

## Pinell shows 'concealment' of evidence

By MORRIS WRIGHT

*Guardian staff correspondent* San Rafael, Calif.

Hugo Pinell, serving as his own attorney, wound up his San Quentin Six trial defense by bringing out evidence of what he labeled "concealment" of evidence by prison authorities.

Pinell called as a witness Carl Umland, Jr., a San Quentin prison guard, who said that on Aug. 22, 1971, the day after five killings in the Adjustment Center (AC), he had been ordered to pick up "debris" from the AC and take it to the Richmond, Calif., dump.

Umland said he dumped bloody mattresses, sheets, pillowcases, prisoner uniforms, underclothes and boxes of papers and books.

On Aug. 27, five days later, Umland testified, he was ordered to find what he had dumped and return it to the prison because the district attorney wanted it. After two days with a bulldozer, Umland found what he estimated at one-fourth of what he had dumped. He said the things seemed to be in about the same condition "except they smelled a lot more."

"We're dealing with concealment here," Pinell commented.

Attorney Charles Garry opened the defense of Johnny Spain with expert testimony about behavior of prisoners and guards by Stanford University professor Phillip Zimbardo, a social psychologist. Zimbardo described an experiment he had conducted in which he created an environment similar to that of many prisons, "including San Quentin and the AC." Using paid volunteers who had no history of violence or arrest, he

assigned half to the role of prisoner and half as guards.

The experiment showed that violent and pathological behavior developed between prisoners and guards in less than a week. Emotional stress was so great that some "prisoners" had to be released after a few days. The experiment, planned for two weeks, was stopped after six days because it had become "too dangerous."

How Zimbardo's finding—that pathological behavior develops in a prison situation regardless of a person's prior history—will be applied to the San Quentin Six defense will be revealed in subsequent court sessions.

A California Supreme Court ruling of Feb. 26 may have an important bearing on the San Quentin Six case. The court overturned the 1973 conviction of Bernardo Duran, partly on the basis of Duran's having been forced to appear in court in prison uniform, chained and shackled, with no explanation by the judge as to why this was done.

Five of the San Quentin Six are chained and shackled at every court session, on order of Judge Henry Broderick. The sixth defendant, Willie Tate, is not a prisoner but is free on bail.

At the time of the Supreme Court's announcement of this ruling, Duran was on the witness stand in the San Quentin Six trial. Like all prisoner witnesses, he was in shackles and chained to the witness chair. He was questioned by Pinell, acting as his own attorney while handcuffed, shackled and chained to his chair.

The defendants, in addition to Pinell, Spain and Tate, are Luis Talamantez, David Johnson and Fleeta Drumgo.