

Planning Recess

Angela Defense May Not Call Any Witnesses

By Carolyn Anspacher

The Angela Davis murder-kidnap-conspiracy trial was recessed yesterday until Monday and a strong possibility loomed that the defense may decide over the weekend to enter no case whatever for the 28-year-old black militant.

In asking for the continuance yesterday, defense attorney Howard Moore Jr. informed Superior Court Judge Richard E. Arnason that he and his colleagues believed they could offer a "complete case in very short order."

In fact, Moore said, he was "confident" the case could be completed "before this month has expired." He included in his estimate the prosecution rebuttal, final arguments, and instructions to the seven-woman, five-man jury.

Out of court Moore said he believed the jury will have returned a verdict by June 1.

ABBREVIATED

Repeatedly, in his brief plea to Judge Arnason, Moore stressed an "abbreviated case" which was being pared down from an "extensive" list of defense witnesses.

"We have reached the position after careful analysis," Moore said, "that if we

alter our trial position we will save a substantial amount of time."

But again, out of court, Moore told a reporter: "There is a substantial possibility we won't go forward with any witnesses."

CASE

The request for the recess was not opposed by Assistant Attorney General Albert Harris, Jr., the prosecutor, and was granted "with reluctance" by Judge Arnason.

The Davis trial has been under way in San Jose for ten weeks, three devoted to selection of the jury, and seven to presentation of the prosecution's case against the former UCLA philosophy instructor, accused of planning and arming the August 7, 1970 Marin Civic Center escape attempt in which four were killed.

The trial transcript already runs more than 6000 pages; 95 witnesses testified, and more than 200 exhibits were introduced.

If Moore's timetable is to be followed, the case could wind up in only six actual trial days, since court is customarily in recess on Friday, and Monday, May 29, is the Memorial Day holiday.

Asked after yesterday's brief court session to comment on the apparent whirl-

wind finale planned by the defense, Prosecutor Harris expressed skepticism that the case could be concluded by June 1. He declined, however, to discuss the possibility that the defense would enter no case, and Miss Davis, herself, might not take the witness stand.

VERDICT

The prosecution rested its case against Miss Davis last Monday and on Tuesday, out of the presence of the jury, defense attorney Leo Branton asked Judge Arnason for a directed verdict of acquittal. A ruling on his motion is now pending.

Branton contended that evidence presented during the prosecution case failed to support the state's charge that Miss Davis, driven by a passionate love, plotted the Marin escape attempt expecting to exchange five hostages seized in the courtroom of Superior Court Judge Harold Haley for

George Jackson, a San Quentin convict then awaiting trial for the alleged murder of a Soledad prison guard.

Those slain in the ensuing gunbattle were Judge Haley; Jonathan Jackson, George's 17-year-old brother, who had smuggled four weapons, all purchased by and registered to Miss Davis into the Marin courtroom where the hostages were taken; and two San Quentin convicts, James McLain and William Christmas.

Miss Davis has not denied ownership of the guns. One, a sawed-off shotgun purchased at a San Francisco pawn shop just two days before the Marin tragedy, was the gun which apparently killed Judge Haley.

VIOLENCE

Nor has her love for George Jackson, shot to death last August during an episode of violence at San Quentin, been denied by the defense.

However, it is the defense contention, that Miss Davis sought the freedom of Jackson and the other two so-called "Soledad Brothers" through legal means and her asserted conspiratorial involvement in the Marin plot was not proved by the state.

Harris, on the other hand, insisted in court on Monday that the evidence, as it stands "not only sustains a conviction, it compels a conviction."

During the trial numerous witnesses testified to the close relationship between Jonathan Jackson and Miss Davis. Several of her letters to the elder Jackson and fragments of her love diary, subsequently found in his San Quentin cell, were read into the record.

There were also witnesses who testified that on the day before the Marin shooting, Miss Davis and young Jackson were in the immediate vicinity of the Marin Civic Center, in the rented yellow van, in which on August 7, 1970 the four were shot and killed.