



Marquis Childs

Judicial System On Trial Again

SAN JOSE, Calif.—Against the backdrop of hatred and violence pervasive in so many areas of American life, what the candidates are saying in the marathon primaries sounds like the echo of a polite debate out of another and happier era. Here in a small courtroom in the Civic Center, under vigilant security, is a focus of the violent scene.

Around the trial of Angela Davis are all the fierce winds of contention. The quiet of the courtroom is the eye of the storm. The tall, slender defendant with the big bushy afro is helping to conduct her own defense with a detached concentration as though she were lecturing to one of the philosophy classes she taught at the University of California in San Diego.

She might be unaware that she has become a world figure and that millions everywhere follow the drama in the courtroom. Somewhere at this moment, given the time changes around the globe, speakers in a half-dozen languages are demanding freedom for Angela. Banners that say "Free Angela" are held up in an alien sun infinitely remote from the depersonalized modern setting of San Jose's Civic Center.

The charge of murder came out of a crime shocking in its horror even in this age of violence. Hostages taken at gun point out of a courtroom in San Rafael were shot within minutes after being forced into an escape van. One was Harold Haley, the trial judge, who had his face blown off from a gun strapped to his jaw. Another was Assistant District Attorney Gary Thomas, left paralyzed for life.

What gives the episode a weird unreality is the plot of the kidnapers. They apparently believed they could flee the 30 miles from San Rafael to the San Francisco Airport with their hostages and hijack a plane to Cuba

or some other Communist haven.

Miss Davis is accused of buying the guns as an accessory to murder. At the start of the trial she admitted to having bought guns for, she said, her own protection. The prosecution must prove the motive. Relying largely on circumstantial evidence, this will be difficult.

THE LINE between the orderly working of the judi-

cial system and a test of wills in a political contest is the dilemma of the prosecution and the authorities responsible for the trial. The defense, not only in the courtroom but around the world, is determined to show that because Miss Davis is a Communist, a revolutionary and a black, she is the victim of savage persecution.

A series of trials of blacks with similar political overtones is an answer to this charge. The latest was the acquittal of two of the Soledad Brothers, John Clutchette and Fleeta Drumgo, standing trial for the brutal murder of a guard at Soledad Prison. Three Soledad Brothers were killed in the San Rafael escape plot and their involvement is closely linked with the Angela Davis drama.

With the acquittal verdict after a long trial in which the defense used every possible delaying tactic, Judge S. Lee Varvuris said: "Most of you have doubted the system but you know now that it really works and if anyone can come up with a better system I'd like to see it. The 12 jurors have spoken. It was an all-white jury as is the Angela Davis jury."

Huey Newton the Black Panther leader, was tried three times in Oakland and each time a jury failed to convict. He is free to lecture around the country. Re-

cently he visited Peking as an honored guest of the Peoples Republic of China.

Bobby Seale was freed after a lengthy trial in New Haven, Conn. He had been charged with the death of a fellow Black Panther turned informant. This was a celebrated case accentuated by the statement of Kingman Brewster Jr., president of Yale University, expressing skepticism as to whether a black revolutionary could receive a fair trial anywhere in the United States. Eldridge Cleaver, another Panther, in exile in Algeria, is reported considering returning to face trial on charges of assault with intent to kill and unlawful flight.

Their remarkable trials test the judicial system as never before. But with responsible judges as the Soledad Brothers trial, they show that justice can be done however harried and tortured the process.

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