

# Defense Asks Judge Rule to Acquit Angela

By Stephen Cook  
Examiner News Staff

SAN JOSE — Angela Davis' attorneys, arguing that the prosecution has failed in 11 weeks of trial to produce sufficient evidence to sustain a conviction, asked today that the case against her be dismissed.

In calling upon Superior Judge Richard Arnason to render a directed verdict of acquittal, Attorney Leo Branton Jr. began by stating that, when the prosecution rested yesterday:

"My immediate reaction was to say, 'What! You mean you have kept this defendant in jail over 16 months, subjected her to the agony and terror of having to undergo a trial, and this is all the evidence you have?'"

## "Tarnished" Respect

He charged that the public respect for the office of State Attorney General has been "severely tarnished" by having the case against Miss Davis submitted to a jury at a cost of "millions of dollars."

None of the essential elements of conspiracy have been proven, Branton said.

There was no evidence that the Marin Courthouse shootout of Aug. 7, 1970, was the aborted result of a purpose to free George Jackson and his fellow "Soledad Brothers," he argued.

## Denies Love Motive

Nor, he continued, was there proof that the motive for Miss Davis' alleged in-

volvement was a passionate love for Jackson, or that there was an intent to free him by illegal means.

"There is not one word of evidence of any plan or agreement between Angela Davis, Jonathan Jackson (George's younger brother, who triggered the shootout), James McClain (one of the convicts involved), or anybody else," Bronson argued.

"There is not one word about a discussion about a plan to do anything."

## "Innocent Legal Acts"

The defense attorney said Prosecutor Albert W. Harris will ask the jury to take "innocent legal acts and infer them to be something else."

But, he said, Harris' case is weakened by two laws which the judge must cite to the jury.

One, Bronson claimed, provides that in proving specific intent by circumstantial evidence, the circumstances must be consistent with the hypothesis of intent and irreconcilable with any other rational interpretation.

If there are two explanations of certain behavior, the jury must give the defendant the benefit of the doubt and assume the interpretation of innocence, he told the court.

The other law, Bronson said, provides that when First Amendment rights are involved, there is an extra burden on the prosecution to prove its case because those

rights must be protected.

"There is no more graphic example of the misuse of the conspiracy law than has been exhibited in this case," he declared.

"All that's been proved is that the defendant had a close association with Jonathan Jackson. Mere association doesn't make a conspiracy, and neither does mere knowledge that a crime may be committed."

## Guns Purchased by Angela

All the prosecution showed, he said, was that the guns used were guns Miss Davis had purchased, and that the ammunition was similar to that which she had bought — but there was not a word of testimony pointing to knowledge or intent.

Today's session was concerned with legal motions that Judge Arnason may spend another day in studying before he makes a decision, and the jury was dismissed until Thursday morning.

Harris closed his case yesterday by reading court-approved excerpts from a highly personal collection of letters Miss Davis wrote to Jackson while she was held in the Marin County Jail and he at San Quentin.

## Three Pages

The full letters cover 18 single-spaced typewritten pages, but Judge Arnason allowed only approximately three of those pages read to the jury.

Excised were all personal passages the judge felt were irrelevant, all the passages of revolutionary rhetoric that seem to flavor Miss Davis' letters. Left were tender, almost schoolgirlish declarations of love.

She told of learning even before she had seen him that he loved her, saying:

"I think I was sort of embarrassed when your mother and sisters first told me that you were 'in love with me.' You said Thursday (three days before this passage was written) something like you fell in love with a picture — I thought then that you had probably fallen upon

a picture which made me look better than my actual appearance . . . I didn't know how to respond to something so remote. Until I saw you (in a Salinas courtroom in the Spring of 1970) . . . and stunned I just stared the entire time."

And she recalled her reactions after seeing him that first time:

"All the time I was sort of admonishing myself to stop acting like a young love-struck girl experiencing her first great infatuation. Just control yourself, you'll soon get over it. That's what I kept telling myself during the trip back and the next few days in L.A."

And, writing the next day, she mentioned an apparently private exchange of marriage vows:

"When I suggested that thing about our having a more public marriage ceremony, it was conceived only for its publicity value. The first vow was absolute, it fused us for life and if we did have a ceremony, we would not be more married than we are now. It would only be an affirmation of what already exists for the benefit of others."

## First Meeting

The letters began July 8, 1971, after their first physical meeting ever — in the Marin County jail, during a conference with their lawyers. She began:

"I'm totally intoxicated, overflowing with you and wanting you more than ever before. An hour and a half since the last embrace. You're in your cell. I'm in mine . . . You're still here. I see you, we are one and this indestructible togetherness they'll never be powerful enough to wrest away from us . . ."

"That so much love could exist anywhere, in any two people, even between us, I never realized. It makes me feel all fluttery and kind of weak . . . The most perfect moments of my life, that is what today was all about, a perfection screaming for more love . . ."