

MAR 16 1972

Soledad Jury Hears Denial of Killing

By Harold V. Streeter

John Clutchette, one of two blacks charged with killing a white guard at Soledad Prison, says he was "called on to sit here in this ridiculous trial for a crime which I didn't commit or have any part of."

He told a jury yesterday in the heavily-secured third floor courtroom at the Hall of Justice that was all he

meant when he wrote a black woman spectator, in reply to her letter, that:

"I have done nothing except what I was called upon by the struggle to do."

Clutchette, 28, and Fleeta Drumgo, are in the 12th week of trial for the slaying of white Guard John Mills Jan. 16, 1970 — three days after another white guard shot and killed three black inmates. Mills was beaten to death and his body dumped

from the third tier of Y Wing.

Clutchette's letter March 6 to Dovie White — who said her sympathy was directed toward him because her brother was shot in the back and killed at Berkeley — was intercepted by a censoring sergeant at San Quentin. He referred the letter to the prosecutor who introduced it at the trial Tuesday.

The prosecutor contended the reference to "the strug-

gle" reflected the frame of mind of a black who would "jump" the unarmed Mills. The letter embroiled both sides in an emotion-packed scene that yesterday saw the judge angrily order "that woman in red" ejected from the courtroom. He said she had resorted to "cynical laughter" and he told her not to return.

"That woman in red" turned out to be Susan Fine, who earlier had challenged

Thurs., Mar. 16, 1972 ★ S.F. Examiner—Page 13

Superior Judge S. Lee Vavuris' tight security regulations in a court suit. It was filed by the American Civil Liberties Union and carried to the State Supreme Court without success.

Judge Vavuris singled her out after a defense attorney's sarcastic reference to the disputed letter provoked laughter in the courtroom.

While Clutchette read the letter aloud to the jury of nine women and three men, the woman to whom he

wrote it, Dovie White, sat in the audience.

He also read her Feb. 24 letter to which his March 6 letter had responded. Her letter said she had one brother in prison, another in a mental institution and a third who was shot in the back and killed at Berkeley.

Yesterday both sides concluded all testimony. Judge Vavuris then dismissed the jury until Monday when concluding arguments will open.