

LAWYER INDICTED WITH SIX CONVICTS

Missing Bingham Charged in San Quentin Killings

SAN RAFAEL, Calif., Oct. 1 (AP) — A Marin County grand jury indicted Stephen M. Bingham, a missing lawyer, and six San Quentin convicts on murder charges today in the Aug. 21 violence at the prison in which George Jackson and five others died. The indicted inmates include Fleeta Drumgo, one of the two surviving so-called Soledad Brothers.

After listening to 20 hours of testimony from 25 witnesses, the 19-member grand jury returned the indictments against Mr. Bingham, 29-year-old grandson of a former Connecticut Governor and Senator, Hiram Bingham; Drumgo, 26; Hugo A. Pinell, 27; John Larry Spain, 22; Louis N. Talamantes, 28; David Johnson, 24, and Willie Tate, 27.

The seven indicted are charged with five counts of murder in the deaths of three prison guards and two white "honor" inmates. They are also charged with conspiracy to commit escape by force of violence, conspiracy to possess a firearm in a prison and conspiracy to kidnap correctional officers.

No Jackson Charge

The indictment does not charge anyone in the death of Jackson, a 29-year-old black revolutionary and author, who the authorities say was shot and killed by a guard while running across an open prison courtyard in an unsuccessful escape attempt.

In detailing the alleged conspiracy, the indictment said that Mr. Bingham gave Jackson a 9-mm. automatic pistol and clips during a visit shortly before the violence erupted, and that Jackson used the gun to kill Sgt. Jere P. Graham, 39.

It said the two other guards, Paul Krasenes, 52, and Frank DeLeon, 44, and two inmates John Lynn, 29, a convicted murderer, and Ronald L. Kane, 28, serving time for car theft and attempted rape, "were killed by members of the conspiracy."

Jackson, Drumgo and John W. Clutchette, 28, were the three Soledad Brothers, charged with the murder of a white guard at Soledad Prison in Monterey County in January, 1970.

Clutchette and Ruchell Magee, 32, accused with Angela Davis of murder, kidnap and conspiracy in a courthouse

shootout that left five dead in August, 1970, were in the maximum security adjustment center that was the center of the violence. Neither was named in the indictments.

Arrestment of the six inmates was scheduled for Tuesday in Marin County Superior Court. In addition, all six face a charge of assault on at least one prison officer.

Mr. Bingham, a former Peace Corps worker and activist in the civil rights and grape strike movements, is being sought on a Federal charge of unlawful flight to avoid prosecution for murder.

He was last seen on the afternoon of the San Quentin violence. The charges against him are based on a California law that makes an accomplice as

guilty as a person who actually commits a crime.

Among the 25 witnesses testifying before the grand jury were three San Quentin guards injured in the violence. No convicts were called before the panel, which must have 12 votes to indict.

Three of the 19 grand jurors walked out of last night's meeting—Rick Beban, 23, a former student leader at the College of Marin; James Kilty, director of Catholic Social Services for Marin County, and Harold Graves, a salesman.

"What this grand jury does is not justice but vengeance," said Mr. Beban. "This grand jury reflects society, which it represents, which is suffering from racism, paranoia and economic bias."