

Angela Explains Case to the Jury

By Carolyn Anspacher

Angela Davis addressed herself yesterday to the eight women and four men she considers the jury of her non-peers.

Miss Davis, the scholar, the philosopher, the admitted Communist revolutionary, arose in the San Jose courtroom of Superior Court Judge Richard E. Arnason to deliver the opening statement for Angela Davis, on trial for murder, kidnap and conspiracy.

For 80 minutes, half before the noon recess, and half at the beginning of the afternoon session, she assumed the stance of counsel for the defense. During that time she wove a complicated fabric, its warp a repeated declaration of innocence of complicity in the Aug. 7, 1970, Marin County Courthouse shooting in which four were killed; its woof, a clarification exposition of her political beliefs.

Reading, mostly from a typed manuscript, later to be published in pamphlet form, she acknowledged that "four lives were lost in the vicinity of the Marin courthouse on August 7 and civilian human beings were wounded."

"I do not dispute the truths of these facts," she said. "But I remind you that

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two separate issues are involved: how these deaths occurred and if I had anything to do with them."

PROTEST

She derided the cold and precise opening statement Monday of Assistant Attorney General Albert W. Harris Jr., as "labyrinthine" and leading to "false conclusions" then angrily protested interruptions when the prosecution suggested that she was supposed to be outlining the defense case and not "delivering a commentary on mine."

Miss Davis, in a magenta mini-skirt and a blouse printed in blending shades, took particular issue with Harris' assertion that she had been driven by passion for the now-dead "Soledad Brother" George Jackson to plot the Marin escape attempt and shooting.

"He said my passion was so great it knew no bounds," she said, "and that I was not concerned to free all political prisoners and improve prison life."

DENIAL

But she said she was not a "victim of lurking selfish passions" but had acted long before her first contact with Jackson to free all the "Soledad Brothers."

"The prosecutor," she said, "takes advantage of the fact I am a woman, in typical male chauvinism, to attribute such motivation to my acts.

"My own efforts to free

Jackson," she went on, "were expressed in context to free all oppressed men and women and the 'Soledad Brothers.'"

In occasionally rambling fashion, she outlined her activities in behalf of "three black men accused of killing a (Soledad) guard" and felt she had been mandated to educate the public about "victims of political oppression."

"We sought activities that would involve ever wider and larger numbers of people that they would be freed. On Monday, the ultimate fruit of our labor was attained. A white jury, that heard all the evidence, pronounced the two (Soledad) survivors not guilty and if George Jackson had not been shot down, he would also have been pronounced not guilty."

STRUGGLES

Exploring her own life, Miss Davis spoke of her struggles to free black and brown people; of her affiliation with many groups, including the Black Panthers and the Che Lumumba Club of the Communist Party.

"I sought to protect and extend the rights of the working people; to end the war in Indochina and my goal was to aid in the creation of a movement encompassing millions and ultimately usher in a more humane socialist society. . . .

"The nature of my actions to free George Jackson (from San Quentin prison) was an extension of all my other political activities and my commitment, fully expressed."

Miss Davis insisted she was no prisoner of love, bound to Jackson by physical passion, but was, instead, committed to friendship with all families of the "Soledad Brothers."

She was on close terms she said, with all members of the Jackson family and attended rallies and demonstrations with them not only in Southern California, but

in the San Francisco Bay Area as well.

JONATHAN

As for George's 17-year-old brother, Jonathan — the youth who smuggled into the courtroom of Superior Court Judge Harold Haley the weapons used in the Marin shooting — she spoke of him as an "angry, frustrated, concerned young man whose brother had been taken from him, and who spent ten years accompanying elders to visit him in prison."

"He was only 17, and he must have been sensitive to the plight of men like James McClain and Ruchell Magee and William Christmas (the San Quentin convicts involved in the Marin shooting.)

"Our friendship," she said, "is no basis for contending I played some role in the Marin shooting and it is readily apparent how he got the guns and books and other property that belonged to me."

TRAVEL

She said she and young Jackson did, indeed, travel together because after she was not rehired in her UCLA job she was constantly threatened by extremists. Thousands of threats, she said, were made against her life and it was no longer safe for her to go out alone.

"As time progressed, I felt increasingly closer to Jonathan and his family and my love and affection for George did not fully flower until I was arrested and my love and affection grew stronger for him because, like him, I was a political prisoner," she said.

Miss Davis freely acknowledged she did buy the four guns used in the Marin shooting, but said their

purchase dated back to her childhood experience as a resident of "Dynamite Hill" in Birmingham, Ala. where violence was very much an act of everyday life.

"My father had to keep guns because he feared we would be the next victims of racist violence," she said.

Then, she said, when she left the deep south, she did not leave behind the early fears for her life.

FEELING

In Southern California, she said, she again felt threatened because of her radical activities and the guns were a means of protection, for herself and others close to her.

"I needed protection against political attacks, and this was particularly true after the University of California Regents and the Governor of California made me a public figure against my will."

And beyond this, she said, she loved shooting "as a sport," and for her target practice she purchased large amounts of ammunition.

She emphasized that the guns had been purchased legally; that she had given her name and birthplace when she bought them, and added:

"Is this evidence I participated in the August 7 conspiracy?"

She scoffed at prosecutor Harris' promises to produce witnesses who would identify her as the woman who had been near the Marin courthouse the day before the shooting, describing the identification procedures as "tainted." And she also denied she had fled San Francisco shortly after the shooting.

Instead, she said, she boarded a PSA flight to Los Angeles in quite ordinary fashion, paying for her ticket by check. And then, of her subsequent "unavailability," she said she "dropped out of sight" because she suddenly had become a "target of search" and felt she was in "danger."

"I had good reason to fear police violence," she said. Blacks and chicanos are victims of police violence. I had reason to fear months of incarceration without bail and trial before an all white jury.

"The prosecution claims I fled because of my consciousness of guilt. I say I was only protecting my in-

nocence.

"It is a sick kind of game the prosecution is playing. What is happening is that the prosecutor is shaping a circumstantial case out of ordinary circumstances of everyday life."

She accused Harris of "professional legerdemain" in extending the area of the August 7 crime from the Marin courthouse to the San Francisco Airport and declared again: "The charges against me are an extension of the attack against me by the governor of this state and the regents of the University of California."

And finally, she said she was perhaps a student of violence because this was the subject of her doctoral thesis but I was committed to "progressive social change."

She asked the jury to think ahead to the end of the trial and expressed confidence "your verdict will terminate with two words: not guilty."

It was another woman, less dramatic in appearance, less charismatic in personality, who assumed the stellar role in the courtroom in mid-afternoon.

Prosecutor Harris called as his first witness for the state, Maria Elena Graham of Terra Linda, who was one of the jurors taken hostage during the escape plot and shooting at the Marin Courthouse.

Small, neat, in a dark pants suit, Mrs. Graham told in quavering voice of seeing young Jackson enter Judge Haley's courtroom about 10:45 a.m. on August 7. Convict McClain, on trial for assaulting a San Quentin guard, was questioning convict Magee, she said, when Jackson stood up.

"He pointed what looked like a machinegun and said: 'This is it, everybody freeze.' So I froze."

She said Jackson gave McClain a handgun, and then another one, and he went behind the bench and strapped one of the weapons around the judge's neck. Then, she said she and two

other women jurors, and Assistant District Attorney Gary Thomas were gathered together with wire and marched to the parking lot and herded into a waiting yellow van.

"During the walk," she said, "I remember someone saying, 'Let me take a pot shot' and someone said 'let me shoot someone,' but Mr. McClain said no. When we were in the van someone said 'Where are we going?' and Mr. Jackson said 'San Francisco Airport.'"

CONTENTION

It is the contention of the State that the hostages were to be exchanged at the airport for George Jackson.

"When the shooting started," Mrs. Graham went on under Harris' questioning, "I remember Mr. Thomas reaching over my head and grabbed a gun.

"Then I realized I was hit and I was sliding down. The next thing I knew Thomas fell over me and was shouting 'For God's sake, don't shoot.'"

The artery in Mrs. Graham's right arm had been severed.

"Did you see Judge Haley?" Harris asked.

"Yes," said Mrs. Graham. "The right side of his face was blown off and his teeth were hanging out."

She was virtually in tears as she spoke those words.

Mrs. Graham will undergo cross-examination this morning by Defense Attorney Howard Moore Jr.