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# Hint That Angela May Not Testify

By Carolyn Anspacher

The possibility loomed in San Jose yesterday that Angela Davis may not take the stand to defend herself against charges she played an integral part in the Marin courthouse escape attempt and shoot-out 19 months ago in which four were killed.

The suggestion was ever so slight and it came during the questioning of a prospective juror, Howard P. Atkinson by Howard Moore, Jr., one of Miss Davis' attorneys.

Atkinson, a middle-aged building contractor, had undergone an exhaustive grilling covering ever facet of his past and present when Moore abruptly informed the panelist that under the law Miss Davis was not required to testify during her murder - kidnap - conspiracy trial.

"You are aware of that?" Moore asked.

"Yes," said Atkinson.

"How would you feel as a juror if Miss Davis did not take the stand to testify?" the attorney asked.

Atkinson thought a long time.

"I think," He said, "I would want her to testify, to explain. I think I would like to hear her side."

Again and again Moore emphasized that Miss Davis was not required to speak a word in her own defense — but never going so far as to say directly she would not take the stand.

Later, after the court session, Doris Brin Walker, another of Miss Davis' attorneys, waved off questions about defense plans for the

## McAfee's Kids Back In School

Raisin City

The four school-age sons of Rodger McAfee, the farmer who put up his farm to secure bail for Angela Davis, have returned to school here without incident.

McAfee took the boys out of school last month, reporting that after he put up 405 acres of his Caruthers area ranch as collateral for the bail money, they were insulted and physically abused by schoolmates.

The school principal told them to leave because they were not, at that time, living in the district.

McAfee said his family has moved back into the district and school officials have assured the family they will do everything possible to prevent name calling or physical abuse of the children.

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23-year-old avowed Communist black militant.

"It's much much too early to say if Angela will or will not take the stand," said Mrs. Walker.

Atkinson, the father of four adult children, told Moore he is a registered Democrat and said he knew very little about the Communist Party, or the American Independence Party or the Peace and Freedom Party.

As far as blacks are concerned he said he employs

black carpenters, believes in fair housing and has three black families living in one of his San Jose rental units.

"I approve of them when they pay the rent," he said.

Questioning of Atkinson by the prosecutor, Assistant Attorney General Albert Harris Jr., took just two minutes.

William E. Hotaling, an IBM executive engineer, underwent long and sometimes excruciating interrogation, this time by defense attorney Leo Branton, Jr.

Last week, during his preliminary screening, Hotaling had testified he had profound anti-Communist feelings, but said he would not allow this prejudice to influence him against Miss Davis.

"Do you have the same respect for a Communist as a non-Communist?" Branton asked yesterday.

"The only Communist I know is Miss Davis and I respect her," he said.

Hotaling said he was against the ideals and ultimate objectives of the Communist Party. The Russians, he said, are now seeking this country's overthrow "by peaceful methods," and "Red China, by force and violence.

A devout Presbyterian, Hotaling acknowledged there were no blacks who worshipped in his church, and said he was aware that the church had donated \$10,000 to the Angela Davis Defense Fund.

"I took no public position on this," Hotaling said. "I did not express my views to any of the elders or the Golden Gate Synod." But Hotaling made no effort to mask his displeasure over the gift.

"I did not think it right to contribute that money to Angela Davis when it should have been given to the mission church and Christianity," he said.

Hotaling was questioned about his attitude toward Miss Davis' close association with the Black Panthers; her advocacy of release of the so-called Soledad Brothers and her demands for prison reforms.

"Do you believe she was a member of a plot to free the Soledad Brothers," Branton asked.

"Not necessarily," Hotaling replied.

"Can you believe she genuinely believes blacks are in prison because of a racist judicial system?"

"I think some are there for that reason."

Suddenly, seeking to prove Hotaling's bias against blacks and Communists, Branton snapped:

"Would you willing to be tried by 12 blacks with your frame of mind."

"If they were fair-minded,

yes," Hotaling said.

"Would you be willing to be tried by 12 Communists?"

"Fair-minded Communists," Hotaling interjected.

"You don't believe I can find 12 fair-minded Communists do you," Branton shot back. "And that's the very guts of this issue."

"I'm not willing to have 12 Communists try me," Hotaling said. "I want a jury of 12 fair-minded people who have been questioned as deeply as you are questioning me."

"Would you be satisfied to be tried by 12 black Communist women," Branton asked.

It took Hotaling nearly five minutes to answer. Then he said: "I'd take my chances, yes."

Superior Court Judge Richard E. Arnason, hearing the Davis trial overruled Branton's challenge for cause.

The prosecutor, Harris, questioned Hotaling very briefly before passing him. "Can you accept that Angela Davis, educated at Bran-

deis, the Sorbonne, a university in Germany, a philosophy instructor at UCLA could conspire with a 17-year-old junior in high school?"

Hotaling said he could.

Early in the morning session, James Messer, a Navy pilot turned FAA air controller, retained his seat in the jury box.

Also temporarily seated was Ruth Ann Charlton, who said she could serve on the jury without economic hardship because Bullock's in Palo Alto agreed to pay her salary for duration of the trial, provided she is accepted.

Before the morning session began, a dozen Protestant clergymen from the San Jose area assembled at the entrance to the heavily guarded courthouse to plead that Miss Davis be judged by an "impartial jury."

They urged colleagues and peers to renew their own acceptance of the basic American principle that Miss Davis be presumed innocent of all charges unless proved guilty.