

New Prosecution Attempt

Angela 'Love' Motive

By Carolyn Anspacher

The State renewed its battle late yesterday to bring the "San Quentin document" before the jury hearing the Angela Davis murder - kidnap-conspiracy case in San Jose.

This 18 - page document — a letter, series of letters or diary — is the cornerstone of the prosecution's case against Miss Davis and on Tuesday Superior Court Judge Richard E. Arnason ruled it inadmissible in its present form.

He said he would reconsider his ruling if the document could be so edited as to delete irrelevant, immaterial and prejudicial material.

In the last moments of a singularly tumultuous day in court, Assistant Attorney General Albert Harris Jr. described the document as of "critical importance" and asked that court be in recess today so opposing counsel could discuss it in chambers with Arnason.

With some reluctance Arnason agreed and dismissed the jury until Monday.

'EMBARRASSING'

In his opening statement Harris hinted at the contents of this 18 - page document, terming them "passionate," "descriptive" and "embarrassing." Presumably they support the State theory that she had a great love for "Soledad Brother" George Jackson, and that Miss Davis engineered the ill-fated Marin County Civic Center escape of Aug. 7, 1970, in which hostages seized were to have been exchanged for Jackson.

Instead, four were killed in the attempt and a year later Jackson himself died in an apparent escape attempt at San Quentin Prison where he was awaiting trial

Angela Reporter's Visa Expiring

Dr. Klaus Steiniger, who is covering the Angela Davis trial for East Germany's largest newspaper, has been denied an extension of his visa and will leave the United States today.

Steiniger, a foreign editor for Neues Deutschland, said the U.S. Immigration and Naturalization Service refused his request for an extension yesterday because of the state's "frustration and irritation" in its efforts to convict Miss Davis.

"Under the circumstances, it's very easy to understand that the prosecution and those people behind them, are not interested in having an open-minded observer in favor of an innocent defendant present here in San Jose," Steiniger told reporters.

State Department officials

in Washington said that the decision was based partly on recent incidents in which the East German government had denied entry visas to American newsmen.

The officials declined to say how many newsmen had been turned down or during what time period the incidents had taken place.

A State Department spokesman also said that Steiniger was initially granted a three-week visa to cover the trial in February and he was given a six-week extension in March.

An official of the immigration office in San Francisco said the official reason for denying the request was that Steiniger's initial request for a visa was based on assurances that his stay would be brief, even though the trial was expected to be for several months.

for the murder of a Soledad guard.

Harris gave no hint of his latest ploy to bring the San Quentin document into evidence early yesterday.

ATTORNEY

He called as his principal witness of the day John E. Thorne, the San Jose attorney who had represented Jackson in the Soledad matter.

But instead of repeating from the stand the substance of a 75-page statement given Harris less than two months after the Marin shooting, Thorne constantly asserted the sanctity of the

lawyer - client relationship.

Supporting him, and alternately coaching and soothing him, was San Francisco attorney Charles Garry, who reared over the witness stand like a pale gray eminence.

While Thorne "respectfully declined" even to identify himself as Jackson's lawyer, Garry declared that his painfully mute client represented both Jackson and Miss Davis.

MALPRACTICE

"By testifying, Garry insisted, Thorne would "leave himself wide open to legal prosecution for malpractice

and might subject him to disciplinary action by the State Bar." He said the lawyer - client relationship continues after death and can be waived only by the deceased's executor or administrator.

Harris was thwarted at every turn and finally was moved to complain that an attorney is not "immunized" from testifying in a criminal case.

Harris, by now purpling, informed the court he had subpoenaed Thorne to testify, among other things, that Thorne had "delivered certain letters to Jackson (in prison) from Miss Davis.

Finally, Harris said, he expected to prove that Thorne "was in his office in San Jose and Miss Davis told him (on the telephone) she was in San Jose with Jonathan Jackson (George's 17 - year - old brother) and they were en route to Santa Cruz to pick up some things." This was two days before the Marin Civic Center shooting.

MEMORY

As time and questions rolled on, Harris's questions became sharper and sharper, but Thorne displayed a monumental memory lapse.

Finally Harris shouted: "They claim that every word Mr. Thorne says violates the lawyer-client relationship."

"There was no lawyer - client relationship between Thorne and Angela Davis. It was fabricated to conceal relevant evidence in this case.

"The reason I called him as a witness for the people was because there was not one indication there was an attorney - client relationship between him and Angela Davis. The claim is incredible and preposterous."

Harris said it was his

Pressed

"duty" to present competent and relevant evidence in this case and noted that six weeks after the shooting Thorne had given a sworn 75-page statement to him.

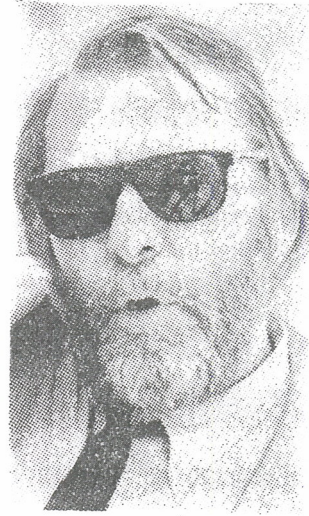
Harris said Thorne never was an attorney of record in the Davis case but merely had "visiting privileges" when she was in the Marin County Jail.

CHARACTER

Thorne spluttered furiously, but was kept silent by Judge Arnason. Garry, on the other hand, demanded to know if Thorne was being accused of perjury. There was no answer. Then Garry said Thorne would answer no questions at all since his character and morality had been impugned.

Arnason ordered Thorne and Garry back to court Monday when he will rule on the validity of Thorne's refusal to testify.

Other witnesses called yesterday included Nancy Conrad, a clerk in the Western Surplus Store in Los Angeles, who testified she had sold Miss Davis an M-1 carbine on July 25, 1970 and 450



UPI Telephoto

JOHN E. THORNE
Reluctant witness

rounds of ammunition and two 30-round clips.

She said with Miss Davis at the time of the purchase was a young man she identified as Jonathan Jackson.

BORDER

Jerry Hoover, a San Diego police officer, testified he was on patrol duty at the Mexican border the night of July 30, 1970 when he saw Miss Davis and young Jackson in a U. S. inspection station.

He said he questioned the two, and Miss Davis advised him they were cousins and had been shopping in Mexico. They were riding, he said, in her 1959 four-door blue Rambler when they were halted at the border.