

Trial Date Is Set For 'Soledad Two'

By Charles Howe

Under the heaviest network of police security in the history of the Hall of Justice, a tentative trial date of October 18 was set here yesterday for the two

surviving "Soledad Brothers."

George Jackson, a third defendant accused of killing a guard at Soledad Prison on January 16, 1970, was killed during an apparent — and

abortive — escape attempt at San Quentin on August 21.

Superior Judge S. Lee Vavuris set the date for Fleeta Drumgo and John Clutchette pending rulings next Wednesday on several motions by defense attorneys.

BARRAGE

A barrage of additional motions by the defense are before various higher California courts awaiting action.

Vavuris made his ruling over objections from Floyd Silliman, representing Clutchette.

Silliman, who said the extraordinary security precautions — including a submachine-gun toting police sergeant — made the court look "like an armed camp," unsuccessfully sought to have proceedings delayed a month.

His reason for proposing a "cooling off" period, he said, included the publicity over the Jackson killing at San Quentin plus an indictment in Marin county charging Drumgo with complicity in the escape attempt that left Jackson and four others dead.

COMPLAINT

Ed Barnes, the assistant district attorney from Monterey county who is prosecuting the case, immediately complained:

"This case has been pending for 21 months. The people also have the right to a speedy trial.

"Inmate witnesses (against the defendants) suffer a greater hardship than ordinary witnesses . . . this (delaying) will go on as long as the court allows it to . . ."

While the proceedings went on, a platoon of Crime Prevention Unit officers and sheriff's deputies monitored the hallway outside the third floor courtroom.

In addition to walking through a metal detector at the entrance to the Hall of Justice, spectators — never more than 50 persons in a court seating almost 200 — had to pass other checks.

NUMBERS

Each was "mugged" or photographed by a police cameraman and each spectator, upon producing identification, was given an entrance card and a numbered seat in the courtroom.

Since the hearings began they have been marred by two outbursts, the last a near-riot.

All persons entering the courtroom were also obliged to undergo a "shakedown" that involved placing all objects in their pockets on a table while a deputy inspected their clothed bodies by hand.

Women spectators were escorted to a cubicle where police matrons conducted a similar search. Several women bitterly complained "they even made me take my panties down."

MOTION

Another motion to be granted or denied on Wednesday came from John Thorne, Jackson's attorney.

Charges against Jackson were routinely dismissed after his death, but Thorne said he wanted more: either a dismissal on the grounds Jackson was innocent of killing guard John Mills or the right to "represent" his dead client.

Thorne gave, among his reasons for desiring to continue in the case, the fact that Jackson's name may come up during the proceedings and there would be no right to challenge prosecution assertions about the dead convict.

Other motions to be decided will include a defense position that the death penalty is unconstitutional, plus a request for more funds on the grounds the defense is virtually bankrupt.