

Warrant Out For Quentin Lawyer Arrest

By Stephen Cook

Five murder charges were filed today against Stephen Bingham, the missing East Bay attorney now accused of smuggling the gun into San Quentin that sparked the bloody Aug. 21 escape attempt.

An all-points bulletin was issued for the attorney, 28 year old member of a powerful New England political family, and the FBI has entered the nationwide search for him.

Bingham, accused of smuggling the gun to Soledad Brother George Jackson, vanished immediately after he visited Jackson the afternoon of the escape attempt. The violence followed only moments after the end of the visit.

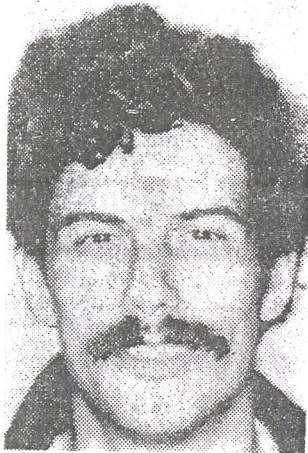
Marin County District Attorney Bruce Bales filed the charges this morning in Marin Municipal Court and Judge Peter Allen Smith immediately issued a no-bail warrant for Bingham's arrest.

Formally Charged

Bingham, son of former Connecticut State Sen. Alfred M. Bingham and grandson of former Gov. and U.S. Sen. Hiram Bingham, was formally charged with the murder of three prison guards and two inmates.

Jackson was killed by a prison guard as he fled the prison's maximum security Adjustment Center where the violence took place.

Bales answered "yes" each time when asked if he believed there was a conspiracy between Jackson and Bingham; if others were involved; and if the conspirators were both inside and outside the prison.



STEPHEN BINGHAM
Accused

But when asked if he believed members of Jackson's family were involved, Bales answered "no comment."

May Go To Grand Jury

Bales indicated that murder and other charges probably will be filed against some of the 26 inmates in the Adjustment Center but said his case was not complete.

He indicated he would go to the Marin County Grand Jury to seek indictments

when further charges are ready.

Under California law, anyone who supplies the weapon used in a capital crime is considered guilty of the crime. It is under that same statute that Angela Davis is charged with murder and kidnap for allegedly supplying at least some of the guns used in the Aug. 7, 1970, shootout at the Marin County Civic Center which left four dead.

Bales said a "massive investigation" involving his office, the State Attorney General's office, and prison officials have brought him to the conclusion that "there was no other way George Jackson could have obtained the death gun except through his visit with attorney Stephen Bingham."

He said additional evidence obtained over the weekend "appears to rule out the unknowing or innocent transporting of the gun into the prison by Bingham."

Bales declined to elaborate

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on what evidence materialized over the weekend.

He also said Bingham's "sudden and complete disappearance following the terrible and tragic events he triggered is not insignificant, especially in view of my repeated public requests for him to come in and discuss the case with me.

"I feel I have a solid and sound case against Bingham."

The district attorney said he does not have any idea where Bingham is now and because there is a possibility he has fled the State, the FBI has entered the case.

Father Fearful

Bingham's father told newsmen last week he thought that if his son did carry the gun in, it was unwitting. He also expressed fear for his son's safety, saying he believes the younger Bingham may have met foul play or is being detained by revolutionaries involved in a plot to get Jackson and other militant prisoners out of San Quentin.

In announcing his moves this morning, Bales also said he is still interested in talking to Vanitia Witherspoon Anderson, 23, a black woman who accompanied Bingham to the prison on Aug. 21 but did not get in to visit Jackson.

No warrant has been issued for Miss Anderson and Bales declined to comment on her role in the case. She gave her address to prison authorities as the Black Panther headquarters in Berkeley.

Saturday Arrival

In a supporting affidavit filed with the charges, Bales said Bingham and Miss Anderson arrived at the prison gates at 10:15 a.m. on that Saturday morning.

Bingham had visited Jackson five previous times but various prison officials refused to grant him permission that day until 1:15 p.m. when

Associate Warden James W. L. Park, who was in charge of the prison okayed the visit it.

The visit began at 1:25 p.m. and lasted an hour, the affidavit said, with Bingham leaving the small visiting room once briefly for five minutes. Authorities indicated he went to the lobby area and bought cigarettes.

Thoroughly Searched

In the affidavit, Bales said that Jackson, then awaiting trial for the murder of a Soledad Prison guard in January 1970, was thoroughly searched in the Adjustment Center before the visit.

He was searched again at the visiting room and was removed from the room during the time Bingham was out of the room. The affidavit made it clear there were no barriers between Bingham and Jackson which would have prevented Bingham from passing to Jackson a gun and a black wig in which authorities say he concealed it.

Prison officials have said they believe the gun was smuggled into San Quentin inside a tape recorder Miss Anderson gave Bingham before he entered the prison.

Bingham went through a metal detector but also carried a briefcase which he did not carry through the detector.

After the visit, Bingham departed the prison and vanished and Jackson was returned to the Adjustment

Center by prison guard Frank P. DeLeon, 44.

The affidavit says that DeLeon noted that Jackson's hair looked different on the return trip — the convict did not have a wig on when he went to the visit — and a search was started just inside the Adjustment Center.

Jackson then yanked off the black wig, the affidavit said, and grabbed the 9-mm automatic pistol and an ammunition clip the wig had concealed.

The affidavit further says that Jackson killed Sgt. Jere Graham, 39, with the pistol during the 30 minutes of bloody violence that followed.

Throats Slashed

DeLeon, guard Paul Kra-

senes, 52, and white inmates John Lynn, 29, of Ventura, and Ronald L. Kane, 28, of Fresno, were also murdered by slashed throats. Prison authorities had indicated earlier that Lynn and Kane, "tier tenders" in the maximum security unit, apparently were killed because they refused to take part in the escape attempt.

Bingham, described by his father as a "dedicated radical," was last seen by his family when he visited the home of his uncle, retired University of California history professor Woodbridge Bingham. That was late in the afternoon of Aug. 21, after his visit with Jackson.

"He arrived on his motorcycle at about 4 p.m. . . . we had a pleasant, relaxed conversation, none of which related to his visit to San Quentin," the uncle said.

"He seemed perfectly normal. He left at about 5:15 p.m., saying that he had an appointment in San Francisco at 6 o'clock . . ."

Left His Motorcycle

When he departed, however, he left his motorcycle parked at the house. He doesn't own a car.

Bingham, a 1969 Boalt Hall graduate, had been practicing law under a fellowship in neighborhood legal assistance offices in the East Bay. He told his father recently he planned to branch soon into labor law.