

Jury Challenged By Angela Defense

By Stephen Cook
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SAN JOSE — Attorneys for Angela Davis began what may be their last pre-trial motion today with an attack on the system by which potential jurors are selected.

At the start of arguments that may consume two days of courtroom time, they produced an associate professor of statistics from Stanford University, Bradley Efron, who tackled the question from the viewpoint of impersonal numbers.

People with lower incomes, he testified, are less likely to register to vote — and therefore, since jury prospects are drawn from voter lists, less likely to be called as jurors.

Progression

An almost perfect progression, he said, adds about 4 percent of registered voters for every \$1000 - a year increase in income.

As an example, Efron said that among those who have incomes of about \$5100 annually, only 42.8 percent are registered voters. Among those with incomes of \$16,000, 82 percent register.

"You cannot get a representative sample of the community from the voter registration rolls," the professor concluded.

His testimony was intended to buttress defense contentions that the use of voter registration rolls for the jury pool automatically excludes blacks, Chicanos and the poor from jury duty.

For the fourth time in 13 months of hearings, Miss Davis took an active part in her own defense yesterday, arguing her motion that the state should pay her four lawyers' fees and other defense costs.

State's Fault

After all, she said, "if it were not for the state of California, I wouldn't be in this position."

The 28 year old Communist and former UCLA instructor is accused of supplying the guns used in a bungled escape try which left a judge and three others dead at the Marin County Civic Center Aug. 7, 1970.

"The state of California has persisted in a conspiracy against me," she said, adding that Governor Reagan played a key role in the plot to "get" her because of her race and political beliefs and activities.

"We intend to subpoena Ronald Reagan and place

him on the stand and ask him how he aided in this conspiracy," she revealed.

Miss Davis said she first thought "a mass fund raising campaign" would provide enough money to pay for her defense but said she now faces "very serious financial problems."

Blames Media

She blamed her shortage of funds on the news media, which she said has "fabricated" stories claiming both that she has the "enormous wealth" of the Communist Party behind her and that the party is siphoning off funds donated to her cause.

"Many people have begun to have second thoughts about donating money," she said.

Assistant Attorney General Albert W. Harris, the special prosecutor, said Miss Davis' four lawyers would have to quit before she could be considered for public assistance, then she would have to prove indigency, and then she would have to accept the public defender.

Arm of Court

Miss Davis said she could never accept the public defender because his office is an arm of the judicial system, one of whose members she is charged with murdering.

"I distrust the judicial system so much that in August of 1970 I left the state, not because I was guilty but because I was innocent and feared what would happen to

me in their hands," she said. Superior Judge Richard E. Arnason took her motion for state aid under submission.

Defender's Offer

Harris introduced into the record today a declaration from the Santa Clara County Public Defender's Office that it could, if required, provide a full and complete defense for Miss Davis.

Neither her politics, sex nor race would impede its efforts, the office stated, adding that it had a staff of lawyers and investigators experienced in capital cases.

Assistant County Jury Commissioner Grace Hane was the first defense witness in the challenge of the methods of selecting potential jurors in Santa Clara County.

A new panel was specially drawn Dec. 21, she said, in order to include 18-20 year olds in the jury pool for the Davis trial.

The county now has a 5200 person pool of potential jurors available on one day's notice for the trial, she said.

Eleven seats for spectators were added to the courtroom capacity yesterday at the request of defense attorneys. But when the proceedings began today, that number went unfilled.

Chill and rainy weather also cut down the number of bystanders outside the courthouse down to two or three, and there was no repetition of the demonstrations — and arrests — that occurred previously.