

Angela Davis Lawyer Grills IBM Executive

By Stephen Cook
Examiner News Staff

SAN JOSE — The choosing of Angela Davis' jury, expected by defense attorneys to take four more weeks, continued today at sluggish pace.

When the trial opened its second week Monday, 12 prospective jurors were in the jury box awaiting the interrogation which would result in their being tentatively seated or excused as hopelessly prejudiced.

At the beginning of today's session, six were tentatively seated; six remained to be questioned.

In the first six trial days, 54 of the 124 prospective jurors called for service have been excused for prejudice or personal hardship — physical, economic or educational — they said they would suffer during a six-month trial.

Excused by Letter

Thirty-two of them were excused without even coming to court. They complained of hardships in letters to the court and were released by Superior Judge Richard E. Arneson, with the stipulation of the prosecution and defense.

The most intense courtroom questioning of a prospective juror to date came yesterday, when defense lawyer Leo Branton Junior took on an IBM executive on the subjects of racism and anti-communism.

The venireman said his

only contact with blacks had been with a maid who used to clean his house and eat lunch at his table with his wife, and a fellow worker, whom he once had as a guest at his house.

No Racism

Asked if he thought white racism existed in California or Santa Clara County, the prospective juror said, "There is none that I know of."

When the executive admitted there were no black parishioners at his Presbyterian church, Branton asked if he didn't agree with the late Martin Luther King's statement: "Ten o'clock on Sunday morning is the most segregated hour in America."

"It could be. There is some truth to it," he responded.

"And isn't it also true that this is a racist society we live in?" asked the lawyer.

"That's true in some sections of the country," the man answered.

The prospective juror said

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his understanding of the Black Panther Party was that "originally it was an aggressive group of blacks, they used force, weapons. I understand their leader recently calmed down and is trying to change the thinking of his people so they won't be so aggressive."

He admitted opposing his church's donation of \$10,000 to Miss Davis' defense fund. "I don't think the church should contribute money for anything but the mission of the church and Christianity," he said.

The juror admitted a deep-seated dislike for the Communist Party, but said could isolate that feeling and consider only the facts of the case against Miss Davis, an admitted Communist.

He told Branton he would be satisfied, if he were Miss Davis, to have a case tried by 12 men like himself.

'Yes, If'

"Would you be satisfied if it was you who were on trial, to have your case tried by 12 black people?"

His answer: "If they were fair minded, yes."

Branton's final question was: "Would you be satisfied by 12 black woman Communists?"

The court room was silent while the juror hesitated nearly a full minute. Then he said, "I'd take my chances, yes."

Branton asked the judge to dismiss the juror as prejudiced. Judge Arneson declined after the man reaffirmed his claim that he could give a fair trial, saying: "I know myself better than anyone else in the courtroom."

Two Sides

A Los Gatos contractor and real estate salesman also ran into some stiff defense questions when he said he believed there are two sides to every story and would like to hear Miss Davis' side.

"I would expect her to testify, yes. I think if I were in her position I would want to testify. I'd like to hear her side."

He said if Miss Davis doesn't take the witness stand he might wonder why but did not think that would affect his ability to fairly determine the question of her guilt or innocence on charges of murder, kidnap and conspiracy.

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