

Refusal to End Angela's Case

By Jim Brewer

Judge Richard E. Arnason yesterday denied a defense motion to dismiss the case of Angela Davis on grounds the 1970 Marin County Grand Jury excluded blacks and poor people. Arnason, a Contra Costa County Superior Court Judge sitting in for these motions, also ruled that San Quentin prison authorities must return legal papers to Russell Magee, Miss Davis' co-defendant in the Marin County Civic Center shoot-out.

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SHACKLED

Only five spectators heard motions involving Miss Davis denied and barely 20 spectators were there when Magee was brought in, his hands and legs shackled and his hair in a crude burr.

Arnason said he found no sufficient basis to conclude that Marin County judges "have consciously, deliberately or arbitrarily discriminated against any class in naming the 1970 Grand Jury."

That grand jury consisted of 19 persons, including one black.

Arnason continued a series of other defense motions in the case until tomorrow. Those motions include one to delay the September 27 start of Miss Davis' trial because of adverse publicity surrounding the attempted escape at San Quentin.

Attorneys for the former UCLA instructor have indicated they will ask for a

change of venue as a result of the prison incident.

MOTION

Magee, who was in the San Quentin adjustment center at the time of the alleged escape attempt, had filed a motion last Friday asking that his trial get under way as soon as possible rather than waiting for the conclusion of Miss Davis' trial.

That motion was not ruled upon, however, and it was clear that Magee was principally concerned about his legal papers, which he said prison authorities had taken from him. Judge Arnason ordered the papers returned within five days.

There was an interesting point in Magee's pleadings, when a prosecutor pointedly asked how he had written the motion last Friday if, as he said, he was denied pencils and paper.

The question went unanswered.

Judge Arnason also said he would rule tomorrow on Magee's motion to exhume the body of Judge Harold Haley, who was killed in the civic center shootout. Magee is seeking a re-examination of the fatal wounds to Judge Haley.

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