

The prosecution contends this note was written by George Jackson to attorney Stephen Bingham in the visiting room of San Quentin on 8/21/71. (This is based on conjecture, <sup>+ evidence redisc. found by (11)</sup> since there is no way to date the note and no witnesses to it's being written. It is not wholly consistent with the prosecution version of the passing of a gun and bullets on that day, but DA Jerry Herman regards these discrepancies as minor.)

4. A fourth letter is used to implicate another SQAC inmate, defendant David Johnson, in the escape conspiracy. David signs the letter --written to a black woman friend, "The Dragon is coming. Long live the penitentiary guerrilla!" The phrase "the Dragon is coming" is interpreted as a code for the escape plan, since guards claim that George Jackson declared on 8/21/71, as he was taking over the AC at gunpoint, "Gentlemen Dragon has come."

--Weapons and Other Contraband

The prosecution further cites as evidence of the conspiracy the possession by George Jackson of a 9mm Astra semi-automatic pistol two clips of bullets on 8/21/71, which it claims could only have come into his possession via his visit with attorney Bingham on that day. In addition, the makings of a zip gun and various bullets were found in the wall of his cell. Other ammunition and an escape map were found in the cell of co-defendant Johnny Larry Spain.

Spain was also found carrying to vials of liquid when he ran out of the AC into the prison courtyard on 8/21/81, along with GJ. Guards testified that Spain believed these vials to contain explosives, probably nitroglycerine, which would explode if exposed.

--Actions of 8/21/71 in support of the Conspiracy

George Jackson's very actions in drawing a gun, taking <sup>guards</sup> ~~prisoners~~ hostage, and releasing prisoners from their cells is evidence of a conspiracy to escape and kill guards. Actions of other prisoners in placing the captured guards in cells, tying them up, kicking on, and assaulting and killing 6 are further evidence of this conspiracy

(NOTE: The following is a presentation of the case from the viewpoint of the DA + his witnesses. It is not supposed to be presented for the truth of the facts alleged.)

### The Conspiracy

George Lester Jackson, revolutionary black prisoner, was plotting to escape from San Quentin Prison by force and violence, with the aid and encouragement of others, both inside and outside the prison.

Evidence of this conspiracy is shown in letters written by George Jackson and others, which were discovered by police, FBI and prison officials. It is further shown by the actions of George Jackson and others on August 21, 1971, by contraband found in the walls of Jackson's cell and hidden in other prisoners' cells, and in the testimony of various prison guards.

--The letters.

1. On January 8, 1971 a letter was turned over to police, who delivered it to the FBI. This letter, referred to as "The Carr letter", was found in the pants pocket of former inmate and comrade of George Jackson, James Carr, when Carr's wife brought the pants to a San Jose cleaner.

The letter is written by two persons. The identity of one is unknown. The other has been identified by handwriting experts as that of George Jackson. The letter discusses detailed plans for a prison break from San Quentin, involving smuggling a small derringer pistol in the hollowed-out heel of a woman's shoe, smuggling plastic explosives in a woman's body cavities, short-circuiting the electrical system of San Quentin, and an escape ~~plan~~ route out of San Quentin.

2. A letter written by George Jackson to another prison, and beginning "I didn't ask Yogi or John to join me..." was found by prison officials and dated by them August 8, 1971, on the basis of references to a water fight and shots in the prison yard, which guards say occurred on that date. In the letter Jackson criticizes prisoners engaging in antics such as water-fights, because it will lead guards to search the cells and discover the weapons and ammunition he has been smuggling into the prison, preparatory for a violent break-out in exactly two weeks. The letter refers to killing pigs during the escape.

3. A third note written by George Jackson in pencil, and erased (but restored by experts) in the margins of another letter, saying "Take the bullets out of the bag. Hurry and give me the piece in the bag. Keep the bullets."

If the six defendants in this case participated in the conspiracy, then they are responsible for the killings of three guards and two white inmates on 8/21/71, and assaults on three other guards. The prosecution is therefore asking for 5 counts of murder (first degree) against the six defendants, as well as a sixth count of conspiracy to escape.

The

In addition to the conspiracy charges, the six defendants are charged with the five murder counts on the basis of the prosecution contention that they aided and abetted in the killings and assaults. They are also separately charged with the assaults. These charges are based on testimony by the assaulted guards, and other guards who witnessed.

The following is the scenario presented by this testimony:

Attorney Stephen Bingham and Vaneta Anderson, a black woman working as an investigator for George Jackson for his forthcoming trial on charges of killing a Soledad Prison guard in January 1970, arrived at the prison early Saturday, 8/21. Both were initially denied visits; both waited to speak with a higher officer; Bingham was subsequently granted permission to visit. During the hours they were waiting, Jackson repeatedly asked if he'd had a visit. When Anderson was denied, she did not leave the prison, but rather remained there. When Bingham went in for his visit, he was asked whether he wished to take in a tape-recorder. Anderson offered hers when he replied no, he didn't have one. Anderson brought the recorder into the prison inside an attache case. The prosecution believed the tape recorder had a gun hidden inside it, but the gun may have been hidden inside a false bottom of the attache case. Both were inspected by a security guard upon entering the prison, but that does not absolutely rule out the existence of secret compartments he was unable to detect. At any rate, there is no other way

Jackson could have gotten a gun on that day.

Bingham passed the gun and two clips of bullets to Jackson inside the maximum security visiting room, in which the two were alone and unobserved. Jackson hid the gun and clips under an Afro-style wig. Guards who normally do a pat-down search, including a check of the prisoner hair, when an inmate leaves the visiting room, failed to do so on that day, or did so carelessly. Jackson was able to leave the visiting room with the concealed gun and walk across the prison courtyard to the AC.

When Jackson arrived at the AC, <sup>3</sup> guards began the routine strip search. McCray and Rubiaco (a 3rd AC guard + the secret officer didn't testify because were

killed that day

Two of the guards/say they spotted something metallic in his hair. When he was questioned about it, Jackson pulled the gun out from under his

One clip fell to the ground as Jackson inserted the other in his and ~~xxxx~~ told the officers to "Freeze."

Slightly varying reports by the two <sup>surviving</sup> guards indicate Jackson told either the guards or the inmates "The Dragon has come" and went on to say, "They found us out. We've got to go now. It's now or never." He ordered the guards to lie down on the floor of the foyer, then told an officer to open the prisoners cells. Rubiaco began opening the cells.

Johnny Spain and co-defendant <sup>Hugo Pinell</sup> Luis Talamantez came out of their cells, Spain and Pinell were carrying earphone cords (to tie up the guards.) Krasenes, McCray and de Leon were tied up and had cloths placed over their heads to prevent them from identifying their captors. Before this happened, ~~Kx~~ Rubiaco saw defendant Fleeta Drumgo, (formerly one of the "Soledad Brothers", accused along with Jackson of killing a Soledad guard), <sup>of</sup> approaching Krasenes as he was lying on the floor, exchanging words with him, then kicking him violently in the face.

Someone dragged Krasenes, McCray and DeLeon into cell 6 (Jackson's cell) after first slashing McCray's throat (non-fatally) while lying on the tier floor. McCray heard a shot fired; this was DeLeon being shot

and killed (presumably by GJ, although no one saw this done.) Then McCray heard Krasenes being suffocated and killed. During this period he also heard two prisoners speaking in Spanish, one telling the other to tie the knots tighter (to hasten the suffocation.) He identified these voices as those of Talamantez and Pinell.

About this time Officer Breckenridge arrived at the AC door, escorting prisoner John Clutchette (the third Soledad Brother) back from a visit. He is let into the AC, then taken prisoner by Jackson, ~~REDACTED~~ who told Pinell to escort him to one of the "quiet (punishment) cells" at the end of the tier. When Breckenridge arrived at South Grill gate, he was met by three other prisoners who escorted him to cell 62. He identified two of these men as 2 defendants Johnson and Tate. Breckenridge was placed in the cell, tied up, ~~and his head was covered with a hood.~~ Soon afterward Rubiaco, who by this time had finished opening all the cells, was brought in, ~~and similarly tied up,~~ having been handcuffed and escorted to the cell by  
in

After Rubiaco was brought into the cell, David Johnson came in and hog-tied his feet to the handcuffs. / It is not clear who was cut first, since each thought the other was. But Breckinridge testified that before either was cut, he heard Willie Tate's voice outside the cell, ~~as well as that of Hugo Pinell.~~

Someone turned Rubiaco over and placed a hood over his head.) Breckinridge said "There's no need for this, Yogi" and "Don't do it, Yogi." He heard Pinell (whose nickname is Yogi) say "You don't know who this is," as he was stabbed on both sides of his neck. Rubiaco was cut twice in the neck by unknown assailants. On the third cut he heard Pinell whisper in his ear "I love you pigs." He was later cut a fourth time. He doesn't know who cut him the first, second and fourth times.

Both officers heard a voice, identified by Breckenridge as that of Willie Tate, say "These pigs aint dead yet," and Pinell said, "Go in and strangle them." Breckinridge, whose head was not covered, Johnson come into the cell. He briefly choked the officer with some

Someone not seen

by Rubiaco also pushed his head into the bed on which he was lying face down in an attempt to smother him.

Someone unseen took the officers pants and boots off. A short time later, shots were fired into the AC and guards voices were heard. Breckinridge sensed it was safe, got himself untied and began untying Rubiaco. The two ran out of the AC.

Breckinridge, vomiting blood, collapsed about 70 feet out of the AC. Rubiaco, still handcuffed, first ran about, enraged, kicked a prisoner lying prone on the grass before being pulled away by other officers, who refused to remove his restraints. Both officers were

The evacuation of the AC proceeded in an orderly, non-brutal manner. The only exception was the kicking of inmate Mancino by Rubiaco, who was understandable

This was not condoned by other officers,

No other beatings or brutality took

place. Mancino was accidently shot in the leg later in the day.

The Death of George Jackson

After Rubiaco had opened all the cells, two inmates ran out of the AC (both for reasons unknown, but presumably to escape). Johnny Larry Spain and George Jackson, who ran out moments later, was shot in the leg while running across the yard by wall-post guard Frank Bortfeld. He stumbled and kept running, in a crouched position. A second shot by another gunrail (wall-post) guard, John Franks, hit Jackson in the back, killing him. Guards who approached the two men found a 9 mm astra gun under Jackson's body, and two vials of liquid in Spain's possession.