

Angela Trial Gag Proposed

Curb on Talk Out of Court

SF Examiner

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SAN JOSE — Angela Davis' prosecutor has proposed a super-gag rule, which would prohibit all news conferences by participants in the case for the duration of the trial.

Assistant Attorney General Albert W. Harris Jr. cited the "spectacle" of newsmen rushing first to the defense, then the prosecution for statements after each court session and asked Superior Judge Richard E. Arnason to "stop out-of-court statements."

During a hearing in chambers last week, the transcript of which was revealed today, Harris said daily after-court news conferences made a "farce" of the Chicago 7 trial and said the same might happen here.

"We should try this case in the courtroom," he said.

Judge Reluctant

Judge Arnason indicated he is reluctant to impose any major restrictions, but agreed to consider the question if Harris presented him with a proposed written order.

An order banning formal news conferences by Harris and his staff and the defendant and her staff of lawyers was drafted and presented to Judge Arnason Monday, said Harris.

"We didn't get around to discussing it yesterday," said Harris, adding he be-

—Turn to Page 8, Col. 1



EAST GERMAN JOURNALIST INTERVIEWS ANGELA DAVIS
Dr. Klaus Steiniger talks with militant leader outside courthouse

—UPI Photo

—From Page 1

lieved the judge might act on the proposal today.

A proposed order does not define a "press conference," but Harris said he believes it would prohibit the lawyers from answering questions when approached by a battery of newsmen and television cameras upon leaving the courtroom.

Distinction

It would not ban all communications between trial participants and a media, Harris said, "but we have to distinguish between press conferences and the passing of background information."

The order would reinstitute the gag rule, barring any comment on evidence or testimony in the case issued 13 months ago in Marin County Superior Court, Harris said.

The trial was transferred to Santa Clara County in December, after Judge Arnason found it a "reasonable

likelihood" that Miss Davis could not receive a fair trial at the scene of the crimes of which she is charged.

Miss Davis went on trial here Monday, accused of murder, kidnap and conspiracy in connection with the escape attempt, which ended in the death of Marin Superior Judge Harold J. Haley and three others at the Marin Hall of Justice Aug. 7, 1970.

Present Rule

When Harris proposed his new order, defense attorneys said they and Miss Davis were abiding by a present gag rule, but that there were many matters to be discussed with the press other than the trial itself.

Harris argued "there is no way to draw that line" and urged the judge to stop out-of-court statements completely.

The slow and careful process of choosing a jury for the trial of the controversial Miss Davis — a superb scholar fired from her as-

sistant professorship at UCLA for her Communist Party membership resumed here today.

By the close of the trial yesterday, preliminary questions had been put to 24 prospective jurors.

One black, a San Jose mother of three, was called and remained in the jury box today.

All five students called for possible service, including four in the 18-20 year old category, were excused when they claimed the four

to six-month trial would impose a personal hardship.

Four complained of the loss of school time; one of ill health.

Of the 12 remaining in the jury box when court opened today, four men had yet to

undergo the solitary questioning on possible personal hardships and possible prejudice caused by pre-trial publicity.

The panelists are brought to the courtroom one at a time for such questioning.

Of those excused from service on Miss Davis' jury, two said they could not give a fair trial because of her Communist Party membership, one stated an undefined prejudice, two cited problems with their jobs,

one cited ill health, four complained their schooling would be interrupted and two were excused by private stipulation of the defense and prosecution.
