

JAN 14 1972

Angela Delays Scored

SF Examiner
By Tom Hall

Angela Davis' latest request for freedom on bail was turned down today.

U.S. District Judge William T. Sweigert denied her petition, ruling that 11 other judges including the State Supreme Court were not "arbitrary" when they turned down her earlier bail requests.

Sweigert in his decision lambasted the judicial system which, he said, permits cases like Miss Davis' "drag almost interminably."

Held Over Year

Such delays — (she has been in prison for more than a year) — are "arguably close to denial of the right to speedy trial, denial of due process and, perhaps, even cruel and unusual pre-conviction punishment," he wrote.

But, he pointed out, Miss Davis in her various petitions has not raised the issue of the speedy trial, and "may even have contributed to or caused the delay."

Assistant Attorney General Albert W. Harris Jr. said during arguments on the bail matter that the state was ready for trial within 60 days after her arrest in December of 1970.

Defense petitions, he charged, are responsible for the delays.

Appealable

Sweigert's decision, of course, is appealable. However the defense did not immediately make it clear whether it will go to the U.S. Court of Appeals — a move which would delay even fur-

—Turn to Page 14, Col. 3

Angela's Bail Plea Rejected

—From Page 1

ther the scheduled Jan. 31 opening of her trial.

The judge said California law holds that "persons facing a possible death sentence are not acceptable bail risks in cases where the proof against them is evident or the presumption thereof great."

He said the state judges who turned down her earlier requests for bail acted on this basis, and their denials were "not arbitrary or unsupported by the evidence before them."

He held that the law on this point is not unconstitutional.

'No Showing'

Miss Davis had claimed that her incarceration had impeded her ability to prepare a defense, to the extent that she was being denied a fair trial.

Sweigert answered this by saying there was "no sufficient showing that she is being denied any constitutionally protected right."

"On the contrary," he said, "it appears that petitioner is well represented by numerous counsel, and that every reasonably expectable facility is being provided to enable her to cooperate with them for proper preparation of her defense."