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DAVIS TRIAL IS SET IN SAN JOSE JAN. 31

Selection of Site Protested
by Defense Lawyer

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PALO ALTO, Calif., Dec. 8—The trial of Angela Davis, the black activist charged with murder, kidnapping and criminal conspiracy, was shifted today to San Jose, a city of 450,000 on the southern end of San Francisco Bay.

After establishing the site, Superior Court Judge Richard A. Arnason set what was described as a firm trial date of Jan. 31.

The selection of San Jose brought sharp criticism from Howard R. Moore Jr., Miss Davis's chief counsel. He said the defense would exhaust "every ounce of our energy" to have the trial moved from Santa Clara County.

Miss Davis, an avowed Communist and former philosophy instructor at the University of California at Los Angeles, is accused of having provided weapons used in the shootout at the Marin County Courthouse in August, 1970, in which four persons, including a judge of the Superior Court, were killed.

She was arrested in October of that year in New York City after a nationwide hunt headed by the Federal Bureau of Investigation.

In pretrial hearings her lawyers asked and were granted a change of venue. However, her lawyers asked that the trial be shifted to San Francisco. The court selected Santa Clara County. San Jose is the seat of the predominantly white, middle-class county in Northern California.

Jailed in Palo Alto

Since last Thursday, Miss Davis, 27 years old, has been jailed in Palo Alto. She was transferred here from Marin County. But now, with the trial being shifted to San Jose, officials indicated that she would be moved again.

Judge John T. Racanelli, chief judge of the County Superior Court, said today that a consensus of judges was that Miss Davis should be tried in San Jose rather than in Palo Alto.

After Judge Racanelli set the site for the trial, the defense and prosecuting attorneys met in chambers with Judge Arnason, who is presiding over the case, and agreed on the trial date.

About 100 supporters of Miss Davis jammed the corridors of the courthouse while Judge Arnason met privately with the attorneys.

Albert R. Harris Jr., the Deputy State Attorney General, who is prosecuting the case, acknowledged that Santa Clara had a black population of only 1.5 per cent but said he did not believe that fact in itself would prohibit Miss Davis from receiving a fair trial. He also said he would oppose any effort to have the site of the trial shifted again.