

Davis Defense Terms Case a Big Hoax

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SAN JOSE, Calif., June 1—Final arguments in the trial of Angela Davis were concluded today with the defense, in its summation, labeling the case against her "a sorry chapter in the history of justice in this country."

But the chief defense attorney, Leo Branton Jr., told the jurors that the last chapter belonged to them.

"Today," he said, "we transfer the responsibility to your shoulders, and I hope that when you write the final chapter you will say that you were chosen, that you served, and that you considered and you brought back the only verdict that can be supported in a court of justice—not guilty."

It was mid-morning when Mr. Branton rose to speak. When he sat down, it was mid-afternoon, and there were tears in the eyes of several jurors and many spectators.

"My friends," Mr. Branton said in his final words, "they said that we couldn't get a fair trial here in Santa Clara County. They said that we could not get 12 white people who would be fair to a black woman charged with the crimes that are charged in this case."

And then, after a long pause Mr. Branton began to call the roll of the jury. "Mr. de Lange. Mr. Gaetani. Mrs. Charlton. Mr. Siedel. . . ." He went through the entire panel, calling each name, and when he finished he said:

"You have an opportunity to be part of history. Whether you want to or not, you're going to be a part of history. We on the defense are part of history."

He said that the defense had "labored long and hard to get over to you the gigantic hoax that has been committed not only against the defendant, but against American justice in this case."

The defense summation, delivered in a courtroom crowded far beyond its capacity of 60 persons, was followed by the closing of Albert Harris Jr., the prosecutor, who delivered his summation yesterday. Mr. Harris said:

"All I ask is that you look

at the evidence without emotion, and I'm sure you'll find Angela Davis is responsible... for those crimes. We think you'll be doing your duty to find a verdict of guilty on all three counts."

Trial's Longest Day

It was after 4 P.M. when final arguments were completed, making this the longest day of the trial, which began 46 days ago. All that remains before the case is placed in the hands of the jury is Judge Richard E. Arnason's charge, and that will come tomorrow morning.

Judge Arnason has indicated that it will take him about 90 minutes to instruct the jury. Court convenes tomorrow at 9 A.M., so the jury should begin its deliberations before noon.

Howard Moore Jr., the black lawyer from Atlanta who has been a part of the defense team since shortly after Miss Davis's arrest in 1970, was the first to speak for the defense.

He said that he was "distressed" because there were no blacks on the panel of seven women and five men hearing the evidence against Miss Davis, the black activist who is being tried on charges of murder, kidnapping and criminal conspiracy.

"The absence of members of Miss Davis's race could handicap and impede the search for truth," he said. He spoke mostly of the eyewitnesses that the state had called in making its case against his client. He accused some of them of "filling in" evidence and told the jury that eyewitness testimony was the most unreliable kind."

The eyewitnesses were used by the state to link Miss Davis to Jonathan Jackson in the days preceding the escape attempt and shootings at the Marin County Civic Center in August, 1970.

Case called absurd

Miss Davis is accused of conspiring with the 17-year-old Jackson in a plan to take hostages from the Marin County courtroom and use them later to extort the release from prison of George Jackson, Jonathan's brother and, according to the prosecutor, the

man Miss Davis loved.

The state's prime evidence was that the guns smuggled into the courtroom and used in the escape attempt were registered to Miss Davis.

Mr. Branton called the state's case "absurd."

Mr. Branton continued: "According to the prosecution, she bought the shotgun to tape to the judge's neck, and then said that if things don't go right, blow his head off."

He was referring to Judge Harold Haley, the Marin Coun-

ty jurist who was taken hostage from his courtroom and later killed. He was shot twice, once apparently with the shotgun taped to his neck.

The shotgun was registered to Miss Davis. She contends that it was bought for security at the Soledad Brothers defense headquarters, and that Jonathan Jackson had access to the weapon.

"How did she buy the gun?" Mr. Branton asked. "With her driver's license. She gave her address, her place of birth and her name."

Then he asked the jury, "Do you think this woman is such a fool to buy a gun to tape to a judge's neck in her own name? Give her more credit than that."

Mr. Branton said that the satchel that contained the guns smuggled into the courtroom had been covered with books containing Miss Davis's name.

He told the jurors that it was an "insult to your intelligence" to ask them to believe that Miss Davis was part of a plot that used guns registered to her and had books that were easily identified as belonging to her.

When he talked of Miss Davis's flight after the shootout, he asked the jurors to make believe that they were black.

"I say to you," he said, "when you look at the situation in the eyes of a black person, no black person wonders why she fled—only why she allowed herself to be caught."