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Jacksons' Father in Contempt

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By Carolyn Anspacher

Lester Jackson Jr., whose two sons, Jonathan and George, met death in bloody violence within the space of one year, refused yesterday to testify against Angela Davis, the woman whose fate was inextricably entwined with the dead brothers.

Jackson, 50ish and handsome, was trembling as he entered the San Jose courtroom where Miss Davis' murder trial is now in its final phase. With him was his personal attorney, Jack Tenner, widely known Los Angeles civil rights lawyer.

A longtime Pasadena postal employee, Jackson was called as a final prosecution rebuttal witness by Assistant Attorney General Albert Harris Jr. after a prolonged conference in the chambers of Superior Court Judge

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Richard E. Arnason.

The jury was not in the courtroom when Jackson took the witness stand and gave his name. Then Judge Arnason said: "I have signed an order directing Mr. Jackson to answer certain questions."

The one and only query put to him by Harris did not, on the surface, seem particularly dangerous.

"Did you," Harris asked, "on Aug. 1, 1970, at 9 o'clock in the morning, drive your wife and your son, Jonathan, to the Los Angeles International Airport?"

Jackson's naturally deep

voice came out a high treble. "Sir," he said to Judge Arnason; "I have lost two sons. I cannot participate in these proceedings for the preservation of my mental health."

"Do you refuse to answer?" Harris asked.

TRAUMA

"Yes," Jackson replied.

Tenner interposed to Judge Arnason: "Sir, this man is the father of George and Jonathan Jackson. He has indicated the trauma he suffered when he buried them. Forcing him to come here by subpoena was legally impermissible and morally outrageous, and we are prepared for your holding him in contempt."

Carefully and in an emotionless voice, Judge Arnason took over Jackson's questioning, making him repeat his "flat refusal" to testify, and then admonishing him that he could impose sanctions. He told Jackson that for wilfully refusing to answer he could be fined, remanded to jail for five days, or held by the sheriff until the trial was concluded.

Jackson said he was aware of all the possible penalties his silence could invoke.

CONTEMPT

The Harris question again was asked Jackson and when he reiterated his refusal, Judge Arnason found him in contempt.

When the prosecutor said he would place the matter in the hands of Judge Arnason, attorney Tenner asked the court either to grant summary probation and "send this man home with his memories . . . or sentence him for three hours."

Judge Arnason asked Jackson if there were anything he wanted to say before sentence was passed.

The obviously anguished Jackson spoke only briefly: "Because of the death of my sons, you have to understand my position, sir, and



UPI photo

LESTER JACKSON JR. LEAVING COURT
He refused to answer the question

as a family man, I hope you will."

FINE

Judge Arnason, still without emotion, said he would not impose jail, but added he would fine Jackson.

The judge continued:

"The law requires compliance of our society, and a measure of responsibility of its citizens. I recognize your trauma and the feelings you must have, but you wilfully refused to answer a proper question, and it is the judgment of this court that you pay a fine of \$100."

By now so distraught he could scarcely find his way to the courtroom exit, Jackson was led out of the room by his attorney.

As he left the court building, Jackson said merely: "It's been a trying day . . . the court was very fair to

me.”

REASON

Tenner said Jackson had refused to answer because “the death of his two sons was such that he would not participate in any way in these proceedings involving Miss Davis or anyone else.”

“He has an additional reason not to participate,” Tenner added. “This trial is being viewed by people of color from around the world.”

Harris’ question to Jackson — whether he drove Mrs. Jackson and 17-year-old Jonathan to the Los Angeles airport at 9 a.m., Aug. 1, 1970 — was designed to upset the testimony last week of Valerie Mitchell, one of the alibi witnesses called by the defense.

WEAPONS

It was Mrs. Mitchell, Miss Davis’ former roommate, who testified that early in the afternoon of Aug. 1, 1970, young Jackson came to her apartment in Los Angeles where she had cached two carbines and a Browning automatic. Miss Davis had purchased.

She strongly suggested the younger Jackson had stolen the weapons, which were used six days later in the Marin Civic Center gun battle in which four persons were shot to death. Among those killed were Jackson and Superior Court Judge Harold Haley.

Frustrated in his attempt to question the Jacksons’ father, Harris concluded the state’s case and immediately defense attorney Leo Branton, Jr. rested for the defense. Judge Arnason then denied Branton’s earlier motion for a directed verdict and the case will go into final arguments this morning.