

Davis Case Defense Rests Without Calling Defendant

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SAN JOSE, Calif., May 24 (UPI)—The defense in the Angela Davis murder-kidnaping case rested today without calling the defendant.

The defense completed its brief presentation after only three days. It called 11 witnesses, including one of the surviving Soledad Brothers, Fleeta Drumgo.

Assistant Attorney General Albert W. Harris Jr. said he did not yet know whether the state would present rebuttal witnesses, but that none could be brought to court before Friday.

Drumgo, dressed in a purple sport shirt with chains around his waist and legs, several times gave the Black Power salute to the filled courtroom, which included his mother, Inez Williams.

The other surviving Soledad Brother, John Clutchette, had

been brought from the Chino penal institution at the same time Drumgo was brought from San Quentin Prison, but Clutchette did not testify. His mother, Doris Maxwell, was also in the court.

Drumgo testified that prior to Aug. 7, 1970, when a gun battle in the Marin County Civic Center left four persons dead, he had the cell next to James McClain, who was killed in the shooting.

Drumgo said he knew nothing of any planned escape from the Marin County Courthouse and had not heard that the alleged object of the taking of four hostages from the courtroom was freedom for the Soledad Brothers until he read it in the newspaper the next morning.

The defense presented a certified copy of the order of acquittal for Drumgo and

Clutchette, who were found innocent earlier this year of killing a prison guard at Soledad Prison, for which they and George Jackson became known as the Soledad Brothers. Judge Richard E. Arnason did not rule immediately on the admissibility of the order.

The judge excused the jury until Friday and said he hoped the final arguments could begin next Tuesday after the Memorial Day holiday. On Thursday the attorneys will argue legal matters with the judge.

Attorney Leo Branton Jr. said the gag rule imposed more than a year ago on attorneys on both sides prevented him from discussing the defense decision not to call Miss Davis to the stand.

