



BURGER

Justice: A

I wondered why it is that the westerns survive year after year. Perhaps one of the reasons, in addition to the excitement, the gunplay and the rest—and this may be a square observation—the good guys come out ahead in the westerns, the bad guys lose. In the end, as [Chisum] particularly pointed out, even in the old West there was a time when there was no law. But the law eventually came, and the law was important from the standpoint of not only prosecuting the guilty, but also seeing that those who were guilty had a proper trial.

THE words were those of President Richard Nixon, offered in a week to make anyone nostalgic for the simple but mythologized world of the classic American western. The orderly administration of justice took a beating, and even the President inadvertently contributed in a small way. With a slip of the tongue, he passed judgment on a man on trial for his life in California: Charles Manson, accused of masterminding the gruesome 1969 Sharon Tate murders. Four days later, a California superior court judge, kidnaped from his courtroom, died along with three of his captors in a grisly gun battle with police. Black Panther Huey Newton, freed on \$50,000 bail while awaiting a new trial for voluntary manslaughter, had absurdly venomous words for the system that had jailed him and then set him free. To a crowd of at least 500 clenched-fist supporters in Oakland, he shouted: "The Gestapo has promised that they will crush us!" Appropriately enough, at a meeting of state chief justices in St. Louis, Chief Justice Warren Burger pleaded for order in the court. Traditional courtroom discipline, he said, is "the absolutely imperative lubricant for an inherently contentious process."

Burger made his appeal for decency on the day of the California kidnaping,



WAYNE IN "CHISUM"



MANSON



NEWTON (BARE-CHESTED) AFTER RELEASE

Bad Week for the Good Guys

the most bizarre affront to justice in a long time. Jonathon Jackson, 17, brother of a black accused of racial killings in a Soledad, Calif. prison, walked into the Marin County Hall of Justice in San Rafael, 15 miles north of San Francisco. Judge Harold Haley, 65, was presiding over the trial of James McClain, accused of stabbing a San Quentin prison guard while serving a sentence for burglary. Other San Quentin inmates were on hand as witnesses. Ruchell Magee, 31, was inside the courtroom; William Christmas, 27, was under guard in the corridor outside.

Taped Shotgun. Jackson sat down among the spectators for a few minutes. Then suddenly he opened a satchel, drew out a pistol and tossed it to McClain. He pulled a carbine out from under his raincoat and ordered: "Freeze!" McClain held the pistol against Judge Haley's head. Magee slipped outside and freed Christmas, bringing him into the courtroom. While a bailiff sneaked outside to alert police, one of the men picked up a telephone in the courtroom and forced Judge Haley to call the sheriff's office. McClain reportedly demanded: "Call off your pigs or we'll kill everyone in the room." To keep Judge Haley in tow as their principal hostage, one gunman fastened a sawed-off shotgun to his neck with adhesive tape so that the muzzle hung a few inches from Haley's chin. They tied together with piano wire four other hostages, Deputy District Attorney Gary Thomas and three women jurors.

As police set up a roadblock just outside the civic center, Jim Kean, 47, a photographer for the San Rafael *Independent-Journal*, who had heard the alarm on a police radio in his car, arrived in the building and practically collided with the escaping gunmen. "You take all the pictures you want," said one. "We are the revolutionaries." As they briefly dis-

cussed whether or not to take Kean hostage as well, he and his *Independent-Journal* colleague Roger Bockrath caught an astonishing series of photographs (see following page). The gunmen decided to leave Kean behind. They walked out into the warm sunshine wielding guns and highway flares disguised to look like dynamite, then loaded themselves and their five captives into a rented Ford panel truck.

Incredibly, the police, though they knew there were five hostages inside, by most eyewitness accounts opened fire on the truck as it approached the roadblock. They exchanged gunfire with the men in the truck for one mad minute of hell. When it was over, Judge Haley was dead, his jaw and part of his face blown off by a blast from the shotgun taped to him. James McClain, William Christmas and the young intruder lay dead as well. Magee, Deputy District Attorney Thomas and one of the jurors were wounded.

Verbal Fencing. It was in Denver's Federal Building that President Nixon committed the startling gaffe of prejudging the case of Charles Manson. While complaining that the press had made Manson a glamorous hero, Nixon said: "Here was a man who was guilty, directly or indirectly, of eight murders without reason." For a lawyer who occasionally delivers homilies on legal propriety, this was a serious breach.

Attorney General John Mitchell, who was standing at Nixon's side, instantly recognized Nixon's error. "This has got to be clarified," he told Presidential Aide John Ehrlichman immediately afterward. Unhappily, what ensued was a series of errors compounded by instant communications. Startled reporters dashed to the pressroom, and within minutes, the bulletins were moving across the land. The statement was filmed and

broadcast later on network television, with a clarification appended.

But the damage was already done. It was not until half an hour after Nixon spoke that Press Secretary Ron Ziegler reappeared before the newsmen. After some minutes of verbal fencing, Ziegler agreed that Nixon's words about Manson should be retracted. When Ziegler told Nixon what had happened, the President was surprised: "I said 'charged,'" he replied. During the 3½-hour flight back to Washington, Mitchell persuaded Nixon to put out a statement backing Ziegler up. It read in part: "The last thing I would do is prejudice the legal rights of any person in any circumstances. I do not know and did not intend to speculate as to whether or not the Tate defendants are guilty, in fact, or not."

Bon Ami. The President's *faux pas* came in the middle of another attack on his frequent foe, the press. Nixon

MITCHELL & NIXON IN DENVER
Too late to correct the gaffe.

had just come from a ten-day working holiday in San Clemente, where he found himself angered by the coverage given the Manson case in the local media. Many of the young, Nixon said in Denver, "tend to glorify and to make heroes out of those who engage in criminal activities." Was it the fault of the press? Yes and no, said Nixon. Yes: "It is done perhaps because people want to read or see that kind of story." No: "This is not done intentionally by the press." In fact, the Los Angeles papers have played the story at length, but they have done so dispassionately.

In Los Angeles, the effect of Nixon's remarks on the Manson trial was instant and dramatic. While the Los Angeles Times came out the same afternoon with a four-inch headline reading MANSON GUILTY, NIXON DECLARES, Judge Charles Older went to great lengths to ensure that the jury, which has been sequestered since the trial began, would not learn of Nixon's remarks. The windows of the jury bus were whited over with Bon Ami so that no juror could glimpse the headline on street newsstands. If the jury discovered Nixon's verdict, the defense might have grounds for a mistrial. His efforts were to no avail. Next day Manson himself displayed a copy of the Times to the jury for some ten seconds before a bailiff grabbed the newspaper from his hands. Judge Older called a recess, then questioned the jurors one by one to satisfy himself that their judgment would not be affected. An alternate juror convulsed the courtroom when he announced his disclaimer: "I didn't vote for Nixon in the first place." The judge denied a motion for a mistrial, and the defense lawyers proceeded with cross-examination of the state's star witness, Linda Kasabian, a former member of the Manson "family."

The ghastly gunplay in San Rafael in a curious way pointed up the hazards of the President as film critic. In praising the new John Wayne film *Chisum*, he seems to have overlooked the fact that in it the good guys prevail over the bad guys only by taking the law into their own hands. That, of course, is what the "revolutionaries" of Marin County were attempting with such bloody results. Vigilantism appeals not only to conservatives; it is no accident that S.D.S. members, too, loved the John Wayne of *True Grit*, last year's western in which Marshal Cogburn observes that "ya can't serve papers on a rat." Perhaps the President's interpretation of *Chisum* ought to be balanced by the message of an earlier western. No film has understood itself or its kind better than Sam Peckinpah's classic, *Ride the High Country* (1962), where youth meets frontier man rendered obsolete by the encroaching century. Says one character: "My father says there's only right and wrong, good and evil, nothing in between. It isn't that simple, is it?—No, it isn't; it should be, but it isn't."



CHRISTMAS WITH HOSTAGES IN CORRIDOR



McCLAIN & MAGEE LEAD JUDGE HALEY & HOSTAGES OUTSIDE



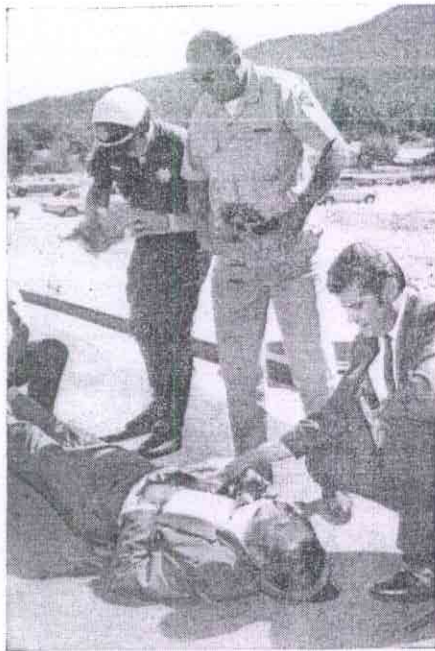
GROUP HEADS FOR GETAWAY VAN IN PARKING LOT

OFFICERS CLOSE IN ON VAN



THEY FIND HALEY DEAD INSIDE





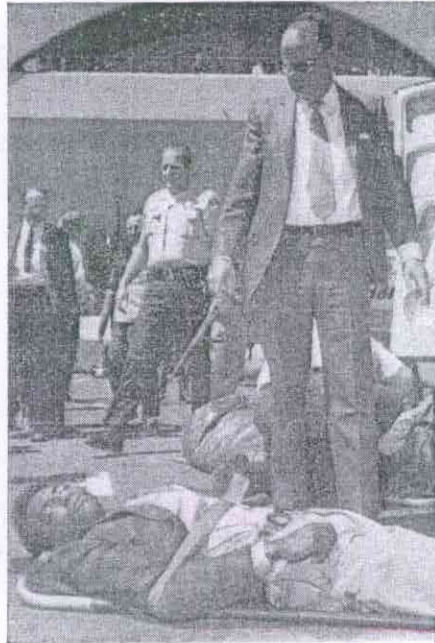
HOSTAGE THOMAS LIES WOUNDED



WOUNDED WOMAN JUROR



BODIES OF McCLAIN & JACKSON



MAGEE LIES WOUNDED IN PARKING LOT



JUDGE HALEY'S BODY ON TRUCK FLOOR