



# SOLEDAD BROTHERS

*Three young blacks, inmates of Soledad prison, may soon be murdered by the State of California. These men are accused of killing a prison guard. They are innocent. Their right to a fair trial is being systematically and intentionally destroyed by the prison administration. The judge has so far denied them the most fundamental constitutional rights. They will be railroaded to the gas chamber unless we move to stop this injustice and show the state that the lives of black men and prison inmates are not expendable.*

Racial hostility runs high at Soledad prison, fostered and encouraged by the authorities. For almost two years, prisoners in the maximum security wing have been held in rigid racial segregation. But, despite the extreme tension, on January 13, 1970, a racially mixed group of prisoners was taken to a new recreation yard. Prison authorities, knowing a fight would erupt, made no moves to prevent violence. No guard went with the prisoners into the yard. But one, widely known for his marksmanship, stood armed with a carbine rifle in the guntower overlooking the yard.

What happened next is unclear. According to prison authorities, a scuffle broke out. The guard immediately fired four shots, killing three black prisoners and wounding one white. No alarm whistle was sounded, no warning shot heard, no tear gas thrown. The Grand Jury, echoing the district attorney, called these murders "justifiable homicide."

The shooting of the prisoners had outraged the Soledad inmates, black, white, and Chicano. More than half were on a hunger strike to protest the killings. Minutes after the verdict of justifiable homicide was broadcast over television on January 16, 1970, a guard was found dead in Y wing. The Deputy Superintendent of the prison labeled the killing an act of revenge for the earlier murders. The one hundred forty-six inmates of the wing, who had been out of their cells, were immediately locked in isolation. With promises of early parole and threats of long confinement in the foreground, the district attorney and prison officials interrogated the inmates. After eight days of pressure, they claimed to have found the guilty men. George L. Jackson, Fleeta Drumgo, and John Wesley Clutchette were held in solitary confinement.

George L. Jackson is twenty-eight years old. A brilliant writer, he will soon have an anthology of his letters from prison published. Ten years ago, an indifferent lawyer persuaded Jackson to plead guilty to second-degree robbery charges, assuring him that such a plea would result in a lighter sentence. Given an indeterminate sentence of "one year to life," Jackson has been in prison ever since. The average time served for robbery is about two and one-half years. But the Adult Authority has never set Jackson's sentence; perhaps they consider him a "troublemaker"—he tried to integrate a television room in the prison, and he has received political literature. Since he is serving an indeterminate sentence which theoretically could be for life, Jackson has been charged not only with murder but with assault under Section 4500 of the penal code. This section imposes a *mandatory* death penalty on an inmate serving a life sentence who is convicted of assaulting a non-inmate.

John Clutchette is twenty-three years old and has spent the last three years in prison for burglary. His parole date had been set for April 28th, 1970. Fleeta Drumgo, twenty-four, has been in prison for five years, also on burglary charges. His next parole hearing was set for this April; his chances for release soon were excellent. Both men now face possible death sentences on charges of murder and assault.

During the twenty-nine days the defendants were held in solitary confinement following the incident at Soledad, they were not told of the charges against them. Bewildered by their isolation, suffering from cold and from inadequate food, they tried to get word of their plight to their families in Los Angeles. Their letters were censored and returned to them because officials were displeased with the contents. Clutchette finally wrote simply "Help!", and this message was delivered. When the worried families called the prison, officials told them: "don't bother to come" to the hearing at which the inmates would be charged. Authorities also told the families there was no need to get lawyers for their sons.

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*SOLEDAD BROTHERS DEFENSE COMMITTEE:* Alamo Black Clergy, Rev. George W. Baber, Prof. Herman Blake, Rep. Julian Bond, Kay Boyle, Rep. George Brown, Beniamino Bufano, Noam Chomsky, Sen. Joseph Clark, Angela Davis, Ron Dellums, G.W. Domhoff, St. Clair Drake, Martin Duberman, Rep. Don Edwards, Prof. Richard Falk, Rev. H. Eugene Farlough, Lawrence Ferlinghetti, Jane Fonda, Maxwell Geismar, Jean Genet, Allen Ginsberg, Ralph J. Gleason, Herbert Gold, Corky Gonzales, Carleton B. Goodlett, M.D., Tom Hayden, Rev. Will L. Herzfeld, George Hitchcock, Paul Jacobs, C.B. King, Arthur Kinoy, William Kunstler, Saul Landau, Jeremy Larner, Harry Margolis, Barbara McNair, Jessica Mitford, Jack Newfield, Huey P. Newton, Tillie Olsen, Dr. Linus Pauling, Marcus Raskin, Mario Savio, Robert Scheer, Peter Dale Scott, Prof. Charles Sellers, Nina Serrano, Philip Shapiro, M.D., Terry Southern, Benjamin Spock, M.D., Morton Stavis, Peter Weiss, Rev. Cecil Williams, Rev. Hazaiah Williams  
*DEFENSE ATTORNEYS:* Floyd Silliman, Richard Silver, Fay Stender, John Thorne

The concerted effort by officials to isolate the prisoners from each other and from those who could help them and to speed them to the gas chamber was aided by the judge at the court proceedings.

—Although the three inmates were charged with the same crime, each was barred from appearing at the initial proceedings against the other two.

—After two weeks of inflammatory publicity by the district attorney's office, the presiding judge, Gordon Campbell, ordered all parties to refrain from speaking about the case to the press. Attorneys for the defendants were forbidden to rebut the prejudiced accounts of the district attorney issued before the "gag" rule was imposed.

—The transcript of the Grand Jury hearings indicting the prisoners, from which they and their attorneys were barred, was released to the press. The judge prohibited defense attorneys from making public statements about the inaccuracy and unfairness of the Grand Jury proceedings.

—The defense was forbidden to see the site where the guard was found until after the area had been remodeled, making it impossible to investigate the credibility of the purported eye-witnesses.

—The judge has ruled that defense counsel cannot have access to prison records on the murder of the three black inmates by the prison guard, finding this incident "irrelevant". The prosecution, however, plans to use this incident in its case against the prisoners.

~~—The prosecution has refused to give defense attorneys the names of its witnesses and has shipped many inmates from Soledad to other prisons throughout the state, thwarting defense attempts to discover the evidence either for or against the accused.~~

—Prison officials have used many techniques to psychologically coerce the prisoners remaining at Soledad from talking to defense attorneys, forcing them to sign statements as to whether they wished to "participate" in the defense.

—And, throughout the proceedings, the defendants have appeared in the courtroom bound with chains: Chains shackle their ankles, chains encircle them around the waist and between the legs. Their wrists are cuffed and linked to the waist chains. Defense counsel has argued repeatedly that the presumption of innocence guaranteed by our laws and history requires the garb of innocence. But the judge has refused to undo the shackles.

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Three black prisoners are dead at Soledad. This is called justifiable homicide.

One white guard is dead. This is called murder.

The ADMITTED killer of three black prisoners does not face charges. He is a white "correctional officer".

The ACCUSED killers of the white guard go to court draped in chains. They face the death penalty. They are black prisoners.

When George Jackson was fifteen, he was brought before a judge after the family car, which he had been driving, had had an accident. The judge noted that George and his family had light skin. He told George to be a good boy and that he could go far because he was not really black. "Look at your little brother," said the judge, "how cute and nice he is. And your mother is a nice-looking woman. You know that families like this go farther than the real dark families and the real black people. People take all that into consideration." George told his mother, "Somehow I just wish he'd have gone on and sent me to jail rather than say that to me." That was George Jackson's first experience with the law.

John Clutchette, Fleeta Drumgo, and George Jackson have all experienced the kind of justice peculiar to black men in America. As children, they are dragged into court for scrapes which would have been smoothed over were they white and middle class. They do not know that their youthful offense record can be sealed off. As young men, burdened with juvenile records, they plead guilty to charges of which they are innocent, following the advice of incompetent lawyers or overburdened public defenders who tell them they will be treated more leniently. They face judges like Salinas Judge Campbell (who has been heard to say that "considering all the violence Martin Luther King caused, maybe he got what he deserved").

Behind prison bars, they come under the absolute power of penal authorities. Because they do not shuffle, keep their eyes down, heads bowed, and mouths shut, they are denied paroles by the Adult Authority. The parole board's records are secret and inaccessible to the men and their families. No attorney can be present at their parole hearings. If they are accused of a crime while in prison, they can be confined without charges and denied immediate counsel. Their attorneys are prevented from obtaining information that would be routinely available, had the crime taken place outside prison walls.

George Jackson, Fleeta Drumgo, John Wesley Clutchette, and thousands of others like them, are being humiliated, ignored, abused, and trampled upon—mostly for the crime of being poor and black. The likelihood of a black man being accused and convicted of a given felony in the state of California is several times as great as that of a white man who commits the same crime. Forty per cent of the prisoners in California prisons are black, though blacks make up only eight per cent of the state's population. The courts and the penal institutions are being used as vehicles of the most vicious racial suppression.

The Soledad Brothers will find justice in the courts of California only if, by our actions, we make it impossible for the state to execute them. We urge you to help us prevent the deaths of these three young men as a first step in exposing and transforming a brutally destructive legal system.

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*POSTSCRIPT:* With the help of the supporters of the Soledad Brothers, defense attorneys have won a first vital legal victory: the site of the trial has been moved from Salinas to San Francisco because of overwhelming prejudice against the defendants. The problems remain however. How can the attorneys obtain evidence the prison is hiding? How can they combat the power of the prison authorities to coerce witnesses? Will it be possible to find a truly impartial jury given the racism of so many Americans, the exclusion of blacks from the jury rolls, and the prejudice against convicts pervading our society? Even in this more sophisticated city, the Soledad Brothers may not receive a fair trial. Your support is still critical if we hope to assure them of this right.

**SOLEDAD BROTHERS DEFENSE COMMITTEE**

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Thousands of dollars are needed for the defense. Lawyers are contributing their services, but funds are needed for travel costs to interview witnesses, for transcripts of court hearings (since the customary free ones have been denied), for research on the unconstitutionality of the Grand Jury and unequal treatment of blacks in prison, for experts to investigate and testify on conditions in Soledad, and for the other essentials of an adequate defense.

Help is also needed in promoting community awareness of the crisis at Soledad—by writing to California legislators, by calling meetings, getting articles in the press, and educating the public as to the true situation in California's prisons. We call on you to join us.

**SUPPORT THE SOLEDAD BROTHERS!**



Southern California, 213-798-0412

Central California, 408-423-5136

Northern California, 415-285-2360

Send your check today!

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BERKELEY, CALIFORNIA 94701

To help in the search for justice and freedom for the Soledad Brothers,  
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