

Six Prison

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Lawyers Accused

By Ed Montgomery

Six Bay area lawyers, one a fugitive and one identified only as attorney "Y," stand accused of knowingly violating prison regulations in behalf of inmate clients.

A seventh lawyer has been identified as being linked to an incident "which suggests that an attorney has cooperated in an escape plot."

The seven are named by Deputy Attorney General Charles R. B. Kirk in a petition filed with the State Supreme Court seeking a rehearing on its order of Sept. 15 decreeing strict limitation on examination of inmate-attorney mail by prison authorities.

Named in the action are attorneys John Thorne, Fay Stender, Robert Carrow, Lawrence Weiss, Elizabeth E. Cobey, Stephen Bingham and attorney "Y."

The petition, documented with a wide array of exhibits, contends the court erred by assuming that attorneys have not knowingly violated statutes and prison regulations or aided inmates in evading regulations.

The court also erred, the petition states, by assuming that there is little risk that attorneys will conspire in plots threatening prison security.

"Of all the prison plots involving attorneys, perhaps the most sensational ... involves attorney Stephen Bingham, presently a fugitive ..." the petition states.

The court was reminded Bingham is under indictment for complicity in the deaths of two inmates and three correctional officers in

the Aug. 21, 1971, abortive escape attempt at San Quentin. Bingham allegedly smuggled a 9mm pistol to inmate George Jackson, one of the so-called Soledad Brothers, while visiting him as an attorney.

Other Incidents

"The Bingham case is not, however, the only incident which suggests that an attorney has cooperated in an escape plot," the petition states.

Included as an exhibit is the sworn statement of Special Agent David G. Foster of the State Bureau of Investigation relating details of an escape plot involving inmate Jackson and ex-convict James Edward Carr, black militant who was shot to death in San Jose during the Angela Davis trial.

The plot, first disclosed by The Examiner a year ago, was outlined in a letter from Carr and a reply from Jackson, smuggled in and out of San Quentin "in an envelope of John Thorne, Jackson's attorney ..." according to the petition.

Hiding Places

"In this letter Jackson outlined a plan to smuggle explosives into San Quentin by hiding them in the rectal or vaginal cavities of his visitors. Jackson specifically

suggested that his sister, Mrs. Penelope McKenzie, might be one of the women willing to do this.

"He also suggested that shoes with metal buckles be hollowed out and .22 caliber derringers hidden inside; including an illustration showing how this could be done. If the metal detector at the visitor's gate sounded, the smugglers could point to the metal buckles and claim that they, not the hidden guns, had activated the metal detector ..."

The letter smuggled in to Jackson told of explosives and weapons already acquired and advised "... I will need assistance from Fay or John."

Money

In reply, Jackson instructed: "Deal with Thorne or my father for money."

Agent Foster identified "Fay" as Fay Stender and "John" as John Thorne.

"... the most likely explanation is that attorney John Thorne smuggled the escape plan out of San Quentin," the petition alleges.

Also included is a letter from Thorne, dated Dec. 18, 1970, to each of the so-called Soledad Seven containing a message from Angela Davis, then in jail in New York and fighting extradition to California.

Miss Davis' letter, couched in revolutionary rhetoric, read in part: "In a sense we, political prisoners, captured fighters, are living proof of the decline of a corrupt, racist order ... (whose feeble efforts to crush the revolution will continue to be in vain because we continue to fight behind the dungeon walls ..."

Kirk's petition lists specific dates on which Attorney Stender assertedly smuggled contraband printed matter to inmate Jackson and a second inmate after being advised not to do so.

Attorney Carrow is accused in the petition of falsely passing off both magazine writer Eric Mann and syndicated columnist Nicholas von Hoffman as a "potential witness" in the pending Ruchell Magee case solely for the purpose of obtaining interviews with Magee.

Attorney Weiss is described as "one of the most persistent and flagrant violators ..." in the smuggling of letters and passing of contraband.

Attorney Cobey, identified as a member of Thorne's law firm in San Jose, is cited in the petition for attempting to send a prison inmate, under the guise of legal volumes, a number of books dealing solely with Communism, including works of Marx, Engels, Mao Tse-tung and Ho Chi Minh.

Prerogatives

The petition states that information has been received "which strongly suggests that several California attorneys are utilizing their special prerogatives to either solicit criminal acts or to foment or direct violence in California prisons.

"One of these attorneys is 'Y' (who) ... early in 1971 ... entered one of the state prisons, purportedly to interview a prisoner. Instead, the attorney proposed that the inmate, who was scheduled to be paroled in a few months and deported, smuggle guns into the United States for use by the attorney's organization.

"Attorney 'Y' was also identified by another prisoner as the founder and director of the R.A.F.F. (Revolutionary Assassins for Freedom); a group of prisoners purportedly dedicated to committing acts of violence in state prisons."