

Probe of San Quentin by Blacks Barred

WP 8/25/71

From News Dispatches

SAN FRANCISCO, Aug. 24—In a tumultuous court hearing, two judges refused demands today by the two surviving Soledad Brothers to order black legislators admitted into San Quentin Prison "to see what is happening" at the scene of Saturday's escape try in which six men died.

George Jackson, 29, the third of the Soledad Brothers, was shot to death in the break attempt after three white guards and two white prisoners had been killed in the prison's maximum security adjustment Center.

"If you don't act in some manner to get these men (black legislators) and black community leaders into the prison, you can blow this country so wide apart it will never be recognized," John Thorne, Jackson's attorney, told Superior Court Judge Carl Allen.

"I don't deem that to be my function," Allen responded.

Bare-Chested in Court

At that point, John Clutchette, 28, and Fleeta Drumgo, 26, the surviving Soledad Brothers, sat bare-chested in

court after stripping off their shirts.

They had limped into the courtroom in khaki shirts and trousers and closely-clipped hair and their attorneys had charged both had been beaten up in the prison Adjustment Center.

"There are broken arms and busted heads out there," shouted Clutchette, who is lean, tall and strong-muscled.

"They said I'd be dead in three days," declared Drumgo, thin and short with powerful shoulder muscles.

Allen is a San Francisco judge assigned temporarily to hear pretrial motions in the murder case charging that Jackson, Clutchette and Drumgo killed a white guard at Soledad Prison in January, 1970.

Attempts Challenge

Amidst defense charges of brutality at San Quentin and demands for outside investigation, Allen refused to hold Associate Warden James Park in contempt for failing to produce the two prisoners in court at a scheduled hearing Monday.

Floyd Silliman of Salinas, attorney for Clutchette, made

a peremptory challenge to disqualify Judge Allen as "biased and prejudiced."

Allen refused, declaring the one peremptory challenge already had been exercised against Judge Walter Carpeneti, fifth judge disqualified in the case.

Allen rejected a defense claim that each accused had the right to a peremptory challenge.

Thorne said a petition was being filed in Federal District Court asking removal of the case to federal court.

Earlier, Allen said Gov. Ronald Reagan and Raymond K. Proctor, state director of corrections, had ordered investigations at the prison.

Protest shouts rose from behind the bulletproof glass shield dividing the jammed spectator section from the bench and jury box area.

"You think they can investigate themselves," one black spectator yelled.

Judge Disqualified

At the hearing's outset Superior Court Judge Stanley R. Evans of Santa Clara County disqualified the sixth judge assigned to conduct the trial.

He was Judge Frank Shaw

of San Francisco, who served as a deputy district attorney and prosecutor until December 1969.

Evans, assigned by California Chief Justice Donald Wright to rule on the issue, said state law bars a judge from hearing a criminal case initiated less than two years after serving as a prosecutor. The Soledad Brothers were indicted in February 1970.

Silliman and Richard Silver of Carmel, Drumgo's attorney, invited Judge Evans to have Clutchette and Drumgo strip down in his chambers to show what they said were the beatings and bruises the prisoners had suffered.

Evans said he would act only on the disqualification motion against Judge Shaw.

He refused to order San Quentin officials to allow any black legislators or community leaders to visit the prison.

Police, meanwhile, continued their search for attorney Stephen Mitchell Bingham, grandson of the late Connecticut Gov. and U.S. Senator Hiram Bingham, for questioning as the visitor who saw Jackson a few minutes before the convict pulled a gun.

Post 8/28/71

Gun Smuggled Into San Quentin Is Traced to a Black Panther

From News Dispatches

SAN FRANCISCO, Aug. 27 (UPI)—The gun believed smuggled into San Quentin Prison in a tape recorder to George Jackson has been traced to "a member of the Black Panthers," prison officials said today.

The officials would not identify the Panther, but the San Francisco Examiner reported it was a member of the party now being held in Connecticut.

Meanwhile, three reporters were allowed to visit San Quentin's adjustment center, where Jackson, two other convicts and three guards died in a bloody escape attempt Saturday. The newsmen said their inspection indicated that stories of "brutality" and "torture" seemed to be greatly exaggerated.

Family members of prisoners also were let in the prison today for the first time since Saturday.

And a singing, clapping crowd of more than 400 persons, including protesters carrying signs reading "Who killed George Jackson?" and "Stop the torture, Open the Gates," gathered at the main gate.

Prison officials immediately

tightened security and sealed an access road from a nearby highway. But they allowed persons to get out of their cars at that point and walk to the prison walls.

Inside, amid reports of growing disaffection among the prisoners' guards, state Director of Corrections Raymond F. Procnier, National Guard officials and prison authorities held a long meeting.

There was no immediate report of what was discussed or why the National Guard was represented.

W. D. Achuff, a spokesman at the prison, said the 9-mm pistol guards believed Jackson took from his Afro-style hair Saturday to touch off the bloody rampage was originally owned by a Panther member. He said he did not know whether it still was.

The Examiner identified the original owner as Landon Williams, 27, a Panther captain now in jail in New Haven, Conn. in connection with the killing of suspected informer Alex Rackley.

Reporters from the Examiner, the San Francisco Chronicle and the San Rafael, Calif. Independent-Journal were allowed inside the adjustment

center, where Saturday's killings took place.

They agreed "there was no evidence of violent retaliation or torture," said Jeff Greer of the Independent-Journal. "The men we talked to did not detail any extensive tortures. They said mostly that they had been threatened by the guards."

Conflicting reports of prison conditions came from several attorneys who were permitted to visit their clients for the first time since Saturday's escape attempt.

One of them, Phil Ryan, described Ruchell Magee as "in a state of shock" and suffering physical and mental pain from treatment he is getting from guards.

Magee is the San Quentin convict who is accused with Angela Davis, of conspiracy, kidnap and murder in last August's shooting at a Marin County courthouse. Four persons, including a judge and George Jackson's 17-year-old brother, Jonathon, were killed.

Ryan said Magee seemed dehydrated. Magee, he said, has a cut lip, a three-inch long knot on the back of his head and multiple cuts on his body.

Other lawyers also reported Thursday that their clients had "marks and bruises" on their bodies.