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Plot Evidence Called Weak In San Quentin Escape Try

Los Angeles Times

SAN RAFAEL, Calif., Oct. 14—The evidence presented of a conspiracy in the San Quentin escape attempt was "very weak," a member of the grand jury that returned seven murder and conspiracy indict-

ments in the case said Wednesday.

"The grand jury did not objectively and thoroughly examine the charges made," said Gerald A. Hawes of San Rafael.

"We were unable to ask the proper questions of witnesses, unable to hear all the evidence we should have and did not deliberate the way we should... we did not act independently of the district attorney."

Hawes, a 37-year-old research analyst for the U.S. Department of Health, Education and Welfare, resigned from the grand jury shortly after the indictments were returned Oct. 1.

Another member of the grand jury who has publicly protested the indictments, Rick Beban, a 23-year-old former College of Marin student, was reported by informed sources to have been censured by the grand jury at the conclusion of a six-hour meeting here Tuesday.

The censure came after Beban had declared he was "disgusted" with the indictments and the grand jury system and was considering resigning.

The indictments charged six San Quentin inmates and Oakland, Calif., attorney Stephen M. Bingham with the deaths

of three guards and two inmates killed in the incident Aug. 21. Bingham, still being sought by authorities, was said to have smuggled a gun to inmate George Jackson, who used it to take hostages, kill one of the guards and make an abortive and fatal bid to escape.

In an interview, Hawes said "about 70 per cent" of the case presented by the prosecution was based on proving a conspiracy between Jackson and Bingham.

"I felt what we heard about the conspiracy was very weak," he said.

Hawes said it was "difficult to understand" how, as authorities have alleged, Jackson, in the presence of guards, was able to remove and brandish a gun and two clips of ammunition concealed in a wig.