

2 Surviving 'Brothers' in Court Today

The two surviving "Soledad Brothers" — John Clutchette and Fleeta Drumgo — will be brought into a San Francisco courtroom today as a result of dramatic and nearly frantic appeals by their lawyers.

Superior Court Judge Carl Allen, after several attempts to continue the matter, finally issued yesterday an order for the two inmates and prison officials to appear at a hearing in his court at 9:30 a.m. today to show cause why they didn't appear yesterday.

A spokesman in the warden's office at San Quentin Prison said the two prisoners will be taken to the Hall of Justice under heavy guard, at the appointed time.

HEARING

The "Soledad Brothers" were scheduled to appear yesterday morning for a hearing on their attorney's challenge to the qualifications of Superior Court Judge Frank Shaw to preside over their murder trial. They are accused of the slaying of a Soledad prison guard.

Court officials apparently expected the matter would be delayed because of the bloody escape attempt at San Quentin on Saturday that left George Jackson, third of the "Soledad Brothers," dead.

Prosecutor Ed Barnes of

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Monterey county did not even show up for the hearing.

But the defense lawyers said they had no intention of agreeing to a continuance and demanded to know why their clients were not there and why they had not been allowed to see the two accused inmates in San Quentin Prison.

LAWYER

"For all I know my client is being beaten to death in some remote cell in the prison," said Richard Silver of Carmel, who represents Clutchette.

Clutchette and Drumgo were in the San Quentin adjustment center at the time of Saturday's escape attempt. Authorities say they, like other inmates in that area, have been locked in

cells while the investigation of the incident continues.

"What's happening to the evidence in there? What are they (prison officials) hiding," demanded John Thorne, who represented Jackson.

Several times. Judge Allen told Thorne, "I don't think you have a standing in this court any longer — your client is no longer with us."

REQUEST

Thorne, however, looking tired and speaking with apparent emotion, called on the judge to summon a special investigating panel of black legislators to investigate Saturday's incident.

He and the other two attorneys insisted that their clients be brought to court and that the prosecution and prison officials be made to answer why neither the de-

fendants nor the prosecution appeared yesterday.

Judge Allen said the motion would have to be submitted in writing.

"Sit there two minutes and we'll write it right here," Thorne said and launched into an emotional speech about the difficulties in getting fair treatment for his clients.

"This court would never hesitate to cite the defense for contempt if we failed to show up as the prosecution did," he said at one point.

Within four minutes, the other two attorneys had hurriedly written a motion.

Judge Allen, repeatedly pressed by the attorneys, finally agreed to a show cause hearing on the defendant's status.

Allen continued other matters in the case until next Monday.