

# Hot Exchanges in Courtroom On Angela's TV Interview

By Carolyn Anspacher

A wildly emotional outburst erupted in the San Jose courtroom of Superior Court Judge Richard Arnason yesterday over Monday night's televised conversation between Angela Davis and her spiritual adviser, the Rev. Cecil Williams.

At its height, Doris Brin Walker, one of Miss Davis' corps of attorneys, suggested both Governor Ronald Reagan and Attorney General Evelle J. Younger be cited for contempt of court.

Mrs. Walker questioned the propriety of Younger's comments Monday relative to the telecast, particularly his statement:

"I can't help but wonder how Miss Davis and her supporters would react if a special on the late Judge (Harold) Haley with his family and dreams and aspirations were shown this close to the time of trial."

## CHARGES

Miss Davis has been charged with murder, kidnap and conspiracy in connection with the August 7, 1970, escape attempt at the Marin County Civic Center, in which Judge Haley and three others were killed.

Mrs. Walker also cited Reagan's anger last month when he described as "ridiculous" Miss Davis' request that part of her defense costs be defrayed by the state.

The costs question is one of several motions now pending before Judge Arnason.

"Younger is the top law-

yer of the state of California," Mrs. Walker said. "He is not ignorant of the total impropriety of his statement attacking the defendant."

"The trial is not yet under way, yet on the face of his statement, some guilt connecting Miss Davis with the death of Judge Haley is most improper."

## ORDER

She asked Judge Arnason to reprimand the attorney general and to issue instructions that an order issued in Marin county in January of 1970 be personally delivered to both Governor Reagan and Younger. The order precludes attorneys connected with the case, the court and public officials generally from discussing any evidence in the Davis case.

At the time she was speaking in court, Mrs. Walker was not aware of the governor's statements yesterday declaring that authorities had "no alternative" but to charge Miss Davis because of her ownership of weapons used in the Marin incident.

After court, however, Mrs. Walker decried Reagan's "capacity for ignoring the most basic precepts of due process . . . and the importance of court orders and the importance of obeying court orders."

## 'STUPID'

She described the governor as "an extremely stupid man" and said she would serve both Reagan and Younger with the court order barring statements on the case.

Assistant Attorney General Albert Harris Jr., equally unaware of the governor's latest statement, reacted sharply to Mrs. Walker's

courtroom statements.

Red-faced, and in an obvious fury, Harris rebuked Mrs. Walker for repeatedly referring to the attorney general as "Evil" Younger, and said that never before had he ever heard of a defendant's being given prime time on television, pre-empting such established stars as Doris Day and Lucille Ball.

## SUPPORTER

The interviewer, (the Rev. Mr. Williams) he said, was a man whose name appears on the roster of the Angela Davis Defense committee,

who is "one of her most fervent outspoken supporters and who uses his church to rally support for her."

"There was no attempt at objectivity," he snorted. "It was a cheerleader and a rooting section putting on a maudlin performance for ex-

every prospective juror in the county to see.

"It was implied that Angela Davis was the victim of political persecution and during the 55-minute conversation, free of commercial, there were comments on pending trials — the Soledad

and the Ruchell Magee cases."

## 'SICKENING'

Harris described the performance as in "bad taste, and irresponsible," and said he had informed KPFX (Channel 5) the telecast was "sickening."

"This is a free country. If Channel 5 wants to show such things, this is their business. But we reserve the right to comment."

Mrs. Walker, in her rebuttal, seemed surprised at Harris' angry peroration and said the TV program had been planned a "long time" and there was no claim by the prosecution that it violated any court order.

She said the Younger comment "assumed" a connection between Miss Davis and Judge Haley merely because an indictment had been returned against her.

"What has become of the presumption of innocence?" She asked.

She said the defense would have "no objection" to any film documentary on Judge Haley but she resented "hostile prejudicial statements by top officials."

#### JUDGE

Judge Arnason, who listened without expression to the colloquy, issued no orders and no rebukes.

His words almost inaudible in the din, he said:

"In this country we do have rights and liberties and sometimes they may be attacked. But we have confidence that with perserver-

ence, what should be done, will be done."

During the morning session, defense attorney Margaret Burnham and Deputy Attorney General Clifford Thompson delivered final arguments on Santa Clara county's system of selecting jurors.

#### JURORS

Miss Burnham declared the selection of jurors from voter registration lists is "patently unconstitutional," since it excludes the poor and ethnic minorities less likely to register than the wealthier and better educated.

"What we want," she said, "is a new method of devising jury panels." She suggested such a panel might be derived from Motor Vehicle Department drivers license holders and city directories, as well as from voter registration rosters.

#### FAIR

Thompson declared any technique of jury selection other than that currently in use would be discriminatory against the poor and insisted the system, while imperfect, is fair and without prejudice.

He said while Miss Davis

is clearly identifiable as black she cannot be classified with the "indentifiable poor." Her last job, as an instructor in philosophy at UCLA, he said, paid her \$9600 a year.

He also noted the defense's own polls show the poor are less favorably disposed toward Miss Davis in Santa Clara county than are the middle income and wealthy.

#### MOTIONS

Judge Arnason, who is expected to rule on five motions still pending before him some time after next Wednesday, said he is continuing the case on a "day-to-day" basis. It is not known when he will set a date for the actual start of the trial.

Chief defense counsel Howard Moore Jr. said late yesterday he will submit a motion Monday, to be argued in written briefs, challenging the constitutionality of Santa Clara county's practice of questioning prospective jurors on their attitudes toward the death penalty in capital cases.