

# BAY GUARDIAN

The Bay Area's Alternative Newspaper. Published Fortnightly on Thursdays. Vol. 6 No. 8 Through June 22, 1972. 192

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# THE SOLEDAD FRAME-UP

How the state used six agencies, a 'convict-hostage' and a cloak-and-dagger plot to try to set up a rebellious prison psychiatrist for the Soledad murders.

Marion Bullin

**'They're trying to set me up for a murder charge,' said Dr. Frank Rundle, the Soledad psychiatrist who criticized treatment of prisoners.**

By Don Jelinek  
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**Eds. note:** Don Jelinek is a Berkeley lawyer and writer. His story is based on extensive investigation, including interviews with Dr. Frank Rundle, fired chief of psychiatry at Soledad, and Tony Pewitt, Rundle's former inmate-clerk at Soledad. Jelinek's story was withheld from publication for three months—while Pewitt was fighting for his release from prison—because of the incidents outlined for the first time publicly in this article. Pewitt was released from prison on May 22.

About 6:30 p.m. on Dec. 16, 1971, a smartly dressed young man and his fiancée rang the doorbell of the Monterey house of Dr. Frank

Rundle, former chief of psychiatry at Soledad Prison.

Rundle greeted them warmly and everybody entered Rundle's living room for what Rundle thought would be a jovial dinner and conversation with Tony Pewitt, an old and trusted associate.

An hour later, Rundle went into the kitchen to freshen the drinks. Pewitt followed him, grabbed some green paper from the kitchen telephone table and wrote Rundle this startling note:

"Do you realize that the CCOA [California Correctional Officers Association] is out to hang you at any expense?" Then: "I'm bugged."

Pewitt then ripped open his shirt

and revealed the network of wires strapped to his chest. Rundle was staggered by the revelations and "sort of freaked out," as he put it to me later, but he wrote Tony a note back. The two exchanged written notes, while making small talk for the "buggers," until the major points of Pewitt's incredible story emerged:

— Inside Pewitt's cowboy boots and clothing was a miniature radio transmitter.

— Outside Rundle's house, a block or so down the street, a member of the State Attorney General's investigative staff and a Soledad guard sat in a green Torino and monitored the Rundle/Pewitt conversation.

— Pewitt, then an inmate at Chino Prison, was visiting Rundle on a 72-hour pass (fraudulently obtained by prison officials) on the promise of an early release if he cooperated and the threat of a three-year delay if he didn't.

— Pewitt's mission, as described to him by prison officials, was to set up Rundle as a conspirator in two Soledad murders.

— Raymond Proconier, chief of all California prisons, was, like Rundle, also under suspicion.

— Representatives from the Attorney General, the Calif. Correctional Officers Assoc., the Monterey County District Attorney's office, the Kern County Homicide Division and staff members from two prisons may all have been involved in the plot.

(Four days after Pewitt's refusal to entrap his friend, he was abruptly put under investigation for a four-year-old unsolved murder in Bakersfield, which terminated his early release from prison, just two months away. The investigation was later dropped for reasons outlined in the story.)

Rundle, his composure returning, called attorneys ("They're trying to set me up for a murder charge," he said in anger and apprehension) and arranged for a Monterey private detective firm to send investigators to his house that night and document Pewitt's part in the plot. The detectives and a friend of Rundle's took photos of Pewitt and his bugging device (turned off so the outside buggers wouldn't hear), took statements and tape recordings, and xeroxed Pewitt's prison pass and the rent-a-car application. All these records have been turned over to this writer and the Guardian for this story. They will be made available to the proper investigating authorities.

The complete story begins page 4.

**COMING UP:**  
DR. FRANK RUNDLE, THE SOLEDAD PSYCHIATRIST,  
TELLS WHAT'S WRONG & WHAT MUST BE DONE TO REFORM  
**California Prisons**

**July of 1970:** a 26-year-old farm boy from Bakersfield, six-foot in build, bombastic in personality, came to Soledad Prison with a five-year sentence for grand theft involving rented cars. He is Tony Pewitt.

"On March 3, 1972, I was to be set free," Pewitt told me in an interview. All he had to do to get out three years early was to "keep clean."

This wasn't so easy, Pewitt found, when you're in Soledad in the early 1970s amidst the tides of killings and prison revolt.

Just six months before Pewitt stepped into Soledad, a tower guard shot and killed three blacks who had been roughhousing with whites in the exercise yard. It was the first and most famous Soledad slaying.

Later, one-half hour after the prison radio carried the news of the Grand Jury "acquittal" of the guard, a different guard (No. 1) was murdered in what came to be called a "retaliation killing."

George Jackson, John Cluchette and Fleeta Drumgo were charged and they became known to the world as the "Soledad Brothers." Jackson was killed in an alleged "escape" attempt on the eve of his trial, which ended in the acquittal of his two co-defendants.

As Pewitt arrived at Soledad, another guard (No. 2) was stabbed to death in the recreational shop. The accused inmates became known as the Soledad 7, then the Soledad 4, but all charges were eventually dropped against them when inmate witnesses for the prosecution admitted their testimony had been coerced.

In March 1971, Officer McCarthy (No. 3) was allegedly stabbed to death by inmate Hugo Pinell. About this time, Soledad's new chief of psychiatry, Dr. Frank Rundle, began to protest the treatment of emotionally disturbed inmates such as Pinell. Rundle, in his words a "New Republic liberal" from Madison, Wis., had taken over the job of chief psychiatrist in December at age 44 and soon was making a reputation as a friend of the prisoner.

Emotionally disturbed patients like Pinell, Rundle protested to Soledad authorities, were kept locked in "security cells," which he described as "bare concrete boxes with nothing in them." You can't treat the men "by locking them up in this inhuman manner," Rundle asserted.

When prison authorities took no note of Rundle's criticisms, he threatened to write an open letter to distinguished medical societies. Raymond Procnier, the head of the Department of Corrections, was called in. He eventually backed up Rundle.

Rundle made his attitudes public when he testified at Pinell's pre-trial hearings and charged that the convict had been kept in those "dark, dirty, miserable cells with garbage all around." Pinell, he further testified, had a possible "neurological disorder" which "could not be treated with the inadequate facilities at Soledad."

As a result of Rundle's testimony, Pinell was transferred to San Quentin for treatment at the UC Medical Center in San Francisco. (While at San Quentin, Pinell became one of the San Quentin 6 charged with murdering San Quentin guards during the alleged George Jackson escape.)

# THE SOLEDAD SYSTEM: BE A SPY AND GO FREE

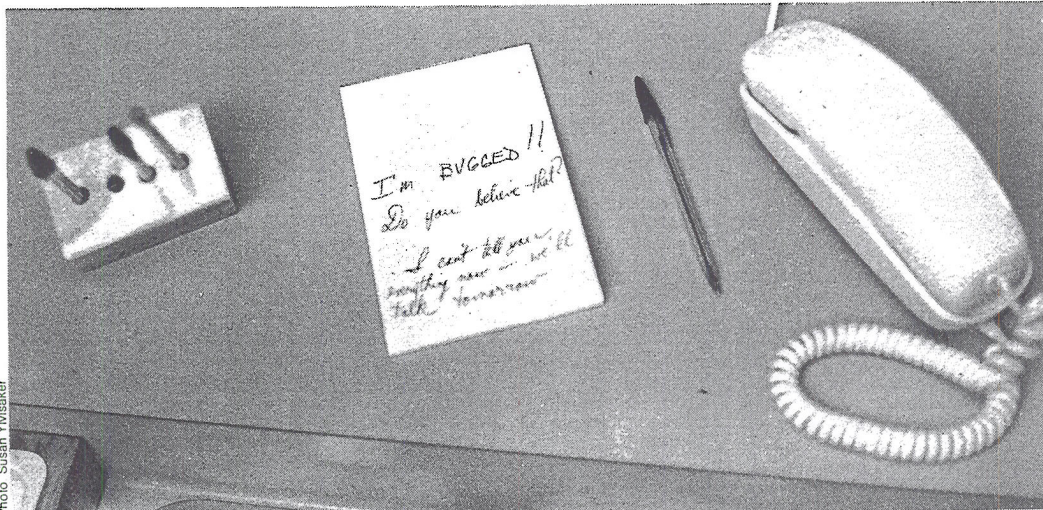


Photo Susan Yinaker

Exposing the plot: A hastily-scribbled note from Tony Pewitt to Frank Rundle ("I'm Bugged!!") alerted the psychiatrist to the electronic eavesdropping in process. The two kept up harmless conversation while exchanging more notes and figuring how to foil the "buggers" parked outside Rundle's house.

## Says a top correctional official to the convict 'spy': 'I believe that Rundle is involved with the Communist Party and so is Procnier. I believe that Rundle led these people to kill McCarthy and Conant (Soledad staffers) and I want you to get the evidence.'

The Soledad reaction to Rundle's testimony was fast and furious. His immediate superior, Jerry Enemoto, barred him from "contact with any inmate involved in any court proceeding, as party or as witness."

It was in this emotionally-charged atmosphere that Pewitt (who had had some medical training) went to work as chief medical clerk, then in March 1971 as chief psychiatric clerk to Rundle. Pewitt told me he had heard Rundle referred to by prison authorities as "The Communist" or "radical" and once as "The Red Panther." But this didn't bother Pewitt, who only wanted to keep clean and get out.

At first, Pewitt's job was to answer the phone, make appointments, type reports, deliver medicines. But his responsibilities were increased to screening "those in most immediate need" as Rundle put more and more trust in his competent clerk.

Pewitt and Rundle soon became good friends. To Rundle, Pewitt was "my only friend within the walls." To Pewitt, "Frank was simply the best."

Soledad murder No. 4 was close at hand. (This murder and McCarthy—No. 3—would be the basis of the attempt to frame Rundle.)

Eric Hilton was an inmate who had seen Rundle some 20 times. He came to Rundle as an epileptic, but his epilepsy treatment evolved into "a real psychotherapeutic situation" as Hilton opened up to Rundle, whom he came to regard as a "father friend."

During the week of May 15, 1971, Hilton became "seriously depressed." Rundle, fearing he would commit suicide, increased the medication to include Thorazine, which helped at first, but was then rejected by the patient because "it was too strong."

Hilton made an appointment to see Rundle on May 19, 1971, but he never got there. According to prison officials,

he and Jerry Lund, a fellow inmate, stopped first at the office of Kenneth Conant, program administrator, and stabbed him to death in the back of the head.

Pewitt came to Rundle to say, "Conant's dead and Hilton's accused of it."

Rundle's immediate reaction was to sit down and dictate a full report of Hilton's psychiatric condition for Pewitt to type that night. The next morning, Rundle read the typed draft, corrected it, had a final draft typed, put it in his briefcase, then made his usual rounds of North facility.

After Rundle left, Charles Stowall, assistant to Superintendent Cleetus Fitzharris, met Pewitt and asked to see the doctor. This was at 10 a.m. Thirty minutes later, he returned and ordered Pewitt to produce "Hilton's psychiatric file."

Pewitt replied, "I don't have it."

## CAST OF CHARACTERS

**Dr. Frank Rundle:** Chief of Psychiatry at Soledad; spoke out for reform of prison conditions. Fired for insubordination when he refused to release confidential files on an inmate-patient.

**Tony Pewitt:** Soledad inmate whose friendship with Rundle was used by government officials to implicate Rundle in radical activities and two Soledad murders.

**Hugo Pinell:** Inmate charged in Soledad murder No. 3. During his pre-trial hearing, Rundle first testified on inhumane treatment of prisoners.

**Eric Hilton:** Inmate charged with Soledad murder No. 4. A patient of Rundle's, it was his file the psychiatrist refused to hand over to his prison supervisors.

**Jerry Enemoto:** Rundle's supervisor at Soledad. Told him to stop testifying on behalf of prisoners facing trial, and later ordered him to give up confidential psychiatric records on Hilton.

**Joanie Griffin:** Pewitt's fiancée, daughter of Pastor Martin Wahl, a Forestry Camp Chaplain.

**Sgt. "Moe" Comacho:** Soledad guard and vice-president of the CCOA (Calif. Correctional Officers Assoc.). He was the first to inform Pewitt of his scheduled role in the attempted frame-up of Rundle.

**Loran Spoon:** Correctional Officer. Drove Pewitt on the bugging mission and rented the car Pewitt took to Rundle's house.

**Norm Gard:** Member of Attorney General Evelle Younger's office. Gard provided the radio equipment for the mission, and sat nearby with Spoon

to monitor Pewitt's talk with Rundle.

**Simmons/Fletcher/Murphy:** Monterey private investigators called in by Rundle. Their detectives witnessed the bugging equipment which had been taped onto Pewitt's body.

**Raymond Procnier:** Head of the California Dept. of Corrections. He initially backed up Rundle in his outspoken criticism of Soledad conditions—and later came under suspicion himself.

Stowall ordered a search, but couldn't find it.

At 3 p.m., Stowall confronted Rundle and demanded the file. Rundle refused, arguing that to turn over private psychiatric files would be unethical, illegal and bad practice. "If I gave you that file," he said, "no inmate would ever trust a prison psychiatrist again."

Enemoto, the supervisor who had barred him from treating patients involved in litigation, then ordered Rundle to produce the files. Rundle asked for time to get legal advice; he was given 10 minutes.

Rundle called the State Attorney General's office, but was given what he considered ambivalent answers about the legal ramifications of his position. The 10 minutes were up, a half-dozen officials "surrounded me and said 'you're coming with us.'" As Rundle was marched into the superintendent's office, Rundle's office was searched. His briefcase was opened and Hilton's file removed.

Rundle was fired on the spot for insubordination and refusing to respond to the order to produce the psychiatric file. As the formal termination order from Superintendent W.T. Stone put it, "The orders that he refused to obey related to the psychiatric files on two inmates suspected of being involved in the killing of a staff member."

As he packed his personal belongings, a black staff member told Rundle that "there's a rumor that you were bringing in weapons for the prisoners." Rundle laughed off the remark as absurd.

In the months that passed, neither Rundle nor Pewitt had much time to think about each other. Rundle was now a national prison figure, a former insider who would testify in court, on lecture platforms and in the press about the inhuman conditions in prisons. He called for widespread reform.

Pewitt, on the other hand, was finally rewarded for his good record and transferred to the minimum security California Institution for Men (CIM) at Chino. There, he met Joanie Griffin (the daughter of the Forestry Camp Chaplain Martin Wahl), who became his fiancée.

In September 1971 Pewitt went before the Adult Authority (Parole Board) and formally received his March 3 release date. He would be free in six months.

He was now eligible for work furlough; living in prison, but working outside. His plans seemed solid, but not for long.

Ms. Griffin had access to her father's credit cards and she lent the Penney's card to Pewitt to buy a \$24 pair of boots.

To Pewitt's amazement, her mother signed a criminal complaint against him for the \$24. Soon after, he was suddenly "rolled up" from the work furlough program (ostensibly because he hadn't found a regular job) and was put in chains to be transferred to maximum security at Chino.

(Pewitt subsequently said "the poor woman" had been coerced into signing the complaint and setting him up for his part as the hostage in the Rundle frame-up.)

One week later, while Pewitt watched his early freedom slipping away, he received an unexpected visitor—Lt. Roscoe Antrim, 2nd Watch Commander of Southern Conservation Center at Chino (SOCC).

Antrim walked into Pewitt's work area, asked another inmate to leave and closed the door. "Are you the Tony Pewitt who was Dr. Rundle's clerk?" he inquired in a confidential manner.

Pewitt laughed to himself, he told me later, "as if they didn't know." But he replied, "yes." Antrim, barely waiting for Pewitt's response, continued, "You know Sgt. Comacho from Soledad. Well, he's vice-president of the CCOA [California Correctional Officers Assoc.] and he'd like to talk to you about something you could help the Dept. [of Corrections] about. Would you be willing to talk to him?" Pewitt again answered yes.

Two days later, Pewitt was paged about 8 p.m. on the public address system and asked to come "up front" to meet his visitors—Comacho and another Correctional officer, Mack, whom Co-

macho introduced as "my pilot." Comacho said they had just flown from Soledad in a private plane for this conversation.

Comacho was blunt. "Your release date is lost because of the credit card incident." (All Pewitt could think of, he told me, was "three long years.") "If you cooperate with us, we can help you."

Comacho then proposed that Pewitt answer questions into a tape recorder about earlier conversations he (Pewitt) had with Rundle. First, however, Comacho would tell Pewitt what his answers should be. Pewitt, bothered and shaken by the whole business, nonetheless agreed and the session went on until midnight. Some Q and A:

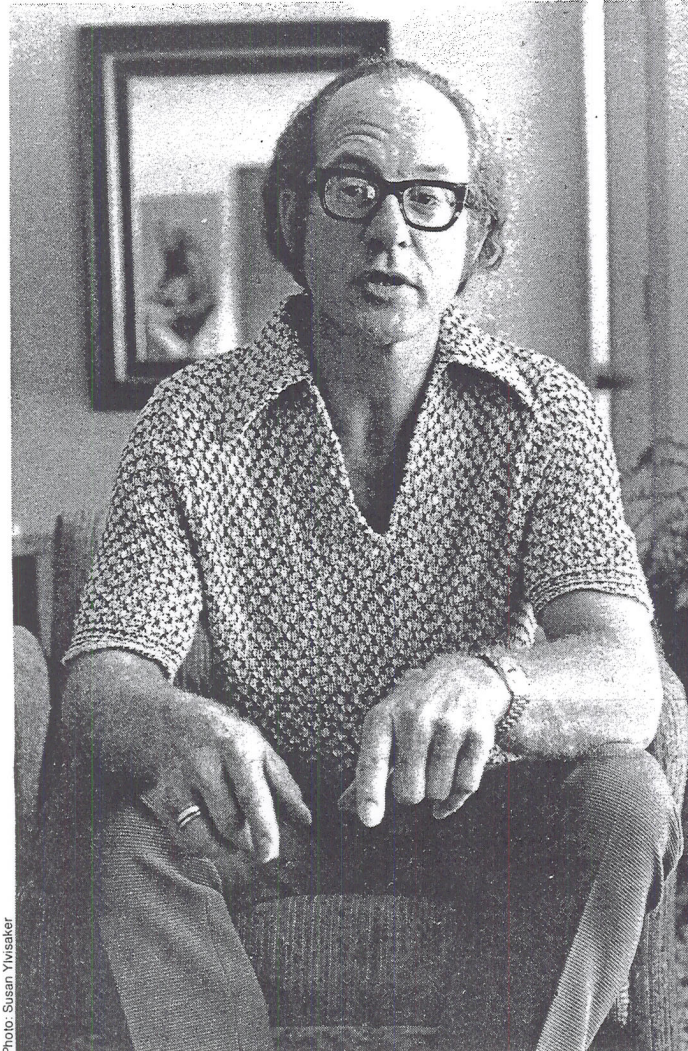


Photo: Susan Yvishaker

Dr. Frank Rundle, Chief of Psychiatry at Soledad Prison; fired for "insubordination" after he refused to turn over the psychiatric files of an inmate accused of murdering a Soledad guard. "If I gave you that file, no inmate would ever trust a prison psychiatrist again."

1. Did Rundle know Fay Stender (radical attorney) prior coming to work at Soledad? And her lawyer husband Marvin as well? Yes, Pewitt lied.
2. Did Rundle know William Kuntsler (radical lawyer) as well? Yes, Pewitt lied.
3. Were there numerous phone calls from Rundle to Proconier (Chief of Prisons) during this time? Yes, Pewitt lied.
4. Did Pewitt "know" that Rundle was giving extra drugs to the inmates which they could later sell or get high on? Yes, Pewitt lied.

Rundle told me that he had never even heard of the names of the Stenders or of Kuntsler before he went to work at Soledad.

Comacho turned off the tape and confided to Pewitt, "You know, we believe Dr. Rundle wants to have you killed because you have the original tape about Hilton."

Comacho gave Pewitt time to digest this news, then added, "We want you to go to Rundle's home on a 72-hour pass and find out certain things—about his affiliation with the Dept. of Corrections and Proconier, and with Dr. Noble [an assistant psychiatrist Rundle had hired], Dr. Clannon [Director of Psychiatry at the Dept. of Corrections], Hugo Pinell and Larry Spain [accused of the killings of guards during George Jackson's alleged escape], Harris [the white inmate

involved when the first Soledad killings occurred] and Hilton."

Pewitt agreed to assist. It would begin Dec. 15, 1971.

Pewitt had earlier applied for a pass which had been denied. Antrim said this one would go through without the 10-day delay. He promised that Bob Briggs (camp program administrator) would sign it—"just fill it out like the last one."

The signed pass thus misrepresented Pewitt's destination (as Pastor Martin Wahl in Hemet) and the purpose (to "seek employment, establish family ties and apply for a driver's license.") The pass was to last from 9:00 a.m. Dec. 15 until 9:00 a.m. Dec. 18.

The day before, Antrim called "Moe"

They arrived in Salinas and immediately went to a cocktail lounge where Spoon called Comacho. Next stop, the Highway Center Lodge, 555 Airport Blvd., where they rented two rooms. Tony's was Room 124. Then to the Monterey Airport to pick up Joanie. (Tony had told them and demanded she be included. At this late hour, they could not refuse.)

At 7:30 p.m., they drove up to the local Avis dealer, Vaccardo's Texaco, 202 Monterey St., and obtained a 1972 Ford Pinto (Calif. license No. 236 DYM) rented to Loran Spoon on his Mobil credit card. This was the car Tony and Joanie would casually drive to visit Rundle.

Then dinner for all at a little "Italian joint." Spoon picked up the tab and gave them \$20 for spending money. Then to bed. A tough day lay ahead.

Comacho arrived at 8 a.m. with a stranger who was introduced as "Norm Gard of the Attorney General's office." Gard, whose boss is State Atty. Gen. Evelle Younger, is attached to the Calif. Dept. of Justice, Bureau of Investigations. Now, for the first time, Pewitt learned he was to "bug" his friend.

Gard brought out the miniaturized radio transmitter and explained to Pewitt how to put it on and how it operated. Gard said the electronic unit had "a range of up to half a mile" and, after Tony and Joanie entered the Rundle home, Gard and Comacho would be parked nearby to monitor the results.

Comacho then broke into the conversation, "The Rundle hearings [for reinstatement at Soledad] are on now, and you're the key to break that case. I believe that Rundle is involved with the Communist Party and the radicals and so is Proconier. I believe that Rundle led these people to kill McCarthy and Conant and I want you to get the evidence."

An hour later, Tony and Joanie went for breakfast in Pacific Grove at a restaurant called "Slats." Tony called Rundle from there. Over the telephone, with the equipment playing for the "buggers," he made an appointment for that night for dinner at the Rundle home.

Equipment off, a day of preparing, then equipment on again and the two cars proceeded to the Rundle home in Monterey. The Gard car ("a green Torino 351 cubic-inch with a scoop on the top") preceded Pewitt to the destination.

"As they drove past," Pewitt recalled, "they pointed out the house and instructed me to follow them once around the block." Then Pewitt parked in Rundle's driveway and went to the door with his fiancée.

"Let me get you a drink, Tony," Rundle said, unaware of what was distracting his friend.

They talked for an hour. Rundle spoke of the pleasure of visiting his three children recently, the problems of private medical practice and the progress of his law suit for reinstatement. Pewitt, aware of the mechanical ear attached to his chest, finally sought to elicit some radical pinnacles for the buggers.

"Didn't you once tell me about some school for radicals in the East?" Rundle thought, as Pewitt suggested, "Saul . . . Saul . . ." Said Rundle, "Saul Alinsky." He discussed what he had read of the school.

An hour dragged on.

Rundle decided to freshen his drink in the kitchen. Pewitt seized the opportunity and followed him. He grabbed some green paper from the kitchen table and wrote a note to Rundle:

"Do you realize the CCOA [California Correctional Officers Assoc.] is out to hang you at any expense?" Then: "I'm bugged."

Pewitt then ripped open his shirt and revealed the maze of wires strapped to his chest. Rundle, as he told me later, "sort of freaked out" when he saw the bugging equipment on his friend.

A wounded look perhaps crossed Rundle's face, for Pewitt then wrote another note, "I really have little choice but to play things by ear—they are hanging me, too! It's like I'm having an EKG—and this I've been enduring for the last couple of weeks. Comacho has been down there twice, etc., etc."

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A look of doom must have crossed his fiancée's face, for Pewitt then wrote a note to her: "Fuck the Department of Corrections. He [Rundle] will help you and the girls [his fiancée's children from a previous marriage] if anything happens to me. That's all I care about, you and the girls."

The notes passed back and forth while, for the benefit of the buggers in the car outside, the two made small talk as best they could. The small talk became strained as they got more and more involved in the notes and tried to work out what to do.

Finally, Rundle wrote a note suggesting they call an attorney for advice. Pewitt to Rundle in a note: "That's a fantastic idea, yet I want you to realize my extremely precarious situation and the repercussions that might result. These guys are only parked a few blocks away—this is all sanctioned by the DA—Salinas—Offer suggestions—I'm not particularly concerned about money—my future freedom."

**Rundle to Pewitt:** "I'm very mindful of the risk to you. I would do nothing to jeopardize your freedom. But I'd like to get as much documentation as possible in case we can find a way to use it. OK if I get somebody to come just to see the equipment? Someone I can trust? Do you think they would actually be watching the house?"

Pewitt to Rundle: "Definitely. They are in a '71 Ford Torino 351 C-I, green, maybe only 200 yards away . . ."

Rundle to Pewitt: "What about my phone—conceivable that it's bugged?"

Pewitt to Rundle: "Why don't you go buy a couple of cokes?"

Rundle left the house and called attorneys from a pay phone, which led Rundle to Simmons/Fletcher/Murphy, investigative consultants in Monterey. Meanwhile, Pewitt decided he couldn't handle the small talk and the note-passing anymore and he disconnected the bug about 9:30 p.m. (He planned to justify the "malfunction" by echoing the buggers' warning that "it's a delicate machine that will sometimes disconnect itself.")

About 2 a.m., two detectives arrived at Rundle's house, acted as witnesses to what had transpired, took statements and prepared a formal statement resulting from their investigation. One detective had a parting question for Pewitt: "Tony, what will you do when you leave here?" Pewitt replied, "I'm going to do two more years at least—they're going to shelve me."

Pewitt also wrote an affidavit, closing with this sentence, "I (have no doubt) fear that I shall be held incommunicado within the Dept. of Corrections." He authorized various lawyers to represent him.

Pewitt and his fiancée spent the night at Rundle's house, as they had told Comacho they would. Early the next morning, they xeroxed the key documents (the rent-a-car application, his pass, etc.).

About 8:30 a.m., the couple was directed on a cloak-and-dagger trip: from a restaurant, to a cocktail lounge, to a motel room, to Spoon's house, to Comacho's house. All along the way, Comacho and Spoon asked veiled questions and made ugly hints that Pewitt had double-crossed them.

"They weren't pulling this cloak-and-dagger stuff for legitimate security reasons," Pewitt said later, "they must have been toying with us." Incredibly, at the Comacho home where they were taken at one point, Mrs. Comacho asked Joanie Griffin, "Wasn't that Fay Stender with you all at the Rundle house last night?" She even produced a photo of Fay Stender to show Joanie for identification. Joanie said this was absurd and said "nobody else was there."

No woman had entered the Rundle house the night before (just the private detectives, which the stake-out people never admitted they saw). Pewitt later told me that all this must have been a "cat-and-mouse game" to make him admit what had happened.

Pewitt didn't let on, nothing came of

## 'It's like I'm having an EKG,' said Tony Pewitt of the bug they wired to his chest to entrap Rundle in his own home.



This photograph of Pewitt and his bugging equipment was taken by Polaroid camera after Pewitt disconnected the bug. Outside Dr. Rundle's home, monitoring the bug from a parked car, were Norman Gard of the Attorney General's office and Sgt. "Moe" Comacho, vice-president of the Calif. Correctional Officers Assoc.

the interrogation and Spoon was finally elected to drive the couple back.

Again, the tense six-hour drive, with nobody saying anything, again past Soledad and into nearby Montclair where Tony and Joanie spent the night. The next day, they kissed goodbye and Tony took a cab to Chino.

He arrived at Chino at 9 a.m. on Saturday, Dec. 18. By Monday, four days after Tony Pewitt had refused to bug his friend, Dr. Frank Rundle, and attempt to entrap him in two Soledad murders. Pewitt suddenly found himself a suspect in an unsolved, four-year-old Bakersfield murder.

He was greeted on Monday by a mot-

ley crew indeed: a Lt. Smith, liaison officer at SOCC, two homicide detectives from Bakersfield, a police officer from Delano (who had dated Pewitt's ex-wife) and the ex-wife herself (Rita, who had allegedly implicated Pewitt in the murder).

Suddenly, Pewitt's old car was connected with the robbery that preceded the murder. Then Pewitt was officially notified he was under investigation for the murder and was placed in maximum security. From Dec. 20 through most of May in 1972, Pewitt remained in "lock-up"—the hole—outside the general prison population.

Why the sudden switch in plans for Tony Pewitt? Pewitt is convinced these

charges were brought in retribution for his act of conscience.

Gard and Comacho came to see Pewitt three or four weeks after he was put in maximum security and asked him several questions. Pewitt never saw them again.

On March 1, Pewitt wrote to Rundle and explained what had happened to him: ". . . the Adult Authority rescinded my parole date on Tuesday, Feb. 29, 1972. The justification they offer me is that, although the Bakersfield P.D. [Police Dept.] is no longer interested in me (it had dropped the investigation against Pewitt) . . . they are not satisfied with the investigation and are initiating their own . . . My question to them about when the investigation might be concluded; was told that my discharge was 1975—no more!"

During the week of March 20, attorneys for Rundle telephoned Procnier, advised him of most of the events in this article and told him they had documentary proof to back them up. They requested Procnier to take the necessary steps to free Pewitt or the attorneys would.

Procnier said he knew nothing of the Pewitt/Rundle business, but that he would investigate. A blast of activity began. Procnier's investigators visited Pewitt in his cell and his fiancée in her home and, presumably, some of the participants from the Spoon/Comacho side as well.

Procnier would label it a "coincidence," but by late April and early May the Adult Authority declared its own unprecedented investigation of the murder case concluded, Pewitt vindicated and his parole date reinstated. About three weeks of bureaucratic confusion followed, probably caused by the sudden release date.

On May 22, Pewitt walked out of Chino prison—free!—but aware that he was on parole for three years and that a single minor infraction could place him behind walls again.

### POSTSCRIPT

• On June 1, 1972, Tony Pewitt and Joanie Griffin were married in Riverside County. (Pewitt can't leave Riverside without consent of his parole officer.)

• No charges were ever placed against Rundle. His reinstatement case is concluded and awaiting a final decision from the judge.

• Before the Guardian could publish this story, Pewitt had to consent because he was a main source and had the most to lose. He said, "Even if I had to 'top out' on this thing—do the other whole three years—if this story will help people in prison in the future, I think the danger's worth it."

### THE AUTHOR'S OPINION

I believe that, when the Soledad killings began, most prison officials were too insensitive to believe that anything was wrong with the prisons and thereby assumed that "outside agitators" had to be the reason—the underground press, the radical lawyers, the number of Black Panthers entering the prisons. Everything except the very inhuman conditions that the prisoners were rebelling against.

Dr. Rundle was the first "insider" to complain about the prisons decisively: not only did he criticize the "security cells," but he threatened to take his case to the public if necessary. When Raymond Procnier, Dept. of Corrections head, backed him up, the die was cast. Here was the conspiracy for the prison officials to justify their own innocence.

It wasn't enough to fire Rundle, blood had to be drawn from him. From then on, incredible power and resources were thrown into action: the parents of Pewitt's fiancée, correctional officers, a credit card criminal complaint turned on and off by "someone," the Attorney General's office, DA's office, intricate bugging machines, private airplanes, money for these expenses, phony passes to leave prison, homicide detectives from another county.

In this rare situation justice was done. But it terrifies me to consider how many others lie hidden under the stone of "rehabilitation."



## CHRONOLOGY OF EVENTS

**July, 1970:** Tony Pewitt enters Soledad Prison, convicted of grand theft and sentenced to five years.

**Dec., 1970:** Dr. Frank Rundle starts as Chief of Psychiatry at Soledad.

**March, 1971:** The third of a series of four Soledad murders. When inmate Hugo Pinell is charged, Rundle testifies against prison conditions at a pre-trial hearing—the start of his official downfall.

**May 19, 1971:** Murder No. 4, of Soledad Program Administrator Kenneth Conant. Accused: Eric Hilton. Rundle is fired after he refuses to turn Hilton's psychiatric file over to supervisors.

**Sept., 1971:** Parole Board sets March 3 parole date for Tony Pewitt because of his good behavior record; he is now at Chino Prison, working outside and living in the prison.

**Nov. 15, 1971:** Pewitt's early release threatened when he allegedly misuses a credit card while outside Chino.

**Nov. 22, 1971:** Pewitt contacted by "Moe" Comacho, VP of the Calif. Correctional Officers Assoc.—who says he has no hope of early release before 1975 unless he cooperates in getting information on Rundle.

**Dec. 16, 1971:** Pewitt, electronic bug attached, meets Rundle at the doctor's home for dinner. Pewitt subsequently disconnects the bug and Rundle phones his attorney—who calls in private detectives.

**Dec. 18, 1971:** Pewitt returns to Chino, after interrogation by Comacho, et al., who are upset about the mission's lack of success.

**Dec. 20, 1971:** Pewitt is abruptly thrown into maximum security, under investigation for an unsolved, four-year-old murder.

**Feb. 2, 1972:** Parole Board rescinds Pewitt's parole date.

**May 22, 1972:** Pewitt finally released on parole, after the Board drops its investigation of the unsolved murder.

