

Angela Trial Shift --To Santa Clara

SFChronicle

By Jim Brewer

NOV 3 1971

Citing the "reasonable likelihood" that Angela Davis could not get a fair trial in Marin county, Judge Richard E. Arnason yesterday ordered her murder-kidnap trial moved to Santa Clara county.

But defense attorneys, who claim the former UCLA instructor's only chance for a fair trial is in San Francisco, immediately complained that Santa Clara county is almost as bad for them as Marin, and said they will appeal the move.

Court officials in Marin county were expected to take ten days to arrange the transfer, and there remained questions about whether the trial would be moved specifically to San Jose or Palo Alto.

DATE

Because of expected volleys of legal motions, it appeared doubtful that the actual trial would get under way before the end of the year.

Judge Arnason took sharp note of what he said was the defense counsel's "invalid attempt to restrict the court" before granting the request for a change of venue yesterday.

He was referring to defense arguments that a University of California survey the defense commissioned showed San Francisco residents had the least bias toward Miss Davis of any of six counties.

"Miss Davis probably cannot get a fair trial in San Jose," chief defense attorney Howard Moore Jr. said yesterday. "The survey indicates severe prejudice in Santa Clara county."

The survey, done earlier this year by UC-Berkeley sociology professor Jeffery Paige, ranked Santa Clara county fourth, fifth or even last in all key questions about prejudice in the case. San Francisco ranked first in each question. (The other counties surveyed were Marin, Alameda, San Mateo and Sacramento.)

Wherever the case ends up, Marin county, which has already spent an estimated \$1 million in security measures and other costs related to the case, will continue to pay the bulk of the bills for the trial.

A bill is now pending in Sacramento that would require the state to bear the costs of the trial.

Judge Arnason recently made a personal tour of the six counties to which the case was most likely to be transferred.

He visited Santa Clara county facilities last week, and although the judge did not say so, sources close to

See Back Page

From Page 1

him said Arnason made his decision based on the lack of a sizable court backlog in Santa Clara county and good security available there.

In San Jose, presiding Judge John P. Racanelli said it would be up to his court to decide whether Miss Davis will be tried in San Jose or in Palo Alto. He also said that any challenge to the site would have to be made in Santa Clara county, although defense attorneys indicated they would make their legal moves in Marin county before the ten-day time limit to move the case is up.

The trial could go to the new Hall of Justice in San Jose with its ready access to Highway 101 and its self-contained jail, but that jail does not include a women's section, and there was speculation that Santa Clara county authorities would choose the facilities at Palo Alto.

PREFERENCE

Undersheriff and currently acting Sheriff Tom Rosa commented yesterday that he preferred Palo Alto as a site for the trial because of the women's jail facilities there and a network of tunnels that allow for tight security.

There are also questions remaining about which judge will try the case. Normally, it would be assigned to a Santa Clara county judge, but it remained possible that the selection could be left up to the state Judicial Council.

The council could even pick Judge Arnason, who came off his bench in Contra Costa county to hear the case when Marin judges disqualified themselves.

EVIDENCE

Before granting the change of venue yesterday, Judge Arnason ruled against defense motions to suppress evidence collected in four searches of Miss Davis' property prior to her arrest in October, 1970.

The judge did rule that some items, including newspapers and personal effects, be returned to Miss Davis, but key exhibits, including some letters Miss Davis allegedly wrote to the late George Jackson, were found to be valid evidence.

More snatches of those letters were read in court yesterday, revealing an apparently close relationship between Miss Davis and Jackson, who was killed in an alleged escape attempt at San Quentin prison August 21.

LETTER

In one such letter written June 2, 1970, Miss Davis allegedly wrote about revolution and the black woman.

"... For the black female," the letter said, "the solution is to learn how to set the sights accurately, squeeze rather than jerk and not be overcome by the damage."

In another excerpt from a letter written June 10, 1970, Miss Davis allegedly discussed her UCLA students and said she was giving "lectures to brainwashed students who subsequently tried to convince me of their various conversions during oral examinations."

Still another such letter said that, "nonviolence as a philosophy is a philosophy of suicide."