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COURT BACKS USE OF DAVIS LETTERS

Prosecution Granted Right
to Read Them to Jury

By EARL CALDWELL

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SAN JOSE, Calif., April 20 —The prosecution in the trial of Angela Davis was granted the right today to use her personal letters to show the extent of her love for George Jackson.

It was a major victory for Albert Harris Jr., the prosecutor, who said in his opening statement that the letters alone would show how it was possible for Miss Davis to commit the crimes of murder, kidnaping and criminal conspiracy.

The defense made a determined effort, through a series of legal arguments, to force the suppression of the letters. The arguments began early yesterday and they continued this morning.

At 10 A.M. Judge Richard E. Arnason took the issue under advisement. After a 45-minute recess, court was reconvened and Judge Arnason denied the motions to suppress the letters.

The defense had argued that the letters the prosecutor has in his possession were seized illegally. Some of the letters were taken from her home by agents of the Federal Bureau of Investigation. At least one was seized by a guard at Soledad Prison. And most of the others were collected from Jackson's cell at San Quentin Prison last August, just hours after he was shot and killed.

Searches Defended

In each instance the prosecution defended the search that uncovered the letters and today Judge Arnason, by his ruling, declared that nothing illegal had been done.

While the prosecutor was given the right to use the letters, none of them was introduced this afternoon when the taking of testimony resumed. Instead, the state only brought on witnesses to show how the

letters were obtained.

These letters, perhaps more than anything else, will be used during this trial to support the state's contention that Miss Davis was so in love with Jackson that she helped plan and carry out the escape attempt at the Marin County Courthouse as part of a scheme that would have forced his release from prison.

According to the prosecution, the escape attempt at the Marin County Courthouse was designed to take hostages who were to be used to demand the freedom of the Soledad Brothers—George Jackson and two other black convicts who were then at San Quentin prison.

'It Is Not Pleasant'

In his opening remarks, when discussing the letters with the jurors, the prosecutor said:

"It is not pleasant for me to offer into evidence—it won't be pleasant letters that are as personal as these are. It is clear that they were intended only for the eyes of George Jackson. They may be embarrassing. But because they so clearly articulate the state of mind of the defendant and because they so clearly establish her relationship with George Jackson, it is our duty to have them disclosed in full."

Mr. Harris said that the letters would show that the defendant "considered herself married to George Jackson." He said: "You will find, I think, from the letters, a willingness on the part of the defendant to do whatever she felt had to be done to free George Jackson."

In arguments for suppression, the defense said the F.B.I. had improperly seized the letters found in Miss Davis's apartment. A defense attorney, Doris Walker, argued that the F.B.I. only had a fugitive warrant for her arrest but that they rummaged through her apartment to find the letters. She also questioned the validity of two of the letters because they were only copies and no originals were produced.

At one point in the cross-examination of one of the agents who confiscated the letters, Mrs. Walker asked him if he had planted them in Miss Davis's apartment.

Leo Branton, another defense attorney, argued that the documents taken from Jackson's cell, which the state called an 18-page letter, were, in fact, a diary and were not seizable under protection granted by the Fourth Amendment. He was also critical of the prosecution because the document had been taken without a warrant. He said that the state's feeling was that because Jackson was a prisoner he had no rights.

In arguments yesterday, one paragraph of one of the letters was read in court but the jury had been excused and did not hear it.