

OBITUARY

Judge Gary Thomas — prosecutor paralyzed in courthouse shootout

By Kevin Fagan

Gary Thomas went to work one hot August day in 1970 as just another prosecutor in Marin County, and by the end of the day he was a hero — but one who never let that title define the rest of his life.

By the time the San Rafael man died this month of natural causes at 79, he was known to his family and friends as “the Judge,” who for decades dispensed tough but fair rulings from the Marin County Superior Court bench, as well as an avid fisherman with a photographic memory for everything from legal precedents to passages from science fiction novels.

“My father liked to read, he liked to be outdoors, and he liked the law — especially family law,” said Judge

Thomas’ son Christopher Thomas. “He was a family man.”

But back on the morning of Aug. 7, 1970, he was a 32-year-old assistant district attorney who showed up at the Marin County Courthouse to handle the prosecution in a fairly routine trial of a prison inmate accused of knifing a prison guard. By late morning his life, and the lives of many others, had been changed forever by a spasm of violence that became one of the most notorious kidnapping-murders in California history.

The jury had just reconvened in Superior Court Judge Harold Haley’s courtroom when Jonathan Jackson, brother of the imprisoned black power leader George Jackson, stood up and produced a cache of weapons for

him, the defendant and two convicts who were there to testify. The intent was to take then-prosecutor Thomas, the judge and three jurors hostage and to bargain them for George Jackson’s freedom — but the plot was thwarted by Gary Thomas.

The kidnapers had hustled their hostages into a van and were preparing to leave when one of them shot out a window. Another pulled the trigger on a shotgun taped to Haley’s head, killing the judge instantly. That’s when the prosecutor grabbed a .357-caliber pistol from one of the convicts and began firing.

By the time he was done, he had fatally shot three of the four convicts and had taken a bullet to the spine. He was paralyzed from the waist down. But he and the three jurors survived.

He later testified at the 1972 trial of Angela Davis, who was acquitted of charges of buying guns used in the shootout and helping plan it.

“Gary saved my life and the lives of the other jurors,” juror Maria Graham, who was shot in the arm, told The Chronicle before she died in 2009. “He was an incredibly brave man. I have no idea how he managed to do what he did in those few moments, but we are all eternally grateful.”

For his heroism, Judge Thomas was named 1970 Peace Officer of the Year by the Marin County Peace Officers Association.

Judge Thomas seldom spoke of that day as he continued his career in law, going back to work in a wheelchair after only four weeks off and then being appointed in 1972 by then-Gov. Ronald Reagan as a Marin County Municipal Court judge at the age of 34. But along with his renowned sense of right and wrong, one quote his friends and family often point to may explain a bit of why he did what he did.

“He always told people he was from Montana, where the men are



Bill Young / The Chronicle 1970

Gary Thomas heroically intervened in a 1970 kidnapping at the Marin County Courthouse.

men and damned proud of it,” said his wife of 57 years, Maureen Thomas, whose uncle was Haley.

“After the shooting he never complained about anything,” she said. “Most people could be depressed after something like that, but not him. He was amazing. He just carried on.”

Judge Thomas was born in Great Falls, Mont. When he was 9, the family moved to San Francisco, but he returned most summers to Montana throughout his

childhood to work on his uncle’s cattle ranch. He graduated from Rior-dan High School, earned his law degree from the University of San Francisco, and served in the Air Force Reserves from 1962 to 1968.

Judge Thomas was elected to the Marin County Superior Court in 1986 and served on the bench until retiring in 1999. His judicial decisions included rulings that kept porn king Jim Mitchell in jail while he awaited trial for killing his brother, and preserved land in Marin for environmental use.

Judge Thomas, who died April 3, is survived by his wife; sons, Christopher of Norway and Matthew Thomas of Dixon; sister, Elaine Jordan of San Ramon; and four grandchildren.

A funeral Mass was said April 12 at St. Raphael Church in San Rafael.

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