

Search for Angela Jurors Continues

By Carolyn Anspacher

Assistant Attorney General Albert W. Harris Jr., the prosecutor in the Angela Davis murder - kidnap - conspiracy trial in San Jose, tiptoed through a minefield yesterday as he sought to eliminate a black woman from the panel of prospective jurors.

Examining Janie Hemphill, the only black seated temporarily in the box, was a chore Harris obviously did not relish but, more to the point, he was unable even to ask that she be disqualified for cause.

Mrs. Hemphill, the mother of three children, was given the most cursory of examinations by defense attorney Howard Moore Jr.

Not an expression crossed her face as she told how she had begun working before the age of 12 as a cotton picker and then held jobs as a baby sitter, a short order cook, a sandwich maker, a domestic, a dish washer and a nurse's aide before ending up as a bookkeeper.

INTEREST

But Harris was interested in none of these. He questioned her instead about a South First street night club she and her husband had run until January 21, a week before the Davis trial opened.

Documents Harris showed to Mrs. Hemphill indicated that her husband had been arrested for operating a gambling game, had plead-

ed guilty and was fined and placed on probation.

Both Hemphills had been served with an accusation by the State Alcoholic Beverage Control Board, an action leading to the revocation of their beer license.

Harris sought to elicit from Mrs. Hemphill a statement that, because she was party to an action involving the State of California, she would be unable to deal fairly as a juror with a case prosecuted by the State of California.

ANGER

With barely controlled anger, defense attorney Leo Branton Jr. attacked Harris for "embarrassing" Mrs. Hemphill and cited the questioning as an "example of white racism."

"We had another prospective juror who was facing a criminal charge," Branton said, "and we dealt with it quietly in chambers and the juror — who was white — was quietly excused and there was no embarrassment. I deeply resent what you have done here."

"And I resent your remarks, as a lawyer and a human being," Harris replied. "Mrs. Hemphill is not accused of any criminal action and I am entitled to determine whether this pending action will prejudice her against the state."

CALM

If the two attorneys were angry and resentful, Mrs. Hemphill was not. She said

she didn't know she had been served with accusatory papers and did not sign them but gave them to her husband.

"But this could have caused the taking away of your beer license," Harris said. "Yes," responded Mrs. Hemphill, "but we went out of business that same day. We didn't renew the license. I don't know whether we still have a license or not. We could not stay open because we were running from one weekend to another."

"Do you think that the fact the state has taken away your license will have any effect on you as a juror?" Harris asked.

"Are you asking me if I could be fair?" she countered.

"Yes," he said.

ANSWER

"For so many years I have had to blot so many things out of my mind, that I could do this now. I am a fair person. A lot of things have come up in my life and I've been able to put them aside."

"But that raid terminated your business," Harris said.

"But we're not in business now," she replied, "It won't affect me."

Mrs. Hamphill, whose husband is now working as a sheet rock hanger, was not challenged by Harris. If he wants her off the jury he will be forced to exercise one of his 20 peremptory challenges.