

# Shift Trial To Santa Clara Co.

## Angela to Palo Alto?

By Stephen Cook

Angela Davis' kidnap-murder trial was ordered transferred today from Marin County to Santa Clara County.

Superior Judge Richard E. Arnason granted the defense petition for the change of venue because, he said, there is "reasonable likelihood" the onetime UCLA philosophy teacher can't get a fair trial in Marin.

But the defense wasn't satisfied.

It had asked specifically that the case be moved to San Francisco, which it regards as the place where the politically - radical black woman could have the fairest treatment.

### Promises Appeal

Defense Attorney Howard Moore said there is a "very intense prejudice against Miss Davis in Santa Clara County," and promised to appeal the decision.

All of this means further delays in the trial, which results from the Aug. 7, 1970, shootout at Marin County Civic Center in which Superior Judge Harold Haley and three others were killed.

The latest trial-opening date was yesterday before Judge Arnason in San Rafael. But it could not get started then because of defense motions including that for a change of venue.

### Possible Sites

Marin County, which has already borne expenses of \$750,000 to \$1 million for security measures and other costs, will continue to pay the bill though the trial will be elsewhere.

There are two possible Santa Clara sites for the proceedings — San Jose, the county seat and headquarters of the superior court, and Palo Alto, which has a superior court branch in the North County Courthouse.

Both have high-security jails connected with courtrooms by tunnels.

But Palo Alto is the only

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one of the two to have quarters for women; thus there was speculation that Palo Alto might be selected.

The only other high-security jail facility for women is at Milpitas, some five miles from San Jose.

### Major Problems

Judge Arnason said he expects the official transfer to take place within 10 days.

It's going to pose major problems for Santa Clara County, said Presiding Superior Judge John T. Racanelli in San Jose.

It is too early to say whether the trial will be assigned to San Jose or Palo Alto, he said. But in either case, he emphasized, the "logistics, resources and security are very substantial problems."

He pointed out each judge now has an alarm system by which he can alert the sheriff's office in case of trouble. But, he added, "additional security measures will be needed."

Also up in the air was the question of what judge will preside.

### Choice of Judge

Assistant Attorney General Albert Harris said the usual procedure is for the presiding judge in the new county to assign the case to a member of his own bench.

But since this case is out of the ordinary, he said, the choice of a judge might be put up to the state Judicial Council.

The council could pick a man from anywhere it chose — including Arnason himself, who is based on Contra Costa County but was moved to Marin when that county's judges disqualified themselves.

Arnason declined to comment on whether he would make the move.

Defense attorney Moore said he would ask Arnason to reconsider. Failing that, he said, he may appeal to a higher court.

He did concede, however, that Santa Clara is a cut

above Marin in the defense's "fairness" ratings.

Before ordering the change of venue, Judge Arnason denied some defense motions for the suppression of certain evidence.

He did, however, order the restoration of some articles seized from Miss Davis' auto shortly after the shootout. He ruled that these items — birth control pills and a copy of the People's World, for example — had no bearing on the case.

The evidence the defense wanted suppressed included three unmailed love letters from Miss Davis to Soledad defendant George Jackson, slain during an alleged escape attempt at San Quentin on Aug. 21.

#### Found in Saecrh

Discovered during a search of Miss Davis' Los Angeles apartment Aug. 18, 1970, the "Dear George" letters were submitted to Judge Arnason during arguments over Miss Davis' contention that they are illegally seized evidence.

Though the judge ordered them sealed from public inspection until he rules on their admissibility as evidence, both the defense and the prosecution quoted from the letters during yesterday's proceedings.

Deputy Attorney General Clifford Thompson said he saw a possible motive for an attempt on Aug. 7, 1970, to take hostages for the ransom

for Jackson in a passage that read:

"I have come to love you very deeply . . . my love and your love reinforces my fighting instincts. It tells me to go to war."

Thompson quoted Miss Davis as writing to Jackson that she had expressed love for few people in her life and that she had not been "seeking love when I walked into that Salinas courtroom" where Jackson was appearing on charges of murdering a Soledad Prison guard.