

Witness Tells Soledad Link

By Stephen Cook
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SAN JOSE — A news photographer who made a series of pictures of the actual abduction in the Marin County Courthouse shootout testified emphatically today that a demand was made for the release of the "Soledad Brothers."

James Kean, who was working for the San Rafael Independent-Journal when the escape attempt occurred on Aug. 7, 1970, said the demand came from James McClain, who had been on trial in the courtroom of Superior Judge Harold Haley.

The witness thus backed the testimony of Mrs. Maria Graham, who said that demands for release of the Soledad trio were made repeatedly.

Two other women who, like Mrs. Graham, were taken hostage, simply could not remember what was said

because they were frightened and distracted.

At the moment the demand was made, Kean testified, the three women, Judge Haley, and Assistant Marin County District Attorney Gary Thomas were being held at gunpoint by McClain, Jonathan Jackson who smuggled guns into Haley's courtroom, and two other San Quentin convicts.

All were standing at an elevator, about to leave the courthouse — and head into the shootout in which Haley, McClain, Jackson and another convict were to die.

"Tell them we want the Soledad Brothers released by 12 o'clock," Kean quoted McClain as ordering him.

"I asked McClain to repeat it," he continued, "and he did. And I said, 'Just so

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there's no mistake, you mean 12 o'clock today or 12 midnight,' and he said, '12 o'clock today.'"

Vital Testimony

Kean said he made the notation "Soledad Brothers" in his notebook at the time, but no longer has the book.

The testimony loomed vital in the trial in which Angela Davis is accused of kidnap, murder and conspiracy for allegedly providing the weapons Jonathan Jackson brought into the courtroom.

Jonathan Jackson was the younger brother of George Jackson, one of the three Soledad prisoners accused of murdering a guard at that institution.

George Jackson was killed last summer in a San Quentin escape attempt in which three guards and two prisoner-trustees also died, and the two other Soledad defendants were acquitted last week after a lengthy trial.

Assistant Attorney General Albert Harris Jr., who is prosecuting Miss Davis, claims that the purpose of the courthouse escape attempt was to take hostages who would be exchanged for the freedom of the Soledad trio.

Miss Davis and her attorneys challenged that contention, and claimed they would ultimately produce testimony to contradict it.

Kean began his testimony today by relating that he was on the highway, returning from an assignment, when he heard a police radio call that a gunman was believed to be in the courthouse area at the Marin Civic Center.

Shotgun

Arriving there, he took an elevator to the first floor or court area and walked directly into the action.

"I saw a man come around the corner," he said, "and he had something strapped to the neck of Judge Haley. I thought at the time it was a homemade bomb."



DEFENDANT IN A THOUGHTFUL MOOD

Militant Angela Davis as caught by a courtroom artist
—Sketches by Don Juhlin



OVERALL SCENE AS DRAMATIC TRIAL OPENS IN SAN JOSE
Judge's bench in background, jury at left, attorney's tables in center

—AP Photo

Actually, it was a sawed-off shotgun held by McClain.

Within minutes, Kean found himself confronting the entire lineup of would-be escapees and their hostages.

William Christmas, one of the convicts, told him: "Take all the photos you want. We are the revolutionaries," and McClain said, "Be sure and get a good picture of the judge." Kean testified.

He was ordered to accompany the escape party at first, he said, but Jackson told McClain, "We don't want the —, we've got enough."

"You can come along," Jackson said to Kean at that point, "but you may get killed."

Kean stayed behind, running to a balcony to take pictures as the party crossed the parking lot to a yellow van.

The photographer clung to his story under cross-examination by defense attorney Leo Branton Jr., who pressed him as to why he had made a note of the conversation.

"I believe," Kean said, "that he said it directly to me because I looked like a representative of the press and he wanted to get the message out. I did not want to make any mistake about what he said."

Branton asked why he hadn't written down the time deadline for release of the Soledad trio, whether he hadn't considered that important.

"I don't know why," was the reply. "All of what he said was important to me."

The defense attorney also questioned him as to how he could have mislaid or lost the note, as Kean said he did, and whether he hadn't thought it important enough to take to police.

"I brought it back to my newspaper," the photographer said, "and I communicated it to a reporter who wrote an article about what I saw, and did at the Civic Center that day."

Branton recalled various political slogans of the day, and wanted to know whether what was actually said — if anything — was simply, "Free the Soledad Brothers."

"No," Kean replied. "I told you what Mr. McLain said."

His testimony was supported by that of Sheriff's Captain Harvey Teague, who said he was in the vicin-

ity of the elevator, his vision somewhat restricted.

He heard "someone say something to the effect that you have till 12 noon to free the Soledad Brothers and all political prisoners." Teague testified.

At one point during the escape episode, McClain took Judge Haley to the other end others to wait.

One of the escapees, Teague said, protested that "we've only got five minutes of the building, forcing the to get out of here."

McClain answered that

downstairs, he heard shots outside and by the time he reached the van the shooting was over, he said.