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Jury Weighs Fate of Soledad Brothers

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By Harold V. Streeter

An all-white jury, headed by a blonde housewife, searched today for a verdict that could range from not guilty to life imprisonment for two black convicts accused of killing a white guard at Soledad Prison two years ago.

Ending 13 weeks of testimony under the tightest security in The City's criminal court history, the nine women and three men were given the case at 4:30 p.m. yesterday in the third floor courtroom of Superior Judge S. Lee Yavuris at the Hall of Justice.

Burglars

The jury chose as foreman Mrs. Jean Batten, the only one of the first 12 in the jury box to survive questioning—sharply focused on racial prejudice—that began last November. The jury deliberated for an hour before being sequestered last night at a hotel.

Two convicted Los Angeles County burglars, John Clutchette, 28, and Fleeta Drumgo, 26, were charged along with George Jackson, 30, of joining unarmed guard John Mills Jan. 16, 1970—just three days after another guard shot and killed three black convicts.

They became known as "the Soledad Brothers."

After the case was transferred here from Monterey County on a change of venue, they were confined at San Quentin where Jackson was among six persons killed last Aug. 21, during an alleged escape attempt.

Yesterday, Monterey County District Attorney William Curtis brought defense attorneys to their feet in protest by saying in closing arguments "the heavy in this case was Jackson, no doubt about it."

Can't Defend

Defense counsel said Jackson's name should not even

be mentioned because "he cannot be here to defend himself."

Among the spectators sat Angela Davis, the black militant who has called Jackson "my irretrievable love" and who faces trial on charges she bought some of the guns used in the Aug. 7, 1970, Marin County Civic Center shootout. Authorities say that was an attempt to take hostages and bring about release of the "Soledad Brothers."

Four convict eyewitnesses testified for the prosecution they saw Jackson beat Mills with fists and the guard's flashlight and later dump his body from the third tier of Soledad's maximum security Y Wing.

Denials

They said they saw Drumgo swing at the guard before the body was dumped and saw Clutchette pick up and wipe off the flashlight. But Clutchette and Drumgo both

denied from the witness stand they were even on the third floor when Mills was slain.

Curtis drew a denied defense motion for misconduct when he turned and pointed at the defendants in his closing arguments, loudly calling them "those murderers."

"The direct, the eyeball evidence is there to sustain second degree murder," Curtis said.

But he conceded the jurors would have to consider circumstantial evidence to agree on first degree murder because it involves premeditation. He noted there was no testimony of over-

hearing Jackson, Clutchette or Drumgo openly plotting Mills' death.

'You Know'

Again pointing at the defendants, Curtis said:

"They know . . . he (each defendant) knows that he participated in the killing of John Mills and you know it too."

Noting there was a mountain of evidence to be analyzed, Curtis urged "take your time in reaching your verdict in this case."

Judge Yavuris, in his instructions, told the jury to return their verdicts as if Drumgo and Clutchette were tried separately. That meant the jury, if it chose, could acquit one and convict the other.