

# Dramatic Shootout Told Angela Jury

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SAN JOSE — The correctional officer who played the key role in the shootout at the Marin County Civic Center told in dramatic detail today of his exchange of gunfire with occupants of the yellow escape van.

Testifying calmly at the trial of Angela Davis, accused of supplying the guns for the escape attempt that ended in four deaths, Officer John Matthews was confident that his bullets had found their mark.

"I knew where they went," he said, his account indicating he had fired at three different targets in the van.

#### Kneeling Position

Arriving at the entrance to the Civic Center courtyard as the escape van approached with three convicts, their would-be liberator and five hostages, he dropped to a kneeling position behind the hood of a car, Matthews related.

He saw two men in the front of the van.

"It stopped even with me," he related, "and they were scanning the area from

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right to left, sweeping the area with their eyes.

"When they saw me, there were two weapons pointed at me. One or both of them discharged.

#### Came Up Firing

"I ducked and I came up firing. I fired a shot at a person in the van, the one on the driver's side . . . He flew down, away from the sitting position — to the side, away from the path of fire."

Prosecutor Albert W. Har-

ris Jr. asked whether Matthews fired again. He had, at a man he identified as "a passenger."

"He flew down, too," the witness said. "His body went violently away from the line of fire.

#### Pistol in Hand

"Then a man exposed himself from the rear of the van, facing me with a pistol in his hand. I fired again. He went down. He was either pushed up or bounced back up, and I fired again. He stayed down.

"A gentleman in a gray suit pushed himself up and said, 'Stop the firing, I'm hit!'"

#### Asked for Help

The witness said he went around the van and the man in the gray suit, whom he later discovered to be Marin County Assistant District Attorney Gary Thomas, asked for help.

"Mr. Thomas asked me to help him out of the vehicle. He couldn't move his legs," he explained. Thomas, it developed, had been crippled for life by a bullet in his spine.

Matthews, who said he has been using guns since he was 5 years old, testified that he doesn't know how many shots he actually fired because his rifle and all others used by officers that day were taken at the time and placed in a police vehicle.

#### Accompanied by Rookies

Under cross-examination by Defense Attorney Leo Branton Jr., the nattily clad witness — he wore a gold-colored sports shirt, wide belt, and brown slacks — said he had driven to the Civic Center with a group of rookies to whom he had been giving weapons instructions.

He told them on the way, he said, that they should not fire unless they had a clear shot, but he conceded he had not told them that they shouldn't shoot unless fired upon. In explanation, he cited San Quentin policy of ignoring hostages in an escape attempt.

"So," Branton said, "it really made no difference

whether they fired first or you fired first, because as soon as you got a clear shot it was your intention to fire, was it not?"

#### Wasn't Sure

"I couldn't say that for a fact," the witness replied. "I wasn't exactly sure what I was going to do."

After the shooting, he said, he paced off the distance from his position to the driver's side of the escape van, and measured it at approximately six and a half yards.

Matthews was the second San Quentin guard to testify today in the prosecution's effort to pin conspiracy, kidnap and murder charges on Miss Davis. The first was Joseph J. Murphy.

Murphy, a gray-haired, red-faced man, had been dispatched with other guards from San Quentin when word came that "some inmates had taken some hostages."

#### Did Not Fire

He was on hand with a loaded rifle, but did not fire, during the bloody exchange in which Judge Harold Haley and three others died.

Harris asked whether San Quentin had a fixed policy concerning situations in which hostages are taken in a bid for freedom.

"We don't consider hostages as a means for escape," Murphy said. "In other words, if a hostage is taken — that's our policy, no escape with hostages."

Before Murphy took the stand, Defense Attorney Howard Moore Jr., put Eugene R. Fontaine, assistant Marin County coroner, under cross-examination on the story he told about events that centered around the escape van.

Fontaine said he observed the 19-second shootout that ended the Aug. 7, 1970 escape bid from a balcony two floors above the action.

He told of watching Matthews kneeling or crouching behind a parked car as the van, driven by George Jackson's 17 year old brother Jonathan, moved slowly down a Civic Center driveway toward a two-car

roadblock established by other prison guards.

#### Shotgun Blast

"There was a lot of firing. A shotgun went off inside the van. I could see the flash, a red flash, and heard the explosion. Then there were more shots."

Moments later, Fontaine was downstairs at the rear door of the van, looking at the obviously dead judge when "I saw a hand moving down the judge's right side into his lap, where I saw a sawed-off shotgun."

"The hand moved toward this gun, sort of grabbing at the gun. And I looked up and saw a person later identified as Ruchell Magee looking up

at us. It looked as if he was trying to grab the gun and he had his hand on it.

"I went in and I grabbed the gun and I held him and I handed the gun out" to officers standing nearby.

In his cross-examination

today, Moore tried to shake Fontaine's account. He suggested that Magee was actually unconscious, but Fontaine insisted that his eyes were open and he was aware of his surroundings, although weak.