

Con Says He Saw Soledad Guard Slain

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By Charles Howe

Reluctantly, and constantly maintaining that his life is in danger, a convicted killer testified here yesterday that he saw the so-called "Soledad Brothers" participate in the murder of guard John V. Mills.

Thomas A. Yorke said he watched, on the night of January 16, 1970, as the late George Jackson punched and clubbed Mills and then threw his body from the third tier from Y Wing at Soledad Prison.

Yorke, a short, compact black man, said that while peering across the hall from his third-floor cell window he saw Fleeta Drumgo punch Mills on the face while John Clutchette stood nearby.

The testimony of Yorke — convicted of manslaughter and paroled from state custody early last December after being confined since 1963 — was disputed in part by both the defense and the prosecution — the latter having called him as a state witness.

Testifying that he had been "coerced and intimidated" by certain members of the defense if he did testify, and

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given what he construed to be a "death threat" by a prison official if he didn't testify, Yorke said he has lived in constant terror since the night Mills died.

"There is a bond on my life, Yorke said quietly, using inmate patois to indicate that whoever kills him as an informer will collect a reward.

The night Mills died, Yorke testified, he was talking with

another prisoner who was standing outside his cell, and the prisoner called Yorke's attention to a procession coming around the corner.

ARMLOCK

"I saw Mr. Jackson holding the guard in an armlock; Mr. Clutchette and Mr. Drumgo were present . . . Mr. Drumgo was punching at his (Mill's) face area . . . I saw Mr. Drumgo go down the stairwell and didn't see him again . . .

"Mr. Jackson went to Mr. Clutchette's cell with Mr. Clutchette, and then return . . . Then Mr. Jackson started beating the officer in the face area . . .

"Mr. Jackson knelt on the area of the guard's chest and chopped him, so to speak (a karate chop) . . . It couldn't have lasted more than two or three minutes . . .

"Then Mr. Jackson got up, returned to Mr. Clutchette's cell, came back with a flashlight and started beating (the unconscious) officer in the area of the head with it . . .

"Then I think Mr. Clutchette came out . . . Both went back to his cell . . . Then Mr. Jackson came out, lifted the guard up and slid him between the bars over the tier . . ."

Now in custody of federal officials on a violation of immigration laws, Yorke said he first told authorities he had seen nothing, then changed his mind when he discovered his companion testified that he and Yorke had witnessed the death tableau.

DANGER

After telling prison authorities what he knew, Yorke said at least two persons indicated he was in grave danger now that he was identified as an informer.

While being transferred back here from Nevada State Prison, where he was being held in protective custody against possible inmate reprisals, Yorke said Captain Charles Moody of Soledad Prison casually told him:

"Well, Tom, if you do not make up your mind about testifying for the prosecution, I'll have to put you back on

the mainline," among the general inmate population.

This would amount to a death sentence, Yorke said.

Fay Stender, formerly one of the attorneys defending Jackson — the prisoner who was killed last August 21 in an apparent escape attempt from San Quentin — also frightened Yorke.

She visited Yorke some time after Mill's death and Yorke testified she said, in effect, "Did I realize she had it in her power to pass the word that either I was okay or not?"

Yorke said he later learned from Mrs. Stender that as a result of her statement — which he immediately passed on to Moody — she told him she had almost been disbarred and, in any case, she had not implied a threat of any kind.

"I told her I was very sorry but I was looking out for

my own survival," Yorke testified.

At one point with the jury excused, a contratemps broke out between the prosecution and the defense.

FLASHLIGHT

In a statement almost two years ago to the Monterey County Grand Jury, Yorke had testified he saw Clutchette wiping off the bloody flashlight that Jackson had beaten Mills with.

But at yesterday's session Yorke said he had no such recollection.

Assistant District Attorney Ed Barnes gave Yorke a transcript of the Grand Jury testimony to refresh his memory and Floyd Silliman, Clutchette's attorney, strongly objected on grounds Barnes was covertly "impeaching his own witness."

Finally, Silliman exclaimed: "I refuse to engage in a battle of wits with an unarmed man," referring to Barnes.

'HOCUS-POCUS'

Yorke conceded under cross examination by Silliman that he had given Silliman some "ambiguous"

statements in a deposition about conditions of his confinement and had not mentioned Mrs. Stender's alleged "intimidation" to Silliman.

"I felt hocus-pocus was being played on me" by the defense," Yorke said. "Not being a lawyer I guess I somewhat put myself in a bind."

After he became a State witness Yorke at one point escaped from one of his places of confinement. It was not made clear where the escape took place. Although Yorke is a foreign national, it also was not made clear what the country of his origin is.

'SNITCH'

At one point Yorke said he was told that the defense was circulating his photograph apparently so he could be recognized by prison inmates as an informer and dealt with accordingly.

He declined to identify the originator of this allegation.

"I'm not a snitch," Yorke said.

After he revealed what he had seen the night Mills died, Yorke was "put on the bicycle," as they say in law enforcement circles, and transferred from prison to prison, from jail to jail, in an apparent attempt to guard him from reprisals.

At one point he was returned to Soledad for a parole hearing and said he believed prison authorities deliberately allowed him to be escorted down the main corridor — in the face of 500 on-coming inmates — by only one guard.

"The guard didn't like it either," Yorke said.