

Defense Setback

Judge Allows Admission of Angela Letters

By Carolyn Anspacher

The prosecution in the Angela Davis trial scored a major triumph yesterday by winning the right to introduce a sheaf of letters which assertedly will show the extent of Miss Davis' passionate involvement with the slain George Jackson.

It was this involvement, the state claims, that led Miss Davis to conspire in and arm an escape attempt at the Marin County Civic Center on Aug. 7, 1970. Four persons, one of them Superior Court Judge Harold Haley died there on that day.

Jackson, whose freedom the prosecution claims Miss Davis hoped to obtain through an exchange of hostages, was killed a year later during a disturbance at San Quentin Prison.

Despite the fervid attempts of Miss Davis' lawyers to suppress the letters, Superior Court Judge Richard E. Arnason, presiding at the trial in San Jose, ruled that all the letters are admissible.

These include two letters written by Miss Davis to Jackson which were seized during an FBI search of her Los Angeles apartment, a letter she wrote to Jackson while he was an inmate of Soledad Prison, and an

18-page document variously described as "a letter," a "series of letters" and a "diary."

Judge Arnason barred from the trial a typed sample of two pages of this latter document. He held that the state had invaded Miss Davis' privacy when her electric typewriter, on which the test was made, was removed from her working cell in the Marin county jail without a search warrant.

However, the prosecutor, Assistant Attorney General Albert Harris Jr., countered the suppression of this evidence by calling as a witness Spiro Vasos, a fingerprint expert from the State Department of Justice's Bureau of Investigative Services.

Vasos testified he was called to San Quentin on Aug. 21, 1971, after the disturbance in which Jackson was killed, helped pack and then took to Sacramento five cardboard boxes containing Jackson's effects. All were

taken from his cell in the prison's Adjustment Center.

Three days later, Vasos testified, he was asked by investigators to test the 18-page letter or document for latent fingerprints. On the bottom of page two, he went on, he found the latent print of a left thumb. He said he compared it with the inked impressions of Miss Davis, taken in the Marin county jail, and found that the latent print "had been made by the left thumb of Miss Angela Yvonne Davis."

Vasos also testified he found no prints identifiable as Miss Davis' on anything connected with the Civic Center escape attempt and gun battle. Her prints, he said, were on none of the guns used in the melee. They were nowhere to be found in the van in which the four persons were killed. And they were not on the ammunition-loaded attache case found inside the van.

He testified he did find two Davis fingerprints on one of her books, "The Politics of Violence." This was one of six paperback books Jonathan Jackson, younger brother of George Jackson, had stuffed into the plastic bag in which he smuggled arms and ammunition into Judge Haley's courtroom.

Vasos interjected one curious note into his discussion of fingerprints. He testified that on the still-mysterious 18-page document or letter found among George Jackson's effects, he discovered a latent print that had been made, he said, by John L. Spain, also a San Quentin inmate.

Spain was an intimate of Jackson at both Soledad and San Quentin. He participated in the attempted break at San Quentin in which six men died.

Spain survived and is now facing trial in connection with that incident.

Vasos testified that the "only identifiable" latent prints found on the 18-page document were those of Miss Davis, Spain and

George Jackson. He said there were 52 of Jackson's prints on the document.

Miss Davis and her attorneys appeared seriously shaken when Judge Arnason ruled against suppressing the letters, so sorely needed

by the prosecution in forging its case against the 28-year-old black militant.

Judge Arnason said he had carefully reviewed the defense motions and found no merit in allegations the Los Angeles letters had been seized illegally, that confiscation of the so-called Soledad letter was a violation of the attorney-client privilege or that removal of the 18-page document had been an invasion of Jackson's privacy.

The trial will be in recess until Monday.