

THE SOLEDAD 7



SOLEDAD 1970: THE BEGINNING

Since January 1970, two guards have been killed at Soledad State Prison. The first guard was found dead in January and since that time three Blacks at the institution's Central Facility have been arbitrarily selected by racist prison officials for execution in the state's gas chamber. The three brothers have become known as the Soledad 3. The entire basis upon which the prison officials are attempting to lynch these brothers comes from the evidence received from other prisoners who have been offered releases and financial rewards for their testimony. The second guard's death occurred at North Facility (Soledad) in July. This time the revenge by prison officials includes seven brothers selected through the same process.

The selected 15 brothers were taken off the main line of Soledad's North Facility and marched with only pants (no socks, shoes, shirts) in the cold Northern California weather to Central Facility. They kept these brothers in 10' by 6' cells with no personal property. They were also only allowed outside their cells once a week for a 10-minute shower. The prison officials then proceeded to illegally interrogate these brothers and subjected them to inhuman treatment.

As a result, in the first of September 1970, the racist prison officials filed charges against seven of these brothers for murder and conspiracy. These brothers are Jesse Phillips, Roosevelt Williams, Jimmy James, Walter Watson, Alfred Dunn, James Wagner and O. C. Allen--all from Los Angeles--the Soledad 7.

CONDITIONS AT SOLEDAD .

[Following are excerpts from an article by Steven V. Roberts of the New York Times, printed in the San Jose Mercury-News, Sunday, Feb. 7, 1971.]

The Soledad Correctional Training Facility is, like Folsom, a California state prison. It is situated in the lush Salinas Valley, about 125 miles south of San Francisco, but the pastoral serenity is deceiving.

In the last year, eight men have been killed within its mustard-colored walls--two guards and six inmates.

"There's such a reign of terror now that everything is out of control," said Fay Stander, a Berkeley lawyer. "It's worse than a jungle. Animals don't act that way."

Since January 1970, when three black prisoners and a white guard were killed, three inmates--two whites and a Mexican--have been stabbed to death and three guards have been assaulted.

Soledad is a medium-security prison. Armed guards watch the manicured grounds and steel fences from a series of towers. But most inmates on the "main line" are free during the day and carry keys to their own cells.

The most frequent criticisms have centered on O Wing, a section where prisoners are placed in isolation for violating prison rules or because they cannot get along with other inmates. The men in this wing are confined in cells measuring 10' by 6'. Each door has a slot through which food is passed.

The prisoners are not supposed to spend more than a month in isolation, but many have been there six months or more, because the prison staff does not feel they should mix with the other prisoners.

If a prisoner in isolation gets into trouble, he can be thrown into a "strip cell," or "The Hole," which is even smaller and more uncomfortable than the rest of O Wing.

In interviews at the prison, and in letters, inmates have charged that some guards are "racists" who "set up" black prisoners to be beaten or stabbed by whites during exercise periods. They complained that urine was put in their coffee and that favored inmates were allowed to throw feces at others.

Medical treatment is haphazard, they charged, but doctors try to get prisoners hooked on tranquilizers to keep them quiet. All mail, except to attorneys, is censored by the prison staff; visiting privileges are subject to arbitrary restrictions, the inmates asserted.

Last summer, a group of black lawmakers in the State Legislature investigated O Wing and later reported that, "If even a small fraction of the reports received are accurate, the inmates' charges amount to a strong indictment of the prison's employees as cruel, vindictive, dangerous men who should not be permitted to control the lives of the 2800 men in Soledad."

One of the Soledad 7, Jesse Phillips, describes how he felt after months in O Wing:

"You sit off in that cell and you know you

can't get out . . . the main thing is hearing from somebody . . . "

George Jackson, one of the Soledad Brothers, recently published a collection of his letters. In one to Fay Stender, his lawyer, he wrote this about O Wing: "It destroys the logical processes of the mind; a man's thoughts become completely disorganized. The noise, madness streaming from every throat, frustrated sounds from the bars . . . The smells, the human waste thrown at us, unwashed bodies, the rotten food . . . in two weeks that little average man . . . on max row . . . [the maximum security section] is so brutalized, so completely without holds, that he will never heal again. It's worse than Vietnam."

F.L. Rundle, the chief psychiatrist at Soledad, agrees with many of the criticisms. "O Wing is like a pressure cooker for human emotions," he said. "They put the fire up on high and there isn't any safety valve."

One of the Soledad 7 has already served almost five years for armed robbery. Like many of his fellow defendants, he doubts if he will ever be free again. "It's senseless for me to go into that court and look for justice," he said recently. "I've been isolated for so long now, who can you have confidence in? Who can you trust? It's hard for me, man. No one really knows me . . . "

Patrick S. Hallinan, a lawyer for the Soledad members still accused of murder, believes his clients are the victims of a frame-up. He has received letters from five potential prosecution witnesses who said that they were threatened into giving false testimony at the preliminary

hearing. Prison officials call the charges "outright lies."

"We live at a time when there has been more violence in the streets," said Jerry Enomoto, the deputy superintendent. "And we get people from the streets in here who have problems with violence. The joint is full of them. They react to the times around them and they tend to protest against things they think are wrong.

We can't isolate ourselves. The trouble has a lot to do with the frame of reference in which prisons exist."

The officials believe that the unrest within the prison has been aggravated by a group of outsiders, including some lawyers. "These people come in here and tell the inmates, 'I am your friend and the staff is your enemy,' said Robert H. Donnelly, another deputy superintendent. The officials contend that O Wing is necessary for the good of the institution and the majority of the inmates.

C.B. McEndree, program director of the "Adjustment Center," which includes O Wing, said: "Until we find a different way of containing people, we're stuck with what we've got. You know why these people are in prison? For killing people, for assault with a deadly weapon. Society has said, 'We can't handle these people. Lock them up.' "

The staff acknowledged, however, that many of the charges against O Wing were valid. "Any prison," said Enomoto, "has a demeaning, dehumanizing impact."

As they talked, it appeared that many of the officials felt as trapped as the inmates. The present system is destruc-

tive, they conceded, but they have neither the resources nor the authority to change it. "The people down the line are like the prisoners, they're almost as helpless," Rundle, the psychiatrist, said. "These places don't change because the citizens don't want them any different."

SOLEDAD 7 HEARING

On October 13, 1970 seven Black inmates of Soledad Prison were brought to Monterey County's Municipal Court Building in Salinas, California for the preliminary hearing on the inmates' alleged murder of a Soledad prison guard in July 1970. The brothers were chained--hands and feet--when delivered and picked up in a closed garage beneath the courthouse. Despite police attempts to keep the brothers from the view of their supporters (and of course, to prevent the brothers realizing how much support they had), many brothers and sisters were at the garage with clenched fists and shouts of "Right on" and "We're with you."

The court has a seating capacity of 200, but only 77 persons were allowed in the court because of a new fire regulation put into effect shortly before the hearing. Approximately 40 people from Los Angeles weren't allowed into the court room. Just before the hearing began, the sheriff's officers took pictures and fingerprints from all immediate family members, claiming that this would insure that all family members got into the courtroom. Inside family members were given seats in the back of the court, although one mother insisted on sitting and sat in the front row. Other family members then moved closer to the front of the court.

Supporters of the seven stood up as they shuffled in: when Judge Machado entered, some brothers and sisters assumed various postures between standing and sitting and others didn't bother to move at all. The atmosphere in the courtroom was not charged, but it was apparent that sides had been established. The proceeding was interesting, but fairly predictable. Patrick Hallinan and Joe Rhine, the Seven's attorneys, made three requests, all of which were immediately denied. They asked that (1) the people on the outside be allowed to come in until the court was filled to capacity; (2) the prisoners be allowed more humane visitation privileges (unlike most Soledad prisoners, they may speak to their visitors only through wire mesh, for short periods of time, etc.); and (3) the prisoners be unshackled as it was unbecoming to their dignity, interfered with their taking notes, and made unnecessary noise.

Getting down to what he called the "nitty gritty," Hallinan stated that he and Rhine had had only five days to prepare for the hearing. He asked for a 30-day extension of the hearing to adequately interview prisoners whom the state inconveniently (convenient for the state's purposes) scattered over the state, and to adequately review testimony against the Seven taken by prison officials.

Upon denial of this request, the Brothers and their attorneys waived the preliminary hearing. It was evident that the court had been caught off guard. The slow-thinking District Attorney consented to the waiver and then asked for a five-minute recess which he rushed out of the room and then rushed back in to flip through a book on his table. After the

recess, the judge again asked the prosecutor if he consented to the waiver. His feeble reply was, "Yes."

The political significance of the waived preliminary is that it lets prison officials know that they will not always get away with their scheme of divide and rule. According to Hallinan, notices had been posted on the halls of Soledad Prison stating that any prisoner who would testify against the Seven would be given \$500 or paroled. All of the prisoners who agreed to testify against the Seven were up for parole within a month. If the preliminary hearing had been held, the witnesses would have testified at that hearing, received parole, and left town. At the trial, this testimony would have been read to the jury and entered in the trial record without the defense being able to cross-examine these witnesses. [California v. Green.]

Judge Gordon Campbell has saddled the seven with six lawyers who the prisoners refuse to speak to, and has refused to appoint six experienced criminal lawyers who the prisoners, all indigent, want to represent them. Over the objections of everybody involved, the judge set the trial date for mid-December. The attorneys wanted by the defendants who are willing to defend them, include Marvin Stender, Richard Hodge, who represented Los Siete and Oakland 7 defendants, Penny Cooper of Berkeley, Ron Bondoc, Dick Patsey, and Patrick Hallinan. The lawyers assigned by Campbell are a Monterey County public defender and five private local lawyers.

SOLEDAD 7 NOW SOLEDAD 3: NO VICTORY

The case of the Soledad 7 is another known genocidal attack against Black inmates at Soledad Central Training Facilities. In July of 1970, prison officials at Soledad locked up 15 men in solitary confinement (the Hole). This was done in retaliation for the death of William Schull, a white prison guard. These men were held incommunicado for 49 days, during which time they were subjected to brutal interrogation by prison officials.

Seven Black inmates--Jesse Phillips, 20; Jimmy James, 23; O.C. Allen, 26; Jimmy Wagner, 21; Roosevelt Williams, 27; Alfred Dunn, 20; and Walter Watson, 27-- have been charged with murder and conspiracy to commit murder. The seven have been defined by prison officials as Black militants; all seven are serving indeterminate sentences (life tops) and if found guilty of these charges, under penal code section 4500, they get automatic death sentences. Soledad officials, in an attempt to frame the seven, posted signs promising automatic parole and a \$500 reward for any inmate that would testify against the brothers.

Nothing was known about their situation until Mrs. Bessie Phillips, mother of Jesse, received an anonymous letter from San Deigo which said, "Jesse and another six are in confinement for suspicion. Jesse may not get a chance to contact you until they build a case against him. Bring your lawyer as they are trying to put it on anyone."

The past hearings of the seven that Judge Gordon Campbell presided over exemplify the true nature of American courts. This

was seen every time the brothers have had a hearing or an arraignment. Security at Salinas Municipal Courthouse is very heavy. Guards with shotguns stand all around the driveway where the brothers are driven in. The brothers are chained and shackled inside the cars and in the courtrooms. Families of the brothers have been given green cards with their own fingerprints on them for identification. American courts only provide justice for those who can buy it. The brothers are not in such a privileged class.

Pat Hallinan (a San Francisco lawyer) asked the court to appoint him as their lawyer, but Judge Campbell instead appointed him as the lawyer for Jimmy Wagner only, and appointed court lawyers for the other six men. The next week, Hallinan and five other lawyers came to the arraignment and asked to be appointed by the Court in place of the five Campbell-appointed lawyers, who did not really want to get involved with the case and were not trusted by the seven brothers.

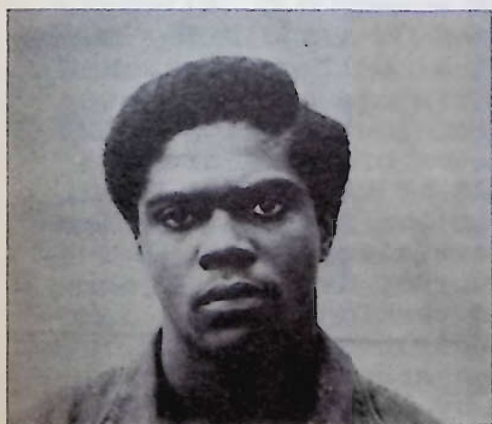
The courtroom scene that day was so irrational, so cruel, and so obviously intended to railroad the brothers, that even the lawyers whom Campbell had appointed were angry. Each of them asked to withdraw from the case, asking that the five new lawyers be appointed in their places. The judge refused to do this on grounds that he did not "personally know the ethical and professional competence of these men." Some of the lawyers Campbell had appointed agreed to testify in behalf of the new lawyers, and the new lawyers volunteered to take the witness stand, but Campbell refused to allow this. Finally Hallinan objected to Campbell's proceedings saying, "You



James Wagner



Roosevelt Williams



Jesse Lee Phillips

appointed me counsel for one of the defendants, but you don't know my ethical and professional competence either." Campbell cleared the courtroom and subsequently fired Hallinan, but he has since been reinstated.

In the final pretrial hearing, the six court-appointed lawyers tried to withdraw from the case again. The judge insisted that either the brothers take these unwilling lawyers as their defenders or get lawyers of their choice at their own expense.

The judge asked the brothers to enter pleas. One brother, Walter Watson, was sick that morning as a result of a 13-day hunger strike, in support of Angela Davis. This was another reason why Walter Watson refused to plead. Campbell entered pleas of "not guilty" into the record for all seven, and set their trial date for December 7th. This is American justice. A judge known for his racism and soon to retire, gives six unwilling lawyers four weeks to prepare a defense for the lives of seven Black inmates.

The most recent developments in the case have been the dismissal of murder charges against four of the seven: O.C. Allen, Walter Watson, Alfred Dunn and Jimmy Lee James. This is but a small concession in the face of the vicious attempts at legal lynchings throughout America. The fact is that all seven brothers are innocent. It should be known that five of the witnesses for the prosecution have dropped out, and have also written letters to defense attorney Hallinan stating that they submitted testimony under coercion. We should understand that the order to drop the murder charges on the four brothers was given by a newly appointed

district attorney, William Curtis, who had been in office only a week. He dismissed charges on the four in order to tighten a frame-up of the remaining three--Jesse Phillips, James Wagner and Roosevelt Williams.

We see, as the brothers see, that there has been no victory. Jesse Phillips, James Wagner and Roosevelt Williams are scheduled to go to trial on May 3rd. Victory for the brothers and all oppressed brothers of the world can only come through you, the people.

CALIFORNIA PENAL CODE

There is currently a suit against Evelle Younger in his official capacity as Attorney General of the State of California and attacking Section 4500 of the California Penal Code, which states:

"Assaults by life prisoners with a deadly weapon -- penalty: Every person undergoing a life sentence in a state prison of this state who, with malicious aforethought, commits an assault upon the person of another, other than another inmate, with a deadly weapon or instrument or by means of force likely to produce great bodily injury, is punishable with death; however, in cases in which the person subjected to such assault does not die within a year and a day after such assault as a proximate result thereof, or the person so assaulted is another inmate, the punishment shall be death or imprisonment in the state prison for life without possibility of parole for nine years, at the discretion of the Court or jury trying the same."

Please support our position in the courts and emphasize our position against Section 4500, because to subject a defendant to the death penalty for an assault against a victim that did not result in death is cruel and unusual punishment upon him. Only eight states in this country still carry this kind of mandatory death sentence on their books.

The mandatory death penalty provision of the California Penal Code, Section 4500, violates due process of law in that it denies an accused his right to a jury trial as to whether he should live or die, and this violates the 6th and the 14th Amendments of the Constitution.

HOW TO HELP

We need help with fund raising, public education and research. If you can give time, money, legal help or committee organizing work, please call or write:

Bessie Phillips
600 S. Bullis Rd.
Compton, Calif. 90221
(213) 774-6868

Contributions may be sent to:

Soledad 7 Defense
P.O. Box 4301
Compton, Calif. 90221

Defense attorneys are:

For Jesse Phillips: Laurence Horan,
Monterey.

For Roosevelt Williams: Dick Hodge, San
Francisco.

For James Wagner: Patrick Hallinan, San
Francisco.

In the Northern California area, contact
either the office of Patrick Hallinan,
Dick Hodge or Larry Horan.



Yes, again a guard was killed;
a white man died. They claim
a black man is to blame.
They'll take this black man
and show no mercy.
to him or his name.

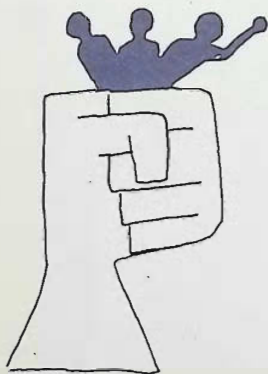
Whether called premeditated, or a crime
of passion
his oppressors will call it what they will,
never caring, except this was a white man,
that five hundred and more, black men,
have been killed.

For whatever reasons, it's still
the same damned thing.

Thinking back, it's still a bitter pill.
The people are full of love, the oppressor
hate and jealousy. Once more a brother
will be the reactionaries' target
of grief; through the oppressors'
unwritten law.

But take heart, our dear brother, for
the power of the people will bring you
relief.

Many words will be written,
and the oppressors' lies will unfold.
But the brother's side of the truth is
is the tragedy,
because his side of the coin of course
will never really be told.



"If there is one ounce of justice left
in the faltering judicial system of
these United States, we shall be
acquitted.

"We will fight until freedom is gained."