

# Marin Shootout -- New Disclosures

## Clues in Secret Document

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It has been nearly five years since the Marin Civic Center shootout, and questions still remain.

On Aug. 7, 1970, in 19 violent seconds, four persons died — among them Judge Harold J. Haley — and three others were wounded in a futile attempt to free what some termed "political prisoners."

Now, five years later, The Chronicle has learned that the shootout — according to some handwritten notes that have been kept under court seal since 1971 — may have been the result of a grandiose, nationwide plot.

During the course of a 12-week investigation, authoritative sources told Chronicle reporters that:

- A massive blunder by California law enforcement agencies may have allowed the shootout to occur. There are indications the Civic Center was known to some lawmen to be a possible site of a breakout effort.

That accusation was leveled recently by Frank J. Cox, chief deputy public defender of Marin County, in an affidavit filed in Superior

Court.

- Jonathan Jackson, the 17-year-old who set the bloody drama in motion, learned only at the last moment that he had been betrayed — abandoned by three heavily-armed squads of Black Panther "guerrillas." Young Jackson decided to go it alone.

- The original plan had called for one guerrilla team to hijack a jetliner at San Francisco International Airport; a second to storm a wing of the Civic Center, seizing as many hostages as possible; the third was to have assisted Jonathan in the takeover of Judge Haley's courtroom.

Key to all of this informa-

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tion; in addition to numerous sources both in and out of law enforcement who have spoken to The Chronicle, are six pages of yellow legal notepaper, containing the handwriting of Margaret Burnham, one of the attorneys for Angela Davis in her trial for murder in San Jose during 1972.

The notes, Miss Burnham has conceded, were written by her during a pre-trial conference on July 15, 1971, in the Marin county jail. Present were Miss Davis, San Quentin inmate Ruchell Magee, and the so-called Soledad Brothers, convicts George Jackson, John Clutcherre and Fleeta Drumgo.

When that lengthy meeting in the jail mess hall concluded, Miss Burnham apparently discarded her notes

in a wastebasket. They were found by a cook, who read them and turned them over to authorities.

On July 19, 1971, after hearing heated argument as to what should be done with the notes, Superior Court Judge Richard A. Arnason of Contra Costa county ordered them copied and sealed.

He also swore to silence all who had read, seen or merely handled the explosive document — including the county jail cook.

Until now, even the fact that such a document existed had remained a secret known only to a few.

But sources who have seen the sealed notes have told The Chronicle they contain information which neatly interlocks with confidential reports compiled — both before and after the Marin shootout — by at least two law enforcement agencies.

The police documents, in light of the trial notes, seem to demonstrate that the Los Angeles Police Department and the State Bureau of Investigation knew in advance that a breakout of some sort involving the Soledad Brothers was being plotted in the early months of 1970.

In April that year, a parolee in Oakland told authorities a "rescue attempt" of the Soledad Brothers was being plotted by some Black Panther party members. George Jackson, a convict militant, then held the rank of field marshal in the Panther movement. That report was passed on to the State Bureau of Investigation more than three months before the shootout.

One of the at least nine Panthers who came north from Los Angeles in the early summer of 1970 to train for the attack on the Civic Center was Melvin (Cotton) Smith, an ex-convict from Arkansas.

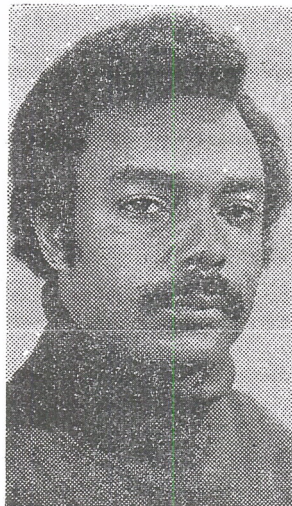
Smith subsequently was revealed to be a police informer when he testified against more than a dozen Panthers in a trial stem-



James McClain (with pistol), Judge Haley and Ruchell Magee in the Civic Center



GEORGE JACKSON  
Conference in jail



LOUIS TACKWOOD  
L.A. police agent



MARGARET BURNHAM  
Six pages of notes

ming from a 1969 shootout with Los Angeles police.

Charges were made at that trial that Smith had been a police undercover agent at the time he joined

the Panthers in 1969, while Los Angeles police maintained he did not start informing until he was arrested as a fugitive in 1971 — months after the Marin county incident.

Another Los Angeles police agent, Louis Tackwood, has told The Chronicle he had successfully infiltrated the conspiracy prior to August 7 and had gained knowledge that the Marin Civic Center was in some way involved. He said he reported to the Los Angeles Police Department's Criminal Conspiracy Squad that the plotting was being masterminded by persons in Santa Cruz and San Jose.

This information was not passed on to Marin, Santa Cruz or Santa Clara county authorities.

Police sources in Santa Cruz, in fact, have told The Chronicle they were keeping a "routine watch" on Miss Davis, Jonathan Jackson and other persons at the University of California campus there two days before the shootout. They were told, however, to "back off" their surveillance by a State Bureau of Investigation agent who said simply: "We're on top of it."

That same night — August 5 — the barrel of the shotgun that killed Judge Haley was sawed off in the Santa Cruz county home of one of the suspected escape plot

conspirators. The Chronicle has been told.

The barrel was sawed off by James Carr, a prison parolee who was murdered by two hired gunmen in April 1972 at a time rumors were rife he was telling police all about the conspiracy.

The scenario that had been scripted for August 7, according to intelligence reports The Chronicle has seen and interviews with law enforcement officials, former undercover agents, convicts, and Black Panther Party sources, was to have ended this way:

With automatic weapons stolen months before from Camp Pendleton, the guerrillas planned to hold a section of the Civic Center while they negotiated with the U.S. government for the release of revolutionaries imprisoned across the country. The hostages were to be used for barter — and killed one by one if it became necessary to prove the seriousness of their captors.

When the government capitulated — and the plotters were convinced Washington would — the freed convicts and the guerrillas planned to fly the hijacked jet to Cuba where the hostages would be released. They anticipated a hero's welcome in Havana.

None of it ever happened. A last minute order by

someone high in the conspiracy left Jonathan Jackson with two choices. The younger brother of George Jackson elected to seize Judge Haley's courtroom on his own. He, too, died in the shootout, along with escaping inmates James McClain and William Christmas.

And the roughly two dozen persons suspected of involvement in the conspiracy that led to the August 7 shootout have never been charged. Their identities and alleged roles are delineated in the confidential files of several law enforcement agencies.

But a break may be forthcoming soon. Judge Arna-son, noting that Angela Davis was acquitted of involvement in the August 7 incident is now considering lifting the seal on Miss Burnham's notes — making them public.

Should that happen, the answers to many of the unanswered questions about that warm August day in Marin might be found — to the embarrassment of some law enforcement agencies and to the surprise of some of those who were linked to the plot.