

Power Struggle at Angela Davis Trial

By Don West

Examiner News Staff

SAN JOSE — A tragicomic power struggle over who will control the Angela Davis kidnap-murder trial today, was disclosed by turmoil over the case's latest gag rule.

The wife of an unidentified Santa Clara County judge — angry over advertisements for Davis' interview televised Monday night over

KPIX — set in motion events leading to gagging of Sheriff James Geary and threatened cancellation of further news interviews with the defendant.

An emergency telephone conference was held Sunday among Contra Costa County Superior Judge Richard E. Arnason, who has presided over the case for several months, and the two local judges.

Santa Clara County Pre-

siding Superior Judge Marshall Hall and Judge James B. Scott, supervising local criminal courts, called Arnason for the conference before instructing the sheriff to appear before them in an extraordinary closed session Monday morning, it was learned.

Geary, who had opposed the judges on moving the trial here from Palo Alto, was told the court would publicly forbid him to talk

about the case and block further news interviews with Miss Davis.

Defense attorneys led by Leo Branton immediately branded Judge Scott as an "interloper" without jurisdiction in the case, following issuance of a brief gag rule against Geary.

Judge Arnason, an unflappable jurist who received no interference from

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Marin County judges when he took over the case there, was questioned as to his integrity and power over the trial in defense attacks yesterday.

No Bans

Thus far, the threatened order banning news interviews has not been issued, and Judge Scott indicated today he would not be issuing any further orders in the case beyond one filed yesterday with the county clerk.

That simply narrowed the scope of the gag order on Sheriff Geary. Instead of prohibiting him from talking about any security arrangements in the Superior Court, it applied the restriction only to the criminal division.

In addition, it prohibited Geary from expressing "opinions about the defendant."

2 Versions

There have been two versions of the sheriff's gag rule within 24 hours with the latest forbidding Geary from expressing either his opinions or any information about the case, its security or security within the criminal division of the court.

Behind the scenes conflicts have raged among the judges, Geary and the Santa Clara County Board of Supervisors when the Davis trial came here in a change of venue.

Judge Hall, who ran a stiff campaign to be elected presiding judge for this year, had responsibility for Miss Davis' case slip from his

hands when outgoing Presiding Judge John T. Racanelli named Arnason to preside over the trial.

The California Judicial Council had appointed Judge Arnason to assist the Santa Clara County bench during the lengthy proceedings, but his appointment to the case itself had to come through the local presiding judge.

Security Supervision

Judge Hall and Judge Scott have contented themselves with overseeing the stringent security measures surrounding the courtroom.

The two judges swiftly came into conflict with county supervisors over the \$672,000 cost for these measures, which many county officials fear will be only partly subsidized by state legislation.

Preempts File

A special jury assembly room for the criminal courts, which judges have sought unsuccessfully from supervisors for years, was pushed through for Miss Davis' trial at a cost of more than \$120,000 plus displace-

ment of a large department.

Judge Scott, whose own courtroom shares a common wall with the one presided over by Judge Arnason, has insisted upon security measures far more restrictive than those imposed in Marin County.

He has also taken over one of the case's costly three files for his own personal use and study.

Late yesterday, Judge Arnason turned down a defense motion seeking reinstatement of a court order allowing Miss Davis at least one news interview a week.

Board in Dark

Effect of the gag rule thus far has only prevented Geary from communicating with the supervisors about some \$25,089 in overtime costs spent last month by his department.

Geary explained that since it includes some money — later established as \$2953 — involving crowd control in the Angela Davis trial — Judge Scott's order made it impossible for him to explain the overtime costs.

The modified order issued yesterday by Judge Scott apparently did not affect that block, and the judge refused any comment.

Supervisors postponed approval of the overtime expenses until they can get an explanation.

Miss Davis is charged with murder, kidnapping and conspiracy involving the Aug. 7, 1970, shootout at the Marin County Civic Center that left four dead.

Angela Davis Protest Set

A demonstration outside the San Jose courthouse has been called for next Monday by Angela Davis supporters to challenge the law under which 24 protesters were arrested and to defend the right to demonstrate.