

SOLEDAD BROTHERS

George Jackson, 1941-1971

John Cluchette, 1943-
Fleeta Drumgo, 1945-

ON AUGUST 21, 1971, one day before the trial of the three Soledad Brothers was to begin, the one who had been the most eloquent in his denunciation of America's prison system was killed by guards in San Quentin prison. The two surviving Soledad Brothers, Fleeta Drumgo and John Cluchette, are now facing trial in a hostile courtroom surrounded by guards armed with pistols, M-16's and sub-machine guns. They are severed from the public by bullet-proof glass and steel barriers which divide the courtroom. They are not being tried by a jury of their peers, for these two defendants are black, young, and inmates of California's penal institutions—

segments of society from which jury panels are not drawn. The State of California hopes to send them to the gas chamber—if they survive the trial.

Two young black men are on trial; America's entire system of justice stands in that bullet-proof dock with them. Are they being presumed innocent, as the Constitution says they must be? Can they expect a fair trial, being poor and black and proud? Will their trial be another shameful racist crime in the name of American justice, or will the citizens of this country—you—stand up and demand that they receive the rights they are entitled to?

IT STARTED IN SOLEDAD PRISON, although it could have been any other prison facility in this country. In the past two years, six inmates and four guards have been



George Jackson

killed inside its walls. Part of Soledad's horror lies in the physical conditions of the jail, part in the psychological pressures on the inmates. Racism is the tried and deadly-accurate method of controlling inmates; keeping tensions at the boiling level means that prisoners are kept divided, and therefore controllable.

Although the census reports that blacks make up only about 10% of this country's population, 40% of our prison population is black. There are more black men in prisons in the United States than there are in colleges. In California, some 50% of the inmates are non-white.

In 1966, the chief judge of the U. S. Federal District Court ruled that the use of "strip cells" (isolation) in Soledad Prison was inhumane. He observed that "the responsible prison authorities, in the use of strip cells, have abandoned elemental concepts of decency by permitting conditions to prevail of a shocking and debased nature . . . in the opinion of the court, the type of confinement . . . results in a slow-burning fire of resentment on the part of the inmates until it finally explodes in open revolt." Four years later, in 1970, an investigating committee of the California State Legislature reported that the exact same conditions continued to exist throughout the prison. In 1971, Warden Fitzharris, administrative head of Soledad prison during those years, was elevated to a state-wide post in the Department of Corrections.

During the late months of 1969, tensions ran high in the prison, with guards deliberately provoking fights between blacks, whites, and chicanos. The maximum security wing was kept rigidly segregated — until one day without explanation prison officials led a racially mixed group into the exercise yard. Officials made no moves to prevent the outbreak of violence they themselves had fostered. Exactly what happened is unclear — but it ended with an expert marksman stationed in the gun tower shooting three black inmates to death. He said he shot to break up a fight between blacks and whites. But no whistle had sounded, no warnings, no tear gas was used. The men he killed were regarded as leaders by the black convicts.

Many in the prison — blacks, whites and chicanos — considered it murder and went on a hunger strike in protest. Three days later, on January 16, 1970, the District Attorney announced on television that as far as his office was concerned the deaths were "justifiable homicide." Minutes after this announcement, a guard was killed.

The prison's response was immediate. All black convicts who were known to be politically conscious were locked in maximum security ("the hole"). For over a week, all 146 prisoners in the wing were interrogated,

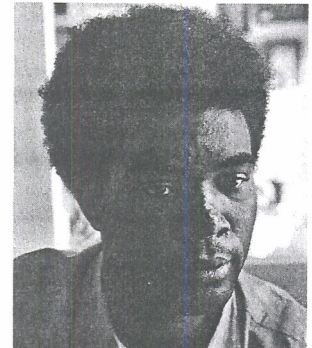
with no one allowed to contact attorneys, friends or family outside the prison. Promises of early parole and threats of long confinement colored the interrogations. Ultimately, the district attorney charged three prisoners with the murder of the guard: John Cluchette, Fleeta Drumgo, and George Jackson. They were black men whose political awareness had presented a challenge to the authority of the prison officials. Now they were singled out to be tried for murder.

George Jackson was serving a one-year-to-life indeterminate sentence for second degree robbery. He had pleaded guilty, on a lawyer's advice, to being at the scene of a \$70 filling station robbery in 1960, when he was 18. The average time served for robbery is two and a half years. George was killed during his eleventh year of imprisonment. The indeterminate sentence, originally set up as an incentive program, has come to mean total subservience to a white power hierarchy. If a man does not share the values of his parole board, if his political convictions and his pride do not conform to what the authorities demand of him, he is denied freedom.

Fleeta Drumgo is 26. He has been in prison since 1966 on burglary charges and was due for a parole hearing in April of 1970. In his prison file was a "writeup" he received for having a poster of Malcolm X on his cell wall. (He has now additionally been charged, with five other San Quentin prisoners and a young lawyer, for the events surrounding George Jackson's death.)



Fleeta Drumgo



John Cluchette

John Cluchette, 28 years old, has been in prison since 1968 for burglary. He was found in possession of a stolen television set which he says he bought not knowing it was stolen. In 1969 he attended a religious meeting of Muslim inmates— forbidden by the prison authorities—and was given a punitive term in isolation as well as a mark on his record. John was to be released on parole in April of 1970.

PREPARING THE DEFENSE FOR THE SOLEDAD BROTHERS was made as difficult as possible for the attorneys. The wing of Soledad in which the guard had been killed was remodelled shortly after the event, so that the crime could not be reconstructed. At the request of the prison administration, the defense attorneys were forbidden to divulge the names of prosecution witnesses to anyone, including the defendants. This ruling made it impossible for them to investigate what happened on January 16 by preventing meaningful discussion with

other inmates on the wing. That order remained in effect for fourteen months after Jackson, Drumgo and Cluchette were charged, during which time witnesses were systematically transferred to prisons and parole districts throughout the state of California—some out of the state.

In the spring of 1971, another trial took place. Three other black Soledad inmates, accused of killing another guard, heard one of the prosecution's major witnesses admit in court that he hadn't really seen anything and that he had lied in exchange for getting out of Soledad. Another witness in that case had been threatened at gunpoint by Captain Moody, chief of guards at Soledad, notorious for his brutality and racism. The charges were dropped in the second week of that abortive trial. *Captain Moody is now working for the District Attorney as a special investigator on the Soledad Brothers' case.*

Before he left Soledad—in March, 1971—Moody was accused in a sworn statement by a Soledad inmate, Allen Mancino, of having tried to force Mancino to kill George Jackson. Mancino's affidavit stated that he was blindfolded by guards and addressed by a voice he recognized as that of Captain Moody.

Moody began to address me and asked how I liked being among the "niggers" on the second tier, and asked how I felt about George Jackson specifically . . . Moody then asked me directly if I would kill George Jackson. He said that he did not want another Eldridge Cleaver.

Mancino refused to cooperate, and was then intimidated by a "hypothetical" situation, described by Moody, in which he would be taken out into the yard one night and shot when he "made a break for the fence". Mancino understood that if he didn't kill Jackson he himself might be killed. Several days later he was transferred to another prison.

(On the day five months later when George Jackson was shot while "making a break for the fence" at San Quentin, Mancino was an inmate on the same tier. Along with other prisoners, he was stretched naked and chained on the ground. He was singled out and shot by a guard, allowed to lie bleeding on the floor for an hour, and then illegally transferred to a jail in Nevada where he is being kept incommunicado as a potential witness for the prosecution.)

THE SOLEDAD BROTHERS TRIAL was originally to take place in Salinas, an agricultural area heavily populated by chicanos but dominated by white growers. The chicanos who work in the field rarely sit on juries. The three Soledad Brothers were brought from the nearby prison to court each day in chains; the slave image did not seem at all inappropriate in this hot, rural town. The first judge to sit on the case was eventually challenged and removed as a blatant racist. (He had been heard to comment, "Considering all the violence Martin Luther King caused, maybe he got what he deserved.")

After extensive legal action, defense attorneys were able to have the case moved from Salinas to San Fran-

cisco, a large city with a more heterogeneous population. There, at least, exists the possibility of having some black people, some poor and working people on the jury panel.

But the move wasn't made easily. The District Attorney immediately responded by seeking to remove the case to San Diego, among the most reactionary areas in the state. Although this motion was ultimately denied, defense attorneys had to waste five months in the courts combatting it. San Francisco judges, however, were openly hostile to the idea of having this hot political case on their hands.

As it became more and more obvious that the Soledad Brothers were unlikely to get justice in any courtroom in this land, people close to the case felt a growing sense of frustration. On August 7, 1970, George Jackson's seventeen-year-old brother Jonathan entered a courtroom in Marin County, California, and, joined by three San Quentin inmates in the court that day, took the judge, the district attorney and a juror as hostages. On leaving the courtroom, Jonathan called out, "Free the Soledad Brothers by noon." But the response of the officers outside the courthouse was to open fire. When the shooting stopped, two inmates, the judge, and Jonathan Jackson were dead. Ruchell Magee, the lone convict survivor, was charged with murder. Angela Davis, active in the defense committee for the Soledad Brothers and a long-time target of Governor Reagan, was charged as an accomplice although she was not present. The policemen who opened fire on the escape van, killing its occupants, have not been charged with anything — as the state troopers at Attica prison in New York will not be charged, and as the Soledad guard who killed three black convicts in January, 1970, was never charged.

THE LAST TIME the three Soledad Brothers were in court together was on August 9, 1971. The courtroom scene was by then familiar to the defendants. The whereabouts of the scattered 125 potential witnesses had been furnished by the Department of Corrections only a few weeks before, and the defense attorneys asked for more time to track them down and interview them. But the judge set August 23 as the date the trial would begin.

Although the defendants were willing to take as much time as their lawyers felt was necessary to prepare their defense, they were eager for the trial to begin. Through his writings, George Jackson had already begun to make people aware of the inhumanity and injustice of America's prison and judicial system. Investigating commissions had started to examine and criticize the California prisons; in other states as well there were many calls for prison reform. But the major challenge to the prison system would come when each of the Soledad Brothers had the chance to take the stand and tell a listening world exactly what goes on inside those prisons.

Prison officials would have us believe that on the eve of this trial, on August 21, 1971, George Jackson, conspiring with numerous other inmates (including co-defendant Fleeta Drumgo) made an "escape attempt"

by running through the most heavily fortified section of the prison, an open courtyard surrounded by a 20-foot stone wall mounted by armed guards in gun turrets.

WHAT IS HAPPENING inside Soledad, inside San Quentin, inside Attica or a thousand other institutions? The public does not know. Prison officials are using their version of George Jackson's death and the slaughter at Attica to roll back all recent reforms which were forced on them in recent months. New restrictions have been placed on the efforts to defend convicts: tape recorders, of considerable use to attorneys and the press, are no longer allowed; no more volunteer legal investigators are allowed, only highly paid professionals; countless petty obstructions make it more difficult and more costly to seek justice in the courts.

CITIZENS WHO COME TO OBSERVE THE TRIAL OF THE TWO REMAINING SOLEDAD BROTHERS must pass through two metal detectors, submit to a pat-down search, and be photographed by police before they are

escorted to numbered seats in the courtroom. A platoon of Tactical Squad guards stands inside and outside the room, dressed in full riot gear and armed, some with machine guns.

On Thursday, August 26, during the pre-trial proceedings, the defense asked for a doctor to examine the defendants who said they were suffering regular beatings and physical abuse every night when returned to their cells after leaving the court. The judge refused. The defendants then removed their shirts and everyone in the courtroom saw new bruises and cigarette burns on their necks and chests. The judge said he saw nothing. When John Cluchette's mother rose in the spectator's section to protest, she was ordered removed from the court. The Tactical Squad moved toward her. Friends who tried to prevent them from harming her were savagely beaten and the courtroom became the scene of a shocking bloody melee. This is an American courtroom. This is American justice, 1971. Your help is needed to prevent "fair trial" and "equal justice" from becoming epitaphs on the grave stone of American justice.

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Dear Friend:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury....

—Sixth Amendment to the U.S. Constitution

In a courtroom in California, the following scene is taking place: A thick barrier of glass and steel has been erected stretching wall to wall, floor to ceiling, between the trial participants and the public, who are barely able to hear the proceedings. Some fifteen Tactical Squad men in full riot gear stand outside the courtroom. Everyone attending the trial is photographed and given a seat number. Both men and women are checked with a metal detector and given a full pat-down search; women are additionally required by police matrons to remove their underwear. Each person is then escorted to the numbered seat in the spectators' section, which features a closed-circuit television camera monitored by the police. Despite this "security", eight bailiffs and at least two plainclothes policemen are stationed inside the courtroom and, out of sight, other Tactical Squad members stand ready with M-16's and sub-machine guns.

The scene is the Soledad Brothers' trial

On August 21, six men were killed at San Quentin prison, allegedly in a prison break. Among them was George Jackson, whose book, SOLEDAD BROTHER, has focused world-wide attention on the brutality of the American prison system. We still do not know the truth of what happened that day; however, the revelation of lies surrounding the death of Fred Hampton in Chicago, the massacre at Attica, the multitude of inconsistencies in the accounts of San Quentin administrators on the deaths, and especially the conflicting autopsy reports, make the authorities' versions of the tragic events extremely suspect.

Tom Wicker wrote in The New York Times on George Jackson's death: "Whether or not he was shot while escaping or was in some way 'set up' for killing.... George Jackson was destroyed long before he was killed at San Quentin. There are thousands upon thousands like him -- black and white, brothers all -- who will be or have been destroyed, too. Until this wanton destruction of humanity in America is seen for what it is, it will go on, and consume us all."

In an atmosphere of prison turmoil, and in garrison-like courtroom surroundings, the trial of John Clutchette and Fleeta Drumgo, the Soledad Brothers still alive, is about to proceed.

Earlier, when George was still alive, the three had faced trial, in two other courts -- Salinas, California, where the judge was removed for racial bias; and in San Francisco, to which the case was eventually transferred. There, the District Attorney, in an irresponsible and unprecedented maneuver, tried to move the case to San Diego, one of the most reactionary counties in the state. It took the defense five months to defeat this effort. Challenges of judges with histories of racial bias necessitated further delays. Finally, the trial was set for August 23. George Jackson, who with heroic courage and eloquence had shouted out the truth about prison life, was silenced by a guard's bullet on August 21.

The prosecution insisted that the trial go on as scheduled. This effort failed, but the defense's on-going preparations were increasingly obstructed. The use of volunteer

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investigators was forbidden, the defense was forced to hire and prepare private, state-licensed investigators at great cost in time and money; witnesses, scattered in prisons throughout the state since the case began, were inaccessible to attorneys; tape recorders, very useful to lawyers and the press, were no longer allowed; for weeks, John Clutchette's lawyer had to stop visiting him because after each meeting, John was beaten by the guards.

Your help in overcoming these gigantic obstacles to a fair trial, and in exposing the degrading and inhumane nature of the prison system, is even more critical now than at any time before in this long struggle for justice and human dignity. Your support will help provide some of the tangibles -- private investigators, fees for expert witnesses, transportation and mounting office expenses.

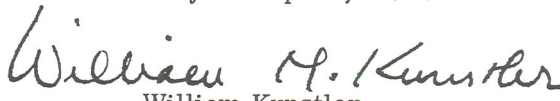
We urge you to join in the Soledad Brothers' defense, and to send your contribution in the enclosed envelope. Please make it as large -- and as soon -- as you possibly can.

Sincerely yours,


Jane Fonda


Benjamin Spock, M. D.


Carleton B. Goodlett, M. D.


William Kunstler

The following is the opening portion of the transcript of proceedings in San Francisco Superior Court on August 24, 1971 before Judge Carl Allen:

Mr. Silliman (attorney): Dr. Carleton Goodlett is standing at the door...we ask that he be allowed to sit with us at the table and at least be able to conduct a cursory examination of the defendants.

The Court: That motion will be denied.

Mr. Silver (attorney): Denied?

Mr. Silliman: Your Honor can see the condition of these men -- these men have been beaten!

The Court: I have denied the motion. I am not in the habit of reversing myself just because some lawyer hollers at me.

Mr. Silver: I make a motion that the court examine the bodies for bruises, cuts, scratches and beatings.

The Court: I am not a physician.

Mr. Silver: That's why we have a physician ready and available to the Court.

The Court: Your motion has been denied, counsel...