

DEC 3 1971

# Angela Is Transferred To Palo Alto

SF Chronicle

By Carolyn Anspacher

Just before dawn yesterday, and through a wind-driven storm, Angela Davis was transferred from the Marin County Jail where she has been held for nearly a year, to the North Santa Clara County Facility in Palo Alto.

She was taken from her cell in San Rafael at 6 a.m. after a breakfast of tea and toast, and was driven to Palo Alto in an unmarked car. With her were two Marin sheriff's deputies and a jail matron. A second undercover car followed with two men, one of them Santa Clara County Undersheriff Thomas Rosa.

Throughout the uneventful hour-long trip, Miss Davis, her wrists encased in what were described as "light handcuffs," remained absolutely silent. She declined a more substantial breakfast when she was admitted to the two-cell basement suite set aside for her in Palo Alto.

## CHARGES

The 27-year-old Miss Davis is a former UCLA philosophy instructor and avowed Communist who is charged with murder, kidnap and conspiracy in the August, 1970, Marin Civic Center gun battle in which four persons were killed.

Less than three hours after her arrival in Palo Alto, her attorneys appeared in the State Court of Appeal to file a brief in her behalf.

They asked a court order

barring Miss Davis' being tried in Santa Clara county, and asked a re-hearing of her earlier petition for a change of venue to San Francisco.

## ARGUMENT

In a 25-page brief, the lawyers argued that the decision to transfer the trial from Marin to Santa Clara county was based solely on "the basis of what would best accommodate court calendars and dockets."

Somewhat out of the ordinary routine was a mid-morning press conference called in San Jose by Sheriff James M. Geary, who said the Palo Alto facility was selected to house Miss Davis because of its size and because only minor modifications are needed to meet detention requirements.

"All court orders relating to the custody, care and visitation rights of Miss Davis will be continued in force," he said. "She will have the

See Back Page

## From Page 1

same privileges and latitudes as any other prisoner, except as modified by court order."

He said Miss Davis has two adjoining six - by - eight - foot cells, one for use as a workroom. This will house her books and papers, an electric typewriter and a radio.

## EXERCISE

"A fresh air exercise area will be provided," he said, "and Miss Davis will be allowed to mix with other female prisoners if she so desires."

He added that the North County jail is used as a holding facility for unsentenced women.

So far no trial date has been set for Miss Davis and Santa Clara County Superior Court Judge John Racanelli said a hearing to get proceedings under way will be held "as soon as possible." He said it has not yet been decided if Miss Davis would be tried in San Jose or in Palo Alto.

And in Oakland, Miss Davis' physician, Dr. Tolbert Small, said she is physically well enough to stand trial, if necessary, in two or three weeks.

Beyond this, the petition declares the transfer unconstitutional because prejudice against Miss Davis, both as a black and as a Communist, is "nearly as widespread in Santa Clara county as in Marin."

The petition claims that the change of venue violates the Constitution's due process of law clauses, and likewise Miss Davis' right to a fair and impartial trial. The trial was moved to Santa Clara county after she claimed it was impossible for her to get a fair trial in Marin.

## JUDGE

Late in the day, the State Supreme Court assigned Contra Costa County Superior Court Judge Richard E. Arnason to Santa Clara county, specifically to continue with the Davis case.

He was originally assigned last May, after all Marin county judges disqualified themselves and six other jurists were successfully challenged by Miss Davis and her former co-defendant, Ruchell Magee.