

Angela Witness' 'Soledad' Story

By Carolyn Anspacher

The prosecution in the Angela Davis trial yesterday produced another witness as it sought to show that freedom for the so-called Soledad Brothers was the motive for the abortive breakout attempt at the Marin County Hall of Justice.

The witness was James J. Kean, the San Rafael newspaper photographer who, by chance, was actually invited by the convicts to use his camera to record the episode of terror and, later, death. He could not be shaken in his testimony that the principals in the breakout attempt wanted the Soledad Brothers "free by 12 (noon)."

Cornerstone of the State's case is that Miss Davis had formed a passionate attachment for one of the Soledad Brothers, George Jackson, and that she then devised and armed the escape plot in his behalf.

Those killed in the violent encounter were Superior Court Judge Harold Haley; Jonathan Jackson, George's

17-year-old brother, and convicts James McClain and William Christmas.

The Davis defense contends that if the fiat "Free the Soledad Brothers" had been uttered by the escapers it was no more than a rallying slogan, like "Free Huey Newton" or even the currently popular "Free Angela."

On the morning of Aug. 7, 1970, Kean said, he had just left an assignment at Marin General Hospital when he heard on his police radio that a gunman was believed at large in the court area of the Marin Civic Center.

When he arrived, he said, he saw Judge Haley, a shotgun taped around his neck, and convict McClain holding the jurist in a tight grip, another gun at the judge's head, and also holding something that looked like a "home-made bomb."

Sheriff Louis Mountanos and two deputies, Kean said, were standing against the wall, their hands up.

PICTURES

From then on, Kean illustrated his testimony with 15 of his own photographs, taken one after another after convict Ruchell Magee invited him to "bring your stuff over here." (Magee was seriously wounded in the shootout, but recovered, and is now awaiting trial in San Quentin on the same charges as those lodged against Miss Davis.)

The Kean pictures followed the kidnaping up and down the hallways of the Frank Lloyd Wright - designed building.

"Get a good picture of the

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Judge," he said McClain demanded.

At one point, he said, Magee came up to him and said: "Come on, you're going, too."

"I fell in line behind Judge Haley and ahead of Christmas," he said. "When we got to the elevator, Jonathan Jackson said: 'We don't want this m----- f-----. We've got enough.'"

"Then McClain turned to me and said: 'Tell them we want the Soledad Brothers released by 12 o'clock.'"

"I asked McClain to repeat it, and he did. So there would be no mistake, I said did he mean 12 today or 12 midnight. He said 12 today."

Kean said he wrote the words "Soledad Brothers" in the notebook in which he took his captions, and what later happened to the book, he doesn't remember. Possi-



HARVEY TEAGUE
Marin Sheriff's Captain



JAMES J. KEAN
News photographer

AP Wirephotos

bly, he said, he threw it away.

Defense attorney Leo Branton Jr. on cross-exam-

ination tried to persuade Kean to concede that the whole kidnaping was a very relaxed and leisurely affair,

with everybody pausing to pose for pictures. Kean acknowledged he did take 24 to 30 pictures in about 15 or 20 minutes — pictures, incidentally, that won him numerous national awards.

CORRECT

But Kean insisted he correctly remembered the message about the Soledad Brothers and the order that they be released by 12.

"If anything was said," Branton asked, "wasn't it just 'Free the Soledad Brothers?'"

"No," replied Kean. "It wasn't anything like that. He said free them by 12. That's all. There was no alternative."

Marin Sheriff's Captain Harvey E. Teague, then commander of the Juvenile Bureau, was one of the ill-starred law officers held at bay by the escapers. He spent much of the interlude staring at the wall, his hands over his head, he testified yesterday.

He heard Jackson threaten to blow the head off anyone who moved, he said, and he also heard "someone" utter two key sentences: "We have only five minutes to get out of here," and "You have until 12 noon to free the Soledad Brothers and all political prisoners."

PLANTER

When the grim party left the floor, Teague rushed downstairs and outside and stationed himself in a large planter box with two other officers. They did no shooting, he said, and no one fired at the escape van anywhere around him.

Under cross examination by defense attorney Howard Moore Jr., Teague had no ready explanation why his initial report did not refer to the Soledad Brothers or of releasing anyone by noon. He did mention it the following April to an Attorney General's investigator.

Teague did identify an M1 carbine with fixed stock used in the shooting — one of the weapons bought by Miss Davis — and a packet of six books young Jackson carried into Judge Haley's

courtroom in a plastic, handled bag. They covered a supply of ammunition and other appurtenances used in the kidnaping.

The books were "Studies in Revolution," "L'Anarchisme," "Pour Algerie," "The Politics of Violence and Revolution in the Modern World," "L'Homme et al Societe" and "Violence and Social Change: A Review of Current Literature."

Two of the books bore Miss Davis' signature.

The day's two final witnesses were Clifford Niederer, of the Corte Madera Police Department, and Mill Valley Police Chief Daniel Terzich.

It was Niederer who testified that he was delivering a prisoner to the Marin County Jail about 10:45 a.m. on the day of the break and went upstairs to see if he could help. He said he was disarmed by Jackson, and that at the elevator he heard McClain, in a loud voice demand the "release of the Soledad Brothers by this afternoon."

And Terzich said he was at the Civic Center on a traffic matter, and unarmed. When the trouble began, he said he got a snub-nosed .38 caliber revolver, and went to the scene in time to see the hostages and the captors emerge from the courtroom. He said he heard McClain say: "Free the Soledad Brothers by 12:30 or they all die."

He did not write a report of the incident, he said, but did testify to this effect before the Marin Grand Jury in November of 1970.

Throughout the long court day Miss Davis, the 28-year-old admitted Communist revolutionary, was totally unobtrusive. In her biegely and rust knitted dress, with a peace dove stitched at the bosom, she sat away from the counsel table and swallowed pills occasionally.

Court will be in recess until tomorrow because one of the jurors, believed to be Anne B. Wade, 28, must attend the funeral of her father.