

# Story of a Coat At Angela Trial

By Carolyn Anspacher

In the midst of the armed takeover of the courtroom of Marin Superior Court Judge Harold Haley on Aug. 7, 1970, one of the would-be escapers paused long enough to appropriate the sports jacket of a sheriff's lieutenant.

This wry little fashion note found its way yesterday into the Angela Davis trial in San Jose where the deadly results of that takeover are now being explored.

Four persons died in the escape attempt, among them Judge Haley, and the state claims the episode was engineered by Miss Davis in order to obtain hostages later to be exchanged for convict George Jackson.

## JACKET

The sports jacket, a faintly bilious green plaid, was brought into the Superior Court of Judge Richard Arnason in a rumpled paper sack and was identified by Marin Sheriff's Lieutenant Earl F. Cummesky as having been his property.

A 25-year veteran of the force, and in charge of identification and records, Cummesky had the misfortune of having been passing Judge Haley's court at a moment when the door opened and a man pointed a blue steel automatic revolver at him and ordered: "Hey you, come in here."

The man, Cummesky testified, he later learned was Ruchell Magee, a San Quentin prison inmate who, like Miss Davis, has been charged with murder, kidnap and conspiracy and is to be tried later.

## ORDER

Apparently unaware Cum-

mesky was a law officer, Magee ordered him to sit in the back row of Judge Haley's courtroom and here he remained helplessly until the convicts and their hostages left.

"It was at Mr. Magee's suggestion," Cummesky reported a little stiffly, "that I removed my coat and he put it on. He had on my sports jacket when he left."

Magee was critically wounded in the subsequent gun battle, the only one of the would-be escapers to survive.

With one exception, the prosecutor, Assistant Attorney General Albert W. Harris Jr., called only law officers to the stand, all of them

concerned directly or obliquely with recovery of the guns used in the breakout attempt. Four of these guns were purchased by Miss Davis — the sawed-off shotgun, two carbines and a Browning automatic. The others had been taken from officers by the escapers.

The single non-officer was Keith C. Craig, an investigator for the Marin Coroner's office.

He testified that Jonathan Jackson, younger brother of George Jackson and the man who brought guns into Judge Haley's courtroom, died in the van in which the escapers and their hostages were leaving the Civic Center.

Also dead in the van, he said, were convicts James McClain and William Christmas, and Judge Haley, his face all but blown off by the sawed-off shotgun that earlier had been taped around his neck. All four of the bodies were transferred to Keaton's Mortuary in San Rafael, Craig said.

Craig will return today for further direct examination.

## CONFERENCE

The court day was interrupted by a lengthy chamber conference of opposing counsel called by Judge Arnason.

The judge later confirmed widespread reports that he was "reaffirming" the order Jan. 5, 1971, of Marin Superior Court Judge E. Warren McGuire which enjoined counsel from discussing any phase of the then forthcoming trial.

Judge Arnason emphasized that henceforth "there will be no more statements from attorneys concerning the trial."

"You can say they'll be under more strict rein," he said.

Judge Arnason did not reveal why he "reaffirmed" the gag order, but declared



AP Photo

**Defense attorney Leo Branton Jr. made this reaction to the new 'gag' order.**

"both sides" had complained about out-of-court statements.

## REPORTS

There was intimation, however, that Judge Arnason was troubled by widespread newspaper and television reports of a press conference called Tuesday by the National United Committee to Free Angela Davis.

During it, Charlene Mitchell, executive committee secretary, denounced prosecutor Harris himself had no comment whatever on the accusations, or on Judge Arnason's stringent no-talk rules.

Defense attorney Howard Moore Jr., asked for an explanation of the ruling, said: "The judge gagged me. I must say 'no comment.' I'm going to do my level best to obey the order."