

JUN 1 1972  
**The Angela**

## Prosecution

## Sums It Up

SFChronicle

By Carolyn Ansbacher

The Angela Davis case was reduced to its bare bones yesterday when Assistant Attorney General Albert Harris Jr. demanded that the 28-year-old black militant be found guilty of murder in the first degree, of kidnaping for extortion, and of aiding and abetting the commission of those crimes knowingly and with criminal intent.

Harris, in his final argument to the seven-woman, five-man jury which has sat in the San Jose courtroom of Superior Court Judge Arnason for the 13½ weeks, indulged in no flamboyant oratory.

He called for the guilty verdict, at the end of a long day of arguments in a voice gravelled by weariness.

### EVIDENCE

"We think all this evidence," he said, "is relevant and indeed persuasive of her involvement in these crimes. She had reason to do it, she had the means to do it. She had the opportunity and she manifested her consciousness of guilt.

"As we said at the onset of this trial, she was motivated by a passion that knew no bounds. And if you evaluate the evidence, you will find Angela Davis guilty of murder, guilty of kidnap and guilty of conspiracy."

Miss Davis sat immobile as a statue as Harris recapitulated the state's case against her, strangely pale in her purple shawl. There

were a few moments when she took notes. But mostly, she seemed a stranger in an alien land, totally remote even from the members of her immediate family who sat three rows behind her.

### CASE

Harris' job yesterday was one of intricate stitchery. One by one he began catching up the loose ends of the state's case, weaving them in and out, back and forth, as he sought to make the tapestry of murder, kidnap and conspiracy clear to the jury.

Harris said the murder of Marin Superior Court Judge Harold Haley — and the kid-

*See Back Page*

### From Page 1

naping of the jurist and four other hostages from his own courtroom on Aug. 7, 1970—hinge on the conspiracy Miss Davis entered into with 17-year-old Jonathan the freeing from San Quentin of the man she loved, George Jackson, the prosecutor told an intent jury.

Harris did not mention that three others, including the younger Jackson, died in the bizarre and bloody episode, since Miss Davis is charged only with the murder of Judge Haley.

### MURDER

That murder, Harris said, was premeditated and only what could have been expected from such a conspiracy.

"We come to the question," the prosecutor asked. "Who was responsible for that murder?"

"That is what this case is all about — this case of death and wounds."

Harris said he believed the state, through its 95 witnesses and 201 exhibits, proved that there was a plan, predating Aug. 7, 1970; that Miss Davis had knowledge of it, and that she knowingly took steps to promote that plan.

### SCENE

Painstakingly, Harris went back over the scene in the Haley courtroom, when young Jonathan entered, his long coat screening three guns. He was clutching a plastic briefcase stuffed with ammunition, wire, adhesive tape and scholarly

books, two of them bearing Miss Davis' signature.

The plan for taking hostages, in order later to exchange them for George Jackson, was known to San Quentin convict James McClain, then appearing as his own lawyer in an assault charge. He and two other convict witnesses, Ruchell Magee and William Christmas, were given weapons, and the plan was put into effect, Harris said.

"McClain knew," Harris said, "and he knew because he lived in the San Quentin adjustment center with George Jackson.

"And Jackson knew because every day of that week Jonathan Jackson had visited his brother at San Quentin and McClain knew of it from George."

#### PRINCIPAL

Jonathan Harris said, was the principal figure in the conspiracy, a youth deeply committed to the case of his elder brother.

"When he stood up in that Marin courtroom and pulled that gun, he gave up every other opportunity to help his brother. It had to be the end."

Jonathan Harris said, did not expose himself to the probability of death to arrange for the escape of McClain, a man he didn't know, or Magee, or Christmas.

"The critical question," he said, "is if Angela Davis was a part of the plot, if she knew about it in advance, if she did anything to further it."

He said Miss Davis' part

in the conspiracy dated to May of 1970, when she first encountered the elder Jackson in a Salinas courtroom and fell in love with him. And by early June she was already writing to George about Jonathan.

Tidily, Harris began to draw in the dates on which witnesses said they saw Jonathan and Miss Davis together — in June, and increasingly in July they were together in Los Angeles, buying guns together, and ammunition, and cashing checks and taking a quick trip to Mexico.

Then Harris began with the crucial dates, August 3, 4, 5, and 6 when he said they were together in San Francisco, Berkeley and San Jose, and at San Quentin prison.

#### VISITOR

The "Diane Robinson" who was registered as a San Quentin visitor with young Jackson, Harris said flatly, was Angela Davis, recognized and identified by a variety of witnesses, each corroborating the other.

These, he told the jury, should be weighed in terms of relevancy and credibility with defense witnesses, who placed Miss Davis elsewhere at key times.

State witnesses, Harris said, placed Diane Robinson-Angela Davis together repeatedly — at the prison, in the Marin Civic Center on August 6, the day before the shooting, and in the Mobil service station across the street.

They were placed, together, Harris said, in the yellow

van that became the death trap for Judge Haley and the others who died in the gun battle. They were together later that day when Miss Davis bought the shotgun that was later sawed off to become the weapon that killed Judge Haley.

#### WITNESSES

Harris said there were nine witnesses who placed Miss Davis with Jonathan at San Quentin and at the service station and in the San Francisco pawn shop where the shotgun was bought.

He noted that three times on August 6 Jonathan visited Judge Haley's courtroom, twice in his long, gun-laden coat, once without it; twice carrying his lethal plastic bag; once without it.

"Could the woman with him not have known?" Harris asked. "That yellow van had no passenger seat. It was a van designed for kidnap. We know from the evidence that Angela Davis was with Jonathan August 4, 5, and 6 under such circumstances that there was no way she could not have known what was going to happen."

#### QUESTION

Harris said it made no difference where Miss Davis was at the actual time of the escape attempt and subsequent murder. He said if she had knowledge and intent, then the real question became what was in Miss Davis' mind before August 7.

Her motive for joining Jonathan in the conspiracy was her love for his brother, George, a love articulated by her own words, in her letters to the elder Jackson, Harris said.

"Angela Davis had the best reason we know . . . to do what she could and whatever was needed, whether it was advice or guns or anything, to bring about the freedom of George Jackson and see him released from prison."

#### FLIGHT

Finally, Harris said, Miss Davis manifested her consciousness of guilt when she left San Francisco. The facts

of her departure, he said, are not seriously contested nor disputed.

She fled, he said, at 2 p.m. on Aug. 7, 1970, because she was guilty.

And parenthetically, he noted the importance of San Francisco International Airport in the case. A Volkswagen that Jonathan had borrowed a few days earlier in San Jose was most certainly driven there and parked in the airport garage by Miss Davis, Harris said. A small slip of paper found after his death in Jonathan's wallet was connected to a public phone booth near the American Airlines terminal.

The convict kidnapers several times were heard to say they were going to the airport before the gun battle in the Marin Civic Center parking lot suddenly blazed.

#### FEAR

In his summary, Harris took pains to remind the jury that Miss Davis said she left (rather than fled) California because of her fear she would not obtain a "fair trial." But, he said, she had "prevailed" in her court battle with the regents of the University of California who sought to fire her from her teaching post at UCLA because of Communist activities.

"She was in Chicago, in disguise and using a false name, when Jonathan Jackson was buried," he said. "And she was in disguise and using false names in Detroit, in Miami, in Fort Lauderdale, and finally in New York when she was arrested on Oct. 13, 1970."

At no point in his summation did Harris lose the interest of Miss Davis' all-white jury. At least six jurors took notes and all appeared weary at the day's end.

The defense argument is expected to consume all of today and it still is not known if Miss Davis, who did not take the stand to defend herself, will deliver part of the summation.

Harris' surrebuttal is expected tomorrow morning and it is possible the case may reach the jury tomorrow afternoon.