

Soledad Jury Challenge

By Harold V. Streeter

Superior Judge S. Lee Vavuris said today the two black convicts charged with killing a Soledad Prison guard definitely can get a fair trial in San Francisco.

He turned down a defense motion to quash the present jury panel as racially prejudiced.

The defense argued that using the voter registration rolls as the source of prospective jurors names tends to eliminate blacks and the poor, and thus the trial jury would be racially prejudiced.

Women Barred

In rejecting the motion, the judge commented: "I hate racism. I was expelled from school because I used my fists when somebody called me a dirty Greek."

But, he said, San Francisco

is a city where "many races live in harmony," and the accused men will receive a fair trial. Jury selection will begin next Wednesday.

Yesterday the judge ordered a woman spectator barred from the court-room because "off the pigs" was found scrawled on the seat she occupied. Her identity was not revealed.

The judge said a sheriff's deputy witnessed the vandal-

ism. He ordered the woman barred until a full investigation could be made.

The action underscored the stepped-up security at the Hall of Justice.

Arguing Motion

Judge Vavuris, who last week ordered 16 more deputies assigned to the third floor security area, listened to the defense claim that the woman had denied doing it. He remarked there was pho-

tographic evidence, then asserted "I am not going to permit this sort of thing in my court."

The incident occurred yesterday while the defense was arguing a motion to throw out the entire jury panel of 120 for the trial on grounds that its selection through voter registration rolls tended to exclude blacks.

Today the attorneys for the two convicts, Fleeta Drumgo

Fails

and John Clutchette, renewed efforts to be allowed a look at questionnaires filled out by the 120. Bernard J. Ward, the court's executive officer, flatly refused access to the records while on the witness stand yesterday. He said their contents were confidential.

Robert Blauner, an associate professor of sociology at the University of California, Berkeley, testified in

support of the defense motion to quash the jury panel. He said registration roles do not permit a representative selection since in such black areas as Hunters Point and the Fillmore District there is a low registration, due to a feeling of political weakness.

None Picked

Professor Blauner said he had examined 1970 U. S. census tracts for San Francisco and that 10 tracts embraced a population of nearly 40,000 that was more than 70 percent black. But none of the 120 potential jurors on the Soledad trial panel was picked from those 10 areas.

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William Curtis, Monterey County district attorney, who is prosecutor of a trial moved here on a change of venue, brought out in cross-examination there actually are 70 out of 151 census tracts in the City not represented by the 120.

Works For Nothing

Ed Barnes, Curtis' deputy, asked Blauner if the defense was paying him. Blauner said no, amplifying:

"I have a thing about racism and I do it for nothing."

Barnes said the reply stamped Blauner as a racist.

Judge Vavuris said he would allow today and tomorrow for more motions. That meant the jury selection, which had been scheduled for yesterday, cannot begin before next week.

Drumgo and Clutchette, along with George Jackson who was killed in the Aug. 21 outbreak at San Quentin, were charged with killing guard John Mills at Soledad Prison Jan. 16, 1970.