

# Lawyers Draw Attention To California's Prisons

By STEVEN V. ROBERTS  
Special to The New York Times

SAN FRANCISCO, Aug. 26  
—Fay Stender held up a thick sheaf of letters, many of them painfully printed on lined paper.

"They think I'm making up all of these letters, but they're out of they're minds," said Mrs. Stender, who has been a lawyer for both Huey P. Newton and George Jackson, one the so-called Soledad Brothers who was killed last Saturday in a shootout at San Quentin. "They don't like all this truth coming out."

The letters were written by inmates in California's 12 state prisons. They complained of beatings by guards, lack of medical attention, petty harassments about mail and visitors. One letter, taken at random off the pile, read in part: "I am writing you this letter out of sheer desperation, I believe I would sell my sole [sic] to the devil to prove my innocence."

Mrs. Stender is one of a growing number of radical-minded lawyers in this area who are focusing attention on conditions in the state prisons. Many of them are young, just out of law school; most of them would rather make a political point than a profitable fee.

## Lawyers Critized

Prison officials have charged that these lawyers are "dilettante revolutionaries" intent on inflaming the kind of violence that erupted at San Quentin and left three guards and three prisoners dead.

The lawyers reply that they are merely informing prisoners of their legal rights and helping the men to exercise them. Prison officials, they add, are reacting in the same way that Southern sheriffs reacted to the civil rights movement in the early nineteen-sixties.

"The similarity is striking," said B. E. Bergesen 3d, a staff attorney with the Youth Law Center here. "I'm now called every name by the prison officials I was called in Mississippi—outside agitator, Communist, Jew bastard. They're saying, 'Our prisoners—our darkies—were fine till you got here. We

had no problem."

Most observers agree, however, that the lawyers are part of a broader situation. As Irving Ritter, business manager at San Quentin, put it, "The mood in here is exactly the same as outside. Whatever happens out there moves in here."

## Reflection of America

The demands of minority groups for equal justice and dignity, now echoing through the streets of America, are also being voiced behind prison walls. So are the virulent attacks against established authority in general, and law enforcement officers in particular.

These tensions have produced spasms of violence. At least seven guards and twice as many prisoners have been killed in California prisons in the last two years. Prison officials are nervous and angry, and they have directed much of their ire against the long-haired young lawyers who last year filed 12,000 court petitions against the prison system. Three years ago there were only 600 petitions.

After the violence at San Quentin, the associate warden, James W. L. Park, declared, "We are certainly going to tighten up many areas of the prison. I think myself and some others have leaned over backwards to see that men's legal rights were protected, that they have interviews with attorneys. We ran scared in the face of shyster attorneys . . . [But] things are going to stop."

The prison system this week instituted new regulations that prohibit most investigators and law students, who

have done much of the legwork for the legal campaign against the prisons, from talking to inmates.

On Tuesday, when lawyers were admitted to the prison, they were thoroughly searched and denied the use of tape recorders. It is suspected that the gun used by George Jackson on Saturday was smuggled in in a tape recorder carried by Stephen M. Bingham, a young Oakland lawyer.

A. G. Oakley, assistant to Raymond K. Procnunier, the director of the State Department of Corrections, said he objected to the "tactics" employed by the lawyers.

"There isn't an offense committed in an institution," he said in an interview, "but what a flock of these people come to the rescue. There are also numerous organizations of these young people set up for the purpose of prison reform."

"They are demanding access to the institutions at all hours of the day or night," he added. "They are demanding access to quarters to see if their clients are comfortable. We're finding ourselves in the same position the schools found themselves a couple of years ago—we're the point of interest at this time."

## Law Disturbs Officials

Prison officials are particularly irate about a recent state law that allows inmates to receive any publications accepted by the Post Office. Some of the more popular publications, which are often delivered or sent by the attorneys, contain the violent rhetoric of the Black Panthers and other groups.

"We're under pressure by the civil liberties people to let anything in," said Mr. Park. "All of this disregards the fact that we're dealing with very unstable, very hostile people. We have people who read it and take it literally, and go out and want to kill people."

The lawyers readily agree that they are causing trouble for prison authorities.

"Prisons are ruled by absolute terror," said Mrs. Stender, who recently founded the prison law project to coordinate legal efforts in the field. "I get a letter a day from prisoners who say they are in fear of their lives. The reason Park doesn't like attorneys is because we say so."

## There Was No Hope

Patrick S. Hallinan, a lawyer who has handled several prison cases, put it this way:

"Twenty years ago when a man went into prison, and the door slammed behind him, there was no hope; there were no rights. We've helped give these convicts hope. We've told them that they are still human be-

ings, endowed with certain rights and entitled to the protection of the law."

Many of the cases the lawyers take are personal: Perhaps an inmate cannot get his common-law wife on his visiting list, or he may say he cannot get the proper medication. Others test prisons regulations. For instance, the United States District Court recently expanded the rights of a prisoner at a hearing that determines whether he should be placed in isolation.

One of the most celebrated cases involved the Soledad Seven, a group of black prisoners who were accused of murdering a guard at Soledad Prison. Mr. Hallinan led a group of lawyers who succeeded in having the entire case thrown out of court.

"The sloppiness and callousness with which they put together the evidence in that case reflects the law's long-standing, cavalier attitude toward the rights of prisoners," Mr. Hallinan said.

#### Violence Not Condoned

Most of the lawyers do not condone violence, and see themselves as a safety valve for pressures within the pri-

sons. "If they tighten up the procedures for seeing lawyers," added Mr. Hallinan, "all you're doing is guaranteeing that more guards will be killed."

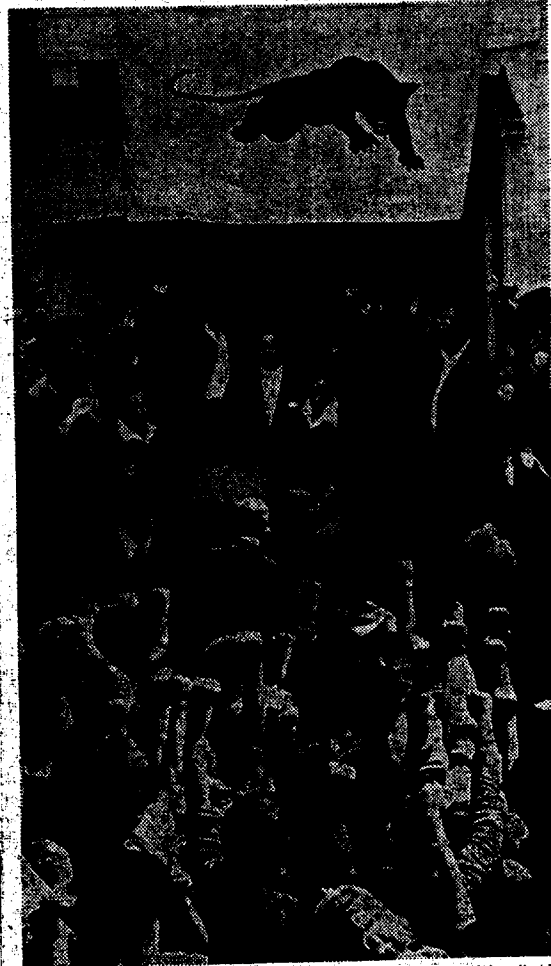
At the same time, some lawyers say that their colleagues have a tendency to get emotionally involved with the prisoners and to romanticize them. They would agree with Mr. Ritter who said, "For some of these groups, there's no such thing as a fair trial unless it's an acquittal."

This belief grows out of the argument that all criminals are "victims" of society, and thus not really guilty of their crimes. Some of the more radical lawyers have come to view all inmates as "political prisoners" for whom no punishment is justified.

The wider view is that guards and inmates alike are caught in a vicious and destructive penal system that mutilates everyone involved in it. Individual petitions and lawsuits, say the lawyers, can only chip away at the system.

"We need reform of the whole system," said Mr. Hallinan. "A guard shouldn't be put in the role of zoo keeper. Any zoo keeper is going to be mauled by the people he is keeping."

THE NEW YORK TIMES



United Press International  
As mourners salute, coffin bearing George Jackson is removed from St. Augustine's Church, Oakland, Calif.

# Black Panther Leader Eulogizes Jackson as Hero

By EARL CALDWELL  
Special to The New York Times

OAKLAND, Calif., Aug. 28—

In a revolutionary memorial service conducted by the Black Panther party, George Jackson was eulogized today as "a hero who died in a significant way."

"He showed us how to act," said Huey P. Newton, the founder and supreme commander of the Black Panther party, "and we will raise our children to be like him."

The 29-year-old Jackson, who was serving a life term at San Quentin Prison, was shot and killed last Saturday. The prison authorities said that Jackson had been shot while racing toward the wall in an escape attempt.

The incident at San Quentin, which touched off a nationwide controversy, also left three guards and two white inmates at the prison dead.

At his death Jackson was about to face trial along with two other black prisoners at San Quentin on charges of having murdered a white guard while they were inmates at Soledad Prison.

The three became widely known as the "Soledad Brothers." Their case attracted attention among blacks and white radicals across the country.

In eulogizing Jackson today, Newton also confirmed that the slain convict had been a member of the Black Panther party with the rank of field marshal.

Newton described Jackson as "a strong man, determined, and full of love and strength."

Newton, who himself faces a third trial on charges of killing an Oakland policeman, said that Jackson had been his hero and that he had left a standard for all political prisoners.

Newton called Jackson his "fallen comrade" and said he had had "every right to do everything possible" to gain his freedom. The Black Panther leader also promised that those involved in what he called a revolutionary struggle would "slit every throat that threatens our freedom."

Newton did not refer directly to the incident at San Quentin. The throats of the other five persons killed at San Quentin had been cut.

Other Panther leaders also participated in the memorial service, including Bobby Seale, the party chairman, who was also a founder.

Jackson was sentenced from one year to life imprisonment 11 years ago after he pleaded guilty to armed robbery.

A tense mood was set for his funeral after the early bombings today of three state offices.

Powerful bombs caused extensive damage at two State

Department of Corrections offices in San Francisco and Sacramento, and a Department of Rehabilitation office in San Mateo.

The authorities said the first two blasts apparently had been coordinated. No injuries were reported.

In Sacramento, a woman caller, saying she was a member of Weatherman, a radical youth group, warned a phone operator that a large bomb was planted in the 17-story state office building tower.

## 5,000 at Service

A letter, signed "Weather Underground" and delivered to The San Francisco Examiner, claimed responsibility for the Sacramento and San Francisco explosions, which it called "one outraged response to the assassination of George Jackson."

A crowd estimated at close to 5,000 was on hand for the service, which lasted just over an hour. There were no incidents.

The setting for the funeral was St. Augustine's Episcopal Church in the heart of West Oakland's sprawling black community.

Crowds of the militant young, both black and white, began to gather hours before the services began. But it was the Panthers who were most visible.

There were dozens of them and they wore their familiar black uniforms over stiff blue shirts. As early as 9 A.M., they were at the church, spread out in a long line, and standing at attention.

Over the front door of the faded tan-colored church the party's official flag—a black panther mounted on a bright blue background—fluttered in the morning breeze.

It was at this same church just over a year ago that funeral services were held for 17-year-old Jonathan Jackson, George's younger brother.

Jonathan was shot and killed while attempting to help three prisoners from San Quentin, who were involved in a criminal proceeding at the courthouse in the Marin County Civic Center, escape from custody.

Four persons, including a judge of the Superior Court, died in that escape effort. The judge had been taken hostage by Jackson and the convicts as they attempted to make their getaway.

The crowd for George Jackson's funeral was similar to the one that gathered at the services for Jonathan.

Those who came were mostly young and they wore old shirts and Levi trousers. When the body of the man they came to bid farewell to arrived, they saluted him with clenched fists raised high.

The funeral for George Jackson was in sharp contrast to

those that were held for the others who were killed at San Quentin a week ago.

The guards were buried quietly and the body of one of the slain white inmates was never even claimed.

The widow of one of the guards, Mrs. Vivian DeLeon, was particularly bitter.

"Every article we've picked up glorifies Jackson as a political prisoner," she said, "but nobody seems to care about the officers."

As the crowds gathered for

Jackson's funeral, the circumstances surrounding his death continued to dominate the conversation.

The mourners stood in small groups outside the church and quietly expressed their doubts as to the official version of the alleged escape attempt that led to Jackson's death.

Jackson's body was to be flown to Illinois. Burial was scheduled tomorrow in the suburban community of Mount Vernon in the southern part of the state.