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Upheaval On Marin

Grand Jury SF Examiner

By Stephen Cook

The 1971-72 Marin County Grand Jury has resorted to encounter sessions in an effort to work out intense personal and political differences, The Examiner learned.

The jury, whose most interesting year-end report will probably be one detailing the highly unusual activities of the volatile panel itself, also secretly censured and stripped its most liberal member of vital investigative committee assignments.

Intense friction on the 19 member jury, the product of a judicial attempt to make the traditionally conservative panel more representative of community attitudes, has been evident since it was named last June.

First came a series of reports of liberal jurors refus-

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ing to vote indictments because they disagreed with the law, thought the penalties too harsh or opposed the indictment system itself.

In October, three panelists stormed from the jury's meeting room to protest the indictment of seven convicts for five murders which accompanied "Soledad Brother" George Jackson's fatal escape attempt at San Quentin Prison Aug. 21.

Richard Beban, Gerald Hawes and James Kilty refused to vote the indictments and charged their fellow jurors with seeking "not justice," but vengeance."

Resignation

Hawes resigned a day later in continued protest. Beban, who was planning to write a book on his experience as the county's youngest ever (age 23) and first long-haired grand juror, vowed to stay and fight within the system. Kilty never indicated an inclination to quit.

Beban's fellow jurors, ing to vote indictments because they disagreed with the law, thought the penalties too harsh or opposed the indictment system itself.

Angered by an interview with the Berkeley Tribe, in which Beban criticized the jury's method of indicting for the San Quentin killings, his fellow jurors privately censured Beban.

They also suspended for 30 days Beban's membership on grand jury committees investigating San Quentin and other institutions in the

county. They ordered him to write the jury a letter "explaining my actions," Beban said.

Encounter

The chastised young juror, angered that he would not be able to bring his prison reform ideas to an investigation of San Quentin, never wrote the letter.

When the suspension period ran out, Beban reports, the jury resorted to two encounter sessions, led by a psychologist from Catholic Social Services, in an attempt to ease the discord.

"In the end, the psychologist told the jury he felt my sole goal was to obstruct and he didn't care what they did to me," Beban said.

The panel then permanently stripped him of his committee memberships, he said, thus severing Beban from the grand jury's investigative process. He is al-

lowed to attend general business meetings and indictment sessions.

Tired of Silence

Beban says he was first afraid to disclose his treatment by the jury. He had been warned that Marin District Attorney Bruce Bales was looking for a chance to prosecute him for revealing the legally secret activities of the jury, he said.

"But now I'm tired of being silenced," he said.

Grand Jury Foreman Milen C. Dempster said he could not comment when questioned about the encounter sessions and punitive action against Beban.

Mrs. Joan G. Boessenecker of Mill Valley, who describes herself as one of the "moderate" grand jurors, said she does not believe the law prevents disclosure of actions taken against Beban.

When questioned about the sensitivity training sessions, Mrs. Boessenecker said she feared it might be improper for her to comment, then went on to say:

'Justified'

"People have a hard time separating intellectual activity from their emotions. It was very difficult for people to realize some action had to be taken to neutralize Rick Beban. Nobody wants to hurt someone else. But for the sake of the grand jury it had to be made clear we could no longer function with such a destructive person."

The treatment of Beban was "absolutely justified," she said, claiming he led "an attempt to destroy, in-

ternally, a body of government."

Neither Beban nor Hawes believes the attempt by Marin Superior Court judges to liberalize the grand jury membership did much good.

The judges, who picked the jury from persons nominated by approximately 100 community organizations, say they think it was an improvement.

In picking the next grand jury, though they will require prospective jurors to fill out a questionnaire and instruct them of their responsibility to follow the law, regardless of personal beliefs, and to maintain the privacy of grand jury proceedings, according to Superior Judge E. Warren McGuire.

"If they ever really did broaden the jury to the point that it was representative of the community, it couldn't function. There would be tremendous dissension," Hawes said. "The district attorney would have to stop indicting."

'Dissension'

"They were still pretty careful. They still have a guarantee of 12 votes on the jury for any repression they want to bring down," Beban said. "It was safe to include one or two people of a persuasion not as close to the establishment as normally found on grand juries," Beban said.

Dempster and Mrs. Boessenecker praised the judges for their new method of

grand jury selection, but both said the jurors need more instruction on their responsibilities and Mrs. Boessenecker said there should be a better screening process.

"Some people got in with attitudes that were destructive," she said.