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12 Davis Jurors Are Seated Tentatively

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SAN JOSE — The trial of Angela Davis reached a milestone of sorts today.

Twelve prospective jurors who survived possible challenge for prejudice and other causes were tentatively seated.

That, however, was not the end of the jury selection process, which defense attorneys have estimated may take another four weeks.

Each side now has 20 peremptory challenges which it may exercise — removing jurors for causes not stated, and, in some cases, on little more than intuition.

Prosecutor Albert W. Harris Jr. was more optimistic than defense attorneys in estimating how long the remaining procedure of jury selection might take.

Racism Issue

He guessed that the job is now about half finished as it neared the end of this, the second week of trial.

During the final phases of challenges for cause, racism replaced anti-communism as the No. 1 topic in the murder, kidnap and conspiracy case.

Defense lawyers were looking for hidden prejudices which might prevent the jurors from giving the 28 year old black Communist and former UCLA professor a fair trial.

Some of the prospective jurors have admitted anti-Communist feelings, but not one has admitted racial prejudice. Yet the defense was asking more and more

questions on that subject.

Perhaps one reason for the concentration on race questions was the feeling, expressed by attorney Leo Branton Jr., that prejudice against Communism is much more easily detected than prejudice against blacks.

Undetected

Explaining the close questioning on this subject to prospective jurors yesterday, Branton said white racist attitudes are often undetected by the person who holds them.

Branton, who looks white, startled the jurors by telling them he is black, then asked: "We really do come in all colors, don't we?"

He and defense counsel Howard Moore Jr., also black, urged the veniremen to assume a possibility that they might harbor subconscious, racist attitudes.

"Wouldn't you agree that the best way to combat racism is for each white person to recognize the existence of white racism in himself?"

"White racism is like a headache," Moore instructed. "Sometimes it completely immobilizes a person. With others, it just makes it more difficult for them to do their work."

Black vs. Negro

The nature of the defense probing was illustrated this morning in questioning of a San Jose housewife, a college dropout who works for a department store credit department.

She referred to black people as "Negroes," until the defense pointed out that many prefer the term "black." The witness said she hadn't known that.

She was asked what the term "Black Power" means and the phrase, "Black is beautiful," and admitted she'd be "guessing" if she tried to define them.

When she was asked to say whether she thought of black people in the courtroom as "attractive," she replied, "about the same as I do white."

And when she was asked to suggest black people whom she had seen on radio or television whom she would regard as "beautiful or handsome," she suggested Sammy Davis Jr. and Diahann Carroll.

Questioning

Did she, demanded attorney Doris Brin Walker, think people with Negroid features, broad lips, kinky hair and broad noses, could also be beautiful?

"I guess I could accept that," she replied. "I don't know if that's what the term 'Black is beautiful' means."

"There is no aspirin for

white racism. The way to try to cure it is to be mindful that it might be affecting the way you see things . . . Would you be on guard to prevent white racism from affecting the verdict in this case?"

The only person in the courtroom to be actually accused of racism by the defense was the prosecutor, Assistant Attorney General Albert W. Harris Jr.

Hard Life

The charge came yesterday, while Harris was questioning the only black called for service in the case so far — a San Jose mother of three who said she went to work picking cotton in the Southwest before she was 12 years old and had experienced a "difficult time" in life.

Harris suggested she might be prejudiced against the state, since a night club she and her husband owned was raided by police last fall, with the result that her husband was convicted of gambling and the state moved to revoke their beer and wine license.

'Angry Lawyer

Moore suggested Harris pursue such questioning in the privacy of Superior Judge Richard E. Arnason's chambers to save the prospective juror embarrassment and Harris agreed.

Branton stood and angrily said the damage was already done, adding:

"I resent in the deepest way possible the unforgivable way Mr. Harris has attempted to embarrass (the juror). It's a sign of the very kind of white racism we've been talking about."

Harris later returned to the question, asking another prospective juror if, upon hearing Branton's charge, she believed that he was indeed a racist.