

Impassioned Angela Voices Plea for Bail

By Tom Hall

Angela Davis made an impassioned plea that she be freed on bail here today in U.S. District Court.

Surrounded by a squad of lawyers, she argued that denial of bail also is a denial of her constitutional rights.

"The papers filed prove that there are many capital cases in California where the defendant has been granted bail," she said. "I feel that denial is more of a political gesture than a legal gesture. This erodes the legal process in California. Bail is supposed to be one of the keystones to American democracy."

Tight Security

The courtroom, packed with spectators, was under tight security.

The 27 year old Miss Davis is scheduled to go on trial Jan. 31 in San Jose on murder - kidnap - conspiracy charges arising from the Aug. 7, 1970, shootout at Marin Civic Center. Four persons died. She is accused of supplying guns used in the violence.

She spoke less than 10 minutes. Once she appeared to be near tears, but controlled herself.

"If convicted," she said, "my life could be claimed. I ask bail because I'm fighting for my very right to live."

Role in Defense

She argued that she could not fully participate in preparing her defense while she was behind bars.

She said that denial of bail violated the constitutional presumption of innocence.

Miss Davis was smartly

dressed in a navy blue mini skirt with a multi-colored printed overblouse.

Arguing against release of the self-styled militant Communist, Assistant Attorney General Albert W. Harris Jr. contended that the 11 state judges who had denied her bail had not acted in an arbitrary manner.

"The only way this court can act is to find that the 11 state judges could not have

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reasonably come to the conclusion they did," he said.

The judges included seven on the State Supreme Court, three in the state District Courts of Appeal and trial judge Superior Court Judge Richard Arnason of Contra Costa County.

The state courts upheld Arnason's finding that Miss Davis was not eligible for bail because he found that the proof of guilt was evident or the presumption thereof is great. This language is taken from state law covering eligibility for bail.

Guns Purchased

However, Arnason did comment that otherwise he found Miss Davis would be a good person for release on bail under certain conditions.

Arguing against bail, Har-

ris said that the evidence on which Arnason made his decision "is not flimsy." He cited evidence that the guns used in the Aug. 7, 1970, Marin courthouse shootout had been purchased by Miss Davis, that she had made visits to San Quentin and was connected by witnesses to the van used in the attempted escape from the courthouse.

He commented to the court that she had fled within hours of the shootings and said that her jail accommodations were the best of any he knew. Harris denied that her imprisonment was hampering her defense.

Under Advisement

U.S. District Judge William T. Sweigert took the arguments under advisement, saying he would make an order shortly.

Attorney Anthony Amsterdam, a Stanford University law professor specializing in Constitutional law, made the principal argument in favor of bail for Miss Davis.

Attorney Anthony Amsterdam, a Stanford University

law professor and an authority on constitutional law, made the principal argument today before U.S. District Judge William T. Sweigert.

His major thrust was that the California law which allows no bail in capital cases is unconstitutional. He said the issue "involves the time honored right to bail in criminal cases."

He said that Judge Arnason, the trial judge, already has found Miss Davis "a fit person" for bail but denied it because of the state law forbidding it in murder cases.

Amsterdam said Miss Davis has now spent one year and 20 days in jail and added that, although trial is scheduled to begin this month, it could be delayed by new motions. And, he said, it is estimated that the trial itself may last six to nine months.

Miss Davis, wearing a purple turtle neck sweater under a multi-colored jumper dress, was scheduled to make brief arguments herself later during the hearing.

Briefs Filed

There were at least nine lawyers with her at the counsel table, including representatives of the American Civil Liberties Union's Northern and Southern California branches, the National Lawyers Guild and the National Committee to Free Angela Davis, all of which have filed friends of the court briefs supporting the bail request.

All had filed briefs with the court before the hearing began. Judge Sweigert said he had read them all and termed them "helpful to the court."

Newsmen and spectators entering the courtroom were passed through a metal detector device and purses and brief cases were searched.

Miss Davis was brought to

San Francisco from Palo Alto, where she is awaiting trial, in a caravan of three Santa Clara County sheriff's cars. Eight deputies provided a security screen for her.