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## MISS DAVIS DIARY OPENED TO PUBLIC

Judge Releases Testimony  
Made at Closed Session

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Special to The New York Times

SAN JOSE, Calif., May 1—  
"I see myself tearing down this steel door fighting my way to you, ripping down your cell door and letting you go free."

This passage and others from Angela Davis's diary, which the prosecution in her murder conspiracy trial here contends is critical to its case, was made public today by Judge Richard E. Arnason.

The diary was addressed to George L. Jackson, one of three black convicts, called the "Soledad brothers," who were accused of killing a white guard at Soledad State Prison in January, 1970. Jackson, a black revolutionary and author, was killed last Aug. 21 at San Quentin Prison in what prison authorities said was an attempted escape. Two other convicts and three guards were also killed in the San Quentin incident.

Miss Davis's diary was quoted in heated, closed-door testimony last Thursday in Judge Arnason's chambers. One defense attorney angrily walked out of the session, labeling it "an obscenity."

### Testimony Made Public

Judge Arnason had ruled the diary irrelevant to the case and inadmissible. But the prosecutor, Albert Harris Jr., asked for the closed session in an effort to have edited portions of the 18-page diary put into evidence. Judge Arnason has not ruled on whether portions of the diary may be heard by the jury, but he made the chamber testimony public today.

In his opening statement to

the trial, Mr. Harris contended that the state would prove that Miss Davis conspired in an attempted escape from the Marin County Courthouse on Aug. 7, 1970, because of her love for Jackson. That escape attempt, an alleged effort to obtain hostages to free the Soledad brothers, resulted in the shooting deaths of four persons, including Jackson's younger brother, Jonathan.

The jury has heard love letters from Miss Davis to Jackson and the defense has stipulated Miss Davis's "warm affection" for the convict. But the prosecution holds that the diary is vital to its case.

Mr. Harris told the closed session that "our case is somewhat in jeopardy right at the moment in light of the failure of the proof to conform to what I said the proof would be."

### Revealing Argument

Leo Branton, co-defense attorney, called Mr. Harris's argument very revealing. "The prosecutor kept a defendant in jail almost a year," Mr. Branton said, "and did not discover the evidence which was going to make his case until August of 1971—more than one year after the crime was committed and more than 10 months after she was in custody." Miss Davis's diary, dated from last July 8, was found in Jackson's cell after his death.

When Mr. Harris began reading the parts of the diary he wished put into evidence, Mr. Branton stalked from the chamber.

In open testimony today, a San Quentin guard identified Miss Davis as the woman who accompanied Jonathan Jackson to visit his brother in the prison on Aug. 5, two days before the attempted escape from the Marin County Courthouse. Lieut. Robert West said he first realized the woman visitor was Miss Davis when he saw a picture of her on a television newscast on Aug. 14, 1970. At that time, Miss Davis was being sought by the police in connection with the courthouse killings.