

The Long, Long Road for

By Stephen Cook

"Any judicial system which ... either requires or permits such cases to drag almost interminably comes arguably close to denial of the right to a speedy trial, denial of due process and perhaps even cruel and unusual pre-conviction punishment."

—U. S. Dist Judge William T. Sweigert, on the Angela Davis Case, Jan. 14, 1972, in denying bail.

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Angela Davis, a world wide symbol of the black struggle in America, has been locked in jail 460 days.

And still, no one knows if she is legally guilty of the murder, kidnap and conspiracy for which she is charged. No one is even certain when she will be brought to trial.

While the 27 year old Communist and former university instructor has endured the mental and physical suffering of a jailhouse regimen, her case has been plodding most unsteadily through the California judicial system.

Everyone has complained about it.

Miss Davis and her lawyers once charged the state has her "locked into a procedure that never gets started."

Prosecutor Albert Harris Jr. calls the more than a year of delays "Shocking." He claims he was ready to go to trial 11 months ago.

Who is responsible for the delays — the defense, the prosecution, the judge, the system? Here is the record of her 43 state court appearances to date:

Oct. 13, 1970 — Miss Davis is captured in New York City after a two month, nationwide hunt. She resists extra-

dition with appeals all the way to the U. S. Supreme Court.

Dec. 22, 1970 — The day after her extradition appeal fails, she arrives at the Marin County Jail, scene of the events for which she is charged.

Dec. 23, 1970 — Miss Davis makes her first appearance in state court, is partially arraigned and asks a two week continuance so she can hire lawyers.

Jan. 5, 1971 — She is arraigned. Her six lawyers file numerous pre-trial motions. A Marin Superior Judge instructs attorneys to file all written arguments on those motions by Feb. 5 and be prepared to argue them in early March.

March 9, 1971 — Miss Davis, in court, loses on a special motion to have the upcoming pre-trial hearings moved to larger quarters to accommodate crowds of supporters.

March 16, 1971 — Two telephoned bomb threats halt hearing on Miss Davis's bail motion.

March 17, 1971 — Bail hearing halted as it begins when codefendant Ruchell Magee successfully disqualifies visiting Inyo County Judge John McMurray as prejudiced. (All Marin judges had already disqualified themselves.)

April 1, 1971 — The next judge in the case, Alan Lindsay of Oakland, takes the bench for Miss Davis' bail hearing only to be challenged by her as prejudiced. Law requires the proceedings halt until that motion is dealt with.

April 21, 1971 — Justice Winslow Christian of the State District Court of Appeal rules Judge Lindsay is

Angela Davis

not prejudiced. Hearings scheduled to resume in one week.

April 27, 1971 — Hearings delayed when Magee's court appointed lawyers Robert Bell and Robert Carrow ask to be let out of the case.

April 29, 1971 — Hearings continued one week at Magee's request.

May 6, 1971 — Judge Lindsay appoints a new lawyer — Ernest Graves — for Magee, who then says he wants to use his one preemptory challenge to remove the judge from the case. The judge adjourns to study the dilemma.

May 10, 1971 — Judge Lindsay rules he must leave the

case on Magee's demand. Hearings in recess again.

May 24, 1971. — New Judge Richard Arnason of Contra Costa County is challenged as prejudiced by Magee less than 10 minutes after taking the bench. Hearings recessed while awaiting ruling by outside judge.

May 26, 1971 — Justice Christian denies the challenge without a hearing.

June 2, 1971 — Judge Arnason says law prohibits further hearings in case until federal court acts on Magee's motions to remove the case to U.S. District Court. Agrees to hear bail motion and challenge to indictment in the form of a separate petition for habeas corpus.

June 3, 1971 — Further arguments on bail and sufficiency of indictment. Issues submitted at end of day.

June 14, 1971 — All sides suggest Arnason move around the impasse created by Magee's federal court petitions by severing his case from Miss Davis'. Judge declines, when no one willing to make such a motion.

June 15, 1971 — Motion for



ANGELA DAVIS
More than a year

bail denied. Arnason says case won't budge until federal court issue is resolved.

June 28, 1971 — Back in state court after Magee's petition denied by Federal Judge Samuel Conti. Miss Davis' motion — to dismiss the indictment as insufficient — is denied.

June 30, 1971 — Magee warns Miss Davis not to proceed with further arguments on her motions. She asks

week recess and declares solidarity with Magee.

July 6, 1971 — Miss Davis halts proceedings by petitioning to have case removed to Federal Court.

July 9, 1971 — Judge Conti denies her motion.

July 19, 1971 — Miss Davis' case severed from Magee's on her motion.

July 20-22, 1971 — Four pre-trial defense motions heard and submitted.

July 27, 1971 — Miss Davis pleads innocent; Judge Arnason sets the case for trial Sept. 27, despite defense pleas that Jan. 2, 1972, would be a more practical date considering the 400-500 potential witnesses they must interview.

Aug 2-4, 1971 — Evidentiary hearing on methods used by Marin judges in selecting grand jurors.

Sept. 6, 1971 — Arguments on motion to dismiss indictment because of a biased grand jury.

Sept. 7-10, 1971 — Motion on grand jury bias dismissed, judge refuses trial delay and calls for all motions to be filed by Sept. 20.

Judge, prosecution and defense all quietly realize trial will not start on time because of an anticipated motion to move the trial from Marin.

Sept. 27, 1971 — Trial continued to Nov. 1. Dates set for arguments on motions to move trial and suppress evidence.

Oct. 5-6, 1971 — Testimony on search and seizure questions.

Oct. 19-21, 1971 — Testimony and arguments on motion to move trial location.

Oct 27 and Nov 1, 1971 — Further arguments on search and seizure questions.

Nov. 2, 1971 — Trial shifted to Santa Clara County; search and seizure motions denied.

Nov. 4, 1971 — In chambers, Judge Arnason agrees to hear further testimony on defense contention trial should be moved to San Francisco, not Santa Clara County.

Nov. 11-13, 1971 — Further testimony on trial location; Arnason reaffirms intention to transfer to Santa Clara County.

Nov. 19, 1971 — At Miss Davis's request, her transfer to Santa Clara County delayed to Dec. 1.

Dec. 2, 1971 — Miss Davis moved to jail in Palo Alto.

Dec. 8, 1971 — Trial scheduled to begin Jan. 31, 1972, in San Jose. All final motions to

be filed and heard by 10 days before the trial.

Jan. 10, 1972 — In chambers, Miss Davis adds new lawyer Leo Branton Jr. to her team. Attorneys ask judge to continue case six weeks, until mid-March, to give Branton time to clear his calendar and give the

court time to consider four new motions, including one to have the state pay defense costs.

Lawyers in the case expect Judge Arnason to give a firm indication of when the trial will actually begin when they meet in his chambers in San Jose Wednesday.