

Lawyer Charges 'Set-Up' At Soledad Guard Trial

By Drew McKillips

The attorney for the families of three black Soledad inmates who were shot and killed by a tower guard on Jan. 13, 1970, told a federal court jury yesterday that the three prisoners were deliberately set up for assassination because of racial hatred.

But a deputy attorney general argued that the killings were entirely accidental and that the tower guard involved, O. G. Miller, had been particularly chosen for his post because of his lack of racial prejudice and his stability.

The opening statements to the jury were made as the

expected month-long \$1.2 million damage suit got under way before U.S. District Judge Samuel Conti.

The plaintiffs in the case are the families of W. L. Nolen, 25, Alvin Miller, 23, and Cleveland Edwards, 20.

All three were killed in the exercise yard outside of Soledad's "O" Wing—the maximum security ward—during

a free-for-all fight on Jan. 13, 1970.

The ten defendants include the guard who allegedly shot them and various other prison personnel.

The damage suit, brought by attorney Melvin Belli, charges that the inmates' civil rights were violated.

Belli said the exercise yard had been closed for months and the prisoners had had no exercise outside of the "O" Wing corridors.

He said that eight black prisoners and eight white inmates were chosen to go into the yard.

"The opening of the yard was a setup to get rid of the most notorious ringleaders—Nolen, Miller and Edwards," Belli said. "The guards made bets on who would get shot first."

Belli said that Miller was an expert marksman and that he fired only four shots, killing the three black men—two of them with bullets through the heart.

But Deputy Attorney General Wayman Robertson argued that Miller fired only to save the lives of white inmates he thought were in danger of being killed.

He said the men in "O" Wing had a record for violence and one search of 24 cells had turned up 13 weapons.

Robertson said on the day of the fight, Miller first shouted to the men to break up the fighting. He said Miller then blew a warning whistle twice and fired two warning shots into the ground. He said Miller then fired two shots at the legs of two black men who failed to heed the prior warnings.

The trial will continue at 9:30 a.m. today.