

George Jackson's Attorney

Facts show need for investigation

The Legislature of the State of California
State Capitol
Sacramento, California

Attn: Lt. Governor Ed Reinecke
President of the State Senate
Mr. Bob Moretti
Speaker of State Assembly

Dear Members of the Legislature:
In the cast of *People of the State of California v. George Jackson, John Clutchette and Fleeta Drumgo*, San Francisco Superior Court no. 78302, better known as the Soledad Brothers case, I represented Mr. George Jackson. On August 21, 1971, he was killed at San Quentin Prison.
I am writing at this time to request of the State Legislature the same request which was made on August

23, 1971, namely that the Black congressmen and congress women and the Black legislators of California be constituted into a commission of inquiry, or that they be authorized to select such a commission of inquiry to investigate the August 21 death of George Jackson.

In support of that, I would like to set forth certain information which I believe not only calls for, but cries out for such an investigation.

The facts as I shall relate them, unless otherwise indicated, are statements that have been made by prison officials at San Quentin and reported in the press or by radio or by television. It is these facts which have constantly changed in the stories released by the administration of the prison which clearly demand such an impartial investigation.

In the first statements issued we

were told that a gun had been smuggled into the prison via a tour bus. Shortly thereafter this was changed to the gun being smuggled in by a visitor who was ultimately named as Stephen Bingham, "as the only possible explanation" according to the district attorney of Marin County.

We were first told it was a 38 caliber gun, then this was changed to a 9 mil., 8-1/2 inch long, 2-1/4 lb. Spanish-made gun, and after the *San Francisco Chronicle* ran its front-page story clearly indicating that such a gun could not be smuggled in in one's hair, under a stocking cap, or under a wig, it became a 5-1/2 inch long gun.

Again, we were first told it was smuggled in from the visiting area via George Jackson's hair, then the stocking cap, and finally under a wig. We were told that the gun was

smuggled in Mr. Bingham's briefcase, and that Bingham himself went through a metal detector but the brief-case was not checked.

I can tell you that as one who has been in the prison many times, my briefcase has been gone through with a fine tooth comb, and the small IBM hand dictating unit that I carry has been pulled out and opened up to check it over completely.

We have also been told by the administration that they knew an escape plan was underway weeks before because they had allegedly discovered a letter in the pants pocket of a former cellmate of George Jackson which talked about such an escape.

They also told us that on or about August the first members of George Jackson's family allegedly attempted a "dry run" to smuggle a gun in by using a toy gun and a child.

Such information would hardly lead one to not searching anyone thoroughly who has to visit Mr. Jackson.

When a man leaves the adjustment center to go over to the visiting area he is completely skin searched, according to the administration, and the standard practice is to put him in handcuffs. Then when he goes out of the yard into the visiting area he is again given a search.

When the handcuffs are removed he then enters the visiting room, in the case of George Jackson, one of the condemned cell visiting rooms which are very small. A guard is stationed just outside the door, and the door has a large section through which the guard can view what is happening inside.

On leaving he is supposedly hand-

cuffed, searched before going into the yard, and the handcuffs removed only when he then enters the adjustment center where he again goes through a complete skin search.

The administration told us that George Jackson was not in handcuffs because he was "known as a cooperative prisoner. It seems necessary that he would not be in handcuffs to go through the gyrations claimed by the administration.

They told us that upon entering the adjustment center an escort guard who had been with him from the time he had left to go to the visit and on the return noticed what he thought was a pencil in Mr. Jackson's hair. He then supposedly realized it was something else, and when he started to question Mr. Jackson, Jackson reached for the gun, inserted one of two clips they claim he had (and where they were hidden we have not

been told) and got the jump on the guards who were there. According to *Time* magazine, this whole process took some ten seconds.

It should be noted at this point that the guard whose thoughts the administration told us about is one of the guards who died.

Following all of these gyrations, Jackson supposedly got the drop on the guards, opened up the cells, and then ultimately left the adjustment center to run across a yard guarded by the gun towers and guns on any gun rails at the prison walls, headed toward a 20-ft. high wall topped by barbed wire.

If he were to clear that he was still within prison property covered by the gun towers, and still had a chain link fence that he had to get over.

The administration told us that Jackson was killed instantly by one bullet. This allegedly went in the top of his head and exited from his back with "a fragment" going in his left ankle. The official autopsy report, which was held up inordinately long period of time, finally indicated that the bullet had gone in the back and exited from the head, and that a second bullet had gone in the ankle.

When a reporter asked Mr. O'Brien, the information officer of San Quentin, if this new report meant that the bullet had been fired from a gun tower, he responded, "That's impossible," thus indicating that it was fired from ground level. If true, this would mean that someone had a gun illegally within the prison, obviously someone other than Mr. Jackson, as the administration claimed that Mr. Jackson took the gun with him outside the adjustment center.

Shortly thereafter, the warden changed the story and announced that the new autopsy report meant the shot had been fired from the gun tower, claiming that Jackson was running in a crouched position.

Now seven persons have been indicted over August 21st by the Marin County Grand Jury. We are told that no inmates testified, and we know that three members of the Grand Jury

1 year for Angela



On Oct. 13 Angela Yvonne Davis will have been in jail without bail for one year. Her trial is set for Nov. 1. The 27-year-old black Communist is accused of supplying the guns used by Jonathan Jackson, younger brother of slain Soledad Brother George Jackson, in his August 1970 attempt to free three prisoners from a Marin County courtroom. Over a million signatures demanding Davis be released on bail have been collected around the world so far.

have protested the indictments, one of them claiming that the Grand Jury sought "not justice, but vengeance."

Finally, I would like to talk about the actions of the prison officials and the employees following August 21.

We know that members of the news media repeatedly attempted to get inside the prison but were denied. The same is true for family members of the prisoners, attorneys, and other persons. Finally, on Thursday, the 26th of August, three white newsmen were granted permission to go in, but only three. On that same day, Congressman Ron Dellums requested permission to enter the prison but was denied. When asked why Mr. Dellums was denied, Mr. Procunier, head of California State Department of Corrections, made a statement to the effect that if people didn't believe what they were being told by the prison officials, that was just too bad.

On Friday, August 27, Congressman Dellums, Assemblyman Willie Brown, Dr. Carlton Goodlett, Reverend Cecil Williams, and Mr. Henry Ramsey, were made to wait outside the main gate at San Quentin and to talk by public telephone to the prison officials inside.

After something approximating an hour and one-half to two hours of negotiation, the officials finally agreed to let them come into the warden's office to discuss the situation, but without any prior agenda.

In the Soledad Brothers case there is a court order that the defendants were to be present at all stages of any proceeding in court. A hearing date had been established for August 23rd, and a Sheriff's delivery order had

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Grand Juror abused by Prison Warden

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been issued for that day for the defendants to be in court. On the evening of August 22, the prison officials were advised that defense counsel had expected the case to proceed on August 23 and expected their clients to be present, namely Fleeta Drumgo and John Clutchette. The assistant district attorney was likewise advised at that time of the same fact.

On August 23 the defendants were not brought into court, and the assistant district attorney was not present. It was not until the following day, August 24, when, after considerable argument, the court had agreed to order such persons to be present, and they finally appeared.

At that time Mr. Clutchette and Mr. Drumgo brought with them a declaration under penalty of perjury signed by almost all, if not all, of the men in the adjustment center indicating how they had been beaten and brutalized, and stating that George Jackson had been murdered. There have been continued reports from the men in the adjustment center of the brutal treatment they have been receiving.

Finally, I am enclosing herewith a copy of an affidavit of Richard William Beban, member of the Marin County Grand Jury. As you can see, this discloses Mr. Beban's attempt as a member of the subcommittee investigating the administration of San Quentin to secure facts on August 21.

The affidavit speaks for itself, and on October 3 by telephone Mr. Beban authorized my including this affidavit for filing with the State Legislature. If nothing else I have said convinces you that an impartial investigation must be made, I suggest that this affidavit alone makes such a demand.

Ladies and gentlemen of the California State Legislature, I urge you to invite the Black congressmen and congress women and the Black members of the California State Legislature to either constitute a commission or to form a commission of inquiry on the events occurring August 21, 1971, at San Quentin Prison.

I further call upon you to join in the Petition to the United Nations which Mrs. Georgia Jackson, mother of George Jackson, has instituted, asking that body to make such an in-

vestigation. I have enclosed a copy of that petition.

Very truly yours,
John E. Thorne

Affidavit of Richard William Beban

The undersigned is a member of the Marin County Grand Jury, Marin County, California, and hereby, being first duly sworn, deposes and says:

I am a member of the Administration of Justice Committee of the aforesaid Grand Jury and further a member of the subcommittee investigating the administration of the public prison in Marin County, San Quentin.

On Saturday, August 21, 1971, I attempted to reach by telephone the other two members of the aforementioned subcommittee. I was unable to do so. Therefore, having been informed of a crisis situation directly pertaining to that which we were investigating, I decided personally to go to San Quentin.

As per previous administration request, I first called the prison and relayed a message through an assistant warden to Associate Warden James Park that I would be out at San Quentin in 20 minutes. I then left my home in San Rafael and proceeded by automobile to the East Gate of San Quentin Prison. I parked outside and was met by a Correctional Officer who drove me to the Prison Administration Building. I arrived approximately 8:10 P.M.

I walked into the lobby of the Warden's office and had the following conversation with Associate Warden James Park:

Park: What the hell are you doing here?

Beban: I came to see what is going on and whether you have need of our services.

Park: Why don't you go investigate the Communist Party?

Beban: What?

Park: It is them and people like you who are causing what has happened today.

Beban: What do you mean?

Park: We lost three guards—three good men. The only good thing that happened all day was that we got George Jackson. Killed him. Shot him through the head.

My best recollection of what

followed was that Warden Park made further comments pertaining to "radical attorneys" and "revolutionaries."

He then paused, looked at me rather pointedly and said: "Do you want to go inside?" Due to the expression on his face I did not immediately answer. He continued, "I let you go in, but the guards would kill you and I wouldn't stop them."

We continued our conversation with Warden Park's repeating his contention that it was outside agitation that was stirring up the inside prison population. The conversation continued for approximately two more minutes at which point I excused myself, left with the San Correctional Officer and was driven back to my car.

The aforementioned Correctional Officer, a stocky gentleman, dressed in civilian clothes and smoking pipe, was within five feet of myself and Warden Park throughout the conversation.

I declare under the pains and penalties of perjury that the above and foregoing statement of facts are true and correct.

Richard William Beban
August 27, 1971

Subscribed and sworn to before me this 27th day of August, 1971

Donald E. Hopkins

Notary Public for Alameda County, State of California