

Fugitive Lawyer Is Accused at Trial

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SAN RAFAEL, Calif., Jan. 5—Hugo Pinell, one of the defendants in the murder trial of the so-called San Quentin six here, asserted in his opening statement today that Stephen M. Bingham, the fugitive radical attorney, cooperated "with law enforcement agents ordered to set up George Jackson."

Mr. Pinell and the five others are on trial at the Marin County Courthouse on charges of murder, conspiracy and assault stemming out of the Aug. 21, 1971, incident in which Mr. Jackson, the black revolutionary writer, was killed while allegedly trying to escape from San Quentin Prison.

Three guards and two inmates were also killed. Mr. Bingham was also indicted for murder but has been a fugitive since the incident.

Mr. Pinell's contention was made on the first day of the defense portion of the case, which is expected to last two months. The trial is now in its ninth month. Evidence will be presented individually for each defendant.

Serving As Own Counsel

Mr. Pinell, a 31-year-old native of Nicaragua, won the right to represent himself last year. He is serving four life sentences, one for rape and the three others for offenses committed while in prison.

Earlier in the trial, Jerry Herman, the Marin County prosecutor, asserted that Mr. Bingham smuggled a gun into Mr. Jackson on the day of the incident. Defense attorneys have consistently contended that Mr. Jackson was the victim of a conspiracy by corrections officials and that the story about Mr. Bingham was "a smokescreen."

Today, Mr. Pinell said, "I mean to prove that Stephen Bingham did bring a weapon into the prison grounds" the day that Mr. Jackson was killed. He contended that hr.

Jackson "was not aware" that Mr. Bingham, an attorney who had visited Mr. Jackson six times in 1971, was cooperating with law enforcement agents. He did not elaborate and gave no indication as to how he intended to prove what Mr. Bingham had done.

Mr. Bingham's role in the event has been a mystery. Evidence introduced earlier in the trial indicated that the gun he allegedly smuggled to Mr. Jackson was too big to have fit into the tape recorder he supposedly used to hide it.

Mr. Pinell, the only one of the six defendants who is representing himself, appeared to disturb the other defendants

when he said: "I find myself in a very delicate position. There are some things I could say that could prejudice my co-defendants. You [the jury] have to be very careful after the evidence is introduced," to put it in context.

Mr. Pinell called as his first witness Dr. Frank Rundle, formerly a psychiatrist for the California Department of Corrections, now supervising psychiatrist at the Lower East Side Service Center, a New York methadone treatment program.

The other defendants are Johnny Spain, Fleeta Drumgo, Luis Talamantex, David Johnson and Willie Tate.