

# 7 Indicted in Q Bloodbath; 3 Jurors Ired

By Stephen Cook

Murder and conspiracy indictments were returned early today against missing attorney Stephen Bingham and six convicts for their alleged roles in the San Quentin Prison violence Aug. 21.

Three members of the Grand Jury stormed out of the meeting room in protest after the indictments, one of them claiming the panel sought "not justice but vengeance."

The indictments, returned after 20 hours of deliberation by the Marin County Grand Jury, named Fleeta Drumgo but did not name fellow Soledad defendant John Clutchette.

George Jackson, the third Soledad defendant, was slain along with three guards and two other inmates during the half-hour bloodbath in August.

Bingham, who disappeared on the day of the violence, allegedly smuggled a gun to Jackson, sparking what authorities claim was an abortive escape attempt.

## Others Named

Other inmates named were Hugo Pinell, John Larry Spain, Louis Talamantez, David Johnson and Willie Tate.

The six inmates were scheduled for arraignment at the Marin County Hall of Justice at 9 a.m. Tuesday.

The three jurors who walked out were Rick Beban, an unemployed newsman who at 23 is the youngest

grand juror in Marin history; James Kilty, director of Marin Catholic Social Services; and Harold Graves, a salesman.

These three were appointed to the jury after being nominated by community groups in an attempt to make the grand jury more representative of the whole community.

Kilty told The Examiner today: "It was a great disappointment to me, the way the vote went" — reportedly 16 to 3 for indicting.

## Claim Railroad

Beban said, "the railroad is still running," and suggested he might resign in protest. "I was very disgusted," he said.

A total of 25 witnesses appeared before the jury, none of them San Quentin inmates. Allan Mancino, a convict spirited away from San Quentin to Nevada State Prison in Carson City because officials feared he was in danger for turning state's evidence, also did not testify.

Bingham, son of a former Connecticut state senator and grandson of a former

Connecticut governor and U.S. Senator, was charged, along with the six inmates, with five counts of murder for the slaying of three correctional officers and two inmates.

The 12-count indictment revealed more of Marin District Attorney Bruce Bales'

version of what actually happened during the brief but bloody violence in San Quentin's maximum security adjustment center.

## Charges

The inmates were accused of conspiring to commit escape by force or violence; to possess firearms in the prison; to kidnap correctional officers, and to join Bingham and Jackson in those felonies.

The indictment listed eight overt acts contributing to the conspiracy:

- Bingham smuggled the gun to Jackson during a visit moments before the mid-afternoon violence.

- Jackson carried the 9 mm weapon into the adjustment center concealed in a wig. He took guard Urbano Rubiaco, 24, hostage when Rubiaco spotted the gun. Rubiaco was forced to throw a master switch, opening all the cells on the first floor of the adjustment center and releasing 26 other inmates.

- The hands and feet of guards Sgt. Kenneth McCray, 39; Frank P. DeLeon, 44, and Paul Krasenes, 52, were bound.

- Jackson turned guard Charles Breckenridge, 21, over to Pinell, who took him to Jackson's cell.

- Spain handcuffed Rubiaco and took him to the same cell.

- Jackson and Spain took Sgt. Jere Graham, who had walked into the adjustment center when Jackson's escort from the visiting room did not come back out, prisoner in the foyer of the center.

- Jackson shot and killed Graham in the back of the head.

- DeLeon, Krasenes and inmates John Lynn, 29, and Ronald L. Kane, 28, were slain by members of the conspiracy.

## Other Counts

The seventh and eighth counts of the indictment say Pinell assaulted a free man — Breckenridge — aided and abetted by Johnson. Authorities said Breckenridge, who survived, had his throat slashed like the slain guards and inmates.

The ninth count alleges that Pinell and Spain then slashed guard Rubiaco.

The 10th and 11th counts

charge that Talamantez and murdered DeLeon and the last count alleges that Drumgo assaulted Krasenes.

Ruchell Magee, co-defendant with Angela Davis in connection with the Aug. 7, 1970, shootout at the Marin County Civic Center, was not named in the indictments. He had told reporters earlier that he was not involved in the Aug. 21 violence.

## Soledad Cases

Drumgo, who still faces trial with Clutchette for the murder of a Soledad prison guard last year, was in prison for burglary in Los Angeles. Jackson was also accused of the Soledad murder.

Talamantez had been in prison since 1965 on two counts of robbery from Los Angeles County; Spain is a convicted murderer from Los Angeles, in since 1967; Tate, in since 1965 from mSan Joaquin County, is serving time for assault with a deadly weapon; Johnson was sentenced in 1968 in San Diego County for burglary, possession of stolen property and assault on a police officer; Pinell was convicted in San Francisco in 1965 for rape with force and violence and has since received additional terms for assault on another inmate and possession of a weapon.