

# Angela's Plea for Bail

By Carolyn Anspacher

Black militant Angela Davis assumed the role of lawyer yesterday to plead in U.S. District Court that she be freed on bail because she is "fighting for the very right to live."

In her 10-minute appeal to U.S. District Judge William T. Sweigert, the former UCLA philosophy instructor declared that denial of bail to her was a gesture "more political than legal" and that the issue far transcended her own case.

Thin, and speaking in a strained, husky voice, Miss Davis said that as a co-counsel, she is unable to assist adequately the lawyers preparing to defend her.

Miss Davis is charged with murder, kidnap and conspiracy in connection with the fatal shootings at the Marin Civic Center in 1970.

"Because I am fighting for my very right to live," she said. "I am devoting all my time to my defense."

She complained of the lack of privacy in her two-cell suite in the Santa Clara County Jail in Palo Alto, and further that she is allowed only two hours a day to interview prospective witnesses.

## BRIEFS

Judge Sweigert, who received several "helpful" friend-of-the-court briefs from other parties on behalf of Miss Davis, said he would hand down a ruling "soon."

Miss Davis' plea followed a 45-minute presentation by Stanford law professor Anthony Amsterdam, who attacked the constitutionality of a California statute which holds a person may not be admitted to bail when "proof of guilt is evident or the pre-

sumption thereof is great."

Amsterdam, a recognized authority on constitutional law, argued that the denial of bail to Miss Davis was a violation of the Eighth Amendment and that her continued detention prejudices her rights to a fair trial. He described the case against her as "the weakest, the flimsiest" he had ever seen and added, "that a death sentence would be given in this case is unimaginable."

Assistant State Attorney General Albert W. Harris Jr. said Amsterdam's argu-

ments were an attack on the California judges who so far have denied Miss Davis bail and on the legislature which wrote the law that denies judges the discretion to grant bail in capital cases.

"There is enough evidence in this case to hold anyone for trial regardless of age, race or sex," he said. "Our courts are duty-bound to consider the risks of flight and the danger to others in admitting a person to bail."

Harris dismissed defense contentions that Miss Davis has been given inadequate quarters in the Marin County Jail and now in Palo Alto where she was transferred when her trial was moved from San Rafael to San Jose.

He said she had her own cell and a work cell in San Rafael and the same accommodations in Palo Alto. He added they were the only jails in California, and possibly in the United States, to provide private office space. "She has been given the best treatment of any prisoner I ever heard about," he said.

## HUMANE

Despite stringent rules to

the contrary, he said, Miss Davis was provided with both a typewriter and a radio, adding a little bitterly: "Where Miss Davis is concerned, apparently all rules are waived. Every consideration has been made to make her confinement as humane as possible."

Harris informed the court he has no idea when the Davis trial will start, although it is now scheduled for January 31. He said five new motions have been filed by the defense which probably will cause additional delays.

He told Judge Sweigert he believed the trial will last four to six months, and the state is prepared to call 109 witnesses.

"We had a case here just the other day," Judge Sweigert interrupted, "and 30 witnesses were called in two days."

"I hope we can be as swift as that," Harris replied.

Defense lawyers have said the trial could last as long as nine months.

Miss Davis, wearing a purple turtle-neck outfit, and huddled into both a knee-length sweater and a long coat, was brought to San

Francisco from Palo Alto in a three-car motorcade, accompanied by eight Santa Clara County Deputies and one matron.

Security measures in Judge Sweigert's courtroom were unusually severe and spectators, most of them court aides, lawyers and federal employees, were re-

quired to pass through a metal detecting door and submit to having handbags and brief cases searched.

With Miss Davis at her counsel table were eight lawyers, among them representatives of the American Civil Liberties Union, the Lawyers Guild and the National Committee to Free Angela Davis.