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Officials Lose in Prison Death Suit

By Drew McKillips

A U.S. District Court jury found yesterday that eight past or present officials at Soledad are legally responsible for the shooting deaths of three black inmates on January 13, 1970.

Two other officers were absolved of responsibility.

The all-white, three-man, three-woman jury deliberated just short of five hours before returning its unanimous verdict.

The jury will reconvene Monday, April 21, to determine how much money should be awarded to the families of the slain men. The families are suing the officials for \$1.2 million.

The three men killed were W.L. Nolen, 25, Alvin Miller, 23, and Cleveland Edwards, 20.

Testimony of the three-week trial was that a gun tower guard — O.G. Miller — shot the three men with a .30 caliber carbine during a fight in the "O" Wing exercise yard.

Attorney Melvin Belli, representing the families, argued to the jury that the men had been deliberately "set up" for the killing because of a racial conspiracy at Soledad.

He said Miller, a white guard, was an expert marksman who had fired a total of four shots, and had shot two of the men — Nolen and Alvin Miller — through the heart. Edwards was hit in an artery in the leg and bled to death. A fourth inmate was shot through testicle.

Miller, now living in Germany, returned to testify

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that he had fired two warning shots and had not aimed to kill anyone.

Other witnesses testified that Miller had been especially chosen for the guard tower job because of his emotional stability and because of his lack of racial bias.

Lawyers said after the verdict that it was one of the first major cases in the United States where prison officials have been held legally culpable for the death of inmates.

There was an emotional scene after the verdict where the families and friends of the slain prisoners broke down in tears, embraced each other, and hugged and kissed attorney

Scott Hanson, who handled the case with Belli. Belli, who had to leave for Japan, was not present for the verdict.

Addie Nolen, the mother of W. L. Nolen, told a reporter, "I am so happy. I always felt my son was murdered. This is some measure of justice."

Asked whether she had any doubts that she might get justice for her black son from the all-white jury, Mrs. Nolen said, "The question never entered my mind."

In addition to Miller, those found liable were: C J. Fitzharris, then the superintendent, now retired. Clemitt Swagerty, then deputy superintendent; Eugene A. Peterson, the program ad-

ministrators for Unit III; W. H. Eads, the program lieutenant; Richard Maddix, the sergeant on "O" Wing; Jose Mota, correctional counselor for "O" Wing; James Dykes, correctional officer in "O" Wing.

Absolved of blame were W. H. Merkle, head of the security squad, and Manuel V. Cortez, a member of the security squad.

A county grand jury, meeting in Salinas in 1970, declined to return indictments charging criminal responsibility in the shootings. The current trial was only on the civil liabilities of the defendants. The case was brought under the Civil Rights Act, which specifically precludes naming the state itself as a defendant.