

STEPHEN BINGHAM'S STATEMENT

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The following is Stephen Bingham's statement to the media upon his return after 13 years in hiding.

TODAY I RETURN to clear myself of these charges and to begin to pick up the threads of a life interrupted many years ago.

First I want to say very personally to the families of the six human beings killed that day that I feel a deep sorrow for the senseless deaths. My politically active life has always been dedicated to the idea that change can come about without violence, that violence tends to poison otherwise good motives. Knowing all these years that charges hang over me and that some people believe me capable of such acts has become a heavier and heavier burden to bear. I am not guilty of the charges against me, and I have come back to gain my acquittal. The sympathy I want to express to all the families of those killed is not gratuitous. It is very real. So is my innocence of any of these charges.

I am overwhelmed by the outpouring of support and encouragement from so many people that I have known and others that I only know of. Thank you so very much. It means so much to me.

What I would like to convey to you is a sense of why I left, even though I am not, guilty. Anyone, especially a lawyer, who has believed for so many years that he cannot receive justice from the courts must have had some pretty strong reasons for staying away.

George Jackson was one of the most closely watched prisoners in the annals of California prison history. It is simply not believable that a large, nine-millimeter gun plus two clips of ammunition plus a wig could enter the prison, let alone be turned over to Jackson, without the knowledge and complicity of prison authorities. Personally I know nothing at all about how those items entered the prison. I can say that I never smuggled a gun nor anything else into San Quentin, and I intend to testify under oath to that effect.

Why then did I leave if I had nothing to run from? To understand thirteen years later why I left, one has to recall the situation in California's prisons in 1970-71. Three black prisoners, two of whom were actively working against Soledad's institutionalized racism, had been murdered by a gun-tower guard at Soledad in early 1970. The county grand jury declined to indict the guard or anyone in the prison command for these deaths, for which the prison was held civilly liable years later. George Jackson, also a prison activist, and two others were charged with retaliatory killing of a guard. So hated was Jackson that the prison authorities tried to persuade a white prisoner to kill Jackson. The prisoner's affidavit to that effect was perhaps the key thing which first caused me to ponder seriously what had in fact happened to Jackson on August 21. I knew that whatever had happened inside the prison walls of San Quentin might never be known. No outsiders were permitted access. I hardly expected the State of California to initiate investigation of its own prison system.

What frightened me even more in its implications, as I considered whether I should leave, was the fact that I did not have a tape recorder on August 21, but the guard on duty asked me if I wanted to take a tape recorder into the visiting room. The legal investigator there to see George Jackson offered her tape recorder, which the guard had me sign for. The state authorities told the press that the gun was smuggled in the tape recorder. Why then was the legal investigator never seriously interviewed by the state authorities, nor called to testify before the grand jury or at the trial? The only conceivable answer is that the authorities knew that she was not guilty of anything; yet, the authorities did accuse me of smuggling a gun in that very same tape recorder, even though it was not mine, and I had not brought it to the prison.

If you question the likelihood of government officials trying to neutralize, as it's called, their enemies, what follows is the instruction given the FBI to its agents at the outset of their counterintelligence program in 1967:

The purpose of this new counterintelligence endeavor is to expose, disrupt,

misdirect, discredit, or otherwise neutralize the activities of black nationalist hate-type organizations and groupings, their leadership, spokesmen, membership and supporters.

The murders of two Chicago Black Panther party leaders two years later in 1969 was, for example, proved to have been done with the active involvement of an FBI informer and agents.

Also, Tom Mosher was a very important FBI informer working within the Left. Three months before August 21, 1971, his testimony before the Senate Internal Security Subcommittee was made public. He told of his multiple contacts with many of the people involved in the Soledad Brothers' defense. Later it was learned that in January 1971, California and FBI authorities had reported finding an exchange of messages purportedly between George Jackson and his friend Jimmy Carr. The letter was clearly about an escape plan for Jackson. California's leading documents examiner later testified that the portion of the message supposedly written by Carr was not in his handwriting. It is known that FBI informer Mosher had admitted an intimate association with Carr and his friends. Could the FBI have initiated this exchange of messages? How Jackson was in fact killed may never become known. That the prison officials were happy at his death was too hard to conceal. Warden Park was quoted as saying on August 21 that "the only good thing that happened all day is that we got George Jackson. Killed him. Shot him in the head."

Another reason I was afraid that day is precisely because of my position as a lawyer visiting a prisoner. In the late sixties and early seventies the effort by prisoners organizing against medieval prison conditions had reached its peak. As national, even world attention was spotlighted on California's prisons, lawyers became involved in helping to reform this inhuman system. Prison authorities were only too anxious to discredit these attorneys, since the legal work that they did highlighted the unbearable harshness of the prison system. Both as governor and as president, Reagan led the attack on legal services attorneys. When lawyers started helping prisoners file

petitions which had previously gone largely ignored for want of legal help, Reagan's aide Ed Meese organized the Uhler Commission to seek to show that federally financed attorneys for California Rural Legal Assistance were fomenting disorder in California's prisons. A peaceful hunger strike at Folsom around minimal demands was characterized as the "brainchild of a small group of lawyers who were feverishly involved with left-wing activities throughout the state." This strike, incidentally, was supported by the National Lawyers Guild, of which I was an active member.

This Uhler report was so damaging to the reputations of the accused attorneys, and so far-reaching in its implications, that a federal commission headed by the former chief justice of Maine was formed to review it. This commission concluded that the report "subjected many able, energetic, idealistic, and dedicated California Rural Legal Assistance attorneys to totally unjustified attacks upon their professional integrity and competence." These same CRLA attorneys had, among other things, filed two suits against the California Department of Corrections charging conspiracy to kill inmates.

I had been employed by Berkeley Neighborhood Legal Services. Prison legal work was not a part of my regular work load, which primarily involved landlord-tenant problems in West Berkeley. However, I had visited George Jackson four or five times to discuss the filing of a federal civil rights suit charging inhuman conditions at the infamous San Quentin Adjustment Center, including 23 1/2-hour lockup, use of tear gas, shackling, strip cells, et cetera. Such a suit was eventually filed, incidentally, and was ruled upon favorably.

Was it rational for me to believe that I might be a victim of a careful cover-up as to what really happened to George Jackson, and the scapegoat of a prison system bent on discrediting lawyers? I certainly believed so on August 21, 1971, and I think so even more strongly today. I was convinced then that I could not receive a fair and open trial.

On Sunday morning, August 22, I read the *Berkeley Gazette* banner headline: VISITOR APPARENTLY SMUGGLED IN GUN USED BY JACKSON IN BLOODY SAN QUENTIN ESCAPE. Warden Park was quoted as stating that he was "sure there was a conspiracy." He renewed his attacks two days later, stating that "we are not going to have a goddamn parade of lawyers coming in here anymore." The accusations against me were a warning to all attorneys involved in prison reform work to stay away from California's prisons. I decided I had to leave when, one week later, I heard that the district attorney claimed he had "conclusive evidence" pointing to my knowing participation. I knew that such evidence did not exist and could only have been invented.

I'd like to take a moment to remind you of some of the events subsequent to my leaving that more than confirmed my worst fears. The official account of what had occurred on August 21 was simply beyond belief. The gun was first identified as a .38, later as a Llamocorto, and still later as an Astra. Prison clothing from the Adjustment Center was thrown in the Richmond dump only to be retrieved several days later. The wig which Jackson was said to have used to

conceal the gun was not found until 48 hours later, even though a very thorough search had supposedly been made on August 21. The story of how Jackson was killed was radically altered. Two of the four serial numbers on the weapons allegedly found on Jackson were never filed off at all, making the gun readily traceable to the Black Panther party. Yet no one in the Black Panther party, otherwise a target of FBI and police interest, was ever interrogated, let alone arrested. No searches were ordered. Why? The authorities obviously knew that there was no Black Panther connection and did not want the history of the gun investigated. The list could go on and on, indicting flagrant bias in the work of the Criminal Identification and Investigation branch of the State of California.

After leaving the Bay Area I eventually settled in a city where I learned construction skills, went to school, and continued to engage in progressive political activity. I would like very much to tell you about these many years. I feel proud of what I was able to accomplish, though I lived with a permanent homesickness for my family and friends, which you can never imagine. However, my lawyers have advised me not to speak further about my thirteen years away, for the present. So, as with questions about the pending charges, I request that you *not* ask me about those years, other than in the most general way.

If I was so afraid when I left, what has changed to encourage me to come back now? I believe today I *can* get an open, fair trial. I am convinced that most Americans reflecting back on the late sixties and early seventies are now aware, and willing to accept, that the government has at times engaged in illegal, excessive and immoral practices in trying to discredit those who have been working actively for change.

The indictment of officials for the murders of Chicago Black Panthers Fred Hampton and Mark Clark (whose families recently received payment of nearly \$2 million stemming from a civil suit), the acquittal of two American Indian movement leaders of murder when massive evidence of FBI misconduct was finally admitted into evidence, the far-reaching implications of Watergate and the attendant publicity indicate a new public awareness of official violations of the public trust. The verdict in the original San Quentin Six case was hardly a victory for the state prosecutors. The 6 counts (out of 46) sustained against Johnny Spain, Hugo Pinell and David Johnson were brought in by a jury tainted by the presence of a juror so prejudiced against the Black Panther party that she secretly went to the judge to be relieved of her jury duty. The judge not only refused her request but failed to inform the attorneys of this wholly unauthorized communication. Spain's current appeal, based on the prejudice he suffered from being shackled during the entire trial, is currently pending in San Francisco Federal District Court. I am confident he will soon receive justice, though he has now waited for thirteen years.

I've lost thirteen of the most important years of my life, hoping that the time would come when I could contest these charges. I am confident today that I will be acquitted. I am very happy to be back and to begin to end this nightmare. ■