

Soledad Jury All White

By Harold V. Streeter

Twelve whites — eight women, four men — today tentatively occupied all jury seats for the murder trial of two black convicts despite three straight gambles by the defense to prevent it.

Attorneys for John Clutchette and Fleeta Drumgo, ac-

cused of killing a white guard at Soledad Prison in 1970, contend that race is the key issue and that a multi-racial jury is vital to their interests.

Waved Out

Yesterday, the eighth day for jury selection, the defense passed three times

when their turn came to use the first of their 30 peremptory challenges. At the outset, two blacks were on the jury and if the prosecution also passed the jury would be completed.

But on the second turn, the Monterey County district attorney, prosecuting the case here on a change of venue, waved out Juror No. 8, a black, paroled by the California Youth Authority for a misdemeanor.

On the fourth turn, after the third defense pass, District Attorney William Curtis eliminated Juror No. 11, a black who had a misdemeanor conviction in his past for which he was given a suspended sentence.

Two blacks remained of the 30 panel members awaiting call on the sixth floor of the Hall of Justice. The 30 watch the proceedings by closed circuit television because the heavy security in the third floor courtroom prevents them being there.

Protest

But the defense attorneys protested decisions by Superior Judge S. Lee Vavuris to excuse from jury duty a Department of Public Works employe so he could take his vacation and a woman whose doctor reported she had an emotional problem.

Attorney Floyd Silliman pointed out that both prospective jurors were blacks, among "very few blacks we have on the jury panel."

The prosecution used the first of its 30 peremptory challenges to excuse Juror No. 12, a Third World youth who was led away protesting because Judge Vavuris refused to allow him to address the court.

The Case

Before the start of the peremptory challenges, a procedure which would take at least another week, questioning had eliminated 18 for cause, in large part biased opinions.

The prosecution is expect-

ed to seek through testimony of some 10 correctional officers and as many as 20 prisoners inmates to prove that Guard John Mills was killed Jan. 16, 1970, at Soledad in revenge for another white guard killing three black convicts three days earlier.