

FEDERAL BUREAU OF INVESTIGATION

Date 2/17/71

b7c [redacted] an inmate at Correctional Training Facility, was contacted at the Central Services Office of that institution. [redacted] was orally advised of the identity of Special Agents [redacted] of the FBI, and was shown an official credential card by these Agents. [redacted] further advised of the purpose of the investigation being conducted.

b7c [redacted] advised that he was an inmate housed in "Y" Wing of the institution in January, 1970, when Correctional Officer MILLS was killed in that wing. However, he was not in the wing at the time the murder occurred, because he was on a work assignment. He informed that he has no personal knowledge of the murder, and his only knowledge comes from what he has read in the paper and talk he has heard from the other inmates.

b7c He stated that sometime after the murder of MILLS, prison officials circulated a form among the inmates of "Y" Wing, informing that the attorneys for defendants in the MILLS murder case desired to interview "Y" Wing inmates. This form indicated that each inmate should make his choice as to whether he wanted to be interviewed or did not want to be interviewed. [redacted] that he marked this form indicating he did not want to be interviewed, because he personally felt that his becoming involved would conflict with his parole board date. He explained that this was purely a personal feeling, but he knew that this murder case would be a contriversional thing, and he didn't want to take any chances that his becoming involved would reflect unfavorably on him getting a parole.

He stated that he didn't know if the Parole Board would have even bothered to consider this aspect, but he didn't want to take a chance. He went on to say that he signed the questionnaire form of his own free will

On 2/12/71 at Soledad, California File # SF 44-1068

b7c by SAs [redacted] jab 23 Date dictated 2/15/71

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CAG:jab

b7C
and choice, and nobody suggested, threatened or implied which way he should sign the form. He stated that at no time did he feel his answer on the form would bring about reprisal from the prison officials if he should put down a choice unfavorable to the prison. [REDACTED] that he knows a lot of other inmates checked off on this form that they did not want to be interviewed. He knows of no instance where an inmate gave this answer because he was afraid of the prison official.

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[redacted] Attorney at Law, was contacted at his place of business, located at [redacted] Salinas, California. [redacted] identified themselves as Special Agents of the Federal Bureau of Investigation, verbally and through display of official credential cards. Further, [redacted] was advised of the purpose of the investigation by the Agents. b7C

[redacted] advised that he was aware that a civil action was filed in United States District Court through the office of Attorney [redacted] Berkeley, California. Further, he was aware that this action was to be a complaint on behalf of plaintiffs, GEORGE LESTER JACKSON, [redacted] naming certain California State Officials and Monterey County Officials as responsables in denying the plaintiffs certain rights and privileges. b7C

[redacted] advised that he is embarrassed due to the fact he has no personal knowledge of the context of the complaint, but is not ashamed that his name is a part of the complaint. He advised that he was to have received a copy of the complaint from [redacted] but failed to pick this up at her office last week. [redacted] advised that he had no part in drafting the complaint, as this was done through the office of [redacted]. He was consulted [redacted] as to the feasibility of filing the action, and he consented, even though he did not know what exactly would be alleged in the complaint. Basically, the complaint was to contain allegations which had come to the attention [redacted] through interviews these Attorneys had with inmates at the Correctional Training Facility. He reiterated that he had very limited personal knowledge of the allegations made in the action, his information has come from his associate Attorneys, [redacted]. b7C

On 2/11/71 at Salinas, California File # SF 44-1058

by SA [redacted] Date dictated 2/11/71
SA [redacted] her

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FEDERAL BUREAU OF INVESTIGATION

Date 2/17/71

[redacted] was interviewed at the [redacted]. The interviewing Agents identified themselves by showing their Federal Bureau of Investigation (FBI) credentials. The purpose of the interview was explained to [redacted] SA [redacted] b7C

[redacted] stated that he is [redacted] and was born [redacted] at Detroit, Michigan. [redacted] stated that he is incarcerated in a California State Prison due to a conviction [redacted] b7C
He added that he is serving a sentence of six months to ten years imprisonment. [redacted] that prior to being transferred to the [redacted] he was incarcerated in the Y-Wing of the State Prison in Soledad, California. [redacted] stated that he was placed in the Soledad Prison in July, 1968.

[redacted] further advised that he was incarcerated in the Y-Wing at the Soledad facility in January, 1970. He advised that at that time one of the correctional officers, a JOHN MILLS, was slain by inmates who were incarcerated in the Y-Wing. [redacted] recalled that immediately after MILLS was slain all inmates were locked in their cells as a security measure for approximately a month and a half. [redacted] also advised that he recalled that in approximately March or early April, 1970, a form was distributed to all inmates of the Y-Wing. This form requested the inmates to answer either yes or no as to their desires of being interviewed by the attorneys representing the persons accused of slaying MILLS. [redacted] that he answered "no" that he did not desire to be interviewed in connection with this matter. [redacted] that he talked to several of the other inmates and the majority of them told him that they also indicated that they did not desire to be interviewed concerning the slaying of the correctional officer. b7C

[redacted] however, that approximately two weeks after the form was distributed to the inmates of the Y-Wing, they were told by the prison officials that they had to talk to the attorneys who were representing the accused. [redacted] that the prison officials advised the inmates that they did not have to discuss the matter with the attorneys, however, did have to let the attorneys know of their desires concerning whether or not b7C

On 2/16/71 at [redacted] California File # SF 44-1058

by SAs [redacted] FAG/rmd Date dictated 2/17/71 b7C

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they desired to discuss the matter.

[redacted] stated that he was interviewed first by an attorney who identified himself as [redacted]. This attorney indicated that he was the attorney for [redacted]. According to [redacted] showed him photographs of [redacted] GEORGE JACKSON, and [redacted] and advised him that these were the persons who had been accused of murdering JOHN MILLS. [redacted] stated that up to this time he was not aware as to which persons had been indicted for slaying MILLS. [redacted] added that [redacted] also showed him photographs of other individuals who were inmates in the Y-Wing and who [redacted] thought might possibly be potential witnesses for his client. [redacted] stated that he informed [redacted] that he would discuss with him what he had personally observed, however, he did not desire to talk about any of the other inmates. [redacted] advised that [redacted] had a tape recorder there during the period of the interview and recorded the interview. [redacted] advised that after the interview with [redacted] was completed, [redacted] asked him to talk to another attorney who was in an adjoining room and who was the attorney for GEORGE JACKSON. This attorney was [redacted].

b7C

[redacted] that he was then interviewed by [redacted] who wished to question him concerning his observations in connection with the slaying of the correctional officer, JOHN MILLS. [redacted] added that upon the completion of the interview by [redacted] asked him if he would be willing to testify for her client, GEORGE JACKSON. [redacted] that he told her that he did not desire to testify as long as he was a prisoner at Soledad.

b7C

[redacted] that he did not know any of the defendants personally, however, did know them by sight. [redacted] that none of the prison officials made any threats or promises to him in connection with the above interviews. The only requirement made by the Soledad prison officials was that he advise the above attorneys whether or not he desired to be interviewed by them. [redacted] further that in September, 1970, he was transferred to the [redacted] where he was permitted to go out on a work furlough program. In connection with this work furlough program, [redacted] that he had to report in each night at the work furlough center, [redacted] California.

b7C
b7D

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[REDACTED]
[REDACTED] that the above-mentioned contacts with attorneys
[REDACTED] were the only contacts up to this time that
he had with any attorneys in connection with the slaying of
Officer MILLS.

b7c
b7D

[REDACTED] that he would furnish some additional
information concerning [REDACTED]
however, he did not desire that this information be furnished
to anyone outside of the United States Department of Justice.

b7c
b7D

[REDACTED]

b7c
b7D

[REDACTED]

b7c
b7D

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[REDACTED]

b7D

[REDACTED]

b7D

that the information furnished
above is the only information which he desired to disclose con-
cerning this matter at this time.

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CAG/dak

United States Attorney on February 16, 1971,
advised ~~that~~ further investigation is not necessary at
this time.

XXXXXX
XXXXXX
XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET12 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

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FBI/DOJ

X 36

25-291231-71 (2/63)

100-514732-75 (1/62) IN THE UNITED STATES DISTRICT COURT

157-5116* (1/71) FOR THE NORTHERN DISTRICT OF CALIFORNIA

GEORGE LESTER JACKSON, FLEETA
DRUMGO, and JOHN WESLEY CLUTCHETTE,

Plaintiffs

v.

EVELLE YOUNGER, Attorney General,
State of California; HENRY W. KERR,
Chairman, California Adult Authority;
RAYMOND K. PROCTOR, Director
California Department of Corrections;
and WILLIAM CURTIS, District Attorney,
Monterey, California,

Defendants.

Civil Action

No.

FILED

JAN 26 1971

C. G. EYENBOM

San Jose - pd. - CDP.

COMPLAINT AND AFFIDAVITS IN SUPPORT THEREOF

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 7-10-81 BY SP2 JAP/LL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GEORGE LESTER JACKSON, FLEETA
DRUMGO, and JOHN WESLEY CLUTCHETTE,

C-71 146LH

Plaintiffs,

v.

Civil Action

No. _____

EVELLE YOUNGER, Attorney General,
State of California; HENRY W. KERR,
Chairman, California Adult Authority;
RAYMOND K. PROCUNIER, Director,
California Department of Corrections;
and WILLIAM CURTIS, District Attorney,
Monterey County, California,

Defendants.

COMPLAINT

Now come plaintiffs, by and through their attorneys,
and complaining against defendants, say:

1

The jurisdiction of this Court is based upon the
Constitution of the United States of America, including,
but not limited to Amendments One, Five, Six, Eight, Nine,
Thirteen, Fourteen, and Fifteen; and the Statutes of the
United States of America, including, but not limited to
42 U.S.C. Sections 1983, 1985; 28 U.S.C. Sections 1343, 2201,
2202.

2

The amount in controversy, exclusive of interest
and costs, exceeds \$10,000.

3

Plaintiff, George Lester Jackson, is a 29 year old

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Black citizen of the United States of America who is and for the past ten years has been confined in prison by the State of California for a term of one year to life.

⁴
Plaintiff, Fleeta Drumgo, is a 23 year old Black citizen of the United States of America who is and who has been confined in prison by the State of California to serve a term of six months to fifteen years.

⁵
Plaintiff, John W. Clutchette is a 27 year-old Black citizen of the United States of America who is and who has been confined in prison by the State of California to serve a term of six months to fifteen years.

⁶
Defendant, Evelle Younger is the Attorney General of the State of California, and he is the successor in office to the Attorney General of the State of California during some of the times the acts complained of herein were committed; the Attorney General of the State of California is the chief law enforcement officer of the State whose duties include investigation and prosecution of crimes committed within the State; it is his duty under the Constitution of the United States of America, not to convict, but to see that justice is done.

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Defendant, Henry W. Kerr, is Chairman of the Adult Authority for the State of California; his duties include but are not limited to the holding of hearings for the parole of persons committed to prison by and in the State of California, in order to determine whether such persons shall be admitted to parole from their sentences to prison.

8

Defendant, Raymond K. Procunier, is the Director of the California Department of Corrections; his duties include but are not limited to the control, custody, and maintenance of prison inmates and facilities for and in the State of California.

9

Defendant, William Curtis, is the District Attorney for the County of Monterey, State of California; his duties include but are not limited to the investigation and prosecution of crime committed within the County of Monterey.

10

At all times mentioned herein the acts and conduct of defendants complained of were and are being committed by defendants, their agents, servants, or employees with the express or implied knowledge or consent of defendants; and at all times mentioned herein the acts of defendants, their agents, servants or employees were committed while acting under color of State Law. Hereinafter, the term "defendants" shall be used to mean the defendants, their agents, servants, or employees.

11

Plaintiffs are each charged in a single State Court Indictment, the same being CR-2406, originating in the Superior Court for the County of Monterey, State of California, and which is now pending as a result of an order granting plaintiffs change of venue, in the Superior Court for the City and County of San Francisco, State of California.

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It is charged in said Indictment that plaintiff George L. Jackson, on January 16, 1970 did violate Section 4500 of the Penal Code of the State of California by committing, while serving a life sentence in a state prison, an assault upon one John V. Mills, and that as a result of said assault, John V. Mills died; it is charged in said Indictment that plaintiff Fleeta Drumgo and plaintiff John W. Clutchette, on January 16, 1970 did violate Section 4501 of the Penal Code of the State of California by committing, while confined in a California State correctional facility, an assault upon one John V. Mills by means of force likely to produce bodily injury; it is further charged in said Indictment that plaintiffs did violate Section 187 of the Penal Code of the State of California, by murdering one John V. Mills on January 16, 1970.

A trial date has not been set on the charges contained in the above described Indictment, but it is likely that the setting of a trial date is imminent; plaintiffs and their attorneys in said State Court proceedings have been and they are, within the confines of the constitutional deprivations described below, investigating and trying to prepare for the trial of the charges pending against the plaintiffs.

For a long time prior to January 16, 1970, defendants, their predecessors in office, have engaged in a course of conduct separately and together, which was and which is intentionally and deliberately calculated to deny to persons incarcerated in prison facilities of the State

of California rights guaranteed to such persons by the Constitution of the United States of America; the history of the most shocking, horrendous, and flagrant constitutional violations as well as the ignoring of and disregard for human rights and decency by the Defendants. The State of California has required Federal Court intervention in the past, has required legislative investigations, and has earned for the State of California a reputation of the most scandalous nature in the field of penal correction; the discriminatory, oppressive, and unconstitutional pattern of conduct by the persons referred to within this paragraph continues up to the present time, and unless the relief asked for herein is granted, it shall continue into the future, to the irreparable harm of plaintiffs.

15

From almost the moment of the death of John V. Mills, defendants have engaged and are continuing to engage, in a systematic pattern of conduct, separately and together, which is calculated to and which does deprive the plaintiffs of rights, privileges and immunities secured by the Constitution and laws of the United States of America, and in particular said conduct deprives plaintiffs, in the criminal case pending against them, of the effective assistance of counsel, the right to confront witnesses against them and obtain witnesses in their behalf, fair trial, due process of law, equal protection of law, and freedom from bonds of slavery; unless the relief requested herein is granted, plaintiffs shall irreparably suffer loss and destruction of these rights, privileges and immunities referred to herein.

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16

The systematic pattern of conduct complained of herein and committed by defendants, includes but is not limited to the following:

16a

From the moment John V. Mills was found dying on January 16, 1970, approximately 165 inmates of the California Training Facility where Mills worked as a guard and where he received his injuries, were subjected to humiliating and badgering interrogation without the benefit of advice by counsel, family, or friends; such conduct by defendants continued for approximately one full week, during which time plaintiffs were placed in isolation and they were charged in the Indictment as is hereinabove set forth.

16b

Several alleged and prospective witnesses for the prosecution against the plaintiffs, have been and are receiving special and favored treatment, and they have been promised special and favored treatment by defendants if they offer testimony against the plaintiffs at their trial.

16c

Plaintiffs and their counsel have sought to question and interview persons who were at the Correctional Training Facility at Soledad at the time of the death of John V. Mills; their efforts were early met by refusals by defendants to allow them to do so and later by difficulties hereinafter described; by transferring prospective witnesses to facilities scattered throughout the State of California, and by threats and intimidation of such prospective witnesses. When plaintiffs obtained a court order to interview said inmates, defendants ordered, encouraged or permitted a form

letter, a copy of which is attached hereto and is marked "Exhibit A" the effect of which procedure was a further designed intimidation of prospective witnesses for the plaintiffs.

16d

Ninety percent of the inmates to whom the form referred to in the preceding paragraph was submitted, because of fear for their personal safety at the hands of defendants, and because of fear of the possibility of having their paroles denied because of known and threatened reprisals by defendants, refused to indicate a willingness to be interviewed by counsel for plaintiffs; counsel for plaintiffs, nevertheless, pursued their duty to interview such inmates, and of some 40 such inmates interviewed, 38 gave information to counsel for plaintiffs which is relevant for plaintiffs' defense; during such interviews counsel for plaintiffs were told that inmates did not want to sign the form submitted by prison officials because they were afraid that if they did so, their chances for parole would be ended, and that they were in fear for their safety and lives; some of the inmates so interviewed reported that they have been kept in maximum security facilities since the death of John V. Mills, without disciplinary charges having been brought against them; several inmates who possess information which is relevant and helpful for the defense of plaintiffs, have been told by defendants that if they offer helpful information to the plaintiffs or their counsel, they (the inmates) will not leave prison alive; as one inmate wrote to counsel for one of the plaintiffs,

I was in Y wing in Soledad when officer Mills died and I know some things that are helpful... One of the reasons why I did

not come forward sooner was because I was scared what the officials here might do to me... There is guys here who wants to help but like me they are scared....

16e

One Y wing inmate appeared for a parole hearing before the Adult Authority in July, 1970; he was asked at the hearing whether he was going to be a witness for the plaintiffs, and he was questioned about what his testimony would be; when he questioned the Adult Authority about the relevancy of their inquiries to his right to parole, he was told to shut up and to leave the room; his parole was not granted, and he is now confined to X wing at the Soledad Training Facility without privileges because he may be a witness for the plaintiffs.

16f

An inmate who is believed by defendants to be giving relevant and helpful information to counsel for plaintiffs for the defense of plaintiffs, is named Thomas L. Meneweather; in July, 1970, two inmates were called from their cells by defendants where they were offered favored treatment paroles within a year if the inmates would kill Meneweather.

16g

An inmate who has knowledge of some events surrounding the criminal charges against plaintiffs, was informed by defendants that it would be wise for him to forget what he knows about those events; he was transferred to Folsom Prison and it was intimated to him that if he did not forget about those events, he might be killed by prison guards in the gun towers, all of whom were given his photograph; he was transferred from Folsom Prison only after he

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obtained intervention by a United States Senator; he is still fearful for his life and he knows that other inmates have the same fears.

16h

An inmate who was in the Soledad Training Facility at the time of the death of John V. Mills, has been confined in maximum security since January 16, 1970; since that date he has been visited on many occasions by defendants; he had been told by them that a bloody palm print belonging to him was found at the site where Mills died; the persons who told the forgoing to him know or should know, that in fact the alleged palm print does not belong to the inmate; the same inmate has been told by defendants, that he would be treated well if he cooperated with defendants by offering testimony against plaintiffs; the inmate so feared for his safety that he wrote to a California State Senator for help; an agent of defendants visited the inmate in response to the letter, and he informed the inmate that he would never be released from maximum security unless and until he offered testimony against plaintiffs; the inmate is in fear for his life, and in May, 1970, he was given contaminated food or poison was placed in his food; he knows of other inmates who fear for their lives if they offer testimony for plaintiffs or if they fail to offer testimony against plaintiffs.

16i

Shortly after the death of John V. Mills, an inmate was visited by defendants; he was treated nicely and he was asked whether he would like to visit his friend, Plaintiff George L. Jackson. When he said that he would, he was taken for a visit to Jackson. After the visit he was threatened and intimidated by defendants, at which time he

was promised a parole if he would falsely testify that in his visit with Jackson, Jackson admitted that he and the other plaintiffs killed John V. Mills; the inmate was told that if he did not so testify, the inmate would never be paroled; when the inmate refused to offer such false testimony, he was told that he would pay for his stubbornness.

16j

An inmate, prior to January, 1970, observed defendants physically abuse another inmate; when this incident was reported, the inmate was told that if he released such information publicly again defendants would set him up to be killed in prison; the same inmate was visited by defendants shortly after the death of John V. Mills; he was told that if he had information favorable for the plaintiffs, he would not have to testify to it, and he was told that it would be only contempt of court if he refused to testify; the plain and clear meaning of the conversation was the suggestion that the inmate refrain from offering truthful testimony if called as a witness for the plaintiffs; shortly after the conversation just referred to, false information was circulated in the prison that the inmate was going to testify for the prosecution against the plaintiffs in an obvious effort by defendants to cause harm to the inmate within the prison.

16k

Attached hereto and made a part hereof are letters sent to potential witness-inmates in an attempt to offer legal protection to said inmates; some of the replies to such letters are:

I have a tentative release date of December 7, 1970. As of December 7, I will be starting

my life again from scratch. It means that if I work like a dog for a few years, I might have a wardrobe, transportation, and a place to stay. If you subpoena me, not only will I probably lose my job, but in my opinion it certainly won't be at all conducive to my parole... When I am released, I will have the \$68.00 they give me and a desire to stay out. Please don't cause me any unnecessary harassment.

It isn't in my nature to be nice to someone trying to get me killed. You people talking about protection, whom do you think you could protect? Certainly no inmate.

161

There are many other inmates who were present at the Soledad Training Facility who possess information helpful and necessary to the defense of the plaintiffs. The acts and conduct of the defendants have so intimidated them that they fear for their lives or for their chances of parole if they give testimony for the plaintiffs at the trial of the cause referred to herein.

17

In an effort to obtain truthful testimony for the plaintiffs, and to afford some protection to inmate witnesses, counsel for plaintiffs appealed to the State Bar of California; attached hereto and made a part hereof are Exhibits D and E which represent the correspondence referred to; the State Bar of California indicated its refusal to assist in the protection of witnesses in any way as appears more particularly from said Exhibits.

18

Because of the acts and conduct of defendants as above described, testimony on behalf of plaintiffs may be or is forever lost; testimony which may be available is

likely to be lost by the threats and intimidation, refusal of parole, and possibly murder by defendants, and those acting in concert with them to deprive plaintiffs of the rights herein referred to and involved.

19

Plaintiffs have no other adequate remedy.

20

Attached hereto and made a part hereof are the Affidavits of Fay Stender, Jennie Rhine, Anthony Reyes, Clarence Morgan, Hugo Pinell, Gary Francisco, James Tsouras, and Charles P. Bryant.

WHEREFORE, plaintiffs ask:

A

That defendants Evelle Younger, William Curtis, their agents, servants and employees be enjoined during the pendency of this cause and upon final judgment hereof, from proceeding in any manner whatsoever against plaintiffs George L. Jackson, Fleeta Drumgo, and John W. Clutchette for the death of John V. Mills; or, in the alternative,

B

That during the pendency of this cause and upon final judgment hereof, defendants, their agents, servants and employees, be enjoined from harassing, intimidating, threatening, or coercing in any manner whatsoever, especially physically abusing or causing to be physically abused, improperly disciplining or causing to be improperly disciplined, refusing to hold open and fair parole hearing, and refusing to grant parole, to any person whatsoever who does or who defendants, their agents, servants, or employees believe do

possess any knowledge whatsoever of facts and circumstances surrounding the death of John V. Mills; and

C

That defendant Adult Authority forthwith hold a parole hearing for any inmate denied a hearing subsequent to January 16, 1970, and for any inmate denied parole subsequent to January 16, 1970; and that at such hearing such inmate be afforded the right to counsel, appointed or privately retained; and that this Court appoint an appropriate number of official observers to appear at such parole hearings as are held to observe and to report to the Court, so as to insure that no inmate is denied parole because of any testimony he has offered or which he may offer for the plaintiffs, and to insure that no inmate be denied parole directly or indirectly because of any unwillingness or inability to offer testimony against the plaintiffs; and

D

That all inmates of any California prison facility who do or who may have knowledge or information concerning the death of John V. Mills be placed forthwith in the custody of the United States Marshall or the Attorney General of the United States of America, to be placed in an appropriate and convenient Federal institution until after such time as such inmates have testified in the cause pending against plaintiffs, or until a judicial determination has been made that such inmate need not testify in any cause relating to the death of John V. Mills; and

E

That this Court appoint appropriate agents in

sufficient numbers to be assigned to each and every California prison facility at which there is any inmate who does or who may have knowledge of the facts and circumstances of the death of John V. Mills; and that such agents of the Court be directed specifically to insure and protect that the aforementioned relief is carried out by defendants, their agents, servants or employees; and

F

That a copy of this Order be given to each and every resident of Y wing on January 16, 1970, and served through the parole agent of those on parole, and every inmate of a California prison facility who does or who may have knowledge of the facts and circumstances surrounding the death of John V. Mills; and

G


That an Order to Show Cause be issued directed to each of the defendants, their agents, servants, or employees, to show cause on the ____ day of _____, 1971, at _____, before this Court, if they have any why the relief above should not be granted during the pendency of this cause.

H

That this Court grant such other and further relief as it may deem to be fair and just.

DATED: January , 1971.

Respectfully submitted,


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AFFADAVIT OF ANTHONY REYES

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3 STATE OF CALIFORNIA)
4 COUNTY OF MARIN) ss.

5 ANTHONY REYES, being first duly sworn, deposes and says:

6 That I am an inmate presently confined at San Quentin
7 State Prison; that I was transferred to San Quentin in September,
8 1969 from Soledad Correctional Training Facility;

9 That in early 1969 at Soledad I observed Captain Moody
10 watch two correctional officers beat a handcuffed prisoner for
11 approximately ten minutes before telling them to stop in "X wing";

12 That in August, 1969, I sent an unauthorized letter
13 from Soledad which was intercepted by the officials. Captain
14 Moody came to see me, cussed me out, and said that I had made him
15 "look bad." He then stated that if it happened again, he would
16 "set me up." In prison jargon, this means that he would arrange
17 for another inmate or guard to kill me;

18 That in the early part of October, 1970, I was visited
19 by Captain Moody and District Attorney Roderiguez at San Quentin;
20 they asked me some questions about the day that a prison guard was
21 killed at Soledad; they asked me whether or not I would testify for
22 the defense, and when I replied that I guess I would have to if I
23 was subpoenaed by the defense, District Attorney Rodriquez said,
24 "Well, it's only contempt of court if you don't testify, why not ju
25 say to hell with a subpoena." Within about three days after that
26 v isit something strange started to happen at San Quentin. I notie
27 that a lot of black inmates had gotten word that I was going to
28 testify for the prosecution, and I was informed that the claim of
29 my testifying had been related to the inmates by a custodian; it
30 was clear to me from what was happening that the authorities were
31 trying to get me killed; later in the month in October, Captain
32

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ANCK & HILL
TELEGRAPH AVENUE
SEY, CALIF. 94703
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1 Moody visited me again; I asked him point blank about the threat
2 to me, and he denied it.
3
4

Anthony Reyes
ANTHONY REYES

6 Subscribed and sworn to before me this 31 th day of December,
7 1970.
8

Kenneth R. Begnal
Notary Public



AFFIDAVIT OF FAY STENDER

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3 STATE OF CALIFORNIA)
4 COUNTY OF ALAMEDA) SS.

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6 FAY STENDER, being first duly sworn, deposes and says:

7 I am one of the attorneys of record for George L.
8 Jackson, a defendant in the case of California v. Jackson et al.
9 In this capacity I have received several letters from inmates of
10 Soledad Correctional Training Facility which were mailed from
11 outside of said facility, in which the writers state that they
12 have testimony to offer for the defendants in the case of People
13 v. Jackson et al., but fear for either their chances of parole,
14 or for undefined "trouble" or for their very lives, if they tes-
15 tify for the defense. These communications have come from black,
16 white, and Chicano inmates. I have some declarations signed by
17 inmates who have asked me not to reveal their names unless every
18 inmate is called to testify, and others who have stated they will
19 not testify unless they are no longer confined by the Department
20 of Corrections at the time of trial. One white inmate told me
21 directly that he had seen George Jackson in the television room
22 at the time Officer John Mills was allegedly on the 3rd tier of
23 Y wing, but that he would not so testify if he is still in prison
24 at the time of the trial.

25 Other inmates told me that they had exculpatory
26 information with respect to George Jackson and the other defen-
27 dants, but they had been intimidated by the forms which the
28 prison authorities distributed to every Y wing inmate prior to
29 the defense attorneys' interviews pursuant to the Monterey
30 Superior Court's discovery order authorizing interviews of all
31 Y wing inmates in alphabetical order. Despite the Court's said
32 order, requested in said form by the defense attorneys, so that

1 no inmate could be singled out by the prison authorities, nor
2 the importance or relevance of said inmate's statement be re-
3 vealed to the authorities by the order in which the defense in-
4 terviewed the inmates, the prison authorities required each
5 inmate to sign a form stating whether or not he wished to talk to
6 the defense, and whether or not he wished a member of the prison
7 staff present. Fully ninety percent of the inmates refused to
8 state on the form that they wished to talk to the defense
9 attorneys! However, upon insisting upon the right to interview
10 all of the inmates, all but two inmates of some forty interviewed
11 have given affiant statements containing relevant and material
12 information. Many inmates stated to affiant that they were
13 afraid for their parole chances and some stated they feared for
14 their lives, if they even signed the forms distributed by the
15 prison authorities. A high proportion of the ten percent of the
16 inmates who stated they did wish to see the defense attorneys
17 have been maintained in maximum security status from January 16
18 to the present time, many without either disciplinary charges or
19 any charge preferred by the district attorney. One such inmate,
20 with such an excellent prison record that the Adult Authority
21 recently gave him a parole date of December 7, 1970, remains in
22 maximum security status, although no disciplinary or other
23 charges have been brought against him. Several inmates have told
24 me that they have been explicitly told that they will not leave
25 the institution alive.

26 Affiant recently received a letter from a Chicano
27 inmate stating:

28 "I was in Y wing in Soledad when Officer Mills died
29 and I know some things you must know that will help
30 Jackson and the others....One of the reasons why I
31 didn't come forward sooner was because I was scared
32 what the officials here might do to me. But I have
been mistreated enough and in my opinion they found
out I knew something so they are shipping me out
and some other things also prevented me from getting
up the nerve to write to you. This is the third

1 letter I have written but the other two I chickened
2 out. There is guys here who wants to help but like
3 me they are scared but they so much wants to help.
4 I of course have to sneak this letter out of prison
5 here at Soledad for you to get it so I would appre-
6 ciate it if you don't mention it unless necessary."

7 The letters of some of the most frightened of these
8 inmates will be available to the Court, or, excerpts, with the
9 names deleted therefrom, will be made available to the Attorney
10 General, upon the hearing of the motions herein.
11

12 *Ray Stender*
13 RAY STENDER

14 Subscribed and sworn to before me
15 this 7th day of December, 1970

16 *Jean S. Ross*
17 JEAN S. ROSS, Notary Public,
18 in and for said County and State

