

Angela's Letters

Held Out

Will Not Be
In Evidence

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San Jose - The prosecution suffered a severe blow in the trial of Angela Davis today when it was barred from introducing as evidence 18 pages of so-called "love letters" she allegedly wrote to George Jackson.

Superior Court Judge Richard Arnason not only

Richard Arnason not only refused to admit them in their present form, but he also banned testimony by a San Quentin correctional officer who observed Miss Davis and Jackson during their only physical meeting.

Although the judge did admit three other letters written by Miss Davis to Jackson, and indicated he might later accept edited excerpts from the 18 pages if they did not distort the context, there was little doubt the prosecution had seriously lost ground.

Pivotal to Case

That was evident in the downcast countenance of Deputy Attorney General Albert W. Harris Jr. as he heard the decision, for he had made it clear the 18-page document is pivotal to his case.

It was found in Jackson's cell at San Quentin after he was slain during an escape attempt last August.

Harris hoped through it to establish that Miss Davis knowingly joined in planning the Marin County Courthouse plot in the expectation that hostages would be taken who could be traded for the freedom of Jackson and

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two fellow prisoners, and that she did it because of her passionate love for Jackson.

The alleged plot exploded on Aug. 7, 1970, in a shootout that cost the lives of Marin County Superior Court Judge Harold Haley, two escaping San Quentin convicts, and Jackson's younger brother, Jonathan, who smuggled guns into Judge Haley's courtroom.

Source of Guns

Miss Davis, according to the prosecution, supplied the guns young Jackson used and thus is guilty of murder, kidnaping and conspiracy as an accessory to the crime.

Harris made it clear yesterday, in arguing for admission of those critical 18 pages, how important they are to his case.

"If somehow the people of the State of California" are prevented from introducing the letter into evidence, Harris said, "then any hope that justice could ever be achieved is a forlorn hope."

The 18-page document is "totally different in dimension" from the other letters, Harris said.

"It tends to show the defendant did love George Jackson... In many places it shows the defendant considered herself married to George Jackson. It even re-

fers to a marriage ceremony in one place...

"If the people are not allowed to present this to the jury then the truth will never come out in this courtroom."

Jury's Job

If the judge were to bar the letter as unjustly prejudicial, he would be taking over the job of the jury, Harris said, urging that the jury is capable of evaluating the evidence.

Equally adamant was Branton, who stood, gripping the back of his chair and demanded to know: "Will the court allow a jury to read the most intimate thoughts and expressions of a person held in jail, fighting for her rights?"

The defense, he said, will stipulate Miss Davis had and still has a "deep warmth and affection for George Jackson" but he charged Harris wants to use the revolutionary rhetoric also contained in the letters to prejudice the jurors against her.

Ruled Irrelevant

In his ruling today, Judge Arnason held that the 18 pages were properly authenticated by their contents as having been written by Miss Davis, but said they contain much that is "totally irrelevant to the issues at hand."

"It would," he said, "be a Herculean task to excise

that which is irrelevant, leaving only that which applies."

If the task of editing were accomplished, he added, the court would reserve to itself a decision as to whether the deletions had so taken the letter out of context that it would still be inadmissible.

Harris indicated he would attempt the editing, nevertheless. When he finished reading aloud the three letters the judge had admitted, he commented that he had completed the reading "for the time being."

Physical Meeting

The prosecutor lost another major point in Arnason's ruling that Lt. W. R. Sellmer could not testify as to what he observed in the Marin County jail as Miss Davis and Jackson met in her cell on July 8, 1971.

Harris claimed that the pair used "their only physical meeting that I know of as an opportunity for a close passionate and physical involvement."

But the judge held that if Selmer's testimony were to be allowed "the defendant's right to counsel would be seriously and unlawfully proscribed."

Right of Privacy

It would, he said, be an invasion of the privacy of an attorney and client. The occasion for the meeting was a joint conference of the two

with their attorneys.

Judge Arnason granted that it was proper for Selmer to be observing Jackson but said that it would violate Miss Davis' right of privacy for him to testify as to what he observed during that security situation.

Much of the contents of the three letters that were admitted today had already been made public either last November or last week during arguments about their admissibility outside of the presence of the jury.

They were letters found in Miss Davis' Los Angeles apartment and dated June 2 and 10, 1970 and one intercepted by a guard at Soledad prison and written June 22, 1970.

Only the first paragraph of the latter document had previously been disclosed however.

A Revolutionary

As she continued to write Miss Davis reported that she was "completely free," having been fired from her job as a philosophy instructor at UCLA and turned in grades for her students.

"I try to avoid artificial modesty, but I must say I can hardly recognize myself in your words," she wrote. "That doesn't mean I won't do all I can to be that black revolutionary woman you see in me. . . ."

"I wish I could touch you, that we could touch each others here and now."

In the Los Angeles letters, Miss Davis commented that "we must learn to plan the attack and gear it to the annihilation of the monster."

"Regrettably," she noted, "I am lying on the only warm spot on this big double bed . . . Something in you has managed to break through the fortress I long ago erected around my soul. George, I love you."

After Harris finished reading the letters to the jury and entering them in evidence, he and the defense attorneys joined Judge Arnason for a lengthy conference in his chambers.

L. A. Apartment

After the 80 minute conference, Harris presented two witnesses to establish that Miss Davis moved into an apartment at 164½ E. 35th St., Los Angeles, in July, 1970.

Mercedes Hornsby, vice president of Enterprise Savings and Loan Co., said her firm rented the apartment to the defendant at \$175 a month, and Mrs. Otelia Young testified she lived in a neighboring apartment when

As she left the witness stand Mrs. Young waved to Miss Davis at the defense counsel table and appeared to say "Hi."