

Bingham Delay Sought

Two lawsuits charging "prejudicial" publicity were filed today in Marin County Superior Court to halt grand jury action tomorrow in the aborted escape attempt Aug. 21 at San Quentin.

Alfred Bingham, father of the missing attorney in the case, Stephen Bingham, and two inmates, Hugo Pinell and John Spain, ask that the grand jury be enjoined from hearing evidence and that preliminary hearings be held instead.

Defendants in the actions are Bruce Bales, Marin County district attorney, and five "Does."

Hearing

A hearing on both suits is scheduled for 9 a.m. tomorrow in Marin County Superior Court.

Alfred Bingham, a judge of the Probate District Court in Salem, Conn., says a warrant was issued on Aug. 31 charging his son with five counts of murder and "Bales intends to present to the grand jury" tomorrow at 1 p.m. information in the case.

Bales, however said he is not prepared at this time to present the information to the grand jury on the San Quentin case but would take it to the jury when it is ready. He said he would fight any move to prevent him from doing so.

Prejudiced

George Jackson, one of the so-called "Soledad Brothers," two other inmates and three guards were killed in the escape attempt. The

younger Bingham was Jackson's last visitor and is alleged to have smuggled in the gun used by Jackson in the aborted break.

Alfred Bingham's complaint, filed by the Oakland law firm of Treuhaff, Walker and Bernstein, alleges that "statements have been issued which have received unprecedented publicity in all news media serving Marin County residents and have inflamed and prejudiced public opinion . . . against Stephen Bingham."

It also states that the elder Bingham does not know where his son is at the present time.

Pinell and Spain, who were both involved in the escape attempt, allege that informa-

tion to be supplied to the grand jury by Bales is "designed to create an atmosphere of hostility for inmates of the prison and particularly inmates of the isolation hole."

Hysteria

Their complaint, filed by attorneys Edwin Caldwell of San Francisco, Elaine Wender of Oakland and Carl Shapiro of San Anselmo, says:

An "attitude of hysteria and lack of impartiality has gripped the general public of Marin County and the grand jury selected from this public has in no way been sequestered or ordered not to absorb the hostile publicity."

Preliminary hearings in criminal matters are held before a magistrate.