

3 at Angela Trial Recall Bloody Day

By Carolyn Anspacher

Three Marin county women were required yesterday to dredge out of the recesses of their memories details of what the prosecutor in the Angela Davis murder-kidnap-conspiracy trial has described as a "bloody day of horrors."

All three had been jurors in the San Rafael court of Superior Court Judge Harold Haley on Aug. 7, 1970, when 17-year-old Jonathan Jackson burst in, produced guns for three San Quentin convicts and with them kidnaped the judge, three women jurors and an assistant district attorney.

In the violent denouement, Judge Haley, young Jackson and convicts James McClain and William Christmas were killed. Three persons were wounded: Assistant District Attorney Gary Thomas, who will never walk again; convict Ruchell Magee, and juror Maria Elena Graham.

CLAIM

The state claims that Miss Davis hatched the plot and provided the weapons in order to exchange the kidnaped hostages for George Jackson, then also a San Quentin inmate and one of the so-called Soledad Brothers — three black convicts accused of killing a guard at Soledad Prison. (George Jackson was killed later in a bloody incident at San Quentin; the other two convicts

See Back Page

From Page 1

were acquitted of the murder charge this week.)

Remembering proved a torment yesterday for Mrs. Graham, the state's first witness in Miss Davis' San Jose trial.

Repeatedly, under both direct examination and then cross examination, she cried out that she had spent 19 months trying to forget the sight and sound and smell of death.

EXPLICIT

Under the questioning of Assistant Attorney General Albert Harris Jr., renewed from Wednesday, Mrs. Graham was very explicit. She said she saw Marin county law officers disarmed and their weapons taken by the escapers; she heard convict McClain use the phone in Judge Haley's courtroom and tell someone in the sheriff's office: "We want the Soledad Brothers freed or we will kill Judge Haley."

Defense attorney Howard Moore Jr., in his cross examination, embarked upon the hazardous task of trying to discredit the seemingly sincere and deeply troubled Mrs. Graham, but, at the same time, to eliminate the Soledad Brothers from the escape plot.

With them removed, if they can be, Miss Davis' alleged involvement in the conspiracy all but vanishes.

Moore was soft in tone but deadly persistent. Had Mrs. Graham heard Jonathan Jackson, brother of George Jackson, really say "We want the Soledad Brothers free. We are the new liberation"? Where had she heard it? How close was Jonathan? How loudly did he speak?



UPI Photo

WITNESS MARIA ELENA GRAHAM
She told of the Marin kidnap drama

Mrs. Graham trembled, but was definite. He had said it and more than once, she declared.

Moore riffled through Mrs. Graham's various statements after the gun battle, in which the artery of her right arm was severed.

She had mentioned the Soledad Brothers in her statement four days after the shooting, and again the following month, and still again in April of last year. But it was not until Wednes-

day, in court, that she mentioned what McClain had said on the telephone while the kidnaping was in progress: "Free the Soledad Brothers or we will kill the judge."

"It came back to me while I was talking. 'I've Graham said tearfully. 'I've tried so hard to forget. . . ."

"It came back to you because Mr. Harris told you to say it when you saw him in San Rafael last week," Moore shot at her.

"No, no," Mrs. Graham said. "He only told me to tell the truth."

EVENTS

Moore carried Mrs. Graham back to the kidnaping itself; to the long walk from the Marin courtroom to the Hall of Justice parking lot; to the waiting yellow van that, she said, was to have taken them to San Francisco International Airport.

She said there was great confusion among the escapers, with young Jackson giving orders, and McClain, older, more sophisticated, apparently more humane, countermanding them.

"He made an impression on you as intelligent and responsible?" Moore asked.

"Yes," Mrs. Graham said.

"Don't you remember what McClain explained why he had to be free?" Moore asked.

"Yes, he said he had to have the Soledad Brothers free."

"Didn't he say he had to be free because he didn't want his mother frightened?"

"I don't remember that," Mrs. Graham said.

SECOND

Norene Morris of San Rafael was the second prosecution witness. A tall, poised blonde, she, like Mrs. Graham, had been a juror in the Haley court when the kidnaping occurred, but she had not been taken a hostage.

Quietly, she described what had happened from the Jackson invasion until the escapers and their hostages left the courtroom. She recalled no mention of the Soledad Brothers in the courtroom, but remembered well the "very gentle" McClain who constantly sought to restrain his confederates.

McClain, she said, kept telling young Jackson to "calm down and leave the jury alone." "I don't want to

kill anybody," she quoted McClain as having said. "Well, I want to kill somebody," Jackson retorted, according to Mrs. Morris.

REASSURANCE

It was McClain, she said, who kept Jackson, Christmas and Magee from taking an infant, an elderly woman and a sick woman as hostages and it was he who tried to reassure the women on the jury who were being taken.

Mrs. Morris' composure vanished entirely when prosecutor Harris produced a huge photograph — one of the extraordinary series taken by news cameraman James Kean — of Judge Haley with a sawed-off shotgun taped under his chin.

She looked at it and burst into tears.

Burying her face in her hands, she sobbed: "That's Judge Haley. That's Judge Haley."

Her cross examination by Leo Branton Jr., another of the Davis defense team, was brief and gentle.

THIRD

The day's third witness was Doris Wittmer of Mill Valley, another of the jurors taken as hostage.

A small brunette, she spoke quite calmly of the kidnaping and shooting and made particular note of the fact that when the hostages had been put into the van Judge Haley, ever courtly and only a few seconds from death, had apologized to the women for their having been "dragged into this."

She said that as she and the others were led out of the Hall of Justice, tethered together with wire, she heard two shots "fired from our group."

Like Mrs. Morris, she said she heard no reference to the Soledad Brothers or the "new liberation," but noted, in explanation: "I was too frightened to listen to anything that was said."

The trial will be in recess today, and will resume on Monday at 9 a.m.