
BOARD OF INQUIRY
INVESTIGATING THE SO-CALLED IRASBURG AFFAIR

On the 20th of November, 1954, Philip H. Hoff, Chairman of the Board of Inquiry, advised the Department of the State of the results of the Board's investigation of the so-called Irasburg Affair. The Board's findings and recommendations are set forth in the report of the Board, which is being submitted to the Department of the State for its consideration.

Findings and Recommendations

of

Board of Inquiry

Investigating the so-called

Irasburg Affair

The Board of Inquiry was organized on November 10, 1954, by the Department of the State to investigate the so-called Irasburg Affair. The Board's findings and recommendations are set forth in the report of the Board, which is being submitted to the Department of the State for its consideration.

FINDINGS AND RECOMMENDATIONS OF

BOARD OF INQUIRY

INVESTIGATING THE SO-CALLED IRASBURG AFFAIR

On the 26th of September, 1968, Philip H. Hoff, Governor of the State of Vermont, signed an Executive Order which created a Board of Inquiry for the purpose of conducting a complete and thorough investigation into all of the facts and circumstances resulting from the settlement in Vermont of David L. H. Johnson and his family at Irasburg, including, but not limited to, any and all acts of violence or threats thereof against the said David L. H. Johnson and his family, the conduct and performance of any and all state officials and agencies in connection therewith, the threat of possible vigilante activity and evidence of the relationship between the press and state agencies or the general public; and it was further ordered that Honorable Ernest W. Gibson of Brattleboro, Hilton H. Wick of Burlington, and Dorothy Collins of Hyde Park constituted such Board of Inquiry, to serve without compensation, and were ordered to begin such investigation as soon as may be and upon completion of such investigation to submit to the Governor a complete and detailed report of this investigation.

Having accepted the challenge contained in the Executive Order, the three appointees met for their first meeting in Montpelier on Monday, September 30, 1968 to consider the course of action. It was then determined by the Board that copies of all files of the Department of Public Safety, of the State Attorney General's office and of the State's Attorney of Orleans County should be requested as a starting point. Following this meeting as a result of instructions of the Board, the Chairman wrote a letter to the office of the Attorney General, to the Commissioner of Public Safety for the State of Vermont, to State's Attorney Leonard Pearson and to Judge Lewis Springer, requesting that all of the reports dealing with this matter or copies thereof be made available to the Board. This request was promptly complied with by the Attorney General for the State of Vermont, but the Commissioner of the Department of Public Safety on October 1 before complying requested a ruling by the Attorney General of the State of Vermont as to whether he should make these files available to the Board. On October 4, the Attorney General for the State of Vermont advised Commissioner Alexander by letter that he should make such files available except as to any cases which had not been finally concluded. Thereafter, Commissioner Alexander caused to be sent three photostatic copies of his files to the Chairman who distributed the copies to the members of the Board.

Attorney Ralph Foote of Middlebury was appointed counsel for the Board. He, as well as the Board, to serve without compensation other than expenses incurred.

The next meeting of the Board was held in Montpelier in the Federal Court-house on October 7 at which all the members of the Board, plus Attorney Foote, and Mrs. Bliss, Judge Gibson's secretary were present.

As a result of that meeting, the Chairman of the Board was instructed to write Attorney General Oakes to hold an inquest and to have whatever bank having the \$1500 note signed for the trip of Messrs. Angell and Wade to California produced and to find out all about the note and its payment. So far, to the Board's knowledge, such has not been done.

After the meeting of September 30 in Montpelier, the Chairman of the Board went to St. Johnsbury, Barton and Irasburg and in his visit there he visited with Circuit Judge Waterman, Attorney Rachlin, former Governor Lee Emerson and in Barton with Mrs. John Keeler.

On October 7 at the meeting of the Board of Inquiry, the Chairman informed the other members of the Board and Attorney Foote what he had found in his visit to St. Johnsbury, Barton and Irasburg, particularly as to the \$1500 note.

On October 19, the Chairman was again in St. Johnsbury and again visited Attorney Robert Rachlin requesting Attorney Rachlin to secure for the Board a photostat copy of the denial of Mrs. Barbara Lawrence of wrongdoing in the so-called adultery matter. This Attorney Rachlin agreed to do and later did. Also the Chairman visited with State's Attorney Leonard Pearson at St. Johnsbury, who rehearsed to the Chairman the signing of the \$1500 note, the fact that it was signed not only by himself but by State's Attorney Angell of Orange County and by Detective Wade of the State Police, and according to State's Attorney Pearson, this note was signed about eleven o'clock at night at the bank.

Two members of the Board (the Chairman and Attorney Wick) met in Montpelier with Attorney Foote on October 30, at which meeting was discussed the method of procedure when the hearings opened. The Chairman informed the Board he had informed Attorney Pearson that the hearings would be held shortly after the General Election, and the Board agreed that hearings would start in Newport, Vermont in the County Courtroom on the 7th of November at 9:30 a.m. The Board also discussed the apparent failure of the Commissioner of Public Safety to make available to the Board all the matters he had in his file that had to do with the Governor's mandate. Also discussed at this time was the memo of Editor McClure of August 1, 1968 to Joe Heaney, a key reporter for the Burlington Free Press, copy of which was sent also to Commissioner Alexander. The coverage of the hearings was further discussed as to whether T-V Channel 22 would receive permission to televise with a small television apparatus the hearings. It was decided that television coverage could be had by any station if the equipment was not too bulky and provided also there should be no flashlight pictures taken.

Hearings were commenced in the Orleans County Courtroom about 9:30 in the forenoon on November 7, 1968.

From those hearings that took place in Newport, Vermont on November 7 and 8, from the hearings that took place in Montpelier, Vermont in the federal

courtroom on November 15 and 16 and from the hearing that took place in the federal courtroom in Montpelier on the 22nd of November, and from the files that were furnished this Board by the Office of the Attorney General of Vermont, the Commissioner of the Department of Public Safety, from the files of Judge Springer of the Orleans District Court, and from State's Attorney Pearson this Board finds the following facts:

The Reverend David H. L. Johnson and his wife, Ophelia, were married 19 years as of August 27, 1968. They were married in Elkton, Maryland and that marriage resulted in a daughter, Brenda, now age 17. She was born apparently in St. Petersburg, Florida and has a little daughter, Yvette, age 4.

We also find that Reverend David Johnson is the father of two boys, George, about age 17, who is a senior in the high school at Barton, and David, age 15, who is in the ninth grade.

The Johnson family arrived in Irasburg on July 4 of this year. We find the reason they came to Irasburg was that the Reverend Johnson had received a Strout Realty catalog and in that catalog there was the description of a property in Irasburg; that he desired to move from Seaside, California to Vermont where he felt he could secure peace and quiet.

The Board finds that Reverend Johnson made a \$900 payment in advance for the Irasburg property without ever viewing the property. When he arrived in Irasburg, the property was not at all as it was advertised in the catalog, and with the aid of Attorney Richard Blum of the office of the Attorney General of Vermont, he secured a repayment of this \$900 and then moved into an adjoining property known as "the Phillips place" in Irasburg. This property is located on Route #14 (the main road leading from Albany to Newport) is a sizable house containing 13 rooms more or less and approximately eight acres of land.

We also find that Reverend Johnson is negotiating to purchase this property. The owners of this property are Mr. Noel C. Stevenson and Mrs. Hazel Stevenson and Reverend Johnson had an agreement with her to pay \$150 dollars a month for seven months and thereafter the balance will be taken care of by a mortgage.

We find also that when Reverend and Mrs. Johnson came from Seaside, California to Irasburg, Vt., there came with them a Mrs. Barbara Lawrence a white lady who brought with her two children. She had been a next door neighbor of the Johnsons in Seaside, California, was 23 years of age and in Seaside was in and out of the Johnson house as one of their family. Mrs. Lawrence is married to a member of the Corps of Engineers of the U. S. Army. However, there was a divorce case brought under the California law leaving the two children with Mrs. Lawrence, divorce to become absolute in March, 1969.

Mrs. Johnson has secured employment with the Orleans County Social Agencies and seems to enjoy her work.

Brenda is at present employed in Newport, Vermont.

Mr. David Johnson was ordained a Baptist minister on January 13, 1968 at Seaside, California. He was born in Coatesville, Pennsylvania, November 13, 1929. He lived in Seaside, California about three and one half years.

Upon the arrival of the Johnson family in Irasburg, they were greeted cordially by most of the people in Irasburg and surrounding area. They had no trouble and were enjoying their experience very much. Neighbors brought in food, were friendly and, in general, there was a happy atmosphere.

About midnight on the 18-19th of July, 1968, while the Johnson family all were in the house a car came past the house going from north to south and as it passed the Johnson residence, two shotgun blasts were released from this vehicle into the Johnson home shattering several windows. Reverend Johnson immediately sent his son to secure his Luger pistol he had in the house, loaded it and shortly thereafter, the same car came past the Johnson house going from south to north and again discharged two blasts of a shotgun and Reverend Johnson retaliated by firing several shots from his Luger at the car. Reverend Johnson thought there were three people in the car, and described the car as "white on top" and thought it was a "red color on the botom, and was a high powered, floor shift, General Motors car".

Thereafter, when the car did not return for a third visit, Reverend Johnson's son George went to the home of Harold Snider, a neighbor, and reported the shooting. The State Police were called on Mr. Snider's telephone.

Shortly, thereafter, one of the State Police, namely Lane Marshall, came to the scene of the shooting and made an initial report. Trooper Marshall on his visit that early morning to the Johnson homestead found two shotgun shells.

At 9:15 a.m. on the 19th of July, Detective Wade of the State Police arrived at the Johnson home and interviewed Reverend Johnson and also Barbara Lawrence. Lt. Potvin at 10:30 a.m. joined Detective Wade and together they interviewed Reverend Johnson and Mrs. Lawrence. It is interesting to note that in Detective Wade's report he stated that by 11:00 p.m. on July 19, Larry Conley (later the person convicted of the shooting) was a prime suspect.

On July 19 one Bruce Alden Brown had informed Lt. Potvin in Reverend Newell's residence that he had gathered from a conversation at 10:30 a.m. on the 19th of July with Bruce Conley that Larry Conley was one of the three subjects involved in the shooting. On the evening of the 19th of July, for the first time, the Attorney General, Mr. James Oakes, personally became involved in the case when he called Lt. Potvin notifying him he would be in Irasburg the next day.

We now pass to Saturday, July 20, 1968. On this date Detective Wade and Sgt. Chilton took statements from Reverend Johnson concerning the shooting and at 3:30 a.m. on July 20, Detective Wade, accompanied by Cpl. Washburn and Sgt. Green interviewed Larry Conley, son of Howard Conley. In the interview, which we might say was an unsigned interview—unsigned by Larry Conley, it was reported that Larry Conley said he saw Roger Fortin who had only one leg and the shapely, dark haired girl with bulging breasts, at Jay's snack Bar, at the time of

the shooting. Again, no written statement was secured by Cpl. Washburn from these two people, or by Detective Wade from Larry Conley. It is worthy to note that after the Attorney General's office took an active part in the investigation on July 25, a signed statement was secured from both Fortin and Miss Belanger (who is now Mrs. Fortin) to the same effect.

Likewise, on the same day of July 20, Lt. Potvin interviewed one Donald Collins, a game warden of the Fish & Game Department for the State of Vermont, who related a conversation with Larry Conley prior to this shooting incident and said he had seen a 12 gauge shogun on the back seat of Beverly Conley's car, and at the same time, Larry Conley said he wouldn't mind harrasing "them" (meaning "the niggers") if he could find someone to go along with him.

It was on this same date (July 20) that Attorney General Oakes made a personal visit to the Johnson home in Irasburg and while he was there saw Commissioner Alexander for a part of the time, Lt. Potvin and also Capt. Dean of the State Police on the scene. It was at this time that Lt. Potvin pointed out to Attorney General Oakes certain tire marks that existed there. However, the State Police made no effort to have these tire marks that Lt. Potvin pointed out photographed or a cast made thereof. Capt. Dean testified that on the same day (July 20) he advised the Attorney General that Larry Conley was a prime suspect in the case. This we doubt.

On Sunday, July 21, Trooper Hefferman reported what he together with Trooper Heath, had done in checking all 1968 red and white vehicles in the area.

About 12:30 p.m. on this Sunday, for some reason, Detective Wade requested Sgt. Chilton to run a background investigation on Reverend Johnson and Mrs. Lawrence. This before the alleged adulterous act took place. Also on Sunday (July 21) about 9:30 p.m. Cpl. Washburn interviewed Roger Fortin and his girl friend, Diane Belanger, who was a waitress at Jay's Snack Bar and their statements to Cpl. Washburn indicated that Conley could not have seen them on the night of the 18-19th of July because she did not work Thursday night or early Friday morning and they had not been there, but they had seen him at Jay's on Friday, July 20, about 1:00 a.m. Yet, Cpl. Washburn never took a signed statement from Mr. Fortin and Miss Belanger (now Mrs. Fortin) and he was somewhat vague as to whether he relayed this valuable information to his superiors. It is difficult to believe that he did not, or otherwise exchange it with fellow troopers. Thus, we find that Detective Wade's report shows Larry Conley was a prime suspect by 11:30 p.m. on the 19th of July and that on the 21st of July, Conley's story revealed his alibi was very, very dubious.

Likewise, on this same day, Trooper Cram interviewed one Richard LeClair and in his report, he stated LeClair's story sounded like a rehearsed story. This also made Conley a real prime suspect. Yet from the State Police reports, the investigation, instead of zeroing in on Lerry Conley, went in many other directions, even though Lt. Potvin on July 20 had further substantiated the case against Larry Conley by his conversation with Game Warden Collins.

It is also well to note that none of this information was disclosed to the Attorney General, or his office, until nearly a week had lapsed. No mention of Larry Conley or Richard LeClair as prime suspects was made to the Attorney General until the 25th of July when the Attorney General and his Chief Investigator met Lt. Potvin in Barton. Yet, Lt. Potvin knew that the Attorney General had taken an active interest in the solution of the case as of Friday night, July 19.

It is further worthwhile to note that according to testimony of Capt. Dean by the night of the 21st of July he had become completely convinced that Larry Conley was the guilty party in the shooting—he was so convinced that he left the scene and did not return thereafter, feeling as he said fully convinced that the case would be cleaned up in a very short time.

It is also worthwhile to note that Capt. Dean in his testimony stated that while he himself was convinced Larry Conley was the guilty party in the shooting episode, their policy was not to make an arrest until they had checked out all the details pointing to a conviction.

It is also worthy to note that from that time, July 21, most of the activities of the State Police were pointed to the so-called background investigation of Reverend Johnson and Mrs. Lawrence. Capt. Dean sought to justify this performance on the part of the State Police on the grounds that they were looking for something in Reverend Johnson's background to provide someone with a motive, possibly someone following him from California. Yet, it was obvious that they had their prime suspect in Irasburg and there was no connection with Rev. Johnson's background at all.

We now come to the morning of Monday, July 22. At that time, about nine o'clock in the morning, Detective Wade said he found a note from Trooper Lessard to the effect that around 5:30 a.m. on July 22 he had witnessed the Reverend Mr. Johnson and Mrs. Lawrence committing sexual intercourse. Detective Wade at that time took no action on that note. While Detective Wade's report indicates that Trooper Lessard's statement was attached to the written report, there is no statement of Trooper Lessard's attached, but at a later time, a copy of this statement came into the record:

Date 7-22-68

"On this date at approximately 05:30 AM myself and Trooper McDonald were on guard duty at Reverend Johnson's residence when I decided I wanted a cup of coffee.

"We had been told earlier if we wanted any coffee, Rev. Johnson told us to help ourselves to a pot that was left in the livingroom downstairs. Trooper McDonald remained in the car & I entered the house & opened the door to the living room where I found the white girl, Barbara Hill laying on the couch with her dress up around her waist and Reverend Johnson on top of her. At this point the girl began whimpering & the Reverend turned (while still on top of her) & motioned with his hand for me to get out & whispered "get out" at the same time, twice. I turned and

left & stopped on the lawn where the Reverend came out & told me he would get me my coffee. I then apologized & said I didn't want the coffee. "The above statement is, to the best of my knowledge, truth.

Jean Lessard."

Trooper Lessard testified he didn't actually see the act of intercourse, that he just concluded that there was an act of intercourse. It is interesting to note that on this date, Detective Wade requested the Irasburg Post Office to notify him of any incoming or outgoing mail to and from the Johnson residence. This is another indication that the State Police had now transferred their investigation from securing evidence of the guilt of Larry Conley to securing some kind of evidence against members of the Johnson residence. Yet Lt. Potvin testified he was convinced the morning of 19 July that the shooting episode had taken place as related by Johnson.

Sgt. Chilton, on this same date, started his background investigation of the Reverend Mr. Johnson. His report states:

"Inasmuch as there were obviously many discrepancies in stories given by the complainant, Mr. Johnson, the writer undertook the task of investigating his background. Firstly the automobiles supposedly belonging to Mr. Johnson were investigated. Check made with Vermont Motor Vehicle Department on special plate numbers DLHJ and BJJ reflects that BJJ 1968 Pontiac registered to David L. H. Johnson, Sr., purchased from General Motors Company, Detroit, Michigan on 10-25-67, serial # 223378U601092, home address Irasburg, Vermont, DOB 11-13-29, registered in Vermont 10 June 1968. Total amount of vehicle paid cash \$3307.00. DLHJ registered to same subject with address given as Seaside, California, 1311 Luzer Street, 1967 Ford Station Wagon purchased from Ford Motor Company, Detroit, Michigan on 2-15-67, Serial #7J421Z845. Registered in Vermont 22 March 1968. No trade in—cash deal.

"Next a telephone communication made with William W. Neyman, Elm Street, Glendale, Rhode Island, 401-568-6698, a resident special agent for the National Automobile Theft Bureau. It was learned from this source that neither of these automobiles were recorded as stolen. A further check reflects that the 1967 Ford Station Wagon, DLHJ was delivered by the manufacturer to Beattie Motors, Inc., a dealer in Monterey, California. This vehicle was sold by this dealer to David L. Johnson, 1330 Flores, Seaside, California. The Legal Bank of America of 482 Avardo, Monterey, California has a lien on this automobile and monthly payments of \$158.00 due on the 10th of the month. The 1968 Pontiac BJJ was delivered by the manufacturer to dealer Butts Pontiac and Cadillac in Monterey, California, on 9-25-67. Sold to David L. Johnson of 1311 Luzern Street, Seaside, California. The Legal Bank of America also financed this vehicle and has a lien of \$3010.00 on same. Monthly payments of \$112.00 due on 14th of each month.

"At the time of this inquiry which was 7-24-68 subject Johnson was in arrears on payments on both vehicles since the payment due date on each vehicle.

"Because of numerous flaws in stories given by the subject Johnson concerning his military history a check was made with the Office of the United States Army Intelligence in Burlington Vermont, Agent in Charge John Rebai and Assistant Gerald O'Brien. Social Security Number 430-07-8113, Army Identification Number 13-199-684. As of this date after communicating several times with this office no military yet obtained. An inquiry was next made at the Burlington Vermont Baptist Convention and conversed with Lois D'Arcangelo who advised Subject Johnson not listed in the Baptist Year Book—864-4991. On 22 July 1968 a teletype to NCIC and reply no wanted. TT #3517, File 15, 7-22-68, 1026 hours.

"22 July 1968—a telephone call to Sheriff's Department, Monterey, California reflects no record. A telephone conversation with Captain Ben Cooper of Seaside, California Police Department reflects subject Johnson has no arrest record but subject is known for his civil involvement. Subject also suspected of organizing girls for prostitution, hanging around Fort Ord, gambling and pimping. Doesn't pay bills and receives welfare assistance. A telephone call to Chief of Police Marinello of Monterey and LEIU representatives and confidential information provided in report by Detective Sergeant Robert L. Yingling."

Cpl. Hogan also in his report states that on July 22nd:

"In the early hours of the morning on July 22, 1968, Lawrence got up from her bed and went downstairs. She went into the living room where she met Johnson, who was awake and downstairs. Lawrence went over and sat on the couch clothed in a nightie, a pair of underpants and a bathrobe. Johnson came into the living room and sat down on the couch beside her. They started to neck while on the couch. At this point Lawrence took her underpants off and Johnson just pulled his pants down around his knees. They started having sexual relations on the couch. Meanwhile, outside the house Troopers Lessard and McDonald were on guard duty as a result of a shooting incident that had occurred in the Johnson residence three days earlier. The troopers on guard had been advised earlier if they wanted any coffee to go into the house and help themselves to a coffee pot which was left in the living room downstairs. Trooper Lessard went into the house while Trooper McDonald remained in the car. As Lessard entered the house, and opened the door to the living room, he saw Barbara Lawrence laying on the couch with her dress up around her waist and Johnson on top of her. Johnson became aware of Lessard's presence almost immediately and motioned for him to leave, and told him to get out. Lessard then left the room and went out of the house. The relationship between Lawrence and Johnson broke up immediately and John-

son went outside with coffee for the two troopers on guard. Lawrence went into the kitchen where she waited for about five minutes and then went upstairs."

It was on July 22 also that Sgt. Billy J. Chilton talked by telephone to Capt. Ben Cooper, Seaside Police Dept., relative to Reverend Johnson. Written as a postscript on his statement of the telephone call, Sgt. Chilton added "Possibly would attempt to pimp for white girl now living in his house as guest". However, upon examination by Attorney Foote, Sgt. Chilton admitted that there was no record of any such pimping that he could uncover in California.

It is also well to note that it was on this date in all probability that Commissioner Alexander requested Editor McClure of the Burlington Free Press to dig up everything he could in the past of Reverend Johnson—yet, on 21 or 22 July, Larry Conley was a prime suspect as the one who had done the shooting. It would seem to appear that from this date on, most of the activities of the members of the State Police were directed towards digging up anything that could be dug up about said Reverend Johnson.

As far as this Board can determine, no background check ever was done on Larry Conley or Mr. Howard Conley—or even contemplated at this time when Larry became a prime suspect in the shooting incident.

The next activity took place on July 24. On that date, Attorney General Oakes telephoned Lt. Potvin about an anonymous phone call the Attorney General received concerning the color of the car involved in the shooting incident. The informant also advised Attorney General Oakes amongst other things that the participants were young and that one was a female. About 2:00 p.m. General Oakes again telephoned Lt. Potvin about another anonymous call to the effect that one of the participants in the case had already been interrogated by State Police; that the participant was from the Barton area; and was one of the first to be interrogated.

It would appear this should have pointed the State Police even more directly towards Larry Conley.

On this day also Lt. Potvin interviewed one Lonny Brow who told the Lieutenant to talk to Rodney Conley because on July 21 Rodney had told Brow that he had figured out who had done the shooting; that one of the participants lived in the Barton-Glover area and had received a shotgun for Christmas last and that the car used was a maroon and white Pontiac.

While Capt. Dean testified that on July 24 (this same day) he had told the Attorney General of the alleged adultery incident, the Attorney General denies he was told such by Dean on the 24th.

On July 25, Attorney General Oakes, Investigator Gregory L'Ecuyer and Lt. Potvin had a face to face meeting. It was at this time that Lt. Potvin first disclosed information to Attorney General Oakes concerning Larry Conley as a prime suspect. It is worthy to note here that all Lt. Potvin told the Attorney General and his investigator was that he considered Larry Conley as a prime suspect, but he did not disclose to the Attorney General all of the information that he had un-

covered prior thereto pointing to Larry Conley as the guilty party in the shooting episode.

It was on this same date that Cpl. Shanks interviewed Rodney Conley in Nashua, N. H. and was advised that either Bruce or Larry Conley was involved and that Larry had a new shotgun at Christmas time. This interview was not related to the Attorney General's Office until the 28th of July. It is worthy of note that Larry Conley in his first interview of July 20 had revealed his ownership of a single shot 12 gauge shotgun only but he did not mention any automatic. When the single shot 12 gauge shotgun was shown to Warden Collins for identification, Collins said it was not the same gun that he had seen on the back seat of Beverly Conley's car. It was on July 20 that Warden Collins had said he had seen a 12 gauge shotgun on the back seat of Beverly Conley's car. In his testimony before the Board of Inquiry Warden Collins testified that as much of that gun that he had seen on the back seat of Beverly Conley's car appeared to be an automatic.

On Friday, July 26, about 5:30 p.m. Detective Wade, Detective Pellon and Detective Goodnow took a statement from Barbara Lawrence describing her alleged adultery with the Reverend Mr. Johnson. It appears that some time in the early afternoon on Friday, July 26, Sgt. Chilton and Detective Goodnow appeared at the Johnson home and interviewed Reverend Johnson in the troopers' car in front of the Johnson home; that after some discussion about Johnson's prior record and his service in the Armed Forces, about as the troopers were to leave, Detective Chilton allegedly said to Reverend Johnson, "What is going on between you and Mrs. Lawrence?" At this point, according to the troopers Reverend Johnson became greatly upset, very violent, went into the house and told his son to get his gun but when he brought it back outside, was completely calmed down. It is interesting to note that there is nothing in the files of the Department of Public Safety that relates this incident of Reverend Johnson becoming so upset as to cause the troopers to become apprehensive. At this interview, Reverend Johnson provided to the troopers his certification of ordination and his preacher's license after they had requested the same. He also agreed to have his fingerprints taken. Sgt. Chilton decided he would take his fingerprints out on the front lawn. To this Reverend Johnson demurred because cars were passing by, some were stopping and one car, a Cadillac, had stopped and whoever the driver was emerged from the car with a camera. After some discussion, the party moved into the Johnson home where the fingerprints were taken and the card was mailed to the FBI in Washington, D.C. for record check on the 29th of July.

After that, the troopers interrogated Mrs. Lawrence for a short time in front of the house and then drove off with her. She was gone better than three hours, possibly four to five hours, before she was returned to the Johnson home. She was gone so long that at the request of Reverend Johnson Father Bouchard called the Derby office of the State Police asking about her absence. It is worthy to note that it is the contention of the interrogators, Wade, Pellon and Goodnow, that they were interrogating Mrs. Lawrence about the shooting incident and after about

fifteen minutes as a result of her bringing up the alleged adultery that they interrogated her for the balance of the time on the adultery. They took a tape recording of part of her interrogation. The tape recording that is in the possession of the Board of Inquiry indicates that she was not advised of her rights in any way until well into the interrogation, although the troopers insist that she was warned of her rights prior to the interrogation. Detective Goodnow testified that while they were interrogating Mrs. Lawrence at the Derby sub-station they were trying to determine whether her husband, then in the Army stationed at Ft. Belvoir, Virginia, could have done the shooting. Detective Wade on July 27 called the Provost Marshal's office at Ft. Belvoir, Virginia requesting that an attempt be made to ascertain the whereabouts of Arthur Lawrence on Thursday, July 18 and Friday, July 19, but there has been no evidence as to what were the results of this call.

It was on Sunday, July 28 that Larry Conley first became a prime suspect in the Attorney General's Office. This was because that it was determined that he had been interviewed early and had access to a high performance car by way of his father, plus one telephone call from a Barton area resident who said that Conley was well known for late-night tire-squealing.

Also on this date, Detective Goodnow was sent a letter from Kenneth E. Cline, of the Elkton, Maryland, Police Department indicating that Reverend Johnson and his wife Ophelia were married in Elkton, Maryland on August 27, 1951, and he enclosed a copy of their Application for Marriage License filed on August 22, 1951.

The Attorney General had on July 24 assigned Deputy Attorney General Mahady and Gregory L'Ecuyer to get on the case and stay on the case until it was solved. It was not, however, until July 30 when Deputy Attorney General Mahady and Mr. L'Ecuyer began to quiz troopers about what they had done on the case that they learned of the hole in Larry Conley's alibi, of the Game Warden Collins' statement, and the Christmas present of the shotgun to Larry Conley and other leads pointing directly toward Larry Conley.

On Monday, July 29, Detectives Wade and Shanks met with Deputy Attorney General Frank Mahady to discuss the shooting case and to exchange information, and Lt. Potvin, Detective Shanks, Sgt. Green, Cpl. Lilley decided again to interview Larry Conley. Lt. Potvin re-interrogated Richard LeClair in the presence of his father, Mr. L'Ecuyer and Mr. Mahady. This interview revealed that LeClair and Conley were in each other's company from approximately 3:00 p.m. on 7/18 until approximately 3:00 on 7/19. Thereafter, Detective Shanks and Cpl. Lilley went to the Conley home in Glover to re-interrogate Larry but his father terminated the interview, insisting that if they thought Larry was guilty they should get a warrant and arrest him and that he was going to get an attorney.

On Tuesday, July 30, Lt. Potvin re-interviewed Richard LeClair, after which interview, the Lieutenant advised Mr. Mahady that if LeClair were granted immunity he would give a statement.

On Wednesday, July 31, Richard LeClair gave a statement as taken by Lt. Potvin. The statement in substance saying that Conley had said to LeClair, "Let's

go up to Irasburg and scare the Negroes." Thus, LeClair's statement completely broke the case which should have been broken much earlier. If those interviewing Mr. Fortin and Miss Belanger had taken their written signed statement it would undoubtedly have broken the case much earlier, and likewise, had they originally taken a signed statement from Larry Conley. LeClair's statement as presented to the Board says that LeClair said after the shooting, he and Larry Conley went to Jay's Snack Bar, had lunch and returned home, and that they got home at 2:00 or 2:30 p.m. Probably that is a typographical error; it would have to be. LeClair's statement taken at this time completely omits any mention of the female participant.

On this same day, Mr. Mahady of the Attorney General's Office sought and secured a search warrant for the shotgun and shells alleged to be on Howard Conley's premises.

On this same day, Frank G. Marinello, Chief of Police of the City of Monterey, California wrote Major Glenn E. Davis of the Vermont State Police in regard to Major Davis' request of July 29 for background material on the Reverend Mr. Johnson including with the letter background information and including Reverend Johnson's Certificate of Ordination and Preacher's License.

Likewise, on July 31, 1968, after LeClair had given his statement, stating in substance that Larry Conley was the one who did the shooting, Deputy Attorney General Mahady had drafted a warrant against Larry Conley charging him with breach of the peace. This was in the late afternoon or early evening. Mr. Mahady called State's Attorney Pearson from Lt. Potvin's office in St. Johnsbury, and asked State's Attorney Pearson if he would join in signing the warrant. This State's Attorney Pearson refused to do. He gave as his reason that he did not have any driver's license. However, because of the lateness of the hour, it was decided by Mr. Mahady and Potvin that Conley would not be arrested until the following morning. State's Attorney Pearson had plenty of time to join in the signing of the warrant at Newport where Mr. Pearson has his office in the courthouse and where Pearson could have joined in the prosecution.

On Thursday, August 1 in the forenoon, Larry Conley was arrested on the warrant drafted by Mr. Mahady and signed by Judge Springer.

The evidence is undisputed that Sheriff Gallup who had been notified of this shooting episode on July 21, had been notified by the Attorney General's Office while Sheriff Gallup was at his camp. The Sheriff it will be noted took no part in any investigatory proceedings, though he was the Sheriff of Orleans County. After Larry Conley's arrest, Sheriff Gallup released Larry Conley prior to the arraignment and before bail was set to allow him to go with his father for lunch in downtown Newport. This is a highly irregular performance. The Sheriff, then, at the arraignment was very helpful in persuading the Court as to Howard Conley's financial responsibility.

Bail was set at \$2,000 and furnished by Howard Conley, Larry's father.

Larry Conley was represented by an attorney named Max Baton, whose performance in this investigation is most questionable.

It appeared undisputed from the evidence that Attorney Baton, while Natalie Davis was being interrogated as to the presence of Larry Conley and LeClair at Jay's Snack Bar on the night of the shooting, called Jay's Snack Bar on the phone, visited with Mrs. Davis' husband and advised him to have Mrs. Davis refuse to give any more information either written or oral about the episode. Neither Mr. Davis or his wife were clients at that time of Mr. Baton. This was in the nature of an obstruction of justice.

It was on this day also that Editor J. W. McClure of The Burlington Free Press in response to Commissioner Alexander's request for a journalistic criminal investigation of David Johnson that McClure sent an initialed memo marked "Confidential" and "Not For Publication" to one Joe Heaney, one of the leading reporters of the Burlington Free Press, Mrs. Mavis Doyle (another reporter), Mrs. Maggie Maurice (another reporter) and to Commissioner Alexander on David L. Johnson's criminal record including his FBI fingerprint card number. This memo did not disclose in any way, shape or manner that the Reverend Johnson had any criminal record in and around Seaside, California. It had many innuendoes in it, none of which would have been admissible to trial in a court of law. Nor does it appear that Commissioner Alexander followed up the fingerprint card number of the FBI. It has already appeared that Detective Chilton sent the fingerprints he had taken to the FBI, but no further check was apparently made with the FBI.

Likewise on this day, August 1, it must be assumed that the letter in evidence from the Monterey Peninsula Herald written by Fred Sorri dated July 30, and which contained no evidence that the Reverend Mr. Johnson had any criminal record whatsoever so far as the paper could find out in Monterey, but it did have a lot of gossip, slush and muck in it (none of which would be admissible in a court of law on an alleged adultery charge against the Reverend Mr. Johnson), was mailed. Whether or not this was a libelous publication, we leave to the judgment of the people.

We pass now to Friday, August 2. Mrs. Natalie Edith Davis on that day gave a statement to Detective Shanks that she and one Nicole Paige served Larry Conley around midnight at Jay's Snack Bar on the night of the shooting. The report indicates that this interview was terminated because Conley's attorney, Max Baton, of Newport, called and advised her husband to tell her to say no more. Neither she nor her husband were at that time clients of Max Baton. Mrs. Davis is a cousin to Howard Conley, and Larry Conley and Howard Conley visited her after Larry's appearance in court on August 1.

Jury trial for the case of State of Vermont v. Larry Conley was set for August 14 by the District Court in Newport.

Saturday, August 3, the Reverend Mr. Johnson was verbally assaulted twice at his home, the first time was 6:25 p.m. and the second time came at the same time but by different people in different cars. Mrs. Ruth Skinner of Irasburg gave the Vermont license plate number of the auto whose occupants made the first assault to Cpl. Hogan as Vermont 165994. The second car license number

was said to be Vermont BUZZ by Reverend Mr. Johnson. Cpl. Hogan checked with the Motor Vehicle Department, and after finding out that the Vermont number 165994 was listed to one Richard Buchardt and one Duane Shultz of Bennington, check with the Bennington office of the State Police to check on the car and was advised (a) that one of the owners could not be located and (b) that the mother of the other owner reported that the boy could not have been up there on that date. Thereafter the investigation petered out without any further check.

On Monday, August 5, Cpl. Hogan made his initial report on the Breach of the Peace incident that occurred on August 3. The motive indicated is clearly racial prejudice, and the report of Cpl. Hogan contains material on the verbal assault of Reverend Johnson on August 3.

On this same day, Sgt. Chilton in a report not received by the Department of Public Safety until August 9 states that the reason he started a background check on Reverend Johnson was because of the discrepancies in stories given by Mr. Johnson. This report does not indicate what discrepancies he thought there were.

On Tuesday, August 6, Mr. Mahady of the Attorney General's office wrote Judge Springer that the State was ready to proceed with the hearing in the State v. Larry Conley case on August 8 at 1:15 p.m.

On August 8, we hear from Attorney Baton again (counsel for Larry Conley). He filed a notice of alibi in the Conley case.

On this same day, Mrs. Barbara Lawrence wrote a statement which was given to the wife of Reverend Johnson, namely Ophelia, in which she repudiated her alleged confession to the State Police.

The only significant thing that happened on August 7 was that Trooper Marshall who was the first trooper on the scene after the shooting incident filed a supplemental report on this incident and this report was never received by the Department of Public Safety until the 19th of August—one month after the actual shooting incident took place.

On August 9, Friday, some time reasonably early in the forenoon, Lloyd Hayes, a reporter and editorial writer of the Newport Daily Express, telephoned Lt. Potvin in St. Johnsbury advising him that Reverend Mr. Johnson and Mrs. Lawrence were about to flee the State, and that Mr. Johnson had been trying to secure air tickets to California for the two of them. He further asked Lt. Potvin, "Aren't you going to arrest them for adultery? Why don't you get about it?"

After this phone call, Lt. Potvin called Detective Hogan and asked him to pick up the data available at the Derby station, to take this to State's Attorney Leonard Pearson and to see if he could not secure a warrant charging the Reverend Mr. Johnson and Mrs. Lawrence each with adultery.

It is interesting to note that no member of the Department of Public Safety would admit that he had told Reporter Hayes that any such warrant was in the offing; neither would Mr. Hayes disclose who gave him the information, but it is very evident that the Department of Public Safety were consulting closely with Mr.

Hayes and keeping him fully posted on the alleged adultery incident. No member of the State Police so far as the evidence discloses ever checked with any of the airlines as to whether in fact the Reverend Mr. Johnson had sought to secure air passage for him and Mrs. Lawrence to California. Mr. Johnson testified that Mrs. Lawrence had become upset after the shooting incident and that she desired to return to California, that he had a credit card with United Airlines, that he had checked at the Newport Airport and these people informed him that they had no connections with United Airlines. The newspaper, for which Reporter Hayes works, on the side ran a sort of travel agency, dealing with flights. Upon finding that air tickets could not be made available at Newport, and knowing that Mrs. Lawrence's husband was still in the Army at Ft. Belvoir, Virginia, Reverend Mr. Johnson determined to take Mrs. Lawrence to Ft. Devens, Massachusetts, and request the Army to see that she secured passage to California. It was when he was driving her from Newport to Fort Devens that at Bethel, Vermont, they were apprehended at gunpoint by members of the State Police at Bethel; State's Attorney Pearson, in the interim, having signed these adultery warrants.

It is well to point out in this matter of the adultery warrants signed by State's Attorney Pearson, that Reverend Mr. Newell of the Church of Christ at Irasburg, had testified that for two or three years he had complained to the State's Attorney Mr. Pearson of the adulterous act of the husband of one of the members of his congregation who was living in open cohabitation with a woman other than his wife and had borne two children through this other woman, but that State's Attorney Pearson in his wisdom had refused to issue any warrant for this offense stating in effect that adultery was hard to prove. Also, we would like to point out that on July 30 a letter had been written from the Monterey Peninsula Herald to Mr. Hayes in response to a query by him in which letter it was stated that there was to be an adultery prosecution brought by the State of Vermont against the Reverend Mr. Johnson and Mrs. Lawrence. Again, no one would admit advising the writer of the Monterey letter or any law enforcement agency that any such move was being contemplated. All of which is a serious indication, and a point indicating, that members of the Department of Public Safety of Vermont either through Mr. Hayes, through Sgt. Chilton, or through other members, were advertising to the California authorities that such was in the process.

It is obvious from the evidence that State's Attorney Pearson, until mid-forenoon of August 9, knew nothing about this adultery charge, yet others in California seemed to.

On August 9, the Information and Warrant was issued through State's Attorney Pearson charging Reverend Mr. Johnson with adultery. He was arrested by the State Police at gunpoint in Bethel. Reverend Johnson did not waive his 24-hour notice and he later pled not guilty. He was released on \$1,000 bail furnished by Reginald and Irene LeBlanc. Initially he was turned over to Sheriff Gallup and being unable to put up bail he spent a night in jail. Mrs. Lawrence was also arrested in Bethel. She waived her 24-hour notice, pled not guilty, and she was

turned over to Sheriff Gallup because she could not make bail that day. She was later released on \$1,000 bail guaranteed by said LeBlancs.

On the day of this arrest, namely August 9, about 12:30 in the afternoon, Cpl. Hogan received another call from Lt. Potvin advising that he observed the Johnson vehicle with Mrs. Lawrence as a passenger, proceeding south in the Lyndonville area. Cpl. Hogan then contacted the State Police in Montpelier and asked them to have their cars on the lookout for a 1968 Pontiac Firebird, color white, bearing Vermont registration BJJ. Cpl. Hogan also asked the State Police at Montpelier to notify the Burlington office and other state police agencies in the area and have them check out bus stations and airports in the area.

It was about 4:00 p.m. on that day that the vehicle described was observed in the Bethel area. Troopers Hebert and Dunklee of the Bethel station stopped the vehicle and arrested both Reverend Johnson and Barbara Lawrence on charges of adultery for which warrants had been issued by State's Attorney Pearson.

Reverend Johnson was taken to Montpelier where he met Cpl. Hogan and Trooper Marshall. Trooper Dunklee took Mrs. Lawrence north to meet Cpl. Russell and Trooper Horton of the St. Johnsbury office. All these officers met at Montpelier State Police office where Hebert told Hogan that both Johnson and Lawrence had been advised of their rights to remain silent. In Montpelier the warrants were read to them and they were given copies. They were searched at this time. Two pocket knives were found on Reverend Johnson, other than that, nothing was found except a pocketbook.

They were then taken to Newport where they arrived at the County Jail at 7:00 p.m. in the evening. Reverend Johnson was again fingerprinted and photographed by Hogan and taken to Judge Springer's Chambers where he was arraigned before Judge Springer. Reverend Johnson decided to take his 24-hour time limit. Since he was unable to furnish \$1,000 bail, he remained in jail in the custody of Sheriff Gallup. In the meantime, Cpl. Russell and Trooper Horton had arrived at the jail with Mrs. Lawrence at 5:30 p.m. She was taken to the jail, fingerprinted and photographed, then taken to the Courthouse and counsel was assigned, namely Paul Rexford of Newport. She pled not guilty and she was unable to furnish bail and was put in Sheriff Gallup's custody.

On August 12, Mrs. Lawrence requested leave to withdraw and did withdraw her plea of not guilty, changing it to Nolo Contendere. Thereafter, on her plea, Judge Springer found her guilty. He did not have any presentence investigation as required by the law. He sentenced Mrs. Lawrence to serve from six to twelve months and to pay a fine of \$125 and costs. He took this action because Attorney Rexford stated to him that Mrs. Lawrence's life was endangered by the Johnson family. Judge Springer suspended the effect of the sentence and placed her on probation and ordered her to pay the fine and costs to the Department of Correction and at no time to associate with Reverend Mr. Johnson.

Also on that day, Deputy General Mahady wrote Attorney Baton stating the Attorney General's office was willing to cooperate in seeing that Attorney Baton

could see all the evidence to be used against Larry Conley and would cooperate in seeing that Mr. Barton could depose any or all State witnesses over which the State can control the arrangement for taking depositions.

The following day, August 13, Richard LeClair gave another statement to Lt. Potvin which stated in substance that Howard Conley on the 2nd of August told LeClair and Larry Conley "we have got six witnesses at Jay's and I think we can beat it if you haven't made any statements to the State." Richard's father, Earl LeClair, gave a statement to Lt. Potvin to the effect that on the 2nd of August Larry Conley had admitted to him that he and Richard agreed to keep the girl (Bernadette Roy) out of it. It appeared also at that time that there had been in the State of Vermont sundry members of the Negro race who were summering in Vermont in the so-called ghetto problem, and that these colored people had counsellors in charge. At the request of the Attorney General (and not until then) the State Police secured a statement from Nancy Morley, a Counsellor in the Inter-racial Program in which she said that Larry Conley and other young men had made derogatory and vulgar remarks to colored children at the State Beach in Barton on July 13 six days before the shooting episode. The State Police had not seen fit before this time to check with any of these counsellors as to whether or not there had been any racial incidents involved in this program.

The next day, August 14, Attorney Baton was informed by the Attorney General's office that the State would use Warden Collins in its case, and State's Attorney Pearson wrote Attorney Rachlin giving a list of State witnesses in the case of State vs. Reverend Johnson.

On Thursday, August 15, the FBI released its criminal record pertaining to the Reverend Mr. Johnson. There was only one conviction in the record. That one, for a misdemeanor (carrying a concealed weapon), that took place in St. Petersburg, Florida, in 1952.

Under the Vermont law, any evidence of this particular conviction was clearly inadmissible. Likewise, on this day, Mr. Mahady sent a copy of Nancy Morley's statement and advised Attorney Baton the State intended to use Miss Morley as a witness, and likewise, it would use Earl LeClair as a witness.

Mr. Mahady requested photographs of the auto used in perpetration of the shooting crime, photographs of the shooting crime scene itself and copies of the radio log and telephone record of the night in question. Mr. Mahady also wrote former Governor Lee Emerson concerning Governor Emerson's client, Miss Bernadette Roy's return from California to appear as a witness.

Also on this date, an anonymous letter was received by the Attorney General's office suggesting that Warden Collins might have been sent to Bethel on the State's time and in the pay of Howard Conley.

On the 16th of August, Mr. F. N. Hunt, publisher of the Newport Daily Express, wrote the Attorney General demanding assurance in writing that he would assist State's Attorney Pearson in the prosecution of the adultery charge against Reverend Johnson allegedly because of Pearson's lack of ability, and his need for

assistance. The following day, August 17, State's Attorney Pearson wrote the Attorney General requesting assistance in the prosecution of the Johnson case. It is interesting to note that Hunt wrote first and a day later Pearson wrote, although they deny there was any collusion between them.

A report dated that day by Detective Goodnow on the Breach of Peace investigation states that Johnson asserted that he had never been arrested and had no record. Reverend Johnson's statement is correct so far as this Board can find except for a misdemeanor committed sixteen years ago.

On Monday, August 19, Mr. Mahady wrote Attorney Baton enclosing a copy of Cpl. Washburn's supplemental report and on that day Attorney General Oakes wrote State's Attorney Pearson turning down Pearson's request for assistance in prosecuting the adultery case for reason that he knew nothing about the case when the case was initiated. On the same day Reverend Johnson's Attorney Robert Rachlin wired Commissioner Alexander requesting that state troopers protect Reverend Johnson from possible vigilante activity.

On the 20th of August, Lt. Iverson of the Department of Public Safety, wrote the Chief of Police, St. Petersburg, Florida, for more information concerning the circumstances under which David Johnson had been arrested in that city.

On the 21st of August, Attorney Rachlin took deposition of Troopers Lessard and McDonald in regard to the Johnson case. Likewise, Rachlin took the depositions of Sgt. Chilton and Lt. Potvin.

On Thursday, August 22, Larry Conley changed his plea from not guilty to that of Nolo Contendere, and was adjudged guilty by Judge Springer. Larry Conley was sentenced to from six to eighteen months in the House of Correction and a fine of \$500 plus costs. The sentence was suspended and Larry Conley was placed on probation. It was ordered that the fine be paid by Larry Conley out of his own pocket and not by his parents. There apparently was no presentence investigation in this case.

It was while this case was pending that Sheriff Gallup went over the jury list with Howard Conley, Larry Conley's father—a most unusual performance.

Friday, August 23, State's Attorney Pearson moved in Judge Springer's court to secure the presence of Mrs. Lawrence at the trial of Reverend Johnson, and the same day, a motion for a Change of Venue was drawn, but not filed until the 26th of August. On that same day, Judge Springer requested the Superior Court of Monterey County, of Monterey, California to secure the attendance of Mrs. Lawrence.

On Tuesday, August 27, Attorney General Oakes answered Mr. Hunt's letter of August 16 stating his office's refusing to aid State's Attorney Pearson in the handling of the Johnson case saying he knew nothing about it. It was after Oakes' answer to Hunt that Hunt blasted Oakes in an editorial in the Newport Daily News charging Oakes with incompetency and praising Pearson's actions in the case.

On Wednesday, August 28, Walter Tipton, Captain of Detectives, St. Peters-

burg, Florida wrote Commissioner Alexander regarding Lt. Iverson's letter requesting additional information on the Reverend Mr. Johnson.

On August 29, Judge Spinger's Court paid Western Union for a money order wire to Bernadette Roy in San Marco, California; she having been in the car with Larry Conley and Richard LeClair at the time of the shooting incident.

On August 30, one David Gill, California attorney for Barbara Lawrence, wrote State's Attorney Pearson informing him that he had advised Mrs. Lawrence not to return to Vermont. In the same letter, he commented that according to Mr. Pearson's To Whom It May Concern letter of August 12 it appeared that everybody understood that she was asked to stay in California, particularly by the Vermont authorities.

On Sunday, September 1, the Johnson residence received an anonymous telephone call advising that certain persons were going to attempt to burn down his house in Irasburg that night, and troopers were thereafter sent to the area.

On September 3, Detective Wade called both the Columbus Ohio area and the Clearwater Florida area seeking to secure further information as to Reverend Mr. Johnson. Both of these calls were barren of any results.

On Thursday, September 5, State's Attorney Pearson filed a Motion for the Return of Mrs. Lawrence and a Motion for Continuance was also filed. It was on that day that State's Attorneys Angell and Pearson, Lt. Potvin and Detective Wade, came to the conclusion that the case against Johnson hinged on the testimony of Barbara Lawrence, yet they had been notified by Attorney Gill that she was going to resist any such attempts to return her. It was decided therefore that Attorney Angell and Detective Wade should go to California and try to make arrangements for her return.

On Friday, September 6, Attorney Rachlin, Mr. Johnson's attorney, wrote Commissioner Alexander expressing fear for the safety of the Johnson family. It was on that date also that State's Attorney Angell and Detective Wade left Montreal flying to San Francisco, thence to Salinas where the hearing was to be held to see if Mrs. Lawrence would be ordered to return. The hearing was recessed until September 10. While in California, Messrs. Angell and Wade attempted to further look into the Reverend Mr. Johnson's background. To all intents and purposes, they found nothing in Mr. Johnson's background in this area of California that could be used against him in his trial.

On Tuesday, September 10, Lt. Iverson wrote Mr. John Rebiá, U. S. Army Intelligence, returning the U.S. Army Intelligence communication of August 23 and thanking the Army for its cooperation. There is no copy of this Army record available to this Board, nor did Lt. Iverson disclose its contents when he was on the stand testifying.

Also on this date, Messrs. Wade and Angell attended a hearing in Salinas Superior Court before Judge Brazil. They gave testimony. Judge Brazil denied an Order for Barbara Lawrence's return to Vermont. They then flew back to Burlington.

On Wednesday, September 11, State's Attorney Pearson nol prossed the case against Johnson.

We also find that no written reports by any of the State Troopers were filed with the Department of Public Safety until August 12, better than three weeks after the shooting incident.

Had such reports been filed promptly and made available to the scrutiny of the Attorney General's office, the Larry Conley case in all probability would have been cleaned up within a week.

Some of these reports were not filed in the Commissioner of Public Safety's Office for more than a month after the original report was made. For instance, Cpl. Hogan made a written report on July 21, 1968 which report was not filed with the Commissioner of Public Safety's Office until August 22.

On the 26th of September, Governor Hoff appointed this Board of Inquiry, and on the 27th of September, Governor Hoff wrote the Attorney General's Office requesting it to cooperate with this Board of Inquiry in personnel and material. Commissioner Alexander wrote to the Attorney General requesting an opinion on whether he could make his records available to the Board.

On October 4, the Attorney General wrote Commissioner Alexander that his complete cooperation was required by the law.

On October 18, Attorney General Oakes, and eventually the Commissioner of Public Safety, the State's Attorney Pearson and Judge Lewis Springer made somewhat voluminous files available to the Board of Inquiry.

Another interesting facet to this case is that on Thursday, September 5, in order to finance the trip of Messrs. Angell and Wade to California, about 11:00 p.m. Messrs. Pearson, Angell and Wade signed a note in the amount of \$1,500 to the Passumpsic Savings Bank at Newport—a most unusual procedure. The actual note apparently has been taken care of, but the note itself has not been made available, nor does this Board of Inquiry have any means of requiring the bank to produce the note or a copy of it, or a record of how payment was made.

From the foregoing Chronology, we find the following facts:

- 1) The Johnson family, accompanied by Mrs. Barbara Lawrence and her two children, moved to Vermont on July 4, 1968. The Johnsons came for the reason they were seeking a better life and they came for no other reason.
- 2) So far as we have been able to verify, the service record of the Reverend Mr. Johnson is as follows: U.S. Army, January 8, 1946 to January 8, 1947. Honorary Discharge. U.S. Air Force, January 5, 1948 to January 4, 1952. Honorary Discharge. U.S. Air Force, January 5, 1952 to November 16, 1954 and was separated under honorable conditions: although he claims additional service, we have been unable to determine what he claims is so.
- 3) The Johnson family were warmly and hospitably welcomed in Irasburg upon their arrival.
- 4) About midnight on July 18-19, 1968, the Johnson family home in Irasburg was shot into by shotgun pellets fired from a car by one Larry Conley; the car

was driven by one Richard LeClair, and also in the car was a girl, Bernadette Roy.

5) The State Police were notified shortly thereafter by telephone.

6) About 9:15 a.m. on the 19th of July, Detective Wade came to the Johnson home where he was joined about 10:30 a.m. by Lt. Potvin and together they interviewed the Reverend Mr. Johnson and Mrs. Lawrence, and others. In Detective Wade's report he stated that by 11:00 p.m. on July 19, Larry Conley was a prime suspect of the shooting. Likewise on July 19 Bruce Alden Brown had informed Lt. Potvin that he had gathered from a conversation about 10:30 a.m. on the 19th of July with Bruce Conley (a brother of Larry Conley) that Larry Conley was one of the three subjects involved in the shooting.

7) We find that on Saturday, July 20, Detective Wade, Sgt. Green, Cpl. Washburn interviewed Larry Conley. This interview was not reduced to writing or signed. In this interview, Larry Conley said that he had seen Roger Fortin, who had but one leg and the shapely, dark-haired girl at Jay's Snack Bar at about the time the shooting took place. Shortly after this interview, Cpl. Washburn checked on Larry Conley's alibi by visiting with Roger Fortin and his girlfriend, and he was informed by both Mr. Fortin and his girlfriend that they were not present at Jay's Snack Bar during the evening the shooting occurred at any time. This interview was not reduced to writing. We find that at a later date, through the efforts of Deputy Attorney General Mahady, and State Investigator LeEcuyer, a written statement was secured from both Mr. Fortin and his girlfriend (who is now his wife). The statement contained the same information given to Cpl. Washburn.

We also find that on July 20, Lt. Potvin was told by Donald Collins, a Game Warden, that he had seen a 12 gauge shotgun on the back seat of Beverly Conley's car and that at the same time, Larry Conley had advised Collins that he wouldn't mind "harassing the niggers" if he could find someone to go along with him.

On this same day, Attorney General Oakes made a personal visit to the Johnson home and there were also present Commissioner Alexander, Lt. Potvin and Capt. Dean. At this interview, Lt. Potvin pointed out to Attorney General Oakes certain tire marks that existed there, but the State Police made no effort to have these tire marks photographed or a cast made of them. While Capt. Dean testified that on this day he advised the Attorney General that Larry Conley was a prime suspect in the case, we are not convinced that is the fact. In fact, we are convinced that all of this evidence involving Larry Conley as a prime suspect that has been heretofore rehearsed was not made known to the Attorney General's office until some days later.

8) We find on Sunday July 21, the focus of the investigation suddenly changed. On that date, and before the alleged adulterous act took place, Detective Wade requested Sgt. Chilton to run a background investigation on Reverend Johnson and Mrs. Lawrence. He did this, although knowing that Larry Conley was a prime suspect, and that he knew this fact 11:30 p.m. on July 19, and he also knew that on July 21st Larry Conley's alibi was a very dubious one. It was on the 21st also that Trooper Cram interviewed Richard LeClair, who later was shown to be the

driver of the car from which Larry Conley did his shooting. Trooper Cram, as early as this date of July 21 stated LeClair's story sounded like a "rehearsed" story.

9) We find also that no one in the Attorney General's office, even though members of the Department of Public Safety were aware of the Attorney General's interest in the solution of this case, was advised that Larry Conley or Richard LeClair were prime suspects until July 25.

10) We also find that Capt. Deane by July 21 had become completely convinced that Larry Conley was the guilty party in the shooting. Yet for reasons unexplained and inexplicable, knowing all of this evidence pointing to Larry Conley as a prime suspect, we find that the focus of the case was turned to an investigation of the background of Reverend Johnson and Mrs. Lawrence.

11) We find also that Lt. Potvin failed to make all of the data pointing to Larry Conley as a prime suspect available to the Attorney General until the 25th of July. It was actually July 28 before anyone from the Attorney General's office was advised as to all the evidence accumulated by the State Police which pointed towards Larry Conley. Thereafter Deputy Attorney General Mahady or Investigator L'Ecuyer started interviewing individual State Troopers on July 30.

12) We find as unbelievable the effort of Capt. Dean seeking to justify the focus of State Police activities on the backgrounds of Reverend Johnson and Mrs. Lawrence on the grounds they were looking for something in Reverend Johnson's background to provide a motive, as they already had their prime suspect.

13) We find further that it was apparently on this date that Commissioner Alexander entered into an understanding with Mr. McClure, editor of the Burlington Free Press, that Mr. McClure obtain additional information with respect to the past of Reverend Mr. Johnson. Yet at this time Larry Conley was a prime suspect as the one who had done the shooting.

14) It was on the 22nd of July, 1968, that Trooper Lessard reported he allegedly saw Reverend Mr. Johnson and Mrs. Lawrence in an adulterous act. We find also that about this time somebody in the State Police had apparently been leaking information to Lloyd Hayes, reporter of the Newport Daily Express; that thereafter Mr. Hayes wrote to the Monterey Peninsula Herald in California asking for background material on Reverend Johnson and that none of what he received from this request would have been admissible in any court of law trying the Reverend Mr. Johnson on a criminal charge.

15) On July 24, an anonymous call received by the Attorney General and related by him to Lt. Potvin again pointed directly to Larry Conley as the prime suspect.

16) It was on the next day that Cpl. Shanks interviewed Rodney Conley in Nashua, N.H. and was advised that either Bruce or Larry Conley was involved and that Larry had a new shotgun at Christmas. This interview was not related to the Attorney General until July 28. To show how the focus of the State Police investigation had shifted from its prime suspect of Larry Conley to digging up material against the Reverend Mr. Johnson, the incident of Friday, July 26, is worthy of noting. At that time, Detective Wade, Detective Pellon, Cpl. Goodnow,

together with Sgt. Chilton, appeared at the Johnson home shortly after noon and Sgt. Chilton proceeded to interview the Reverend Mr. Johnson as to how come he had purchased his cars, how much he owed on them, how he got his Vermont license numbers; none of which had any bearing on this case, and none of which was any of his business. But thereafter, Chilton asked Johnson about his relationship with Mrs. Lawrence, and according to Chilton, although there is nothing in the records to bear him out, Johnson became upset as a result of this questioning. Chilton also asked Johnson if he might fingerprint him. Chilton decided to fingerprint Reverend Johnson on the front lawn of the Johnson home and after some discussion and after people had gathered to watch this episode, fingerprinting apparatus and the participants were moved into the Johnson house where Chilton took the Reverend Johnson's fingerprints.

Thereafter, Mrs. Lawrence got into the troopers' car in front of the Johnson home and they, after a short time, drove off with her, apparently to the Derby substation office where they interrogated her for several hours, finally taking a tape recording of her statement, which tape recording does not indicate until well along in the interview and not on a timely basis that she was warned of any of her so-called Miranda rights. In fact, she was kept so long at the Derby office that at Reverend Johnson's request, Father Bouffard first called the Derby substation, but not receiving any satisfaction, called Chief Superior Judge Daley in his anxiety to secure counsel for Mrs. Lawrence. She was returned finally to the Johnson home shortly after 6:00 p.m.

17) We find that it was not until Sunday, July 28, that Larry Conley first became a prime suspect in the Attorney General's office. The Attorney General had on July 24 assigned Deputy Attorney General Mahady and Investigator L'Ecuyer "to get on the case and stay on it until it was solved". But, it was not until July 30 that Mr. Mahady and Mr. L'Ecuyer began to quiz the troopers about what they had done in the case and learned of the hole in Larry Conley's alibi, of the statement of Game Warden Collins and of the Christmas present of the shotgun to Larry Conley, and other matters pointing directly to Larry Conley.

18) Finally on July 29, we find that after a conference at which members of the State Police and Mr. Mahady took part, it was decided to interview Larry Conley once again. Also Lt. Potvin re-interrogated Richard LeClair in the presence of his father and others. From this, it was revealed that Larry Conley and Richard LeClair were in each other's company from approximately 3:00 p.m. on July 18 until 3:00 a.m. on July 19. Larry refused to be re-interrogated at the direction of his father, Howard Conley.

19) On July 30, we find that Lt. Potvin re-interviewed Richard LeClair, after which the Lt. advised Mr. Mahady that if LeClair were granted immunity he would give a statement.

20) The next day, Richard LeClair gave his statement, as taken by Lt. Potvin. This statement in substance stated that Larry Conley had said to LeClair, "Let's go up to Irasburg and scare the Negroes". This completely broke the case. It should

have been broken long before. There was a lack of proper coordination of the Department of Public Safety (a part of the government of the State of Vermont) and the Attorney General's office (the Attorney General being the chief enforcement officer of the State of Vermont). It was after this that the representatives of the Attorney General's office secured a written statement from Mr. Fortin and Miss Belanger (his girl friend). It would appear that had the State Police taken their written statements earlier when Cpl. Washburn talked to them, the case would have been broken much earlier. LeClair's statement was later backed up by testimony from Bernadette Roy, who was also in the car at the time of the shooting.

21) We find on this same day, the Chief of Police of the City of Monterey wrote Major Davis in regards to a letter of July 29 of Major Davis requesting background material on Reverend Mr. Johnson. None of the information secured would be admissible in any court of law on a criminal charge against the Reverend Mr. Johnson.

22) We find that on July 31, Mr. Mahady drafted a complaint against Larry Conley charging him with Breach of the Peace. This was in the late afternoon or early evening, and he called State's Attorney Pearson from Lt. Potvin's office in St. Johnsbury and asked Pearson if he would join in the signing of the warrant. This Pearson refused to do. The warrant, however, was not served until the next day in the forenoon, whereupon Larry Conley was arrested and taken to Newport. We find that the evidence shows Sheriff Gallup and his activities on behalf of Howard Conley is undeniably true, and was not in accordance with good practice.

23) Another finding is that while one Natalie Davis was being interrogated as to the presence of Larry Conley and Richard LeClair at Jay's Snack Bar on the night of the shooting Attorney Max Baton who had been retained by Howard Conley called Natalie Davis' husband and advised her husband to tell her not to answer any more questions. It would appear that this was an obstruction of justice.

24) It was on August 1 that Editor McClure of the Burlington Free Press sent an initialled memo marked "Confidential" and "Not for publication" to Alexander among others. This memo failed to disclose any evidence that could be used against the Reverend Mr. Johnson, in any criminal procedure. It was also on this date that the letter from the Monterey Peninsula Herald to Reporter Hayes was received which indicated that the Monterey paper knew about a planned adultery prosecution in Vermont. This letter did not contain any information that could be used against Reverend Johnson in a criminal case.

Obviously Mr. Hayes, who wrote the Monterey paper, must have known about the adultery charge the State Police were planning to bring against the Rev. Mr. Johnson and Mrs. Lawrence, and must have related it to the Monterey paper—or the State Police through one of its officers in telephone conversation in the area of Seaside, California, must have so related it.

25) We find on August 3, the Reverend Mr. Johnson was verbally assaulted at his home.

26) We find in its investigation the State Police made no effort to determine whether there had been racial incidents in the area after the arrival of the ghetto-colored children from New York City, when in fact, Larry Conley had created such an incident on July 13, at Barton State Park just a few days before the shooting into the Johnson home.

27) We find that on August 9, Lloyd Hayes, reporter and editorial writer for the Newport Daily Express telephoned Lt. Potvin in St. Johnsbury advising him that Reverend Mr. Johnson and Mrs. Lawrence were about to flee the State and asked Lt. Potvin: "Aren't you going to arrest them for adultery?" "Why don't you get about it?"

At this time, State's Attorney Pearson knew nothing about the adultery allegation, and at this time, Lt. Potvin had made an agreement with Mr. Mahady not to do anything about the adultery matter until the Conley shooting case had been disposed of. We find, however, that Lt. Potvin took it upon himself not to keep that agreement, and we find also that there was a serious leak from the Derby sub-station, particularly to the Newport Daily Express as to the fact there would be an adultery prosecution.

28) We also find from the testimony of Reverend Mr. Newell that he had complained to States Attorney Pearson several times about an open and shut adulterous act in the area, but State's Attorney Pearson did nothing about that.

29) We find that on August 9, at the request of the State Police, State's Attorney Pearson issued a complaint charging both Reverend Mr. Johnson and Mrs. Lawrence with adultery and they were thereafter arrested in Bethel, Vermont.

30) We find that on August 12, Mrs. Lawrence changed her plea of Not Guilty to a plea of Nolo Contendere, upon which Judge Springer found her guilty. He did not have any presentence investigation made as required by law. She was fined, suspended and placed on probation. Shortly thereafter she left for California. We find that it was the understanding of all concerned that she was to remain in California.

32) We find also that on August 13, Richard LeClair gave a statement to the effect that Howard Conley on August 2 told Larry Conley and Richard LeClair, "We've got six witnesses at Jay's and I think we can beat it if you haven't made any statements to the State."

33) We find that unbeknown to the office of the Attorney General, State's Attorney Angell of Orange County (whose part in the case we do not understand) and Detective Wade went to California to attempt to secure the return of Mrs. Lawrence to testify in the adultery charge brought against the Reverend Mr. Johnson. The first that the Attorney General's office knew anything of this was when the Attorney General read it in the papers. It was never cleared with his office or the office of the Governor, and cost the State well over \$1,000, to no avail. Who paid the \$380 balance that was disallowed by the Finance Officer of the State is still undetermined.

CONCLUSIONS

- ✓A. There was racial prejudice involved in the shooting episode.
- ✓B. That by the end of the 21st of July, the Commissioner of Public Safety and his high ranking aides strongly suspected that Larry Conley was the guilty party in the shooting episode and for some reason did not coordinate all of their activities to effect an arrest as soon as they might have.
- ✓C. We make this conclusion for the following facts:
- a) The State Police knew that the Johnson home had been shot up as Mr. Johnson claimed on the 18-19th of July.
 - b) On the 19th of July, Larry Conley was a prime suspect in Detective Wade's mind.
 - c) On the 19th of July, Bruce Brown advised Lt. Potvin that Larry Conley was one of the three involved.
 - d) On July 20, Larry Conley told the State Police he had been at Jay's Snack Bar at the time of the shooting and had seen Roger Fortin and his girlfriend there. Shortly thereafter, the State Police were told by Mr. Fortin and his girl friend that they were not in the Jay's Snack Bar at any time that evening.
 - e) On July 20, Warden Collins told the State Police as to seeing what appeared to be an automatic shotgun on the back seat of Mrs. Conley's car and that Larry Conley had said he wouldn't mind "harassing the niggers".
 - f) When Attorney General Oakes visited the Johnson home on the 20th of July, the State Police never advised him or any of his staff that Larry Conley was a prime suspect.
 - g) On Sunday, July 21, Capt. Dean was completely convinced of Larry Conley's guilt; Trooper Cram's reported Richard LeClair's story sounded like one rehearsed; and yet, it was on this same day (Sunday, July 21) the whole picture suddenly changed. It was on that day, that Detective Wade requested Detective Chilton to secure "background" material on the Reverend Mr. Johnson. It was either on the 21st or 22nd of July that Commissioner Alexander asked Editor McClure of the Burlington Free Press to dig up what he could on Mr. Johnson. It was also by that time that someone of the State Police had advised Reporter Hayes of the Newport Daily Express of the alleged adultery charge to be brought in the future.
- D. The State Police failed to take any written statement from the witnesses at that time, or, indeed, at any time, until it took a written statement from Mrs. Lawrence on the adultery matter.
- E. There was a lack of coordination for several days between the State Police and the office of the Attorney General, although the State Police well knew the Attorney General's office was vitally interested in the case.

[We find that the State Police, at least Commissioner Alexander and others of high rank, did not consider they should coordinate all their investigative activities with those of the Attorney General's office. We conclude that members of the State Police were wrongfully leaking information to at least two newspapers (Newport Daily Express and the Burlington Free Press) about the adultery matter and were leaking unsubstantiated charges which would not be admissible in any prosecution in Vermont.]

We conclude also that it is poor practice for the Department of Public Safety to rely on newspapers to secure background information so-called and not to use the offices of the Attorney General of the State, or the Federal Bureau of Investigation to secure that information.

[We conclude also that the police did not move as rapidly as they might on the shooting episode, but moved with zeal and speed in perfecting the proof of the adultery charges.]

We conclude that such articles, such as the Vermont Sunday News published on September 29, in which large headlines and front page stories attempted to malign the character of Reverend Mr. Johnson by disclosing a criminal record of an ancient single misdemeanor conviction taking place in Florida in 1952, which would not even be admissible in a prosecution against him in a Vermont court of law and such articles as the Newport Daily News in its editorial "Johnson Jottings" by innuendo attempting to malign Reverend Johnson's character are improper. Such actions by the Press is abuse of their responsibility and privileges.

[We conclude that failure of the Attorney General of Vermont to vigorously investigate this case would have been a dereliction of duty on his part.]

We conclude that Larry Conley might not have been convicted on the shooting episode had it not been for the activity of the Attorney General's office in this matter.]

We further conclude that the statement of Commissioner Alexander contained in the document he filed with this Board stating "the determination of whether sufficient evidence has been obtained or whether or not continued interrogation of a particular suspect should occur, is a matter of judgment on the part of the investigating officers", is a misinterpretation of the duties of the Department of Public Safety. The investigating officers are not prosecuting officers, and it is their duty to promptly report such evidence as they have to the chief prosecutor and to abide by his decision.

[We further conclude that the statement made by Commissioner Alexander as to the propriety of the Office of The Attorney General interfering with the solution of a breach of the peace case, was unwarranted. We would point out this was no ordinary breach of the peace case, and might well have been a homicide case. It was the duty of the Attorney General under the situation to promptly take steps to help solve the case.]

Also, we are not impressed of the necessity in this case for any strenuous background check on the Reverend Mr. Johnson, when already within 48 hours of the shooting there was a prime suspect right under their nose.

It is well to note that no background investigation was made as to the background of Larry Conley or his father, Howard Conley—instead, they chose the one whose house was shot up.

This Board received substantial evidence that there was a somewhat nebulous organization setup for the protection of the State Police. We are aware that the Vermont State Employees has such an organization which is open to membership of the Department of Public Safety employees. Certainly, no accounting was ever made available to this Board of the monies that were collected from individual state troopers for this alleged project. Whether or not this balance of \$380.00 came from this fund, we do not know, but certainly somebody paid the money and certainly State's Attorney Angell should come forward and say, "Here's what happened."

We also have serious doubts as to the legality of any such move on the part of the State Police. We do not see how any trooper in the rear ranks could refuse to contribute, nor do we know of any particular reason if they all belong to the State Employees Association (and the State Employees Association has audited accounts submitted every year) why this is necessary to any extent whatsoever. We recommend that either the Attorney General's Office or a proper legislative committee investigate this activity on the part of the State Police leadership and to see (a), if there is any legal standing for such and, (b) if there is any justification for it.

This Board cannot close this report and the unpleasant tasks that it faced without stating that it has every confidence in the integrity, the dedication and the unselfishness of the run-and-file State Troopers. The Chairman of this Board was very instrumental in creating the State Police. It was largely for this reason that he accepted the unpleasant task of chairmanship of this Board.

In view of the widespread public speculation as to the character of the Rev. Mr. Johnson, the Board feels constrained to emphasize: the issue here is not the kind of man the Rev. Mr. Johnson is; the issue here rather involved the safety of a man's home in the State of Vermont.