

A CLASH ON JUROR ROILS DAVIS TRIAL

Tempers Flare in Screening of Black Woman by State

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Special to The New York Times

SAN JOSE, Calif., March 8—Tempers flared briefly today as the examination of prospective jurors continued in the trial of Angela Davis.

This was the seventh day of preliminary examination of jurors, and the issue that touched off the dispute revolved

around Mrs. Janie L. Hemphill, the only black member of the temporary panel.

An angry exchange took place between Albert R. Harris Jr., the prosecutor, and Leo H. Branton Jr., one of the four lawyers working in the defense of Miss Davis the 28-year-old black activist who is being tried on charges of murder, kidnaping and criminal conspiracy.

Mrs. Hemphill was the eighth prospective juror to be examined. The dispute arose when the prosecutor mentioned that a cocktail lounge that her husband operated in San Jose had been raided by the police and that the license had been revoked.

"Could you sit as a juror and be fair and imparital," Mr. Har-

ris asked, "when you have a lawsuit going against the state."

Mrs. Hemphill denied having any knowledge of a lawsuit and said that as far as she knew, her husband had no intentions of reapplying for a liquor license.

Mr. Harris said that the license had been suspended after Mrs. Hemphill's husband was charged with conducting an illicit gambling operation in the lounge.

When Mr. Harris continued to press Mrs. Hemphill on the matter, Mr. Branton, who is also black, rose and said:

"I resent in the deepest way possible what Mr. Harris is doing here. This is an unforgivable attempt to embarrass Mrs. Hemphill, and as a lawyer

and a human being I disassociate myself from it entirely."

"For Mr. Harris to pull this kind of thing, embarrassing Mrs. Hemphill in open court," he went on "is a sign of the very type of white racism that we've been talking about here."

Mr. Harris was just as pointed in his response.

"I resent very deeply Mr. Branton's remarks," he said. "I feel I have a duty to go into this regardless of race and religious belief and I deny this is a manifestation of racism of any kind."

After the exchange, Mr. Harris continued to press Mrs. Hemphill on the issue.

"I have to proceed on this basis," he explained. "We must

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know whether this makes it impossible for you to serve as a fair juror in this case."

"I don't see where the two have any connection," Mrs. Hemphill replied.

Mr. Harris later asked, "If you were over here at this table, would you be satisfied to leave the state's interest in the hands of people who have lawsuits against the State of California?"

"I am a fair person," Mrs. Hemphill replied. "There are a lot of things that come up and I try to put those things out of my mind and see both sides of everything."

Mrs. Hemphill said that the liquor license now has nothing to do with her life. But she

said that she had believed that if she and her husband reapplied for the license, it would be granted.

"Then you feel that this incident will have no affect on you as a juror," Mr. Harris asked. "No," she replied.

With that Mr. Harris announced that "the people pass for cause" and Mrs. Hemphill became the eighth juror on the temporary panel. Later a ninth was chosen.

However, any of them may be dismissed after by either the prosecution or the defense since both sides still hold all of their 20 peremptory challenges.

The examination continues tomorrow when the full panel is expected to be completed.