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BAIL IS REQUESTED BY ANGELA DAVIS

She Says State's Refusal Is More Political Than Legal

SAN FRANCISCO, Jan. 1 (UPI)—Angela Davis, appearing thin after 15 months in jail, appealed personally to a Federal judge today to free her on bail during her forthcoming trial on murder charges.

Her 10-minute argument, to which she was entitled as her own co-counsel, was supported by a law professor at Stanford University who told United States District Judge William Sweigert that the charge against Miss Davis was "the flimsiest case—let alone capital case—I have ever seen."

Judge Sweigert took the matter under advisement and said he would rule "shortly."

Miss Davis told the judge that the refusal of the state to grant her bail while she awaits trial Jan. 31 on charges in the 1970 Marin County Courthouse shootings was "more a political gesture than a legal gesture."

Her confinement "severely erodes my presumption of innocence," she said.

Albert W. Harris, the state prosecutor, said the 27-year-old black militant was being treated "in the same manner and under the same law as every other capital case in California."

Prof. Anthony Amsterdam, representing the American Civil Liberties Union, which is supporting Miss Davis on the bail issue, argued that a California law denying bail to capital defendants where "the proof is

evident or the presumption great" violates the United States Constitution.

The hearing was conducted in the Federal Court Building here. Miss Davis was brought from Palo Alto, 35 miles away, where she is being held for the trial scheduled in San Jose.

"I ask the court to enforce the Constitution and release Miss Davis on bail," Professor Amsterdam said. He said that California Superior Court Judge Richard Arnason, had been "arbitrary" in deciding that "proof is evident or the presumption great," in Miss Davis's case, and the state law in any event has the effect of exchanging bail for a "class" of defendants. He also argued that being held in jail was hampering Miss Davis in preparing her defense.

The state charges that Miss Davis bought the guns used by four kidnapers who abducted a judge from the bench at the

Marin County Courthouse in San Rafael, Aug. 7, 1970, and shot him to death outside the building. Three of the kidnapers were killed by police gunfire.

Mr. Harris said the evidence on which she was being held "would hold without bail anybody, without regard to age, sex or anything else."

As for hampering her defense, Mr. Harris said, Miss Davis is being given better treatment in jail than any other inmate. She has "the only private office in a county jail in California," he told Judge Sweigert.