

The Hunt for Jurors

Angela Trial to Resume

By Carolyn Anspacher

The Angela Davis murder - kidnap - conspiracy trial resumes in San Jose today after a three - day recess and the arduous business of finding 12 jurors and at least four alternates will continue.

Twelve jurors have been tentatively seated in the box in Superior Court Judge Richard E. Arnason's small, functional courtroom and only one, so far, has been subjected to general examination by attorneys for prosecution and defense.

In the Davis case, woven almost wholly out of circumstantial evidence, the issues and even the charges are obscure to the average layman summoned for jury duty.

Miss Davis, a 28 year old black Communist, has been charged with murder, kidnap and conspiracy as a result of the Marin county courthouse escape attempt and shooting nearly 19 months ago in which four died, one a Superior Court judge.

CONFUSION

The confusion of the tentative jurors initially seated was revealed at the close of Thursday's court session.

Asked by Assistant Attorney General Albert Harris Jr., the prosecutor, if there were any general matters that concerned or bothered them, one of the panelists asked: "Why is there a murder charge against Miss Davis?" and another: "Why is there a conspiracy charge?"

The State does not contend that Miss Davis physically participated in the kidnap-

ing or subsequent shooting of the four who died on Aug. 7, 1970.

But the State does claim that Miss Davis purchased the weapons used in the shootout, and passed them on to a 17 year old confederate with whom she conspired to smuggle the weapons into the courtroom of Superior Court Judge Harold Haley.

LAW

State law holds that anyone who "aids and abets"

in the commission of a crime is equally guilty with the active participants.

The questioning jurors received no answers Thursday and it may be some time before the law is read to them by Judge Arnason.

How many of the 12 initially chosen will survive to serve during the trial itself cannot yet be determined.

Attorneys for both prosecution and defense certainly will attempt to challenge a substantial number for cause during their extensive "voir-dire" (literally "see-hear") examinations, thus husbanding the 20 peremptory challenges allotted each side.

A number of those temporarily seated already have acknowledged anti-Communist feelings; one man said violence "appalled" him, and one woman said her father recently retired as a Sheriff's Captain.

Of the 120 persons included in the first jury panel

summoned, 36 so far have been excused, 15 by stipulation of counsel and 21 during court proceedings.

In the latter group were five college students who said jury service would seriously interrupt their educations, and nine who cited economic hardship that would result from service. The remaining seven were excused for a variety of reasons.

Both Prosecutor Harris and Defense Attorney Howard Moore Jr. have expressed concern that so many potential jurors have been forced to ask release from service for economic reasons.

SALARIES

Only major concerns pay employes their salaries during jury service, in some cases, deducting the \$5-a-day fee paid by the county.

The Davis trial will run anywhere from four to six or eight months and several

prospective jurors said their jobs probably would no longer be available when they returned to work.

In open court Defense Attorney Moore proposed that some way be found to "compensate working class people, enabling those not ill-disposed to Miss Davis to serve" on the jury. Judge Arnason did not respond.

WAGE

Later, out of court, the prosecutor likewise said jurors should receive a living wage — but he had no suggestion how this could be financed.

Seventy-two veniremen remain to be called on the initial panel and how many of these will plead they cannot afford to serve on a prolonged trial cannot be gauged.