

# Angela Jurors Get A Forecast of Emotional Jolts

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SAN JOSE — Angela Davis' prospective jurors are being prepared for some of the emotional jolts they will face if selected to hear the controversial trial.

Perhaps the most sensitive subject was touched on yesterday when defense counsel Howard Moore Jr. hinted the defense plans a vigorous cross-examination of Marin County Assistant District Attorney Gary W. Thomas.

Thomas, 33, will enter the court in a wheel chair when called to testify about the events of Aug. 7, 1970, when he, a judge and three jurors were taken hostage at the Marin County Civic Center.

## Severed Spine

He was crippled for life by a bullet which severed his spine during the brief, furious shoot-out which ended the kidnap-escape attempt, for which Miss Davis allegedly furnished the guns, in the parking lot outside the courthouse.

Judge Harold J. Haley was killed, along with three of his abductors. A juror and a convict who allegedly joined the escape were also wounded.

Prosecutor Albert W. Harris Jr. has announced he will call Thomas as a witness during the six months of trial. Moore yesterday indicated a belief Thomas may be the state's first witness.

"There may come a time when a witness for the prosecutor—it may be his first witness—will be unable to

walk. Will the mere fact he is unable to walk, will that make you more willing to believe that witness than others?" Moore asked a potential juror.

Suggesting there will be firm cross-examination, Moore asked:

"Would you feel it overbearing and abusive of us to talk to that witness because of his condition? You wouldn't hold that against Miss Davis, would you?"

The juror, the third to be

accepted without a challenge for prejudice, said she would be sympathetic because of the man's condition, but would not be swayed from her duty as a fair and impartial juror.

## Red Membership

Another factor introduced by the defense was that of Miss Davis' avowed membership in the Communist Party. It was raised yesterday when a 33 year old air traffic controller and former airline pilot admitted that if communism became an issue, he was not sure he could give Miss Davis a fair judgment.

Defense Attorney Leo Branton, who questioned him at length, brought out that the prospective juror, an Annapolis graduate, was unfavorably disposed toward Communists because he felt their goal was the violent overthrow of the American government.

Branton asked Judge Richard Arnason to dismiss the man for cause on the

grounds that he was prejudiced, but Harris argued that there is nothing in the indictment that charges Miss Davis with being a Communist.

"Miss Davis' views about communism, in my judgment, are not even relevant to the case," he declared.

The judge refused to dismiss the juror, but Branton returned to the issue this morning saying "the jury can't try this case in a vacuum."

"The question of communism and Miss Davis' membership in the Communist Party is laying there," he said, "and we have to deal with it."

## Blackboard

The defense and prosecution lawyers, who sometimes seem to use the interrogation of prospective jurors as a chance to educate them to the way they see the law rather than as a means of discovering jurors' attitudes, turned to a battle

for the blackboard in court yesterday.

Moore had drawn a thick chalk line on the slate, signifying the presumption of innocence the prosecution must erase before a jury could convict Miss Davis on charges of murder, kidnap and conspiracy.

At first opportunity, Harris erased that chalk line and listed the charges. When Harris took his seat, after explaining the charges while questioning a juror, Moore strode to the board.

"Some think that just by stating the charges, you can erase the presumption of innocence," he said, then proceeded to circle the statement of charges with his thick presumption of innocence chalk line.