at this time the officer raised his pistol in his right hand and struck the vic... the suspect in the, in the area of the temple. And the gun discharged..."

Kathy Williams, 14: "... the police told him to spread-eagle, you know, so then he was searching him and everything and then after he got finished searching him the police kicked him and so Clarence turned around and said, 'What did you kick me for?' 'And then he just shot him in the head..."

Florence Smith: "Just shot him down."

Patrolman Duncan: "... the driver made a quick, sharp, direct movement, toward the, toward the right, towards the officer, at which time the officer proceeded to push the suspect back to the car, and his gun discharged."

Karen Murray, 13: "... and he had his hands up on the car and I didn't hear what he said and then I could see the police put the gun up to his head and shoot him."

Patrolman Gough: "... The suspect swung around... with both arms. I can't say that the suspect's feet

moved, but his upper, his whole upper body did... His arms were going toward Officer Lewis' upper body...

"Officer Lewis' reaction was to throw both hands up, in front of himself, to protect himself, and to push the suspect back into position..."

"When Officer Lewis pushed, his service revolver was in his right hand, and it appeared to me to strike the suspect's right shoulder, and then go forward and hit him alongside the head..."

Housewife Johnnie Stokes: "... he (Johnson) did NOT make a move and he did NOT move his hands from the car... I heard him say 'mother ----' and the cop shot him... and his hands was still up atop the car and the cop just shot him..."

"What I seen was the cop got irritated because the guy had cursed him. He (the policeman) said, 'What you say?' and when he said 'say' that gun went off..."

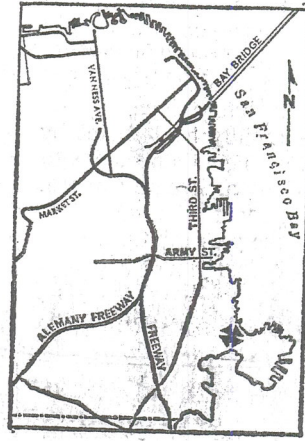
Patrolman Gough: "... My feeling was that the suspect was either trying to knock Officer Lewis off balance and/or trying to go for Officer Lewis' revolver..."

Shirley Geeter, 20: "... they had his hands up on the car, so the policeman kicked his legs. I don't know if he was trying to make him open them but I know he kicked his leg, twice, so then everybody was saying, you know, he ain't got to kick him, so then that's when he (Johnson) turned to the side and he said something... and that's when the police shot him..."

Sergeant Epting: "... I saw Officer Lewis come up, not with the gun aimed at the man, but the gun in his hand, the flat side of the gun coming up in an attempt, it looked like to me, to force the man, to push him back against the vehicle..."

Ruben McFaland, 10: "... the man (Johnson) called him a 'dirty mother ----' and then (Lewis) shot him in the head... and the police pushed him down..."

Betty Stewart, 13: "He fell on the policeman and the po-



The cross indicates the slaying site

liceman pushed him off of him..."

Sergeant Epting: "... I observed the suspect (after he was shot) almost seem to continue his turn... toward Officer Lewis... and when I observed him laying on the ground he was laying the same way he had gathered the impetus for the turn... his feet were towards the car, which indicates he still had the impetus from this thrust he made at Officer Lewis..."

Harriet Johnson, 19: "... he (Johnson) had his hands against the car, and the policeman say—I couldn't say what he said, and I seen him kick his feet, you know, I guess to tell him to kick his legs open, and then the next thing I know the dude lay on the ground, with blood come out of his head..."

Janice 2X Hall, 20: a visitor at Hunters Point that day: "... I went over and felt his pulse, and I didn't feel it, and so then his wife had heard his heartbeat and I felt his pulse again and I could feel it beating that time so I went in the house and called the ambulance."