

Guard Says First Shot Came From Coast Jail Van

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Special to The New York Times

SAN JOSE, Calif., April 11—A San Quentin Prison guard, testifying today at the trial of Angela Davis, said that he shot Jonathan Jackson and two black convicts as they attempted to escape from the Marin County Civic Center in a van with four hostages on Aug. 7, 1970.

But the guard, John W. Matthews, insisted that he had opened fire only after a passenger in the van had first taken a shot at him.

Under cross-examination, he said that it was prison policy that prisoners not be permitted to escape even when they were holding hostages. He said that prison instructions, which he gave to several new officers that Friday in 1970, were to open fire when presented with a clear target.

"Then it really didn't make any difference who fired the first shot," Leo Branton, a defense attorney, asked. "You had intended to shoot as soon as you had a clear shot. Isn't that right?"

"I wasn't exactly sure what I was going to do," Mr. Matthews replied.

But as it turned out, he said that he was fired on by the driver of the van [Jonathan Jackson] and that he ducked and "came up firing."

The three San Quentin convicts had taken over the courtroom, seized five hostages and attempted to make their getaway. In the shooting outside that followed, a judge and three of the kidnapers were shot to death.

Miss Davis, who is on trial on murder, kidnapping and conspiracy charges, is accused of having helped plan the seizure of hostages and of purchasing

guns for it. She is a black former philosophy instructor at the University of California, Los Angeles, who is an avowed Communist.

Mr. Matthews said that he was armed with a .30-.30-caliber rifle and that he was six and a half yards from the van when it came to a halt as it was leaving the driveway outside the civic center. He said he was crouched behind a parked car. He described himself as a sharpshooter and said he was certain of his shots.

Mr. Matthews said that the van stopped because the road was blocked.

"What did you observe them do?" he was asked by Albert Harris Jr., the prosecutor.

"They stopped even with me. They were scanning the area, right to left. When they got to me, two weapons were pointed at me. One or both discharged."

Had you fired, the prosecutor asked.

"No," Mr. Matthews, who had been a correctional officer four years, replied.