



The defense team (from left): attorney Richard Silver, attorney Joel Kirshenbaum, investigator Richard Draper and attorney Floyd Silliman

# Soledad Verdict Reaction

## Smiles, Tears and Concern

Inez Williams came out of the third floor courtroom even before the verdict in the "Soledad Brothers" trial was completely read, tears streaming down her face.

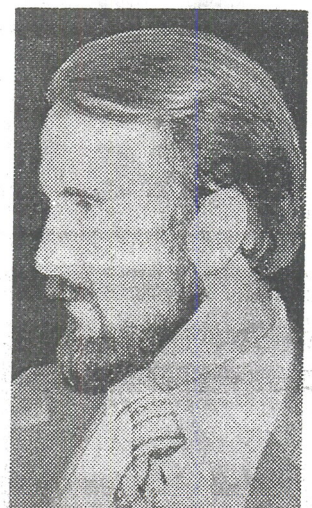
"I just couldn't sit still," said Mrs. Williams, mother of Fleeta Drumgo. "After they said Fleeta was not guilty of both charges, I just jumped up and ran out of ..."



JOHN CALLAHAN  
Troubled juror



JEAN BATTEN  
Jury foreman



HARRY DIETHLEM  
Juror from Germany

the courtroom.

John Clutchette's mother, Doris Maxwell, bore like tears and an excited smile as she hugged others streaming out of the courtroom.

"I felt like I did did the day he was born," she said. "It was like a rebirth."

#### RESERVED

On the third floor of the Hall of Justice, where the most security - conscious trial in the city's history had just concluded with an acquittal of the two surviving defendants, the exuberance was reserved.

San Francisco police officers, who had overseen the court - ordered tight restrictions on the 13 - week trial, continued stern.

Soon after the verdict, a mysterious gas — either tear gas or a spray of chemical MACE — filled a room occupied by television and radio newsmen, making it chokingly difficult for them to put out first word of the decision.

But downstairs, in the main lobby of the Hall of Justice, the tension burst into joyful hugging and whoops of excitement.

#### JUDGE

"Most of you have doubted the system," Judge S. Lee Vavuris told the courtroom audience after the verdict was read, "but you now know that it really works, and if anyone can come up with a better system, I'd like to see it. The 12 jurors have spoken."

Later, as Vavuris was leaving the building, Mrs. Maxwell and Clutchette's wife, Della Ann Clutchette, both threw their arms around the surprised judge in happiness.

"I just love that man," the exuberant Mrs. Maxwell said.

Juror John Callahan, a young blond ticket agent, came away still troubled, however.

"It was immoral to have a jury without a black on it," he said. "The verdict proved

that you can get justice from an all-white jury, but I can't understand why Fleeta Drumgo and John Clutchette are not walking out with me at this time. They should have an instant parole."

#### STALL

Callahan said the search for a verdict had bordered on violence at one point during the two full days of deliberation but that from the start, most of the jurors were for acquittal. The jury had become stalled at a 9 to 3 vote for acquittal Sunday, he said, but was not dead.

locked. "It just took a little more convincing for some."

Callahan said the jury "chucked out" the key prosecution testimony of two of the state's convict witnesses, Manuel Green and Thomas York. The most nearly credible of the convict witnesses, he said, was Larry Eschew, but overall the jury was distrustful of the prosecution's presentation of convicts who testified they witnessed the murder of correctional officer John Mills.

Another juror, Harry Diethlem, a short, bearded designer with the trace of an accent, spoke quietly and briefly to reporters.

"I'm from Germany," he said, "and I felt if I had to go back to Germany they would ask me if you could get a fair trial in America. I would say legally, yes, but morally, no, if you're black. It is morally unfair not to have a black on a jury in this country."

#### ACCUSATION

Some bitterness lingered with Drumgo's attorney, Richard Silver, who accused Soledad Prison Captain Joseph Moody of using "psychological torture" to force other inmates to testify against Drumgo and Clutchette.

"I hope now that the person I think is the criminal, Captain Moody, will come to justice," the attorney said.

Clutchette's attorney,

Floyd Silliman, said, "justice prevailed, it was the right decision. I still reserve judgment about the whole system, but this sure says a lot for trial by jury."

#### GUARD

The two defendants could not join in the tearful celebrations. They left the courtroom in the same way they have since the trial began — taken away under heavy guard back to the maximum security adjustment center at San Quentin prison.

Their future was still in doubt.

Clutchette, 28, had been set to leave Soledad prison on a work furlough job Jan. 20, 1970 — four days after guard Mills was beaten to

death. Clutchette had already received a parole date of April 20, 1970.

For him in particular, the next step was shaping up as a battle to grant him imme-

diate parole.

"We'll try to get him on the streets as soon as possible," attorney Silliman said, and Silver expressed similar hopes for his client.