

# Angela Davis Acquitted of All Charges

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SAN JOSE, Calif., June 4—A jury of seven women and five men today acquitted Angela Yvonne Davis, 28, of murder, kidnapping and criminal conspiracy charges in connection with the death of a Northern California judge in August, 1970.

Miss Davis, free of all criminal charges for the first time in 22 months, sobbed uncontrollably as the verdict was announced in Santa Clara County Superior Court here.

Flashing the same broad smile by which prosecution witnesses said they had identified her, Miss Davis later told a news conference, "This is the happiest day of my life."

The jurors themselves—11 whites and a Chicano—warmly embraced Miss Davis, her family and friends in a press room in the courthouse-basement.

"I don't know how you held up through all this," said one juror, Rosalie Frederick, as she hugged Kendra Alexander, Miss Davis's closest friend and her constant companion during the 13-week trial.

Mary M. Timothy, the 51-year-old medical research assistant and mother of a conscientious objector who was elected forewoman of the jury described the 13 hours of deliberations this way: "We talked for quite a while and then voted."

She declined to provide any further description, saying, "The details of what went on in the jury room should remain with us."

After choosing to deliberate on Sunday rather than attend a picnic planned for them by Judge Richard E. Arnason, the jurors sent out a note late this morning, advising that they had reached a verdict.

It took two hours, however,

for prosecution and defense lawyers to be summoned to the courthouse and for the sheriff's office to process members of the press and spectators through a tight security screen.

As court clerk Arthur Vanek read the "not guilty" verdict on each of the three counts in the indictment against Miss Davis, there were gasps from the audience, then

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weeping, and, finally, applause and joyful shouts.

The noise subsided after Judge Arnason angrily scolded, "I will not tolerate this kind of behavior in my courtroom."

The judge read a quotation from English author G. K. Chesterton on the value of the jury system and complimented both prosecution and defense lawyers on the job they had done during the trial.

Defense attorney Leo Branton, in turn, saluted Arnason for the manner in which he presided over the case, describing it as "an extreme credit to the judiciary in this country."

As soon as the jury had filed out of the courtroom, Miss Davis rushed to embrace her parents, Frank and Sallye

Davis, of Birmingham, Ala., her sister Fania Davis Jordan, 24, and her brothers, Ben, 26, and Reggie, 21.

A crowd of about 100 gathered outside a security fence in front of the courthouse jubilantly chanted, "The power of the people set Angela free."

California Assistant Attorney General Albert Harris Jr., chief prosecutor in the case, left by a back door, "I have no comment at this time," he said.

The jurors, some of them with tears in their eyes, filed into the press room as a group and insisted there had been "not a whisper" of discussion about the case among them before they received the judge's charge last Friday morning.

They also said they were totally unaware of the hijacking drama at the San Francisco International Airport that night, when a hijacker reportedly demanded custody of Miss Davis and in addition to the \$500,000 he got as ransom for a commandeered Western Airlines jet.

Asked how she felt to be the youngest juror in a criminal trial in California history, Michelle Savage, 21, a San Jose clerk, replied only, "I am so nervous."

The jurors did reveal that the selection of Mrs. Timothy as their leader had been motivated by something of a woman's liberationist sentiment.

"I was nominated by a man," Mrs. Timothy explained, "with the feeling that the time had come for a woman to be the foreperson."

As the jurors left the press room, Miss Davis and her supporters stood in a receiving line to express their gratitude for the verdict. They later invited the jury to a "victory celebration" at a nearby hotel.

Miss Davis, answering reporters' questions, said she had not yet decided whether to try to return to her teaching position in the philosophy department at UCLA.

"Now I can begin to make some decisions and some plans," she said, pointing out that her own personal "security" may be a problem because of recent telephoned threats on her life.

Miss Davis declined to characterize her trial as a "fair" one, saying the "only fair trial would have been no trial."

Her sister, Mrs. Jordan, read a statement from the "National United Committee to Free Angela Davis and All Po-

litical Prisoners." It said, in part:

"There never was a legal case against Angela Davis. But the political necessity for such a trial was incontrovertible for the state . . . We think that the people have taught the government of the state of California a lesson. But justice, real justice, will be done only when the authors of this conspiracy — Nixon, Reagan, Younger and Harris — are indicted and convicted . . ."

Miss Davis said that she had no more faith than ever in the American judicial system, but stressed that she considered "the people who sat as jurors not part of the judicial system, but of the people."

Her mother described the past 22 months as a "total nightmare" and said the verdict foreshadows "freedom not

only for my daughter, but for all the oppressed people of this land."

The trial had been expected to take up to six months—until the defense rested its case on May 24 after presenting only three days of evidence. It was the position of Miss Davis's lawyers that only an "abbreviated" defense was necessary since the charges were essentially a political "frame-up."

Miss Davis herself did not take the witness stand, although she had delivered her own opening argument on March 29 as the trial began.

The charges grew out of a widely publicized incident at the Marin County courthouse north of San Francisco on Aug. 7, 1970.

Jonathan Jackson, 17, entered the courtroom of Judge Harold J. Haley during the trial of James McClain, an inmate at San Quentin State Prison, on charges of stabbing a prison guard.

Producing three guns from a briefcase and disarming several courtroom deputies, Jackson distributed the weapons to McClain and several inmate witnesses.

According to a newspaper photographer present at the time, who later became a key prosecution witness in the trial of Miss Davis, McClain declared the purpose of the action was to "free the Soledad Brothers."

The "Soledad Brothers" were three black men—George Jackson (Jonathan's older brother), John Clutchette and Fleeta Drumgo—who had been accused of murdering a prison guard at Soledad State Prison while they were inmates there. George Jackson was later killed during an alleged prison break, but Clutchette and Drumgo were subsequently acquitted of the Soledad murder charges.

During the Aug. 7, 1970 incident, Judge Haley was led from the courtroom with a sawed-off shotgun at his neck. Gary Thomas, the assistant district attorney who was prosecutor at the McClain trial, and several jurors were also taken hostage.

They were led to a rented van which Jonathan Jackson had left in the courthouse parking lot. During the ensu-

ing exchange of gunfire, Judge Haley, Jackson, McClain and another prisoner were killed. Another inmate, Ruchell Magee, was wounded, and Thomas, the prosecutor, was paralyzed by a bullet.

It was subsequently discovered that the guns used by Jackson had been purchased by Miss Davis and that the briefcase in which he carried them included books with her name.

She and Magee were charged with first-degree murder on Aug. 15, 1970, but she was not arrested until Oct. 13 of that year, when she was discovered at a New York City motel wearing a disguise and using an assumed name.

In the meantime, she had been on the FBI's ten most wanted list.

Once arrested, Miss Davis spent 16 months in jail before being released on \$102,500 bail last Feb. 23.

During the trial, the state produced witnesses who said they had seen Miss Davis with Jonathan Jackson at San Quentin during the days leading up to the Aug. 7 incident, allegedly signed in as a visitor under the name of "Diane Robinson."

California Assistant Attorney General Harris also contended that Miss Davis showed "consciousness of guilt" when she left California on the day of the shootout and went into hiding.

But the defenses attacked the credibility of the eyewitness identifications of Miss Davis, saying that most of them were based on "racial stereotypes," and presented alibi witnesses who said they had been with Miss Davis in San Francisco and Berkeley on the days in question.