

A Black Excused At Angela Trial

By Carolyn Anspacher

The only black member of the jury tentatively seated in the Angela Davis murder-kidnap-conspiracy trial in San Jose was removed late yesterday as attorneys for prosecution and defense continued their dangerous game of legal roulette.

It was almost a foregone conclusion that Janie Hemphill's tenure on the panel would be brief — not necessarily because of her color, but because it came to light during her questioning by Assistant Attorney General Albert W. Harris Jr. that she and her husband recently had their bistro's liquor license lifted by the State Board of Alcoholic Beverage Control.

Additionally, her husband had pleaded guilty to operating a gambling game; was fined and placed on probation.

WHISPER

In removing Mrs. Hemphill, Harris was forced to exercise the fourth of his precious 20 peremptory challenges and his move sent a whisper of anger through the courtroom, filled as always, with Miss Davis' supporters.

The displeasure was so muted, however, that Superior Court Judge Richard E. Arnason issued no admonition to the spectators, and defense Attorney Leo Branton, Jr. rose merely to observe that Mrs. Hemphill was the only black who had been picked to sit in judgment of another black.

When Harris left the courthouse, he was taunted with shouts of "racist pig" by a small group of black spectators.

Defense counsel, after Mrs. Hemphill's dismissal, said they expected the jury to try Miss Davis will be "all white."

Branton, who had tempted fate last Thursday by passing his first peremptory challenge, returned to the fray yesterday morning, as the process of jury selection went into its third week, by excusing William E. Hotaling — who is no relation to the San Francisco Hotaling family.

Hotaling, an IBM executive engineer, had expressed hostility to the concepts of communism during his questioning, but said he felt he could divorce his antagonism from Miss Davis, who is an avowed member of the Communist Party. A devout Presbyterian, he also said he disapproved of his church's \$10,000 gift to the Angela Davis defense fund.

STUDENT

The prosecutor's first peremptory challenge of the day unseated Philip Russell, a chatty San Jose State College senior who is on leave this semester. His verbosity during an examination on Thursday may have been his undoing.

The defense exercised its second challenge on Howard R. Atkinson, contractor who said he felt the Angela Davis case had been "overly publicized," not only Miss Davis' dismissal from UCLA for her Communist activities, but the Marin courthouse shooting 19 months ago in which four were killed. She is accused of furnishing the guns for the bloody episode.

Atkinson's seat was taken by Luis Franco, who works in the IBM order schedule department, and who came here from Mexico 18 years ago.

Franco, who has a pollen allergy, also has problems with English and repeatedly expressed "curiosity as to why Miss Davis should belong to the Communist Party of the United States.

He got no direct answer from defense attorney Doris Brin Walker who, instead gave a long exposition on the theories of Communists, and why some blacks accept their doctrines.

Franco was passed for cause by both sides.

Mrs. Hemphill's replacement in the jury box was Rosalie Frederick, a divorcee and the mother of three children. Her former husband is a San Jose school teacher.

Although she said she was Jewish, and "emotionally

would find it difficult to find anyone guilty," Mrs. Frederick, too, was passed for cause.

When court resumes this morning, the defense will be required to exercise the third of its peremptory challenges — or pass the jury as it is presently constituted.