

## State Talks of a 'Marriage'

# The Angela Letters

By Carolyn Anspacher

A hint that Angela Davis and George Jackson may actually have gone through a marriage ceremony of sorts while each was a prisoner — Miss Davis in the Marin County Jail and Jackson in San Quentin—was made yesterday by Assistant Attorney General Albert Harris Jr.

The suggestion was made while opposing counsel continued their legal battle for admission of or suppression of Miss Davis' "love letters" to Jackson. Some were written before the abortive Aug. 7, 1970, Marin Civic Center kidnap attempt and subsequent gun battle, and some just before Jackson himself was killed in a San Quentin uprising last August.

The defense requested the hearing to raise new challenges to the admissibility of the letters. On Thursday, the contents of most of the letters had been ruled admissible. Judge Richard A. Arnason said he will rule on the question today.

Miss Davis is on trial in San Jose for murder, kidnap and conspiracy in connection with the Marin shooting in which four were killed.

Harris, in countering arguments of defense attorney Leo Branton Jr., that the letters should be suppressed because of irrelevancy, immateriality, invasion of privacy and lack of authentication, declared that "not another human being in the world" could have written the missives found in Jackson's cell after he was killed.

In one of these letters, Harris argued, Miss Davis

repeatedly referred to herself as his "wife." "The letter shows she considered herself married to Jackson," Harris said. "She refers to a marriage ceremony . . ."

Arguing outside the presence of the jury, Harris said: "The (so-called) 18-page San Quentin letters show her willingness to use violence to help Jackson and the callousness and disregard for human life evidenced months before.

"What she used in these letters was not mere rhetoric, but she directed to George Jackson her willingness to engage in violence to bring about deaths if it would help him."

### FEELINGS

Although the San Quentin letters, Harris said, were written 11 months after the Marin shooting, they show in "down currents" what her state of mind was and twice referred to the similarity her feelings for Jackson in May of 1970, when she first met him, and in July of 1971.

The state claims that Miss Davis, using Jackson's younger brother as her tool, arranged the Marin escape attempt, hoping to exchange hostages seized in the courtroom of Superior Court Judge Harold Haley for the older Jackson's freedom from San Quentin.

Branton did his most elo-

quent battle against the state's calling of San Quentin Lieutenant W. R. Sellmer to testify about a meeting of Miss Davis, Jackson and their attorneys in the Marin county Jail on July 8, 1971.

### AFFECTION

"This testimony may be critical," Branton said. "The prosecution intends to call Sellmer to testify to what he saw rather than what he heard and the thrust of this testimony will be that he saw the defendant exhibit warmth and affection for George Jackson."

This testimony, Branton claimed, would be a violation of the attorney-client privilege.

"The communications to which he was witness (through a glass enclosed cell) were not oral, but they were just as valid," he said.

"If they, Miss Davis and Jackson, met and embraced that was a part of their communications.

"If he saw them kiss and embrace and anything else

it was a violation of the confidentiality of communication, which should be unseen as well as unheard.

"The guard deliberately eavesdropped on the confidentiality of two clients."

To this point Harris said that Miss Davis, Jackson and the attorneys were well aware Sellmer was outside the cell, and in fact, several times told him to leave.

"It was his job to watch Jackson," Harris said. "He wasn't about to let a prisoner accused of murder out of his sight."

#### RHETORIC

Repeatedly Branton acknowledged the "warmth and affection" with which Miss Davis regarded Jackson but indicated the cumulative effect of the letters, with their admitted "rhetoric" would, if read, have a prejudicial effect on the jury.

He said he did not contest the authenticity of three of the letters still in question, but said the 18-page San Quentin document bore no signature, and therefore should be considered a "diary" and therefore Miss Davis' personal property.

"The judge," he said, "already has ruled the San Quentin document was not illegally seized because Miss Davis had no privacy rights to be invaded. But if it is a literary effort of Miss Davis, then it has a property value to her."

#### COST

A witness last week testified that a latent fingerprint of Miss Davis was found on one page of this document.

Harris insisted that all the letters, marked so far only for identification, show the increasing intensity of Miss Davis' feelings for Jackson and her determination to devote her entire life to the cause of George Jackson, regardless of the cost.

He reiterated his appeal that the jury see all the evidence and hear it, and make its own decision.

Earlier in the session,

Sherwood Morrill, examiner of questioned documents for the State Department of Justice identified the signatures on three of the letters as that of Miss Davis and said all 18 pages of the San Quentin document were typed on the "same machine."

He also identified Miss Davis' signature on seven checks, three firearms transactions. He identified the signature of Jonathan Jackson on five San Quentin visiting register lists. Jackson, he said, also signed in for a "Diane Robinson" on Aug. 5, 1970, two days before the Marin shooting. "Diane Robinson," Harris said in his opening statement, was Miss Davis.

At the onset of the court day Judge Arnason excused Mary Borelli, 46, from further service on the jury. Judge Arnason said Mrs. Borelli's doctor considers her too ill to continue on the panel and she was discharged, but with the sternest judicial admonition not to discuss the case in any way until it has finally been resolved.

Mrs. Borelli's place was taken by the first of the four alternates selected, 69-year-old Robert Seidel, a retired, Danish-born engineer.