

18 Arrested in Pro-Angela Rally

By Carolyn Anspacher

The formal prelude to the Angela Davis murder-kidnap-conspiracy trial opened in San Jose yesterday — a grave and even stately legal minuet that gave rise to a wild and free-wheeling demonstration outside the sequestered courtroom.

No sound of the commotion filtered through to the tiny, isolated chamber where final pre-trial motions were offered by attorneys for Miss Davis, and each, in turn, was opposed by the State.

Outside a ten-foot-tall chain link security fence that bars all but the most carefully accredited persons from the courthouse area about 400 supporters of Miss Davis gathered, carrying "Free Angela" signs, and chanting "We Have A Right To Demonstrate."

The chanting grew louder and wilder as deputies warned them they were in violation of Section 169 of the Penal Code and subject to arrest.

CODE

The code section holds that "any person who pickets or parades near a building which houses a court of this state with intent to interfere with, obstruct or impede the administration of justice, or with intent to influence any judge, juror, witness or officer of the court in the discharge of his duty is guilty of a misdemeanor."

The demonstration grew in

intensity and after about 45 minutes a platoon of about 40 Santa Clara County Sheriff's Tac Squad deputies moved in to make arrests.

Eighteen persons were taken into custody as deputies charged through a line of newsmen, tripping over TV camera electrical cords and cursing audibly.

Among those arrested were Fania Davis Jordan, the defendant's sister; Bettina Aptheka Kurzweil, onetime University of California student activist and daughter of Herbert Aptheker, leading theoretician of the Communist Party. Also arrested was Daniel Hallinan, of San Francisco's family of left-wing attorneys.

There were shouts and screams as demonstrators were herded off to jail where they were booked.

Early in the afternoon the group appeared before Mu-

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LPI Telephoto

FANIA JORDAN, ANGELA DAVIS' SISTER.
One of those arrested in San Jose

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nicipal Court Judge E. Donald Chapman who released three on their own recognizance. The rest, including Mrs. Jordan, Mrs. Kurzweil and Hallinan, posted \$315 bail each. Their arraignment will be at 2 p.m. today.

The breaking up of the demonstration was hotly contested in the courtroom where Contra Costa county Superior Court Judge Richard Arnason was hearing the Davis motions.

Defense attorney Doris Brin Walker made passing reference to it during the morning session, asking to see the order which prohibited lawful demonstrations. Later, during the afternoon Lee Branton Jr. assailed the extraordinary security measures and physical limitations imposed by judicial order.

Limitation of the courtroom to 60 seats—30 for the press and 25 for the public at large, with five seats allocated to Miss Davis' family—Branton said effectively denied the former UCLA philosophy instructor a public trial.

"The people outside," he said, "The ones carrying signs are those unable to attend a trial in which they wanted to participate." He asked that the trial be moved to larger quarters and, additionally, be transmitted by closed circuit television to those who could not be accommodated in the courtroom.

Branton also renewed defense demands for a change of venue from Santa Clara county. There is "no reasonable likelihood," he said, "that Miss Davis can receive a fair trial in the county, with its two percent black population.

He said Miss Davis is viewed in San Jose with prejudice and hostility, not only because she is black and a militant and an avowed Communist, but because her trial is imposing a financial burden on the community.

Miss Davis is charged in

connection with the fatal shootout-escape attempt at the Marin Civic Center August 1970 in which four persons, including a judge, died.

The security measures seriously hampered everyone connected with the session yesterday. Reporters were taken in groups of five to a small metal shed built outside the Superior Courthouse wing that houses the Davis courtroom. There each was subjected to a thorough body search; pockets and handbags were emptied and scrutinized; pill boxes were opened; various metal detectors were used and those admitted to the courtroom were not permitted to leave. Those who did leave were banished from the security area until the next court session.

Thirty or more deputies were detailed in and around the courtroom, each wearing a walkie-talkie affixed to his shoulder.

Miss Davis appeared subdued as she sat at the counsel table, flanked by her attorneys.

Upon leaving the courtroom at the luncheon break, she smiled briefly at her silent supporters in the courtroom, raised her hand in a clenched fist salute and strode briskly through the doorway leading to the County Jail.

She was brought to San Jose from her quarters in the Palo Alto facility at 7 a.m. yesterday, but officials refused to say whether she has been transferred to the main County Jail for the duration of her trial.

Miss Davis' attorneys again asked the court to finance defense costs. The motion said it was a "duty of the court to afford counsel parity particularly counsel of choice."

There was no claim Miss Davis was indigent, but it said her financial resources are running very low and expenses are mounting.

Assistant Attorney General Albert Harris replied that the duty of the court ceases when a defendant already is represented by counsel.