

Court Row on Angela & Press

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SAN JOSE — A threatened ban on interviews with Angela Davis by various news media triggered a bitter courtroom attack today

by defense attorneys who charged that Miss Davis' constitutional rights were being violated.

Superior Judge James Scott, who presides over local criminal courts, ordered Sheriff James Geary yester-

day not to make any statements about the case.

He also advised Geary that a court order issued in Marin County which allowed news interviews with Miss Davis "at least once a week" would be vacated and a new order banning future interviews would be issued later today.

Vacates Order

Superior Judge Richard Arnason, presiding at the kidnap - murder - conspiracy trial, then vacated his previous order which had given permission for one interview each week. But no order actually banning interviews was handed down immediately.

That was the situation this morning when defense attorney Leo Branton Jr. bluntly told Judge Arnason that Judge Scott should stay out of the case.

"I want to know who's running this case, Judge Scott or Judge Arnason," Branton declared angrily.

"No judge but Judge Arnason should have anything to do with this case."

'Shocking'

He declared it "absolutely shocking" that anyone would go to Arnason on the issue, and that Arnason would take such an action on so important a matter without consulting the defense.

"Obviously," he told Judge Arnason, "somebody's been discussing with the court matters which go to the substantive rights of the defendant without defense counsel being present."

Charging that Arnason's

Court Row On Threat to Gag Angela



JAMES GEARY
Silenced

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order violated Miss Davis' rights under the First Amendment, the defense attorney noted that if she were free on bail the court could not ban interviews with her.

He conceded that the judge could prohibit discussion of questions directly involved in the present trial, but he insisted that Miss Davis has never talked about such issues.

Branton entered a motion that the judge vacate his order, and defense attorney Howard Moore Jr. joined him, saying he was "surprised and overwhelmed" at Arnason's action.

"I always felt you would at least give us an opportunity to be heard," Moore said.

The judge, he argued, should have to "make some factual finding of some sort that a gag has to be put in this defendant's mouth."

Judge Arnason observed that all he had done was to vacate a prior order, issued while the case was in Marin County.

"There are no restrictions in there (imposed) by me," he told the attorneys.

"She's in jail," Moore replied angrily. "Without an order from you, how is the news media going to get to her?"

The judge said he would discuss the matter at further length in his chambers, but Prosecutor Albert Harris Jr. spoke up to say that he had

detected in Moore's attack an indication the attorney felt Harris was responsible for the gag rule.

"Neither I nor anyone with me had anything to do with this," he declared, adding that it was also done without his knowledge.

Harris suggested that if Miss Davis wishes to have interviews, her attorneys should make a motion to that effect.

"The trial is imminent. The court has every power to impose a restriction on all of us," he said.

Moore promptly observed that he and Harris had watched a screening of a television interview with Miss Davis last Friday — the same one which was telecast by KPIX last night.

Harris, he said, was "visibly upset," and subsequently wrote a letter to the station that was "nothing more than a veiled attempt to invite censorship."

It was just after Harris viewed the film, Moore said, that the defense learned that Santa Clara's county counsel would move for an end to interviews with Miss Davis.

Harris replied that his office would "never take a position for censorship," but would "take a position for fairness and responsibility." His letter to KPIX, he said, stated that it "is not our function to edit political speeches of Angela Davis."

At that point, the defense

made an oral motion that Judge Arnason withdraw his order vacating the one which permitted the interviews, and asked for a hearing in the event "somebody wants to end then."

The sheriff tossed in a note of uncertainty outside the courtroom when he told the press that as far as he is concerned there is no ban on interviews with Miss Davis.

Under the regulations of his jail, Geary said, such interviews may be held with the consent of the defendant and with the approval and supervision of the sheriff's department.

This, he said, the vacation of the permissive order by Judge Arnason does not affect the situation and scheduled interviews can be held.

Interviews with Miss Davis have already been televised by Canadian, British and Danish audiences, but the gag rule will block one scheduled by the German Democratic Republic (East Germany).

The gag rule against Geary will also restrict the sheriff from answering demands made by Miss Davis' supporters seeking removal of fences and other security paraphernalia around Judge Arnason's courtroom.