

**\$270,000**San Francisco Chronicle 3  
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# A Settlement in Soledad Deaths

By Drew McKillips

The families of three black inmates who were shot and killed by a tower guard at Soledad will receive \$270,000 according to an out-of-court settlement agreed to yesterday.

On April 9, a U.S. District Court jury found that eight present or former Soledad officials were legally responsible for the three deaths, on Jan. 13, 1970.

The jury was to have reconvened yesterday to hear evidence about how much money should be awarded.

But the jurors were sent home after U.S. District Judge Samuel Conti announced that he had met in chambers with attorneys for both sides and had effected the settlement.

The \$270,000 is considered compensatory damages, and the money will have to be approved by the state legislature.

The eight prison officials were sued under the Civil Rights Act of 1867 which precluded naming the state, itself, as a defendant. However, the eight officials will not have to pay any of the money personally. Had the jury awarded punitive damages are awarded against ants would have been responsible for paying that money from their own pocket. But the law states that when compensatory dam-

ages are awarded against state employees, the state must pay.

Deputy Attorney General Charles Kirk provoked disgruntled muttering from the families and friends of the dead inmates when he read into the record a prepared statement saying the eight defendants had acted in good faith "and with humanitarian concern."

Attorney Melvin Belli, representing the families, said he did not agree with the statement at all, but was accepting the \$270,000 settlement.

The statement, which said the defendants were not guilty of any wrongful acts, conflicted with the finding of the jury.

The jurors, after listening to testimony that there was a racial conspiracy to intentionally set up the inmates for a killing, found that the prison officials were liable for their deaths.

The three men killed were W. L. Nolen, 25, Alvin Miller, 23, and Cleveland Edwards, 20.

Those found liable were C. J. Fitzharris, then the superintendent, now retired. Clemitt Swagerty, then deputy superintendent; Eugene A. Peterson, the program administrator for Unit III; W. H. Eads, the program lieutenant; Richard Maddix,

## Mr. Eyman Hit by Pie Man

Santa Barbara

City Councilman S. L. (Bud) Eyman was smeared yesterday during a council meeting at City Hall. A man walked to the front of the chambers and hit Eyman in the face with a banana cream pie.

Other councilmen and City Attorney Barry Cappello pursued the pastry slinger out of the council chambers, down the City Hall steps and out into the street, shouting for police. Six patrolmen, some on foot, others in cars, joined in the chase.

Six blocks away they nabbed James Werner, 27, and took him to the county jail, where he was booked for battery.

Werner said, "It was just a prank, nothing political."

Eyman, 35, washed his face, returned to the council chambers and the meeting continued.

Our Correspondent

the sergeant on "O" Wing; Jose Mota, correctional counselor for "O" Wing; James Dykes, correctional officer in "O" Wing.

The \$270,000 will be distributed as follows: O. C. Nolen and Addie Nolen, parents of W. L. Nolen, \$90,000. Antoine Nolen, 11, son of W. L. Nolen, \$30,000. Susie Edwards, mother of Cleveland Edwards, \$60,000. Perry Miller, father of Alvin Miller, \$60,000. Alvin Miller Jr., 9, son of Alvin Miller, \$30,000.