

Ruling May Force Bail for Angela

Angela Davis may be legally eligible for bail as a result of today's historic California Supreme Court ruling declaring the death penalty unconstitutional.

Attorneys for Miss Davis, accused of murder, kidnap and conspiracy in the Aug. 7, 1970 Marin County Civic Center shootout, indicated they would immediately

make a motion to Judge Richard A. Arnason that she be freed on bail. Her trial is scheduled to begin Feb. 28.

Prosecutor Albert Harris, an assistant attorney general, withheld immediate comment. "I wouldn't want to comment on that until I read the opinion," he said. "I don't like to jump too quickly."

A spokesman for Attorney

General Evelle Younger said the attorney general would not have a statement until at least Tuesday.

Miss Davis' attorneys have repeatedly asked for bail but have been denied each time on the grounds that the former UCLA philosophy instructor was charged with a capital crime.

A judge, two convicts and a young man who smuggled

guns into the courtroom died in the incident. Miss Davis is accused of helping plan the abortive escape attempt and supplying the guns for it, which, before today's ruling, could have meant the death penalty.

Besides eliminating the death penalty, the ruling appeared to remove the legal

—Turn to Page 18, Col. 5

—From Page 1

reasons heretofore given for denying bail.

That conclusion is based on California Penal Code Sections 1270 and 1272 and Article 1, Section 6 of the California Constitution.

One penal code section says that "a defendant charged with an offense punishable by death cannot be admitted to bail when proof of his guilt is evident or presumption of guilt is great." The other allows bail "in all other cases as a matter of right."

The State Constitution, as do similar clauses in the Federal Constitution and statutes, says: "All persons are entitled to be released

on bail except when charged with a capital offense when the proof is evident or the presumption is great. . . ."

Previous bail motions have been denied Miss Davis because of the court's acceptance of the state's prima facie case against her —

the idea being that the "presumption" of her guilt was "great."

By outlawing the death penalty, the high court appeared to have made bail a possibility in all criminal cases, including murder and other crimes of which Miss

Davis is accused.

George T. Davis, a well known San Francisco constitutional lawyer said:

"What this means is that she will be eligible for bail as a matter of right. The only question will be the amount."