

Longest trial ends, controversy lingers

by Mark Shwartz

(PNS) San Rafael, California -- The verdict in the 16 month trial of the San Quentin Six, hailed by many as a victory for the defense (40 acquittals out of 46 conspiracy, murder and assault charges), has effectively closed the book on the controversial events surrounding the death of prison activist George Jackson in a bloody prison uprising on August 21st, 1971.

After 24 days of sequestered deliberation, the exhausted jury delivered a verdict implicitly rejecting the state's all important conspiracy charge against five of the six defendants.

But in finding defendant Johnny Larry Spain guilty of conspiracy and two counts of murder, the jurors nonetheless upheld the cornerstone of the state's conspiracy theory -- that Jackson conspired with radical attorney Stephen Bingham to escape.

That finding, according to attorneys and observers who have followed the case from the beginning, forecloses any likelihood of an independent investigation into an alleged counter-conspiracy on the part of prison guards and law enforcement authorities to assassinate George Jackson -- the theory on which the defense had staked its case.

The result is that the nagging questions and doubts that marked the case since August 1971 may never be resolved. In that sense, the verdict was a frustrating blow to the defense, which had hoped to open up the case in a wide-ranging legislative investigation

with power to subpoena policy records and interview witnesses not included in the trial.

CONFUSED JURORS

The post-verdict remarks by jurors indicate that a wide range of disagreement and confusion marked their deliberations.

Faced with two bizarre theories of conspiracy -- one supported by the defense and an opposing one by the prosecution -- the jury accepted neither in its entirety. Some indicated they believed elements of both theories, while others rejected both outright.

"I still don't think I know what were the circumstances of George Jackson's death," admitted juror Sandra Irish of San Rafael, site of the trial.

The defense had contended that Jackson's death was the result of a plot by the California Department of Corrections, the criminal conspiracy section of the Los Angeles Police Department and prison guards to "assassinate" Jackson, who was viewed as a charismatic prison revolutionary with a national constituency.

That theory was based on testimony by Louis Tackwood, a former Los Angeles Police Department agent who said he had participated in a plot to set up an escape attempt in which Jackson would be shot.

While Tackwood's testimony contained inconsistencies that the prosecution seized on to discredit him, at least some jurors were convinced that a plot involving law enforcement authorities did exist.

But without solid corroborating evidence, and with Tackwood's lack of credibility, the theory failed to convince the jury that it was the only possible explanation for the abortive escape attempt and

the deaths of Jackson, three guards and two other inmates.

And in fact, one attorney, Robert Carrow, refused to participate in the defense conspiracy charge on the grounds that it would hinder more substantive arguments regarding destruction of important evidence and the law enforcement establishment's documented hatred of George Jackson.

But just as the jury turned down the defense's blanket conspiracy explanation, it also refused to buy the "dragnet" approach of the prosecution -- an attempt to link all six defendants in an elaborate escape attempt involving the seventh defendant, Bingham, who disappeared the day after the event.

According to this scenario, Bingham somehow smuggled a gun into a visitor's room where he passed it to Jackson, who hid the weapon under an afro wig and returned to the Adjustment Center, a prison within the prison, where he was housed. Then, the scenario continues, Jackson pulled out the gun and opened the cells to free the other inmates, some of whom murdered three guards and two white trustees and assaulted other guards in an attempt to escape. Jackson was shot down by rifle fire from a prison wall as he ran across the yard toward a high wall.

Even at the outset, prosecutor Jerry Herman admitted that he could not prove who murdered whom, but that all six defendants were guilty of the murders by reason of conspiracy and aiding and abetting.

But the jury rejected the all-inclusive conspiracy as the explanation for the vio-

lence of August 21st -- viewing much of it instead as the product of years of tension and hostility between guards and convicts that finally exploded behind prison walls.

In this respect, the jurors were clearly influenced by the brutal protrait of prison life drawn by prisoner after prisoner -- including three of the defendants who took the stand for the defense and were subsequently acquitted on all charges.

A fourth defendant, Hugo Pinnell, who alone chose to defend himself and cross-examine guards who accused him of slitting their throats, emerged in the words of several jurors as the most eloquent and moving figure of the trial.

ONE CONSPIRACY CONVICTION

The jury did bring in one all-important conspiracy conviction -- against defendant Johnny Spain -- though it was confined simply to plotting with Jackson and Bingham to escape by violent means. (Spain was acquitted on the other two conspiracy subdivisions -- supplying a gun or kidnapping guards.)

The critical evidence in Spain's conspiracy conviction -- which led directly to his conviction on two counts of murder -- included ammunition and a map of the grounds outside the prison that were found in his cell adjacent to Jackson's.

But regarding the prosecution's explanation for how the conspiracy was carried out -- Bingham smuggling the gun into Jackson who brought it into the prison concealed beneath a wig -- the jury failed to reach an agreement.

In the course of deliberating they even attempted to re-enact the wig trick -- a feat that they concluded was only one

possibility for how the gun entered the prison.

Said Jury forewoman Cora Shipley, "I wouldn't say that anybody was absolutely certain he took the gun in there in that manner. It was like it was possible, but not necessarily plausible."

By swallowing their doubts about how the gun got into the prison, yet finding Spain guilty of conspiracy, the jury, says one defense attorney, settled for giving the prosecution, rather than the defense, the benefit of the doubt that a Bingham-Jackson conspiracy existed at all.

This single conspiracy conviction saved the day for the prosecution by upholding the official version of Jackson's death -- that he died as a result of a prison-hatch escape attempt.

The state's conspiracy dragnet -- weakened by the confusion of 46 separate charges, missing evidence, and suspect testimony by some guards -- failed to ensnare the other five defendants.

For them, the verdicts came down to the credibility of each individual defendant versus his accusers. On those grounds, Willie Tate, Fleeta Drumgo, and Louis Talamantez were completely acquitted, while Pinnell and David Johnson were convicted on assault charges.

As defense attorney Ernest Graves put it after the verdict, "We may have won the game on points, but the state won the ballpark" -- a reference to Spain's conspiracy conviction which, barring a successful appeal, will leave the controversies of August 21st, 1971, still up in the air.

Oregon State Fair 1976		August 28-Sept. 6 / Salem Fair Hours: 10am-10pm - Mon.-Thurs. 10am-11pm - Fri. Sat. Sun. Fair Admission: Adult - \$2.00 Children (6-12) - .50 Students (13-17) - \$1.25
GRANDSTAND ENTERTAINMENT		PRCA RODEO HORSE SHOW \$5, \$4, \$2.50 TRICK RIDING ACT Aug. 28 & 29, 7:30 pm ROY ROGERS, DALE EVANS SHOW Aug. 30-Sept. 3 1:30&7:30 pm MULE TEAM ACT Sept. 4-5, 7:30 pm Sept. 6, 1:30 pm HORSE RACING DAILY
JERRY LEE LEWIS 7:30 & 9:30, Sat. Aug. 28 / \$5, \$4 WOLFMAN JACK SHOW 7:30 & 9:30, Sun. Aug. 29 / \$4, \$3 RICK NELSON 7:30 & 9:30, Sat. Sept. 4 / \$5, \$4 BLUEGRASS SHOW 8 pm, Sun., Sept. 5 / \$3.50 BLOOD, SWEAT & TEARS 8:30 pm, Mon. Sept. 6 / \$5.00 in advance, \$6.00 day of show		

NAACP needs funds

A campaign to help raise funds for bond money in Mississippi was announced by Mrs. Virna M. Canson, Regional Director, West Coast Region, NAACP.

"NAACP has been struck for the second time this year with an adverse ruling from Hinds County Mississippi's Chancellery Court."

The Hinds County Chancellery Court, last week, awarded twelve white merchants in the town of Port Gibson, Mississippi a \$1,250,000 judgment against NAACP.

Mississippi law requires 125% of the judgment rendered be posted prior to an appeal being filed. This means more than a million and one half dollars must be raised in order to post bond.

"We have serious doubts about the constitutionality of this requirement, but we must post bond before we can appeal. We are confident we can win once we get to another level in the legal process."

Mississippi is still the symbol of oppression," Mrs. Canson said.

Western Region's National Directors and the local branch and youth council presidents are mobilizing to reach the grass roots citizenry in their communities in the nine Western States of the Region.

Contributions should be sent directly to NAACP LEGAL DEPARTMENT, 1790 Broadway, New York, N.Y., 10019.

School committees organize

Citizen advisors to the Portland Board of Education next week hold their first of 11 public meetings of the 1976-77 school year.

The three area citizen advisory committees, each gathering for area organization and orientation purposes, begin their sessions at 7:00 p.m.

--Area 1's committee -- embracing the high school clusters of Jackson, Jefferson, Lincoln, Roosevelt and Wilson -- will meet August 23rd at Terwilliger Primary School, 6318 S.W. Corbett St.

--Area 2's committee -- encompassing the high school neighborhoods of Madison, Adams and Marshall, plus district-wide Benson Polytechnic and Monroe -- will meet August 24th at Glenhaven Elementary School, 8020 N.E. Tillamook St.

--Area 3's committee -- embracing the high school clusters of Grant, Washington, Franklin and Cleveland -- meets August 25th at the Area 3 Office, 1221 S.E. Madison St.

District-wide organization and orientation will draw new and old members of all three committees to the school board's third annual workshop timed from 8:30 a.m. to 1:00 p.m. September 18th in the auditorium of the school district's administration building at 631 N.E. Clackamas St.

The nine-member committees generally hold their public meetings on the third Monday of each month at selected schools within their administrative areas.

Evolving from the 1970 administrative decentralization of the school district, the committees advise area superintendents and make recommendations to the school board.



In the 15th century some people carried a portable sundial in their pockets to tell the time.

If your soft pack got scrunched in the suitcase, try our hard pack.

Benson & Hedges 100's

Menthol and Regular

Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health.

17 mg. "tar," 1.1 mg. nicotine, av. per cigarette, by FTC Method.