

# Warden Reports Jackson Had Gun Before Killings

By WALLACE TURNER

Special to The New York Times

SAN QUENTIN, Calif., Aug. 22—George Jackson had a gun when he returned to his cellblock from a visit with a lawyer yesterday, Louis S. Nelson, warden of San Quentin Prison, said at a news conference today. Jackson and five others were killed when he attempted to escape immediately on re-entering the cellblock.

The warden would not identify the man who he said was Jackson's only visitor yesterday. In a slip of the tongue, as he described the security precautions taken with visitors, he said the visitor had been an attorney.

He would say no more. Nor did the warden flatly say that the gun Jackson carried in his dash for the prison walls had been smuggled to him by the visitor.

John E. Thorne, a San Jose attorney who has represented Jackson, was not the attorney involved in the visit. Mr. Thorne said he had not seen his client since last Monday, and the warden confirmed that Mr. Thorne was not yesterday's visitor.

[Reuters reported that a high-ranking source in San Quentin Prison had identified Jackson's visitor as Stephen Bingham. He was said to be a white man in his late 20's. The news agency also quoted Marin County District Attorney Bruce Bales as having said, "I am looking for Stephen Bingham. I want to talk to him in connection with the escape attempt."]

Mr. Thorne, and Ed Bell, attorney for Mrs. Georgia Jackson, mother of the dead prisoner, raised a question that in some way the prison authorities had been responsible for Jackson's escape attempt and death.

"I can tell you exactly what happened," Mrs. Jackson said. "They set him up to kill him and they killed him. They'd been trying for 10½ years to do it and they did it."

Warden Nelson denied that any prison officer would have taken part in such a plan. He pointed out that the escape attempt had left three guards

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dead and three others wounded. "If it was set up, it was set up by people on the outside," the warden said. "He was a victim of their and his beliefs."

The warden said Jackson, one of three black prisoners known as the "Soledad Brothers" who are accused of murdering a guard at Soledad State Prison, was searched to the skin before being released from the maximum security cellblock called the Adjustment Center.

Jackson had no gun then, Mr. Nelson said. The prisoner was escorted to a visitors' center where he was placed in a room with one other person.

"He was seated across the table from his attorney," Mr. Nelson said as he explained the physical surroundings. The warden immediately broke off his sentence and showed chagrin.

The warden was asked if he

was searching for the visitor, and said that he assumed other authorities were trying to find him. The visitor left the prison before the gates were closed after the escape alarm was flashed, he said.

During the visit, Jackson and the visitor faced across a table, Mr. Nelson said. He said there had been no barriers to prevent them from touching. Guards could look into the room but did not have it constantly under surveillance.

After the visit, Jackson was escorted back to the Adjustment Center and was undergoing another "skin search" when the warden said, he produced the gun and announced: "This is it!"

The gun was a 9-mm. foreign-made automatic pistol, the warden said. Earlier it had been described as a .38-caliber weapon. It was found beside Jackson's body after he was shot down as he ran toward a wall. State investigators are trying to trace its ownership.

## Jackson Produced Weapon

"We do know that the gun was brought into the Adjustment Center by George Jackson," Mr. Nelson said. "As soon as he went into the Adjustment Center he produced the weapon and said, 'This is it!'"

Three officers were on duty in the Adjustment Center's first floor, where were housed 27 prisoners who included those the warden called "the worst of our incorrigibles."

The prisoners included Jackson, 29 years old; Fleeta Drumgo, 26, and John W. Cluchette, 28, the Soledad Brothers; and Ruchell Magee, 32, a co-defendant with Angela Davis, charged with conspiracy to murder in connection with a gun battle at the Marin County Courthouse on Aug. 7, 1970.

In that incident, George Jackson's 17-year-old brother, Jonathan, smuggled guns into a courtroom and touched off the escape attempt in which he was one of four killed.

Two other officers were in the cell corridor, having escorted inmates back from visits, the warden said. A sixth officer, a sergeant, was also there to assign one of the escorts to another duty detail. None of the guards who work in close proximity to the prisoners are armed.

At the moment that Jackson pulled his gun, the warden said, there were six officers and 27 inmates in the cells, or in the 100-foot-long corridor outside.



Press Staff / The Oakland Tribune via Associated Press

**AFTER ATTEMPTED ESCAPE:** Twenty-five prisoners lying undressed and handcuffed outside Adjustment Center at San Quentin as prison guards search for weapons.

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Associated Press

**Urbano Rubiacco, one of prison guards wounded in the attempted escape, leaving a hospital after receiving 100 stitches to close a throat wound.**

the cells. Jackson was the only prisoner outside a cell. The warden said it was assumed Jackson opened the other cells before he fled.

When there was a delay in the return of the officers who had escorted the prisoners, Mr. Nelson said, an officer outside the corridor opened a door to check, and a shot was fired. He retreated and summoned help. Officers outside heard another shot. Then Jackson, followed by Larry John Spain, 22, a lifer from Los Angeles, sentenced for murder, burst out of the cellblock door and ran across the prison yard shortly after 3 P.M.

An officer in a tower shot Jackson with a rifle from about 60 feet away. Spain stopped and was captured in the yard.

From the time Jackson entered the cellblock until he came running out it has been estimated that 30 to 40 seconds had elapsed.

The warden said another 15 minutes elapsed before guards went back into the cell corridor. They found 23 of the prisoners alive and moving in the corridor.

In Jackson's cell, they found the bodies of two slain guards, a wounded guard and a dead prisoner. Another guard and another prisoner were dead in the corridor, where there were two more wounded guards. Both of the dead prisoners were white.

#### Throats Were Slashed

When the armed guards came to recapture the Adjustment Center, they shouted in orders to release any hostages.

Then they fired warning volleys down the corridor. Two wounded guards were released and ran down the corridor and out the door behind the rescue party.

The throats of the dead and wounded had been slashed. A search turned up the probable weapon—half a razor blade fitted into a toothbrush handle. Another half razor blade was found in the cellblock. One guard had been fatally shot and his throat slashed. The other two died of slashed throats.

The dead guards were identified by the prison authorities as Sgt. Jere Graham, 39, a guard since 1964 and a recent transfer to San Quentin; Frank DeLeon, 44, a guard for four

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Associated Press

**BODIES REMOVED FROM SAN QUENTIN: Hearses leaving the maximum-security prison with bodies of the six men slain in the attempted escape Saturday. The escape attempt occurred in the Adjustment Center, which is behind the towers at center of the picture.**

## Gun Linked to Jackson Before Killings

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years, and Paul Krasnes, 52, a guard for 22 years.

The wounded guards were Charles Breckenridge, 21, in critical condition from throat slashes; Sgt. Kenneth McCray, 39, in good condition, and Urbano Rubiaco, 24, who was treated and released.

The two white prisoners who were killed were John Lynn, 29, convicted of second-degree murder in a deputy sheriff's death, and Ronald L. Kane, 28, who had used force in an attempt to escape.

The associate warden, James W. L. Parks, said, "Maybe someone didn't like them," when he was asked why the prisoners were killed. Mr. Nelson said he did not know at what point in the escape attempt the killings of the guards and prisoners occurred.

"It could have been in retaliation for the shooting of Jackson," he said.

Last night Mr. Parks said that "dilettante revolutionary" talk had been responsible for creating tensions in the prison.

Today Mr. Nelson displayed copies of The Berkeley Tribe, an underground paper, and the Black Panther party paper as illustrations of publications he felt should not be permitted inside the prison because of the inflammatory effect he believes they have on prisoners.

Mr. Thorne, George Jackson's attorney, said in a telephone interview last night that "I cannot conceive of him trying to escape."

He went on: "He had a trial facing him in which he was positive his innocence would be established." [Sunday he called for a commission to investigate the killings; United Press International reported.]

### 3 Faced Murder Charges

Jackson and the other two Soledad Brothers faced murder charges in the death of a Soledad Prison guard who was killed by being thrown over a cellblock railing three stories above a concrete floor.

Mr. Thorne also said that Jackson "had a belief that getting out of prison alive was something he didn't expect."

The lawyer last saw Jackson Monday at a joint meeting with Angela Davis in the Marin County Jail, he said. Miss Davis won the right to confer with Jackson on the argument that it was necessary to her own defense.

The Monday meeting was the third, Mr. Thorne said, and included him and Margaret Burnham, an attorney for Miss Davis.

For all three meetings, Mr. Thorne said, Jackson was in chains and handcuffs. He also

said that, in so far as he knows, those three meetings were the only times that Jackson and Miss Davis had ever met.

In a telephone interview today, Jackson's mother said the whole story of the prison break had been a fabrication to cover the murder of her son, the second son to die before a barrage from law enforcement officers.

"They killed him and set him out in the yard and photographed him, and then said he

tried to escape," Mrs. Jackson said. "I don't know what happened to those other men, but they wouldn't have cared about them."

Mrs. Jackson said: "There's no way he could have left that [visiting] room with a gun, because when he takes one step out of that room, they put those chains on his feet and his hands. As soon as they open that door and let him out, the first thing they do is search him."

In a telephone interview last night, Jackson's father, Robert Lester Jackson, of Pasadena, Calif., said he believed the prison break story had been a fabrication because of a series of incidents ascribed to his son.

"Who's next?" asked Mr. Jackson. "Angela Davis is next."

In denying the statement that the escape had been a fabrication to cover the killing of George Jackson, the warden

said that "we're likely to face the situation again because people on the outside are willing to help" prisoners attempt to escape or riot in the name of revolution.

Mr. Nelson said he remembered a time many years ago after a riot when many officers refused to come to work the next day. But, he said proudly, "This morning only one man did not come in, and he called to say he was sick."

He also said that as he walked through the prison today, "we got the usual hoots and catcalls" in some cellblocks, but in others he heard convicts say, "Warden, don't give up."

There are 365 uniformed guards at the prison, which today housed 2,622 inmates.

## Jackson Called Blacks' Symbol Of Anger With Judicial System

By EARL CALDWELL

George Jackson was often described as a symbol, and he was. For many blacks, he was a clear reflection of the rising tide of discontent that they now hold with the judicial system as a whole.

It is a dissatisfaction that is deep-rooted and mixed now with anger and distrust. It showed as word of Jackson's death flashed across the country.

"I don't know what happened," black people were saying, "but I don't believe he was just shot trying to escape. There's more to it than that."

Once the black concern for Negro prisoners was limited chiefly to the Nation of Islam—the Black Muslims. And later it was the Black Panther party. But today, blacks at all levels often express the feeling that the judicial system has two standards—one for whites and another for blacks.

They assert that prisons are filled with blacks and that guards and administrators and parole authorities are white.

### White Judges and Juries

They mention, too, that often the juries that convict Negro defendants are white, that the judges are white, that the prosecutors are white and that the arresting officers are most often white.

In the late nineteen-sixties when the Panthers were saying that all blacks serving time in jail were political prisoners, the Panthers had little visible support. But there has been a remarkable change in that attitude.

Now, prominent Negro lawyers and even Negro judges are saying openly that the judicial process is being used to contain blacks and the poor. And often, when they cite examples, they use George Jackson.

"Something is wrong," they would say, "when a man pleads guilty to stealing \$70 and spends 10 years in jail and still has no hope of getting out."

When he was 18 years old, George Jackson was sentenced to from one year to life imprisonment for stealing \$70 from a gas station. On the advice of his lawyer, he pleaded guilty.

On Saturday, he was shot and killed at San Quentin Prison in California. He was

killed, the authorities said, while trying to escape. Three prison guards and two white prisoners also were left dead.

Perhaps the most significant aspect is that Negroes in their comments did not focus on the killing of the guards or the other prisoners but on Jackson.

"At least," as one of them put it, "he wasn't the only victim."

Jackson became a symbol when he was charged along with two other Negro prisoners with the killing of a white guard at Soledad Prison in California in January, 1970. The guard was killed just after

three black inmates were shot and killed by a tower guard.

Among Negroes, the right or wrong of the killings was not the issue. Rather, it was the conditions of the prison, the conditions that blacks saw behind the atmosphere of the killings.

Increasingly, Negroes saw the prisoners treated as sub-humans. And more and more, they accepted the argument that too many blacks were held not as criminals but as political prisoners.

George Jackson was not simply a symbol. He was also perhaps the most prominent politicizer of the plight of black prisoners and a powerful writer.

He revealed much of his feeling and philosophy in his recently published book, "The Soledad Brother." The book is a collection of his letters from prison.

In a letter to one of his lawyers during which he discussed prison life, he wrote:

"How can the sick administer to the sick?"

### Equipment and Programs

"In the well ordered society prisons would not exist as such. If a man is ill he should be placed in a hospital, staffed by the very best of technicians. Men would never be separated from women. These places would be surfeited with equipment and meaningful programs, even

if it meant diverting funds from another or even from all other sectors of the economy. It's socially self-destructive to create a monster and loose him upon the world."

Jackson often wrote Angela Davis, the black activist who is facing trial in California on charges of murder, kidnapping and criminal conspiracy. In one of those letters, he wrote:

"This is the last treadmill I'll run. They created this situation. All that flows from it is their responsibility. They have created in me one irate, resentful nigger—and it's building—to what climax?"

There had been speculation that the climax for George Jackson would be violent.

But the opinion was widely expressed yesterday that the incident at San Quentin was only a beginning of what was yet to come.

"The prisons in California are seething," a white writer who visited Jackson before his death said. "They are on the verge of overt, open rebellion."

The writer said that he came away with a great feeling of sadness.

"I couldn't help but think," he said, "how pathetic it was that a man like this had to be an outlaw, a person on the outside looking in—that the American system is such that it could not reconcile a man of such high intelligence and dedication."

He, too, saw Jackson as a symbol—a symbol of failure.