

An Angry Outburst At Soledad Trial

By Keith Power

The tension which runs close to the surface of the plodding "Soledad Brothers" trial broke through with a startling display of judicial wrath yesterday.

Stung by a burst of laughter from the spectators' section on the other side of the bullet-proof screen, Superior Court Judge S. Lee Vavuris ordered a woman ejected, threatened a protesting defense attorney with contempt of court and swung the microphone away from the witness in the stand, John Clutchette.

The eruption on the bench came on the day when both defense and prosecution finally closed their cases in the 12th week of the murder trial. The jury is not expected to begin deliberations, however, until late next week.

REMARK

The remark which provoked the laughter was made by Floyd Silliman, Clutchette's attorney, during an argument over the admissibility of correspond-

ence between Clutchette and a courtroom admirer.

One of the defendant's letters, the prosecution insists, implicates him in the murder of Soledad Prison guard John Mills. But Silliman said the defense would take that letter and (gesturing at the prosecution table) "stick it right up their (pause) ear."

When laughter rang out from the fiercely partisan spectators, Judge Vavuris gavelled for order and pointed out a woman for ejection by the bailiffs.

ANGER

His face harshly creased by anger, the judge declared: "There will be no laughter . . . I don't want any cynical laughter."

The woman who was hustled off the courtroom floor in the Hall of Justice was later identified as Susan Fine, 28, who is involved in a law suit challenging the intimate search procedures authorized by Vavuris.

Silliman, a modishly groomed young attorney

who has frequently clashed with the silver-haired judge, protested that his client's constitutional right to a public trial was being impeded by Vavuris' harassment of the spectators.

"Sit down Mr. Silliman," the judge snapped. "You are not representing the audience. I'll hold you in contempt again."

"You have done something extraordinary," the attorney replied.

VOLUNTEER

The 28-year-old Clutchette, watching the exchange from the witness stand, started to volunteer some statements on the case that were not in response to a question.

"I can explain," Clutchette said several times, but the judge reached over and swung away the microphone from the witness stand.

"I don't want to hear any more," Vavuris said. "You may be jeopardizing your rights."

At that, the judge recessed the trial for lunch and when

the proceedings resumed, the atmosphere was back to one of enforced decorum as the jury—absent for the morning incident—filed into court.

JURY

Clutchette read for the jury a letter he received in prison from a young black woman who wrote of her "warmth and concern" for Clutchette and his co-defendant, Fleeta Drumgo.

In a low, slow voice, the husky black man read his intercepted reply and the passage which the prosecution feels is self-implicating: "I have done nothing except what I was called on by the struggle to do."

Asked by his attorney what he meant by the remark, Clutchette said: "I meant like I was called upon to sit here through this ridiculous trial for a crime I didn't commit."