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Convict Tells of Threats

Soledad Trial Star Witness

By Harold V. Streeter

A black convict, who said he had been threatened both by guards and inmates because of his testimony, described today how he witnessed the murder of officer John V. Mills at Soledad Prison two years ago.

He saw George Jackson, since slain in an abortive attempt to escape from San Quentin last August, beat Mills and ultimately throw his body from a third-floor cell tier to the ground below, he said.

And he added that he watched as Fleeta Drumgo, 26, one of two defendants in the present trial, punched the guard while Jackson held him. He did not see John Clutchette, 28, the other defendant, strike Mills, he said.

Eyewitness Report

Thomas A. Yorke, serving a prison term for manslaughter from Los Angeles and additional time for escape, testified he was reading a newspaper in his cell in Y wing on the third tier at Soledad on Jan. 16, 1970, when he heard a commotion.

"They've got the man!" he heard another convict call out.

Yorke said he went to the door of his cell, glanced out, and saw Jackson holding the guard in an armlock and "carrying him forcibly to-

ward the east side."

"I locked my door and jumped into my bunk," he related. "After a few seconds, I got up and looked through the slot in the door, without opening the door.

"Mr. Jackson was dragging the officer in an armlock. Mr. Drumgo at that time was punching at him toward the face area."

Yorke, whose cell was

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across an open space from the landing on which the action took place, said he saw Drumgo run down the stairs.

"Mr. Jackson still held the officer in the choke position," he continued, "and continued to choke him while holding him with his (Jackson's) back to me."

Then Jackson let go of Mills, he said, and the guard fell on his back.

"Mr. Jackson knelt on the area of his chest and chopped him," Yorke testified, demonstrating a karate chop for the jury.

Admitting he was a poor judge of time, the witness said this continued for two or three minutes, after which he saw Jackson go into Clutchette's cell, come out with a flashlight, and start "beating the officer around the area of the head again."

Under questioning by Assistant District Attorney Ed Barns, Yorke said he saw Jackson hand the flashlight to Clutchette, who wiped it off with a towel and took it back to his cell. The flashlight later was found on the rain-soaked ground outside Clutchette's cell.

"Mr. Jackson," Yorke said, continuing his testimony, "lifted the guard up and slid him between the bars over the tier."

Fatal Wounds

While Mills was "plummeting down," Yorke told the jury, he himself went back to his bunk. Later, he saw officers carried the fatally wounded guard from the lower floor where he landed, heard whistles below, and heard a command to "lock down."

Yorke admitted, under Barnes' questioning, that he lied when he was first questioned about the incident. But later he learned that a convict in another cell had told what he had seen, and that bothered him.

He asked for his priest and

"told him what took place," he testified, and subsequently the priest contacted a lawyer and Yorke decided to tell the truth.

'Convict Code'

Yorke conceded that he was aware of the "convict code" — that all should stick together, especially in "such cases as this," because if they do not "they are capable of being reprimed against."

He was, he said, in fear of his life as a result of his testimony and had asked for protection. Barnes asked whether he had been "coerced."

"Yes," Yorke replied. "There have been incidents."

He said he had been taken from Soledad to Nevada for a while, and that after he was brought back to California he was confronted by Charles Moody, a Soledad captain of guards.

"Well, Tom," he quoted Moody as saying, "if you have not made up your mind, we will have to put you back on the regular main line of the penitentiary."

Threats Cited

That, Yorke said, constituted a threat to his life, because Moody had told him that it was known in all the prisons of the state that he had given a statement regarding the Mills murder.

"Moody told me my name was all over the penitentiaries, and I wouldn't survive," Yorke said.

And he added of threats from the other side:

"I've been directly told (by inmates) that if I testified, I'd be killed."

While he was held at Chino State Prison, he related, Faye Stender, an attorney who was then representing Jackson, paid him a visit.

"She told me," he said, "did I realize she had it in her power to pass the word that either I was okay, or not?"

Yorke told the jury that he considered that, too, an attempt to "intimidate" him.