

AUG 25 1971

SFChronicle

# Angry Charges In Court

By Tim Findley

**A smuggled-out petition and a tumultuous court hearing yesterday brought the first inmate version of the bloody events at San Quentin Prison on Saturday.**

"They shot George (Jackson) in the back and then when he wasn't dead they came up and shot him in the head," John Clutchette burst out at one point in the chaotic court hearing on previous motions in the "Soledad Brothers" murder case.

Clutchette was in court here at a preliminary hearing of his trial for murder of a guard at Soledad Prison. But most of the time before Superior Court Judge Carl Allen was spent in outbursts and charges dealing with the six deaths at San Quentin.

### WITNESSES

Clutchette and Fleeta Drumgo are two surviving "Soledad Brothers" and both witnessed Saturday's events in which Jackson, their co-defendant, was killed. They were in the courtroom as their attorneys tried desperately to open an on-the-spot examination of what happened at the prison and "what is happening now."

During the hearing, Judge Frank Shaw was disqualified, on grounds of a technicality, from presiding over the Soledad case — the fourth judge to be disqualified in lengthy pre-trial motions.

Judge Allen also set a hearing on 13 motions made earlier in pre-trial proceedings in the case for tomorrow at 9:30 a.m.

### ANGER

But those decisions were virtually formalities during the 1½-hour hearing in the tense courtroom jammed with angry supporters of the two defendants.

They sat behind the specially-erected bullet-proof glass partition separating

See Back Page

### From Page 1

spectators from the court. There were occasional jeers and mutterings of "pig" directed at officials and the cordon of riot-equipped police at the back of the courtroom. But for the most part, the crowd was restrained.

"Ladies and gentlemen," Floyd Silliman, attorney for Clutchette, told them before the hearing began, "they (Clutchette and Drumgo) have been beaten badly. Whatever you do, don't give these people (police) satisfaction. Don't make any sudden moves."

Clutchette and Drumgo, wearing clean khaki work clothing, were led into the courtroom by guards.

They were not chained, but both walked slowly and with apparent stiffness. Their hair had been cut crudely and unevenly into short patches and clumps.

"Your honor, I give you American justice," Richard Silver, attorney for Drumgo, said as the two walked in.

Most of the approximately 90 people in the predominantly black audience stood up and raised their fists in salute. Some in the front rows pounded on the glass.

"You dirty dogs," someone shouted.

The attorneys had spoken to their clients only minutes before in a holding cell where they had been brought

under heavy guard from San Quentin.

Clutchette gave the attorneys a hand-written petition signed, the attorneys said, by

### More San Quentin news on Pages 4 and 5.

all 26 inmates who were witnesses to Saturday's bloody incident.

It was written on the back of a green contemporary greeting card reportedly sent to Ruchell McGee and bearing the inscription, "I live to love you."

Repeatedly, the attorneys tried to read the petition, written in the form of a restraining order against further prison "brutality."

Early in the morning's proceedings the attorneys tried to present it before Santa Clara County Judge Stanley Evans, who had been appointed to rule on the motion to disqualify Judge Shaw. Judge Evans read it quietly and found it "not relevant."

### MOTIONS

Then, after a recess, the attorneys tried to read the document before Judge Allen, who heard and denied motions to hold prison authorities in contempt for not allowing Clutchette and Drumgo to appear at a hearing in the case on Monday.

"They couldn't let them come because they were busy beating them," one of the attorneys muttered bitterly.

"Men have been beaten, these men have been burned by cigarettes, one individual has had his leg blown off and has not been treated," attorney Silver said at one point. "My client has informed me



**FLEETA DRUMGO**  
**Apparent welts**



**JOHN CLUTCHETTE**  
**Several outbursts**

he will be dead within three days if he returns to San Quentin."

"If you don't act in some way to investigate what's going on out there, you can blow this country so wide apart it will never be recognized," John Thorne, attorney for the dead Jackson, told Judge Allen in one of several statements.

"I don't deem that to be my function, Mr. Thorne," Allen replied.

"Then justice is a meaningless word," Thorne said.

At one point Clutchette and Drumgo took their shirts off. From the jury box, where members of the press were sitting, no marks distinguishable as injuries could be seen. But there were groans from the audience closer to the defendants, and observers reported lines of apparent bruises on Clutchette's back and apparent welts on Drumgo's back.

Clutchette also rubbed at an obviously inflamed ankle. Attorneys said later it was caused by tight chains.

The two inmates sat calmly in the courtroom for the most part, glancing back at relatives and friends in the audience and returning salutes the two times they were brought in and out of the courtroom.

But on several occasions, they burst out with statements of alleged brutality.

"There are men in there with broken arms and legs, they haven't seen no doctor or nothing," Clutchette said at one point.

While the emotion-packed hearing went on, other attorneys were filing a motion to remove the case to a federal court.

At a hearing later in the day, U. S. District Judge Lloyd H. Burke denied the petition and remanded the case back to Superior Court for trial.