

2 Soledad Blacks Cleared In Killing of Prison Guard

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By EARL CALDWELL MAR 28 1972
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SAN FRANCISCO, March 27 — The Soledad Brothers — two black convicts accused of killing a white prison guard—were cleared today in a case that has been linked to that of Angela Davis.

The verdict, which came just before noon, was delivered by an all-white jury that had reported itself hopelessly deadlocked the day before.

At almost the moment that

the jury was delivering its verdict, the state, some 50 miles down the peninsula in San Jose, was outlining for the first time its case against Miss Davis.

George Jackson, the best known of the Soledad Brothers, was shot and killed at San Quentin Prison in August, 1971. Prison officials said that he had been killed while dashing toward the wall during an escape attempt. They said that four guards and two other inmates were also killed in the escape effort.

The surviving Soledad Brothers—John Clutchette, 28 years old, and Fleeta Drumgo, 26—were tried for the murder of John Mills, a white guard at the prison in January, 1970.

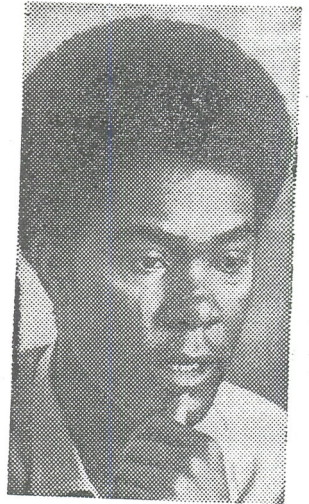
George Jackson had also been accused in the crime, but the charges against him were dropped when he was killed. The trial of Drugo and Clutchette was held under the most stringent security ever imposed in a San Francisco courtroom. A bullet-proof structure was erected in the courtroom to separate the spectators from the principals in the trial.

The case went to the jury of nine women and three men late Friday. Their deliberations continued through yesterday, when the jurors returned to report

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FOUND NOT GUILTY: Fleeta Drumgo, left, and John Clutchette were cleared of killing a California prison guard.

2 Soledad Blacks Are Cleared By an All-White Jury in Slaying

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themselves hopelessly deadlocked. At the time they said that the vote was 9 to 3 but gave no indication as to which ones they favored acquittal and which conviction.

No Deadlock Again

When Judge S. Lee Vavuris sent the jurors back for more deliberations, a deadlock was expected. But just before noon, the jury returned to deliver its verdict.

At that moment, Albert W. Harris Jr., the state prosecutor, was in the second hour of his opening statement in the trial of Miss Davis, the 28-year-old black militant who is charged with murder, kidnapping and criminal conspiracy.

Mr. Harris said that the hostages taken from the courtroom in Marin County in a shootout on Aug. 7, 1970, had been removed with the intention that they would be used in obtaining the freedom of the Soledad brothers. A judge and three other persons were killed in the shooting. Harris said that politics was not Miss Davis's motive. Instead, he said that

it was her intense love for George Jackson.

Mr. Harris called Miss Davis "a principal in the crime," which he said she helped plot along with Jonathan Jackson, the younger brother of George Jackson. The prosecutor said that he had not only helped plot the crime but that she had purchased all the guns that were used and supplied the money to carry out the plot, which he said "was nearly successful."

It had been expected that the state would argue that Miss Davis was acting in the plot for political reasons. But such was not the case.

Mr. Harris said the prosecution had nothing to do with politics or race and that the state would not introduce any of Miss Davis's speeches or discuss her political views in presenting its case.

Instead of politics, he said that Miss Davis acted out of passion. He called it "a passion that knew no bounds, had no limits and no respect for life . . . not even the life of George Jackson's younger brother."



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REACTS TO VERDICT:
Angela Davis after learning of outcome in Soledad prison case during a recess on first day of her trial in San Jose, Calif.