

FEB 29 1972

Selection of Angela Jury Under Way

SFChronicle

By Carolyn Anspacher

Youth was served yesterday, but not for long, as jury selection in the Angela Davis murder-kidnap-conspiracy trial got under way in the San Jose court of Superior Court Judge Richard E. Arnason.

Of the first three prospective jurors whose names were picked from a spinning box, three were teen-agers, one was 20. All four young people were college students.

Repeatedly, during the weeks of pre-trial hearings, attorneys for the 28-year-old Miss Davis had underscored their desire that the trial of the black revolutionary be heard by a jury that included newly-enfranchised youth, as well as blacks, Chicanos and the economically underprivileged.

EXCUSED

But as the trial's first day waned, two of the young people summoned on the panel of 150 were quickly excused. The regret expressed by defense counsel Leo Branton Jr. was "heartfelt."

Both of the two excused, in answer to questioning by Judge Arnason, Branton and the prosecutor, Assistant Attorney General Albert Harris Jr., said a lengthy trial — from four to six months — would seriously interfere with their education.

Dark-haired Kathleen A. Gribble, 18, a full-time student at the University of Santa Clara, said she had final examinations in two

weeks and, if she served on the jury, would lose not one but two quarters of school.

"I'm a political science major," she said, "And I'd like to serve. But it costs me \$700 a quarter and I can't afford it."

The situation was much the same with 18-year-old Joseph E. Michaels, a full-time student at De Anza College who also worked five hours a night at a gasoline station to pay his own expenses and helps put an elder brother through law school. In addition, he testified, he has a sick father.

It was probable that within the next few days the other two young persons, 20-

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year-old Harold B. Thayer Jr., a student at San Jose City College and pretty blonde Brynne E. Motiska, 19, a sophomore at Stanford, would likewise be excused from service.

Judge Arnason followed a leisurely and unusual pattern in the jury questioning. After the first 32 names were drawn, and were brought into court the principals in the case were introduced; the indictment against Miss Davis was read and the judge delivered a fairly comprehensive lecture on the law governing the case.

Then he asked each of the seated jurors to give a brief autobiographical sketch,

cautioning them not to give their home addresses.

He asked them to give their names, their occupations, their family status. He asked them to note whether they had ever previously served on a jury, if they had ever been principals in a criminal complaint, if they knew any law enforcement officers, and if they were acquainted with any one of the 104 witnesses to be called by

the prosecution to testify against Miss Davis.

LIST

It took Prosecutor Harris a quarter of an hour to read the list of names, occupations and addresses.

With that, the closed circuit television was turned off in the new jury assembly room, and all but one of the

jurors were taken from the courtroom. Alone, then, the individual veniremen were closely questioned by opposing counsel on how deeply affected they had been by pre-trial publicity.

Branton particularly stressed Miss Davis' dismissal from UCLA by the University of California Regents because of her acknowledged membership in the Communist Party.

Marjorie F. Morgan, a quiet, soft-spoken woman, said she had read a great deal about Miss Davis, had discussed the UCLA firing and "probably" had expressed an opinion.

TEACH

"Do you believe it improper for a Communist to teach in the school system?"



KATHLEEN A. GRIBBLE
Santa Clara student

Branton asked.

"Yes," Mrs. Morgan said firmly. "I believe it is im-

proper."

She added she is "prejudiced" against Communists and "probably prejudiced" against Miss Davis.

"I do not believe I could give her a fair trial," she said. Mrs. Morgan was the first juror challenged for cause.

Not mentioned during the first day of jury interrogation was the large question of whether the jury will be sequestered during the long trial. Equally uncertain is the number of peremptory challenges that will be allowed prosecution and defense. Customarily in a capital trial, each side is allowed to challenge 20, but now that Miss Davis no longer faces the death penalty the number may be changed.

Miss Davis is accused of

complicity in the August 1970 Marin county courthouse aborted escape attempt in which four persons, one a Superior Court Judge, were killed.

Plagued by a head cold, but otherwise in complete command of herself and her entourage, Miss Davis — now free on bail — arrived at the courthouse a little before 9 a.m. accompanied by three of her "security personnel" (two men and a teenage girl) and Jarvis Tyner, 30, the vice presidential candidate of the Communist Party of America.

FAMILY

Miss Davis, like everyone else, was required to undergo a body search and walk through a metal detector.

While in custody this was not required of her.

Deep in the body of the court were several members of her family — her mother, Sallye, in a tweed slack suit and boots; her brothers, Ben and Reginald; her sister-in-law Sylvia; her sister, Fania Jordan, and her "spiritual advisor," the Rev. Cecil Williams of Glide Memorial Church.

The highly partisan audience greeted Miss Davis with raised clenched fists, but following the order of the court, remained silent.

Very much in evidence yesterday were press representatives of Russia (Tass), East Germany and Hungary who were enthusiastically

welcomed by the Davis forces.

Not explained as the day ended was a motion by Prosecutor Harris to strike that section of the grand jury indictment against Miss Davis noting her presence, with the late Jonathan Jackson at a Soledad Brothers rally in Los Angeles in June of 1970. It was opposed by the defense, and denied, without prejudice, by Judge Arna-son. This means the motion may be introduced again later.

Jackson was one those killed in the Marin Civic Center shootout in 1970. He was the younger brother of George Jackson, one of the so-called Soledad Brothers, who was killed in an alleged escape attempt from San Quentin last year.