

Attorney Charged In Quentin Deaths

Missing Lawyer Accused Of Smuggling Pistol-- No-Bail Warrant Out

By Paul Avery

Radical attorney Stephen Mitchell Bingham, suspected of smuggling a gun to convict George Jackson, yesterday was charged with five counts of murder relating to the bloody breakout try at San Quentin Prison.

Bingham, 29, scion of a politically illustrious Connecticut family, disappeared the evening of August 21, several hours after the escape attempt in which Jackson, two other inmates and three guards died violently.

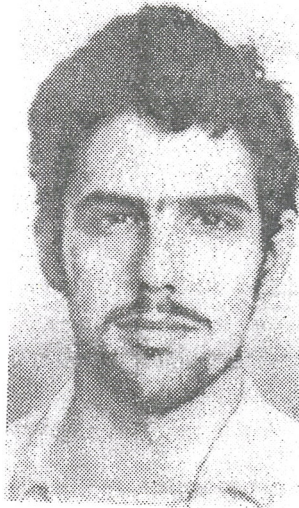
District Attorney Bruce Bales of Marin county said he has asked the FBI to assist in apprehending Bingham in the belief the lawyer may have fled the state.

FEAR

Relatives of Bingham said they fear he may have met with foul play.

A warrant for Bingham's arrest was signed by Presiding Judge Peter Allen Smith of the Marin county Municipal Court, who ordered the lawyer held without bail if he is caught.

In an affidavit of probable cause backing his request for the warrant, Bales said investigation of the August 21 incident had determined the only way Jackson could have gotten the gun was from



STEPHAN M. BINGHAM
Last to see Jackson

Bingham.

Bingham spent an hour conferring with Jackson immediately before the breakout try took place in the prison's adjustment center where troublemakers are celled.

The affidavit states Bingham arrived at San Quentin at 10:15 a.m., asked to see Jackson, and, initially, was refused for reasons not specified. It says the attorney spent three hours seeing various unnamed supervising guards, one of whom finally granted permission for him to meet with Jackson, one of the three so-called Soledad Brothers awaiting trial for murder.

Jackson, the document says, was strip-searched

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(all his clothing was removed and his hair and body cavities examined) in the adjustment center before being brought to the visiting room at about 1:25 p.m.

HAIR

After the visit, as the convict was being escorted back to the adjustment center, an unidentified guard noticed Jackson's "hair looked somewhat different on the trip back," the affidavit says.

In the adjustment center, when guards started to search Jackson, "he pulled a black wig from his head and took therefrom a 9-mm automatic pistol and clips containing live 9-mm cartridges and forthwith took the searching guards hostage."

Within a few minutes, 26 convicts — several facing trials on charges of murder or assault — were in control of the ground floor of the adjustment center and three guards and two inmates, who had refused to take part in the escape attempt, were dead.

Jackson was shot dead by a tower guard when, gun in hand, he attempted to run across a landscaped mall toward a 20-foot-high inner wall in the prison.

At a news conference, Bales said flatly "there is no way George Jackson could have obtained the gun other than from Bingham."

"And additional evidence was revealed over the weekend which appears to rule out that Bingham unknowingly or innocently transported the gun into the prison," Bales said. He would not elaborate.

Bales commented that "while the fact he (Bingham) has disappeared is not insignificant, without regard to the fact of flight I feel I have a solid and sound case against him."

Bingham is being charged with murder because California law makes an accomplice before the fact or at the fact of a crime guilty of the same offense as the individual actually committing the crime.

It is similar to the situation

of black activist Angela Davis, who is charged with murder and kidnap in connection with the Aug. 7, 1970, escape attempt and gunbattle at the Marin Civic Center.

The state contends Miss Davis knowingly supplied the guns used in the attempted courtroom breakout which ended with the deaths of four persons, one of them 17-year-old Jonathan Jackson, brother of the convict killed at San Quentin.

Bales' affidavit states the investigation has determined that George Jackson "killed at least one of the correctional officers by firing a 9-mm. bullet into the back of the of-

ficer's head." Which of the two officers found shot was Jackson's victim was not stated.

PROBE

Bales said his investigation is continuing and that he expects to soon go before the grand jury seeking indictments against an unspecified number of the inmates who joined Jackson in the escape attempt.

If a trial stemming from the escape attempt is held, the Marin county board of supervisors wants it held somewhere else.

The supervisors yesterday resolved to fight to prevent such a trial being held in the Marin Civic Center, the magnificent architectural creation of Frank Lloyd Wright.

COST

Supervisor Arnold Baptiste said there are widespread fears that a San Quentin escape trial could greatly exceed the \$1.5 million cost Marin county expects to bear for the Angela Davis trial scheduled to start next month.

"The Civic Center should be a place for Marin citizens to enjoy," Baptiste said. "But it has become a virtual fortress. Today it is a place where visitors and employees are tense and fearful."

Baptiste and Marin's four other supervisors have scheduled a meeting next Tuesday with Presiding Superior Court Judge Samuel W. Gardiner and Bales to discuss how the county can get out of being the site of trials involving incidents at San Quentin.

The prison itself remained quiet yesterday, with about 700 inmates leading routine lives. Another 1600 convicts continued locked up and visitors other than lawyers, were still barred.