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ACQUITTAL SOUGHT FOR ANGELA DAVIS

Defense Requests Directed
Verdict by the Judge

By EARL CALDWELL
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SAN JOSE, Calif., May 16 — Judge Richard E. Arnason was asked today to direct a verdict of acquittal in the murder, kidnapping and conspiracy trial of Angela Davis.

The motion for a directed verdict came from a defense counsel, Leo Branton who argued that the evidence presented against Miss Davis had been, so sparse that it was "insufficient to sustain a conviction on appeal."

Mr. Branton's request came less than 24 hours after the state rested its case, and it drew sharp opposition from Albert Harris Jr., the prosecutor.

"We think the case as it stands," he said, "is not only sufficient to sustain a conviction but the evidence compels a conviction."

Judge Arnason offered no ruling at the conclusion of arguments this morning but ordered the defense to be prepared to call its first witness when court reconvenes at 9 A.M. on Thursday.

The judge would say only that a decision on the appeal would come before the issue was submitted to the jury.

Although the defense motions were expected, they were offered by Mr. Branton in dramatic manner.

Lawyer's Reaction

"Yesterday afternoon at approximately 3:15 or 3:30," he began, "when the prosecution ended its phase of the case by saying, 'The prosecution rests,' it was my immediate reaction to say, 'you what? You mean that you have kept this defendant in jail for over 16 months and you have subjected her to the agony and the terror of having to go through a criminal trial with charges of such a magnitude, and that's the only kind of evidence that you have?'"

Mr. Branton then moved across the courtroom and stood

behind the prosecutor.

"If I had been behind this table, Your Honor," he said, "I would have immediately stood up and I would have said to this court: 'It is not the responsibility of the prosecution to see to it that there is a verdict at all costs, a verdict of guilty at all costs, but it is the responsibility of a prosecutor to see to it that justice is done, and, in my opinion, the only way that justice can be done in this case is for this court to dismiss this prosecution on my motion at this time.'"

He scoffed at the prosecutor for having refused to do that and then crossed the courtroom and took a seat in the empty jury box.

The jurors were absent today while arguments were being made. From the jury box, in seat No. 12, Mr. Branton continued:

Plea by Counsel

"If I had been sitting over here in this jury box," Mr. Branton said, "perhaps even in the seat of the most pro-prosecution minded juror, my reaction would have been to turn to the prosecutor and say, 'Sir, you mean that that's all you have, that after seven weeks of trial, 100 witnesses, 200 exhibits, and that's all you have? You've proven a hell of a case against Jonathan Jackson, but against Angela Davis, the only thing you have proven is that she is a warm, articulate human being who has love and compassion, yes, for George Jackson, but for humanity and, especially, the black people whom she represents so well.'"

Mr. Branton said that since the prosecutor did not act and since the jury did not act, "the only thing left to do is for the defense to act."

He then made the following motion:

"I'd like to move this court to dismiss this prosecution to direct a verdict of acquittal."

Mr. Branton's arguments took less than 45 minutes but the prosecutor, Mr. Harris, was even more brief with his answer.

"I'm not unmindful of the fact that we have no witness who testifies that he observed the defendant and Jonathan Jackson agree to do the criminal acts that are charged in the indictment," he said. "But we think the case as it stands, your honor, is not only sufficient to sustain a conviction but the evidence compels a conviction."

About the conspiracy in which Miss Davis is charged with participating, the prosecutor said:

"The fact is, of course, that conspiracy by its very nature is concealed. It is hidden. It is not discussed in public meetings. It is not made a matter of written agreement. You can't subpoena into court contracts and documentation of that kind. But we can prove it, and we think we have proven it."

The state contends that Miss Davis, a 28-year-old former philosophy instructor and black militant who is an avowed Communist, was so in love with George Jackson that she helped plot a raid on the Marin County Courthouse to take hostages to extort his release from prison.

In the shooting outside on Aug. 7, 1970, a judge and three of the kidnapers, including Jonathan Jackson, were shot to death.