

Jury Hears 3 Davis Letters; Document Held Key

By EARL CALDWELL

Special to The New York Times

SAN JOSE, Calif., April 25 —The jury in the murder, kidnapping and conspiracy trial of Angela Davis heard today three of the intimate letters that the 28-year-old black activist had written to George Jackson.

But an 18-page document that the prosecution had indicated was a key element in its case against Miss Davis was withheld from the jury.

The document described by the prosecution as a letter and by the defense as a diary, was ruled inadmissible as evidence by Judge Richard E. Arnason this morning after he had found it contained "much that is totally irrelevant to the issues before this court."

Yesterday, Albert Harris Jr., the Deputy State Attorney General who is prosecuting this case argued that the 18-page document was critical to the case in that it showed "over and over again a willingness [on the part of Miss Davis] to use violence to help George Jackson."

'A Herculean Task'

In his ruling blocking Mr. Harris from introducing the document which was found in Jackson's cell at San Quentin Prison just after he was shot and killed in what prison officials called an escape attempt, Judge Arnason said:

"It would appear to be a Herculean task to excise the inadmissible and irrelevant material so as to leave only legally relevant and admissible evidence, a task which the court notes has not yet been undertaken by either the people or the defendant.

"Additionally, if that task were in fact accomplished, the court would reserve to itself the further task of determining whether the excised material would leave the remaining material in such a condition that it would be of benefit to the jury.

"The court is equally satisfied that if the entire document were allowed to be received in evidence, it would entail undue consumption of time and create substantial danger of undue prejudice and tend to confuse the issues and possibly mislead

WEDNESDAY, APRIL 26, 1972

to Prosecution Is Barred

the jury."

Other Letters Admitted

While Judge Arnason was denying the prosecution the right to use the long document, he did rule that it could use other letters that had been seized.

Two of those were taken from Miss Davis's apartment and the other was seized by a guard who was examining Jackson's mail at Soledad Prison.

In his opening argument, the prosecutor had said that the letters, when taken together, would show "why it was possible for Angela Davis, a professor at U.C.L.A., to become involved and to commit the crimes that we charge that she did commit."

"The letters had been offered as evidence to show Miss Davis's motive for allegedly committing the crimes charged to her. Miss Davis, a black former philosophy instructor at the University of California, Los Angeles, who is an avowed Communist, is on trial on murder, kidnapping and conspiracy charges.

The charges resulted from the escape attempt at the Marin County Courthouse in August, 1970, when three San Quentin convicts took over the courtroom, seized five hostages and attempted to make a getaway. In the shooting outside that followed, a judge and three of the abductors were shot to death.

The state contends that the plan was to exchange the hostages for the freedom of the three Soledad Brothers, black convicts who were then charged with murder in the death of a guard at Soledad Prison.

Letter Is Quoted

George Jackson was one of the "brothers." He was killed in August, 1971, in an alleged

escape attempt at San Quentin. The two other "brothers" were recently acquitted in the slaying of the guard.

Miss Davis is accused of having helped to plan the seizure at the courthouse and of purchasing guns for the seizure. The state says that her motive was love for George Jackson.

In the letters that were read this morning, Miss Davis not only expressed her love for Jackson but also discussed various aspects of her revolutionary philosophy.

In the first of the letters

read, one dated June 2, 1970, she said:

"It is already impossible to begin at the beginning. If I start by dropping the mask and say in all naturalness: I have come to love you very deeply, I count on you to believe me, George. I have used those words very seldom in my 26 years because I could not have meant them very often. Believe me, it happened so abruptly, so spontaneously.

"I was not seeking love when I walked into a Salinas courtroom on Friday, May 8th, 1970. And so it is difficult to articulate it further. But one thing remains to be said: My

feelings dictate neither illusionary hopes nor intolerable despair. My love, your love reinforces my fighting instincts. It tells me to go to war."

Then she said:

"You are so right about the so-called black bourgeoisie, a pseudo - class, consciously created by the white rulers as a force to further bridle our rebellion, as just one more instrument of repression.

"Whether they want it or not, all of those black people who have 'made it' are a part of that monstrous repressive apparatus, and not only in the way described by Malcolm, a

pool from which the white bourgeoisie draws counterrevolutionary leaders from the black community. Their very existence, their being there is a very effective damper weighing down on our natural rebellious instincts."

In the same letter, one of the two found in her apartment, she said:

"My mother was overly protective of her sons and daughters. I could never forgive her for forcing my brothers, us too, to take dancing lessons. George, we must dig into all the muck and get at the roots of our problems."

In the other letter found in her apartment, she wrote that a "brother," a leading member of the Black Students' Alliance —[was] found Sunday morning on a deserted road with two bullets in his head."

"We have been unable to make any breakthroughs. Pigs? Minutemen? Not one clue. What is certain, however, this was undoubtedly a political assassination. I think back to one of your first letters. Your reflections on preparedness. Absolutely correct. Precautions must be taken—for it is also certain that this will not be the last attempt."

The third letter, confiscated at Soledad Prison, began "Dear George," and said:

"Since that day I described to you, my life, all my life efforts have gone in one direction—free George Jackson and the Soledad Brothers. Man, I have gotten into a lot of trouble, but I don't give a damn. I love you. I love my people. That is all that matters. Liberation by any means necessary.

"If I am serious about my love for you, about my black people, I should be ready to go all the way. I am. Hence, a myriad of problems which I must talk to you about at some point."