

# Angela Tape Debate in Soledad Case

By Harold V. Streeter

Angela Davis' television interview Monday in which she said black convicts Fleeta Drumgo and John Clutchette were "political prisoners" figured today in a defense motion for a mistrial at their Soledad Prison murder trial.

Superior Judge S. Lee Vavuris denied the motion and said he would continue to warn the jury to avoid publicity on any other cases that make mention of the Soledad case.

With the jurors absent, attorney Floyd Silliman scolded the judge for admonishing them with the Angela Davis television interview in mind but without prior consultation with the defense.

## Review

Silliman said that Albert Harris, chief deputy in the attorney general's office, had reviewed the taped text of the Angela Davis interview before it was broadcast, found it did not interfere with Miss Davis' pending trial "and he must have had in mind this case also."

William Curtis, Monterey County district attorney, scoffed at Silliman's mistrial motion, saying "he is attempting to read something into this trial."

## Fair Trial

Denying the motion, Judge Vavuris said, "I might say this court will continue to give admonitions on matters that in any way would affect

"I can't say even that," replied Curtis, who still has 16 more of 20 listed convict witnesses available.

Under cross-examination yesterday, Larry Eskew, a Santa Clara County armed robber, even elaborated on his prosecution testimony that he saw convicts George Jackson and Fleeta Drumgo beat guard John Mills with their fists, saw Jackson pound Mills with the guard's flashlight and saw convict John Clutchette pick up the flashlight and wipe it off with a towel.

## Marin Shootout

Under questioning by attorney Richard Silver, counsel for Drumgo, Eskew added this grim, new detail:

"After he (Jackson) quit hitting him with the flashlight, it looked like he (Mills) took a deep breath, vomited, threw up blood and then exhaled."

Jackson's role in the present seven week old trial was erased by gunfire during an alleged escape attempt at San Quentin last Aug. 21.

Angela Davis faces trial at San Jose on charges of buying the guns used in the Aug. 7, 1970, shootout at Marin County Civic Center—a plot authorities charged was aimed at taking hostages to be exchanged for release from San Quentin of the three accused in the Soledad slaying of Jan. 16, 1970.

Yesterday, for the first time, Judge Vavuris warned the jury against taking note of newspaper, radio and television accounts about any "other cases that may mention this case."

the fair trial of this court."

The prosecution was all set to put on a secret witness as its 15th at the seven-week-old trial of the two inmates, charged with killing a white guard at Soledad prison two years ago.

But the mistrial motion delayed the appearance until later this afternoon.

## Elaboration

Curtis, who had not hesitated heretofore in identifying all 14 prior witnesses, refused to say.

"Will it be another convict?" he was asked.