

Verdict on the San Quentin Six — Three Guilty, Three Cleared



By Vincent Maggiora

Defendant Willie Tate was hugged by an unidentified woman after news of his acquittal

Long Trial Finally Ends

By Peter Stack

Three of the San Quentin Six were found guilty and the other three were declared innocent yesterday of crimes committed nearly five years ago during the bloody prison uprising in which six persons were killed.

A Marin county jury of seven women and five men returned their verdicts after deliberating for 24 days on the mountain of evidence submitted during the 16-month trial, the longest in the history of California jurisprudence.

It took Superior Court Judge Henry J. Broderick 45 minutes just to read the verdicts aloud before a hushed and packed courtroom, which he had warned equally against cheering or sobbing.

In the end, the jury decided that the evidence was sufficient to return guilty verdicts on only six of the 46 felony charges that had been filed against the accused.

Those found guilty on the six charges:

John L. Spain, 26, who was

convicted of two counts of first degree murder and of conspiracy to commit murder in the deaths of prison guards Frank P. DeLeon, 44, and Jere P. Graham, 39.

Hugo Pinell, 31, who was convicted of two counts of felony assault by a prisoner serving a life term. Guards Charles Breckinridge and Urbano Rubiaco Jr. had their throats slit but survived to testify that Pinell did it.

David Johnson, 29, who was found guilty of a single charge of assault based largely on Breckinridge's testimony, who said Johnson tried to strangle him during the breakout attempt.

Sentencing for the three will be on September 30. Spain, already serving a life sentence for murder, could be sentenced to another life term, as could Pinell, now serving a life sentence for rape and Johnson, who is doing five years to life for burglary.

The three who were exonerated of all charges in the case were Luis Talamantez, 33, Fleeta Drumgo, 31 and Willie Tate, 32. Talamantez and Drumgo will remain in prison to complete sentences for the crimes that put them in San Quentin in the first place.

Tate, the only one of the defendants who wasn't shackled to his chair during the trial and who was free on \$50,000 bail, was euphoric, raising his arms in clinched fist salutes after his ver-

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dict was clear. "I'm glad I was acquitted," he said afterward.

Almost from the beginning the alleged escape attempt from San Quentin on August 21, 1971, was a major cause in radical and underground circles, largely because it supposedly was led by George Jackson. At the time of his death, Jackson was an impassioned and articulate black revolutionary and author.

Throughout the long trial, during which 23,000 pages of testimony were collected, the defense lawyers steadily pressed their theory that Jackson was deliberately set up for the kill by prison and law enforcement officials who wanted him silenced.

The prosecution had its own theory of a political conspiracy, maintaining that the escape attempt was the work of radicals who wanted Jackson freed.

Absent from the beginning of the trial — and missing since the day of the alleged escape attempt, despite an extensive FBI man-hunt — was Stephen Bingham. Bingham, a young radical lawyer and grandson of a former Connecticut governor, was said to have smuggled a gun past prison walls to Jackson.

"The case against Stephen Bingham is still active," said prosecutor Jerry Herman. "I think the jury believes that Bingham brought the gun in to George Jackson."

The state claimed Jackson

Jackson had been transferred to San Quentin from Soledad Prison and was just two days away from going on trial with two other men on murder charges stemming from the 1970 death of a Soledad guard. One of the others charged, Drumgo, was acquitted on those charges in the spring of 1972.

It was while he was in Soledad that Jackson wrote a best-selling book on prison life called "Soledad Brother." The book had been translated into more than 15 languages at the time of his death.

On Aug. 7, 1970, Jackson's brother, Jonathan, 17, led a bizarre attempt to free his brother by kidnaping a Superior Court judge, an assistant district attorney and

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pulled a 9-mm. pistol from under an afro wig where he had hidden it, but that act was never demonstrated successfully to the jury. Jackson was quoted as telling a guard in the adjustment center: "This is it. The black dragon has come."

In the frenzied half-hour that followed, one guard was shot to death, two others were slain when their throats were slashed, and two white prison trustees were killed. Jackson himself was killed by rifle fire when he ran out into the prison courtyard.

three women jurors from the Marin Hall of Justice in San Rafael and holding them as ransom.

The judge, Harold Haley, died in the gunfire that erupted when the van in which he and the others were riding began leaving the Marin Civic Center. Also killed were young Jackson and his two accomplices.

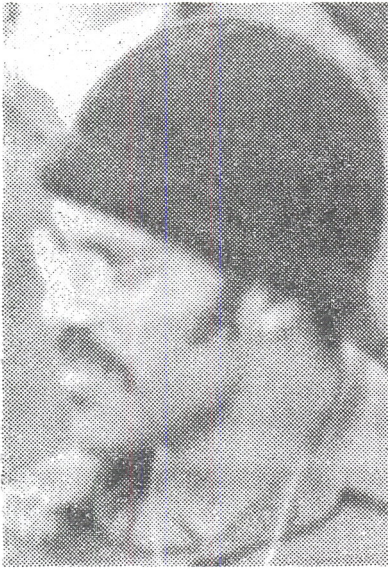
Angela Davis, the communist and philosophy teacher, was accused of having helped supply the guns used in the attempted kidnap. After a nationwide hunt, she was captured and brought to trial in San Jose. She was acquitted.

The death of Judge Haley, who was nearly beheaded by a shotgun blast, led to stringent security

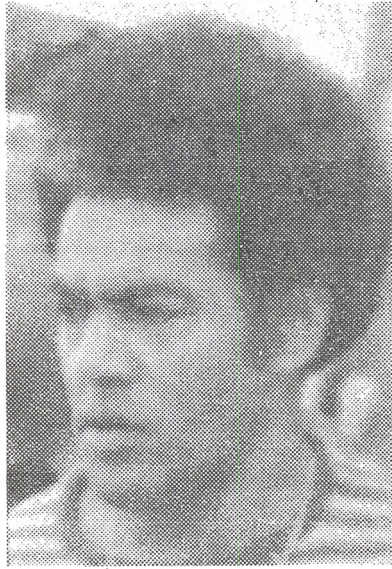
during the trial. The audience was separated from the rest of the court by a heavy plate of bullet-proof glass and three television cameras monitored the proceedings.

The daily shackling of five of the six defendants prompted legal appeals by defense lawyers. Judge Broderick ignored a state Supreme Court decision prohibiting the use of such restraints in the absence of "manifest need."

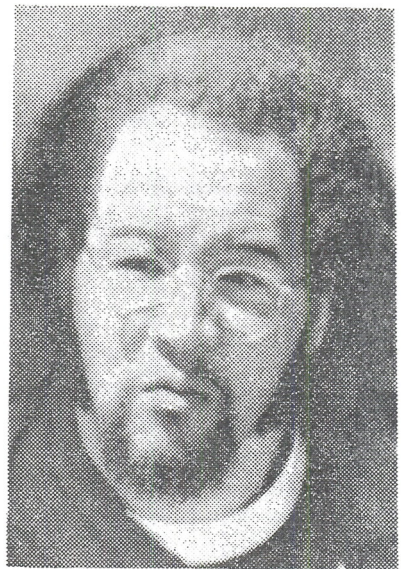
Robert Carrow, the lawyer for Talamantez, predicted that the convictions of the three will be reversed on those grounds alone. "The shackling of the defendants was contrary to a supreme court decision," he said.



JOHNSON L. SPAIN



HUGO PINELL



DAVID JOHNSON

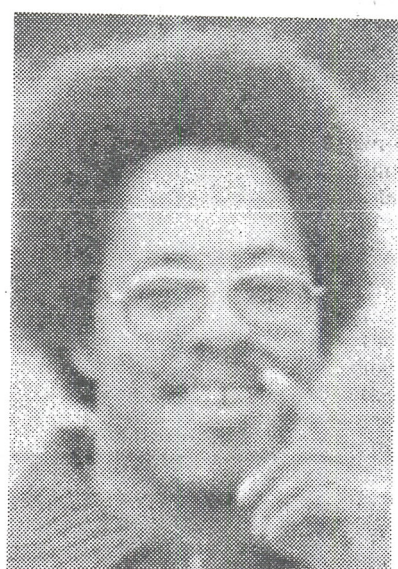
These three men were convicted on six of the 46 felony charges



LUIS TALAMANTEZ



FLEETA DRUMGO



WILLIE TATE

These three were exonerated of all charges in the case

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