

# THE SAN QUENTIN SIX



**"No black person will ever believe that George Jackson died the way they tell us he did." James Baldwin, Aug. '71**

Few white people will, either. Yet Fleeta Drumgo, David Johnson, Hugo Pinell, Johnny Larry Spain, Luis Talamantez, and Willie Tate, all black or brown prisoners, will soon stand trial for the alleged murder of the three prison guards and two convicts who died along with George Jackson, on August 21, 1971.

Prison trials are not new to California. Within the recent past, surviving Soledad Brothers John Clutchette and Fleeta Drumgo, Chicano activist Luis Talamantez, and Angela Davis were tried and acquitted of charges stemming out of prison violence. But the prosecutions continue in a set pattern. Even the authorities' reaction to Attica is the same. In the face of reports from investigating commissions laying the blame for prison unrest on the administrators and guards, only prisoners have been indicted for the mayhem and murder which occurred there. Whenever the corruption and brutality of prison life surface into pub-

lic view, the prosecutor turns on the victims, selects so-called militants and revolutionaries (usually black or brown), and charges them with assault on their white keepers.

But increasingly the public is seeing through these frameups, and juries are bringing back "not guilty" verdicts. Jurors have spoken of the guards' capacity for deceit and coercion as significant factors in the acquittals. After the Soledad Brothers' trial, one of the jurors was quoted in the *Los Angeles Times* as saying: "There was no case against them. Everybody who testified against them was bought." His assertion was later substantiated by a published interview with two men who had been scheduled to be prosecution witnesses. After describing threats and intimidation by prison guards, one said, "I decided to go ahead and give it up under the psychological pressures they were using... (W)hen they questioned us, they wanted us to say certain things. Even though you would tell them what you saw, they wanted certain things down there."

The state has not yet learned its lesson. Right after George Jackson's death, Department of Corrections Direc-



tor Raymond Procnier told reporters, "The press and the media have a hell of a responsibility to see that the sequence is known." But the official "sequence" has changed so frequently that observers can only suspect that prosecutors and guards are once again manufacturing evidence to fit prosecution needs. Some of the inconsistencies in the alleged eyewitness accounts fed to the press by the authorities are:

The "thirty seconds" Jackson spent shooting it out in the Adjustment Center is now twenty minutes.

The "cap" under which Jackson hid his pistol is now a wig.

The authorities say that Jackson smuggled in a 9 mm. Spanish Astra M-600, along with two ammunition clips, under the Afro-style wig. In a front-page story, dated August 28, the *San Francisco Chronicle* described its staff's attempt to re-enact the alleged feat; they concluded that it was physically impossible.

The state's pathologist initially announced that a bullet had struck Jackson in the head and exited through his back, consistent with the authorities' story that he was shot by a tower guard. However, his own subsequent examination of the body showed that, in fact, Jackson had been shot from behind, not from above, as the prison continues to maintain.

On October 1, 1971, the San Quentin Six were indicted by a bare minimum vote of the Marin County Grand Jury. In an unprecedented move, one grand juror resigned

in protest over the indictments, assailing "the inequities and injustices of the secret indicting process." Reacting to the high-handed and manipulative presentation of the District Attorney, two other grand jurors also walked out on the session, one declaring that "What this Grand Jury does is not justice, but vengeance."

The defendants—Drumgo, Johnson, Pinell, Spain, Talamantez, and Tate—have been characterized by the authorities as prison militants—meaning that each in his own way has refused to be broken by the racism, inhumanity and brutality of prison life. Because of this they had all been locked up in "Adjustment Centers," the name euphemistically attached by the Department of Corrections to "the hole"—that area of the prison where inmates are kept for punishment or "institutional convenience" at the whim of the guards. Cells are approximately 6 feet by 10 feet, with a concrete floor and solid concrete walls. The door is either solid steel, or barred and covered with heavy steel mesh. The cells are often filthy and infested with cockroaches and bedbugs. Prisoners sleep on a thin cotton pad placed either on the floor, on a cement pallet, or on rudimentary and often broken springs. The prisoners are locked alone in these cells from 23 to 24 hours every day, and are allowed no recreational, educational, vocational or other programs. The former chief psychiatrist at Soledad Prison, Dr. Frank Rundle, has stated of the Adjustment Centers: "I don't think a place more destructive of a man's mental health could be devised if we tried."

## OUTSIDE THE ADJUSTMENT CENTER

August 21, 1971





As Jessica Mitford reported in *The Atlantic*:

"When the courts do venture behind prison walls, they are aghast at the things they see. In 1966, a U.S. district court made a first hand investigation of maximum-security cells in Soledad prison. The court declared that the prison authorities had 'abandoned elemental concepts of decency by permitting conditions to prevail of a shocking and debased nature,' and ordered them to restore 'the primal rule of a civilized community.' Yet four years later, in 1970, a committee of black legislators investigated charges that black inmates of the self-same cells under the jurisdiction of the self-same warden were targets of unbridled racism and brutality on the part of the guards. The legislators concluded, 'If even a small fraction of the reports received are accurate, the inmates' charges amount to a strong indictment of the prison's employees on all levels as cruel, vindictive, dangerous men.'"

Some inkling of the brutality to which these defendants are continually subjected, while awaiting trial, is afforded in the testimony of Edwin T. Caldwell, Hugo Pinell's former lawyer, before a subcommittee of Congress:

"On September 6, 1971, Mr. Pinell was viciously attacked which resulted in lacerations requiring some six sutures. He had a fractured tooth on his left side, which we have as evidence. He sustained either a fractured jaw or a badly bruised jaw, so much so he could hardly talk...On September 22, he was again assaulted...On October 5, upon return from superior court in Marin Coun-

ty he was again assaulted...The situation has gotten so bad our client is fearful of even leaving his cell while in San Quentin...I believe that the harassment of the other inmates involved is a continuing thing."

The San Quentin Six must be assured of an aggressive legal defense in this trial in order to expose the real criminals: the "cruel, vindictive and dangerous men" who run these dungeons. The Six have chosen skilled, experienced lawyers, capable of mounting the type of defense that has resulted in the acquittals of the Soledad Brothers and Angela Davis. But, in a cruel perversion of the Constitutional guarantee of counsel, the trial court deliberately appointed other counsel—attorneys whom these indigent defendants neither know or trust. In fact, these appointed attorneys themselves want no part of this case.

The California Court of Appeals supported the defendants' requests to choose their appointed counsel, but the California Supreme Court has recently turned its back on the Six, stating quite simply that an indigent defendant has no right to choose whom the court should appoint. In order to avert a complete travesty in the courtroom, it is imperative that funds be raised now to retain attorneys. The cost of the legal defense for the San Quentin Six is estimated to run into hundreds of thousands of dollars. Your contributions are desperately needed. Please send today to:

San Quentin Six Legal Defense Fund  
Prison Law Collective Foundation  
558 Capp Street  
San Francisco, Ca. 94110

## WHO ARE THE SAN QUENTIN SIX?

**Fleeta Drumgo** is 27, and has done 5 years in prison for second-degree burglary. He once received a disciplinary "write-up" for having a poster of Malcolm X on his cell wall. He was recently acquitted of the murder of a guard in the Soledad Brothers case. Nonetheless, he has been in the Adjustment Center since that charge was filed.

**Johnny Larry Spain**, now 23, has been in prison since the age of 17 and is serving a life term. He, too, has been active in bringing about unity between white, black and brown prisoners. He was thrown into the Hole in November, 1970, during a strike at Soledad, for possession of "inflammatory literature"—his own personal writings about prison life. Guards call him the "nigger communist."

**David Johnson**, is 26, and serving time for second-degree burglary. Has been in prison since 1968. David was the first prisoner to file a complaint after Fred Billingslea was gassed and beaten to death, in February, 1970. As a consequence he was transferred to "B" Section, and later to the Adjustment Center.

**Luis Talamantez** is 30, and has been in San Quentin since 1965, serving two life sentences for a \$130 robbery. Luis has been singled out for harassment because of his effectiveness in educating and organizing Chicano prisoners. When a set-up attack by other prisoners failed, he was unfairly charged with having initiated the assault. After his recent acquittal, a juror commented that the charge was obvious persecution by the prison authorities against Luis. He has, however, remained in the Adjustment Center despite the acquittal.

**Hugo Pinell** is a 29-year-old Nicaraguan serving a life sentence. Hugo has been threatened and brutalized numerous times because of his leadership in combatting racial conflicts among prisoners, which are often encouraged by guards in order to keep the prisoners divided from one another. He has been told by guards that he is a "dead man" and that "we are going to kill you after we break every bone in your body."

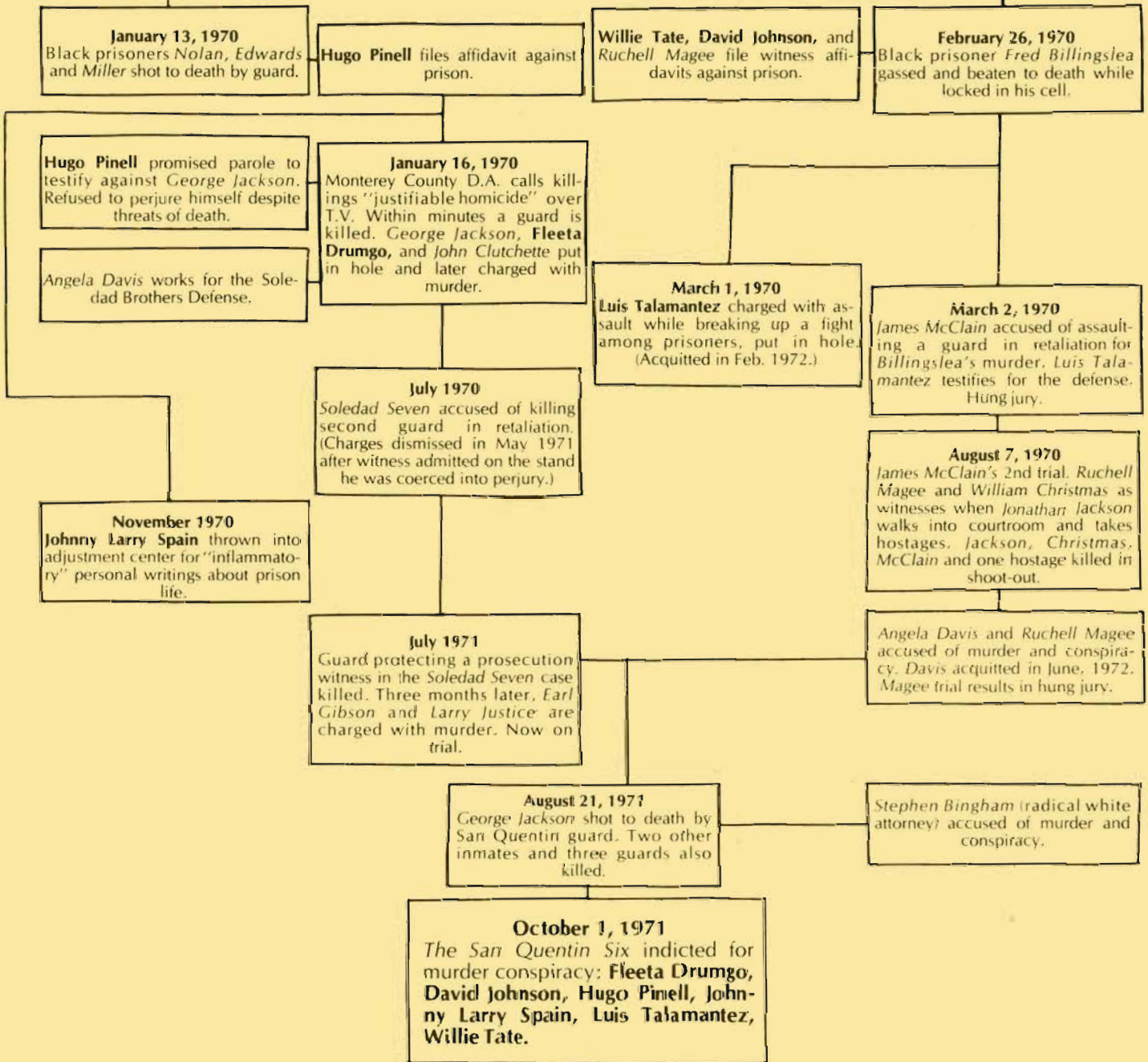
**Willie Tate** is 28, one of twelve children raised in Fresno. He was sent to the Youth Authority at age 14. He was released at age 16, but was quickly returned for violation of his probation: "petty gang activities." He has spent the last two years in the Adjustment Center, since signing a petition requesting an investigation of Fred Billingslea's murder. His mandatory discharge from the prison, but for this trial, is set for 1974.



# THE HISTORY OF THE SAN QUENTIN SIX

## Soledad

## San Quentin



Your support is needed to defend the **San Quentin Six**.

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