

\$31 Million

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Suit Is Filed for Cons in Solitary

By Charles Howe

A damage suit asking more than \$31 million on behalf of some 205 convicts assertedly being held in isolation cells, without formal charges was filed in U.S. District Court here yesterday by attorney Charles Garry.

The lawsuit names five inmates who were assertedly placed in solitary confinement "and still remain there for absolutely no reason" following the shootout at San Quentin on August 21 that left three officers and two inmates dead.

SUITS

Garry said the lawsuit "also covers at least 200 inmates in other California prisons" who have been assertedly locked up without cause.

The matter is scheduled to be heard here before United States District Judge Alfonso Zirpoli on November 3 at 1:30 p.m.

Pending receipt of the complaint there was no immediate comment from the State Department of Corrections.

A spokesman from another state office said Garry's lawsuit "is almost indistinguishable from maybe 10 others that have been filed since August 21."

Garry's lawsuit — which also asks for a preliminary and permanent injunction against the asserted unlawful detention practices — asks for \$25,000 in compensatory damages and \$100,000 in punitive damages for each of the five named prisoners, and others similarly confined.

OFFICIALS

Defendants include Governor Ronald Reagan, Raymond K. Procnier, director of the Department of Corrections, plus various San Quentin officials.

The prisoners who maintain they are being unlawfully

ly confined in various isolation cells are Bobby Bly, Wesley Robert Wells, Cleveland Brooks, Willie E. Gray and Benito Ibarra.

Following the August 21 death of George Jackson, killed while apparently attempting to escape, Garry's lawsuit charges that his clients were locked up "on the mere suspicion of political 'militance'" or because they were otherwise identified with the radical left.

"Since then," the complaint continues, "plaintiffs have still not been notified of any specific charges brought against them."

When a prisoner is to be placed in administrative segregation he is given a hearing before various prison officials.

HEARINGS

On June 23, Judge Zirpoli ruled that these hearings, in the absence of certain Constitutional guarantees including the prisoner's right to counsel, were unlawful and ordered them stopped.

The state appealed this order and continued holding the hearings pending the outcome of the appeal, which was denied on Monday. More equitable guidelines for prisoner hearings are now being worked out, a state spokesman said.

Garry said his clients were taken before "a vague kind of prison board" but officials "merely have announced orally at these hearings that plaintiffs have posed some vague security threats to the prison and would be confined in segregation indefinitely."

By placing his clients in segregation, Garry charged in his lawsuit, their chances for successful parole hearings before the Adult Authority have been severely damaged.

Garry said prisoner Bobby Bly was told he was being placed in isolation because of "his past militant record."