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Angela Trial

Hears Tape

Of Gunfire

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By Carolyn Anspacher

The sound of gunshots — saved for nearly a year by a tape recorder reverberated yesterday through the San Jose courtroom in which Angela Davis, is being tried for murder, kidnap and conspiracy.

They were the shots fired outside the Marin County Civic Center on August 7, 1970, when four persons were killed and three wounded in the denouement of an aborted convict escape attempt.

The rat-tat-tat of bullets — first one alone, then another, then 14 more, the last five a kind of spray of death — was imprisoned on a strip of tape that was played for the jury of eight women and four men.

The actual bloodbath, as told in the fusillade of bul-

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lets, took just 19 seconds, from first shot to last.

In introducing the tape, Assistant Attorney General Albert Harris Jr., used no theatricals. His vehicle was a well-tailored young man, James William Brown, a personnel consultant from the State Personnel Board in Sacramento.

On Aug. 7, 1970, he testified, he was in Marin county, on the third floor of the Civic Center building, interviewing candidates for the State Department of Social Welfare.

OFFICE

The office in which he and two others were conducting the interview opened onto a

balcony. A table on which the tape recorder stood was about 15 feet from the windowed wall, he said.

His interview with the woman job candidate had been going on for some minutes, he said, when there was a "loud noise" outside, but they went ahead anyway. The "noise" continued.

"We began to get apprehensive," Brown said, "and then the window broke in from the outside and shattered and we left — we left immediately and went into the hall and took shelter behind some planters. Lead particles were splattered all over the balcony outside our room . . ."

RECORDER

But the tape recorder whirred on, recording each shot. When the violent episode was over, Brown said, he concluded the interview for the day because of the "confusion" at the Civic Center, and he turned off the recorder and took the spool of tape to the sheriff's office.

"I thought it might interest them," he said.

The segment of tape so galvanized the jurors that several asked to hear it a second time.

The first shot stood alone, almost like an exclamation point.

TONE

Then came another, and an instant of silence, and then came the fusillade of varying intensities of tone.

Earlier in the day, the jury had heard of those shots from several law officers who had fired them during the long tense moments outside the Civic Center.

John W. Matthews is a San Quentin correctional officer

and one of the prison's top marksmen. He had been rushed to San Rafael to try to stop the escape. Matthews testified he had been a short distance from the yellow van being driven by 17-year-old Jonathan Jackson and carrying the convicts and hostages when it lurched to a stop. He saw the driver, he said, and a man next to him.

"When the van stopped even with me," he said, "they were scanning the area to the right and to the left. Their eyes were sweeping the area. When they got to me, there were two weapons pointed at me. They were revolvers. One or both fired. I had not fired until then. I was kneeling behind the trunk of a car.

"When one or both fired, I ducked and came up firing. I fired a shot at the person in the van and he drew down and went violently from the line of fire."

He said he fired again at the man on the passenger side and he, too, recoiled. Matthews said he fired a third shot at a man who "exposed himself at the rear," and this one too "went down."

"Then a man in a gray suit pushed himself up and said 'Stop firing, I'm hit.'" Matthews said. "I understand this was Mr. Gary Thomas, the assistant district attorney."

Matthews, proud of his marksmanship, particularly with a carbine, was reluc-

tant to concede any of his shots had missed their targets.

San Quentin Sergeant Joseph J. Murphy watched the exchange of gunfire between Matthews and the men in the van and was the first to testify that during it a window had been blown out of the vehicle.

He testified he had been the one to take a carbine with a light stock (a gun, incidentally registered to Miss Davis) from the rear of the van in order to remove the gravely wounded Thomas.

Under examination by Harris, and cross-examination by defense attorney Leo Branton Jr., Murphy was called upon to explain repeatedly the policy of the State Department of Corrections that the taking of hostages will in no wise affect attempts by law officers to halt prison escapers.

POLICY

"It's been a policy as long as I've been there," Murphy said. He has been 26 years with the department.

"Does that mean that if people attempt to escape with hostages guards will prevent them even if it means that every hostage is killed?" Branton asked.

"Yes," Murphy said.

"And that means one judge or 20; one woman or 20; one child or 20?" Branton asked.

"Yes, sir," Murphy replied. (One of these slain

was Marin Superior Court Judge Harold Haley.)

"Then it is more important to prevent an escape than to save human life?"

"Yes," Murphy said. "And that policy includes myself and any other member of the department and any hostages people may have."

Four other San Quentin guards, who had been at the scene, also trooped on and off the witness stand. One, L. O. Westaby, said he was unarmed, and had helped with the dead and wounded.

Eugene L. Osborne said he, too, had fired at the van, with a .38-caliber revolver with a two-inch barrel, but couldn't remember how many times.

Melvin C. Currie, who said he heard "one distinct sound from inside the van, like a shotgun" and "something like glass falling," fired twice with his .38-caliber revolver.

John A. Hicks, now at the Medical Facility at Vacaville, seemed to have trouble remembering much of anything. He said he recalled a yellow van and acknowledged having fired "four or five shots" from a carbine.

SHOTGUN

Assistant Marin Coroner Eugene R. Fontaine, recalled to the stand for cross examination, again by Branton, reiterated he had seen convict Ruchell Magee, although gravely wounded, try to get his hand on the sawed-off shotgun lodged in Judge Haley's lap.

Magee, he said, was conscious, breathing shallowly, and still was "reaching and groping" for the gun which had torn off Judge Haley's face.

The day's final witness was Cedell Bradford, a young black, who, on that August day, had been working in the basement of the Civic Center counting absentee ballots.

He created an embarrassment for both sides — for the prosecution, when his testimony failed to jibe with an earlier unsworn statement, and for the defense when he gave a clenched fist black power salute and declaimed: "Right on!" as he left the courtroom. Superior Court Judge Richard Arnason had not yet left the bench and the jury was still in the box. Bradford will return to the stand today.