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Angela on Stand for

First Time SF Chronicle

By Carolyn Anspacher

Angela Davis took the witness stand for the first time in her murder-kidnap-conspiracy trial yesterday for the sole purpose of affirming that San Jose lawyer John Thorne acted as her attorney in 1970 and she, in turn, worked for him as a "clerk-investigator."

Testifying under oath outside the presence of the jury, Miss Davis was called to support the defense's contention that Thorne was bound by the attorney-client relationship and therefore precluded from discussing a purported telephone call she made to him two days before the Marin county Civic Center escape attempt in which four persons were killed.

Miss Davis is accused of plotting and arming the escape try, although she was not present during it.

After arguments, Superior Court Judge Richard Arnason ruled that between May and August of 1970 an attorney-client relationship did exist between Miss Davis and Thorne, and that the records support "reasonable inference" that she did function for Thorne as a clerk-investigator.

The judge, however, held that the Davis-Thorne telephone call could be explored except for details of what was said, and that essentially the call was exempt from the attorney-client privilege.

Thorne had been tottering

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on the brink of a contempt citation for refusing to answer any questions whatever. Miss Davis sought to hold the attorney-client umbrella over his uneasy head.

Under the careful questioning of defense attorney Leo Branton Jr., Miss Davis said she consulted Thorne professionally either the end of May or beginning of June in 1970 about two things. She wanted him, she said, to represent her in handling a book she planned to write, and she wanted him to represent her in Northern California in her then-running battle with the University of California regents who subsequently dismissed her as an assistant professor at UCLA because of her Communist party membership.

And beyond this, she said, Thorne asked her to work for him as an investigator in a case involving George Jackson. She accepted Thorne's assignments and worked under his direction.

Later, her tones were not so low, and she bridled occasionally under the cross examination of Assistant Attorney General Albert Harris Jr. She said she had only an "oral agreement" with Thorne about her projected book, and acknowledged that the San Jose lawyer was never an attorney of record either in the UCLA case, or in any phase of her present case.

BARRED

Charles Garry, Thorne's attorney, successfully barred Harris from questioning Miss Davis about the investigative work she may have done in the case of Jackson, who was shot to death last August during a disturbance at San Quentin prison.

Last Wednesday, when Thorne was first called as an adverse prosecution witness, Harris said he intended to prove that on Aug. 5, 1970, Miss Davis had talked with Thorne on the telephone, just after she had purchased a shotgun in a San Francisco pawn shop — the gun that was used to kill Superior Court Judge Harold Haley in the Marin shooting two days later.

"She told him," Harris said, "she was in San Jose and was en route with Jonathan Jackson (George's younger brother) to Santa Cruz to pick up some things."

On Sept. 29, 1970, seven weeks after the Marin shooting, Thorne gave a 75-page sworn statement to Harris. At the time, Miss Davis was being sought as a fugitive.

Judge Arnason repeatedly warned Thorne that he could be subject to "certain sanctions" if he wilfully refused to answer certain questions.

Finally, after an endless series of "I don't recall" and "yes and no" answers, Thorne acknowledged he had indeed heard from Miss Davis, not on August 5 but on July 21.

The subject matter, he said was the status of the legal action Thorne was carrying to the appellate court to have Miss Davis named an investigator in the Jackson case, and obtain rights to visit Jackson at San Quentin.

Harris said Thorne's statement to him gave the date of the phone call as August 5 and he offered a tape recording of the conversation to prove it.

Judge Arnason ordered opposing counsel to submit briefs on whether the recording should be admitted into evidence and ordered Thorne to return to the stand on May 11.