

17 Held At Angela Hearing

By Stephen Cook
Examiner News Staff

SAN JOSE—Seventeen supporters of Angela Davis were arrested today as they staged a quiet demonstration outside the courthouse here at the start of her last pre-trial hearings.

Among those taken in custody were Miss Davis' sister, Fania. Davis Jordan, and Bettina Aptheker Kurzweil, an avowed Communist and a leader of the UC campus Free Speech Movement of 1964.

The group was about 100 strong when, some 15 minutes before the scheduled start of the hearings, Sheriff's Lt. Don Tamm read aloud a section of the law prohibiting demonstrating within sight of a court.

When they didn't move, riot-equipped deputies moved in and arrested some of them. The rest scattered.

Franklin Alexander, of the National United Committee to Free Angela Davis, had warned the group that they might be found in violation of the law — but said he knew of no reason why they could not stand there quietly.

The group included some women and children, youths of college age and some older persons, and the only audible demonstration came

—Turn to Page 18, Col. 5

—From Page 1

when Alexander greeted defense attorney Howard Moore Jr. across a steel mesh fence.

"We have brothers and sisters out here for Angela," Alexander said.

"Right on, free Angela," Moore responded.

The crowd echoed that rallying cry three times, then lapsed into silence.

Moore and other defense attorneys passed into the heavily guarded courthouse, and once in the courtroom Moore asked Superior Judge Robert Arnason whether an order against such gatherings had been issued anywhere in the Santa Clara County court system.

Delayed

Arnason was checking that point when the arrests were made, and Tamm told newspapermen outside that he was acting in simple enforcement of an existing statute and not in response to any court order.

The actual start of the hearings was delayed for about 20 minutes while Arnason, defense attorneys and Deputy Attorney General Albert Harris, who is prosecuting the case, conferred in the judge's chambers.

It was only then that the long-awaited final hearings on defense motions — expected to last from two weeks to a month — began.

Moore opened with a request that the prosecution be ordered to disclose information on all prospective jurors that had been obtained from such governmental agencies as the FBI and CIA.

Since 1950, he said, seven out of 10 persons hired in the San Jose area were employed in the aerospace industries and most were subject to security checks. There is, he argued, no way the defense could get information obtained by such means.

If the judge refused to order the prosecution to make such information available, Moore asked that at least it be required to identify its

sources so the defense could sue for the same data.

He also demanded disclosure of any evidence obtained by wiretapping.

Harris denied any knowledge of electronic surveillance in the case.

Miss Davis, 28 year old black revolutionary, has been behind bars for some 13 months on charges of murder, kidnaping and conspiracy that grew out of the August, 1970, shootout at the Marin County Civic Center in which four persons died.

Venue

The trial was originally set in Marin County, but was moved here on a change of venue when the defense complained that Miss Davis could not hope for a fair trial there.

One of the other current de-

fense motions asked for another change of location, alleging that widespread publicity about the cost of the trial and expenses for security measures would prevent a fair trial in Santa Clara County as well.

The defense also has entered two motions attacking the selection of a jury panel, and expressing concern about possible discrimination on the basis of race, financial condition, sex or ethics.

Both the defense and prosecution have already concurred in an order by Arnason that persons in the new voting age group between 18 and 21 should be included among potential jurors.

"They couldn't be sworn in as jurors until March 4, when they become eligible to vote in California," Harris observed, "but we probably won't have a jury picked by then, anyway."

The final defense motion asked that the court order the county to pay "reasonable expenses" from public funds to finance the defense. Moore argued that Miss Davis' defense fund is nearly depleted because of costs ranging from \$5000 to \$15,000 a month.