

Angela Accepts All-White Jury

Four Men, 8 Women To Try Her

By Carolyn Ansbacher

Black revolutionary Angela Davis surprised the San Jose courtroom where she is being tried for murder, kidnap and conspiracy by unexpectedly approving the jury already seated in the box.

She rose, in imperial purple, to announce in her soft, almost monotone voice that she and her corps of attorneys accepted the all-white jury of eight women and four men.

The prosecution, in the person of Assistant Attorney General Albert Harris Jr., quickly followed suit.

Acceptance of the jury followed a 45-minute conference in the chambers of Superior Court Judge Richard E. Arnason that delayed the start of the court day. It came after only nine days of actual jury examination and belied predictions the process would take six weeks to two months.

In her declaration, Miss Davis made it abundantly clear she accepted the jury without satisfaction.

IMPOSSIBLE

"We have long contended, Judge Arnason," she said, "that it would be virtually impossible to receive a fair trial in Santa Clara county. As you know we have made a number of change of venue motions challenging the ruling that the case be tried in this county.

"As I look at the present jury I see that the women and men do reflect the composition of this county. There are no black people sitting on the jury. Although I cannot say this is a jury of my peers, I can say that, after much discussion, we have reached the conclusion that the women and men sitting on the jury will put forth their best efforts to

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give me a fair trial.

"I do not think further delay in the jury selection process will affect in any way the composition of the jury, and because we have confidence in the women and men presently sitting in the box, I am happy to say that we presently accept this jury."

Defense attorney Leo Branton rose to say: "Yes, this is with the concurrence of all counsel."

UNDERSTOOD

Out of court, during the noon recess, Harris said he was "not prepared" for the defense ploy, but added that it was "understood" during the chamber conference that "if they would accept the jury, we would . . ."

Neither he nor the defense lawyers would comment on which side initiated the surprise move. But Harris said he never had any intention

of using all 16 peremptory challenges remaining to the prosecution.

"We wanted nothing more than a fair jury," he said.

He also predicted that because of the swiftness with which the jury was chosen, the trial will run four months, rather than the six that had been anticipated.

CHARGES

The 28-year-old Miss Davis, a Communist Party member, is on trial for complicity in the Marin Courthouse escape attempt and subsequent shooting in which four persons were killed 19 months ago. She is accused of providing the guns for the attempted breakout.

Her actual trial will begin as soon as four alternate jurors have been picked, a process that could take several days. Opening statements by opposing sides will probably start a week from Monday.

Nobody in the crowded

courtroom yesterday morning was caught more by surprise than the 12 men and women occupying the jury box. Several of the women blanched and one sucked in her breath audibly.

Although the panel lost its only black member Monday when the prosecution challenged Janie Hemphill, the jury does have one Mexican-American and one 22-year-old woman.

JUDGMENT

The defense had battled almost frantically for youth on the jury, for ethnic minorities, for "workers" to sit in judgment of Miss Davis.

What was accepted was an essentially middle-class jury, wholly representative of Santa Clara county where blacks comprise only two per cent of the population.

The jurors are:

Ralph E. Delange, a junior high school teacher turned electronics maintenance en-

gineer.

Nicholas F. Gaetani, 45, a bachelor, and an accountant.

Ruth Ann Charlton, married, the mother of a young daughter and a sales supervisor for Bullock's store in Palo Alto.

Mary Borrelli, married, the mother of two adult sons and the sister of a man who served a San Quentin term 20 years ago.

James Messer, 33, U.S. Naval Academy graduate, a former Navy and Pan American pilot, and now an FAA flight controller.

Luis Franco, a Mexico-born IBM order scheduled clerk; married, the father of two sons, and an aspiring artist.

Mary M. Timothy, married, a medical researcher at Stanford; and the mother of three grown children, the elder of whom was a conscientious objector to the Viet-

nam war and did alternative service.

Mary Titcomb, married, the mother of five children, and the daughter of a retired Sheriff's Captain.

Rosalie Frederick, a young divorcee with three children.

Winona Walker, a white-haired retired librarian.

Anne B. Wade, 28, married, the mother of two young children, who went to school in Georgia where she had contact with blacks.

Stephanie Ryon, 22, a department store collection clerk and wife of a Vietnam Veteran.

A total of 71 prospective jurors were excused for various reasons — medical, economic hardship, educational hardship and preconceived ideas that might prove prejudicial. Remaining on the original panel of 120 are 35 from whom the four alternate jurors will be selected.

The Angela Davis trial jury, as sketched by artist Rosalie Ritz for KPIX news, included (back row, from left) Luis Franco, James Messer, Mary Borrelli, Ruth Ann Charlton, Nicholas F. Gaetani and Ralph E. Delange; (front row, from left) Stephanie Ryon, Anne B. Wade, Winona Walker, Rosalie Frederick, Mary Titcomb and Mary M. Timothy.

