

An Angry Windup At Soledad Trial

Arguments in the 13-week murder trial of the so-called Soledad Brothers came to an angry end in the Hall of Justice here yesterday, with one defense lawyer awaiting sentence for contempt of court.

Superior Court Judge S. Lee Vavuris gave the jury of nine women and three men his instructions in late afternoon, after final arguments by the prosecution, and the jurors were scheduled to spend the night secluded in a hotel, resuming deliberations at 9:30 a.m. today.

The judge told the jurors, who are expected to have prolonged deliberations, that they had the possibility of returning any of six verdicts. These are, he said,

findings of guilty to first degree murder, second degree murder, manslaughter, aggravated assault or simple assault, or a finding of innocence.

The defendants, Fleeta Drumgo and John Clutchette, black convicts, are charged with murder and aggravated assault in the Jan. 16, 1970, slaying at Soledad prison of officer John V. Mills.

The prosecutor, District Attorney William Curtis of Monterey county, told jurors in his concluding argument "They are murderers."

As an outbreak of "ooh, ooh," came from the partisan spectators, Curtis demanded: "Are they going to go free or face the consequences?"

Jurors, he said, had observed the "kind of jocular, smily approach" of the two defendants during the trial, and added "I wonder if they are laughing at us? They know—HE knows (pointing to Drumgo) that they participated in the killing of John Mills, and you know it, too."

He urged jurors to take their time in reaching a verdict, commenting, "Judging a fellow man is tough, really tough, but you can do it." Spectators laughed again, and Curtis continued "Don't let them laugh at you."

In yesterday's morning session, a loud argument arose between attorneys after prosecutor Curtis acknowledged the problems blacks have in America but asserted:

"What we're here for is concerned with the murder of John Mills. The plight of blacks does not concern this case." And he criticized the defense for "an attempt... to interject racism."

Attorney Floyd Silliman, representing Clutchette was on his feet instantly, objecting, and attorney Richard Silver, for Drumgo, also intervened, saying something that most spectators could not hear clearly.

Judge Vavuris promptly interpreted: "Mr. Silver, I am holding you in contempt of court. Let the record show that you said 'Jesus Christ.' I'm going to give you five days in jail....."