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Setback for The State in Angela Trial

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By Carolyn Auspacher

The prosecution in the Angela Davis trial in San Jose suffered what could be a critical setback yesterday when an 18-page document, inextricably linking her with Soledad Brother George Jackson, was ruled inadmissible in its present form by Superior Court Judge Richard E. Arnason.

The document — a letter or a series of letters or a diary — was found among Jackson's effects after he was slain at San Quentin last August.

According to Assistant Attorney General Albert Harris Jr.'s opening statement, it established the motive for Miss Davis' alleged participation in the Marin Civic Center escape attempt and shooting in which four were killed.

Judge Arnason, in commenting on his ruling, said he was satisfied that the document had been written by Miss Davis, but, he said, it contains much that is "totally irrelevant" to the issues before the court and jury.

The judge said that if inadmissible, irrelevant and prejudicial material can be excised from the document, he will reconsider his ruling.

Judge Arnason also refused Harris the right to call as a prosecution witness Lieutenant W.R. Sellmer, the San Quentin officer who was witness to a purported passionate meeting between Miss Davis and Jackson in a Marin County Jail holding cell in July of 1971.

Judge Arnason ruled that

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Sellmer's viewing of the meeting, which also included lawyers for Miss Davis and Jackson, was a violation of the Constitutional right of a defendant to counsel.

Judge Arnason, however, did allow admission as evidence three "Dear George" letters written by the 28-year-old black militant — one on June 2, 1970; one eight days later; and one on June 22.

LACED

The letters, as read into the record by a profusely perspiring Harris, turned out to be revolutionary screeds, lightly laced with protestations of love for the black man, then awaiting trial for the murder of a Soledad guard.

From the June 2 letter: "It is already impossible to begin at the beginning. If I start by dropping the mask and say in all naturalness, I have come to love you very deeply . . . I have used these words very seldom in my 26 years because I could not have meant them very often.

"Believe me, it happened so abruptly, so spontaneously. I was not seeking love when I walked into a Salinas courtroom on May 8, 1970. And so it is difficult to articulate it further. But one thing remains to be said — my feelings dictate neither illusionary hopes nor intolerable despair. My love —

your love — reinforces my fighting instincts, it tells me to go to war."

And eight paragraphs of radical prose later:

"I am rambling, dreaming that the words from my pen are sounds absorbed by your ears, regretting that I am lying on the only warm spot in this big double bed, it is 2:30 a.m."

Then, in conclusion:

"The night after I saw you in court, for the first time in months, I dreamt (or at least the dream was significant enough to work its way into my consciousness). We were together, fighting pigs, winning. We were learning to know each other. I love you. Revolutionary greetings from Che Lumumba and the Soledad Bros. Defense Com. Angela."

THEMES

From the June 22 letter came these themes of love, sandwiching brisk comments about her activities in behalf of the so-called Soledad Brothers, the Che Lumumba club and the struggle against the "monster" of capitalism.

"Of late," she wrote, "my mind has been rather closed, and each word from you narrows it a little bit more."

She wrote of her frustrations in trying to discover a "secure channel of communication" to him, of her frustrations and her "intense joy" in "absorbing second person anecdotes out of your past, in catching

glimpses of a letter or two written to your family, all the subtle contests to out-praise a beautiful black warrior . . ."

Then, in conclusion:

"It is very late — my eyes are closing. Perhaps I'll pursue those ideas tomorrow. For the moment I'll unleash my thoughts and allow them to go in their instinctive direction toward wild wanderings, fantasies. George — my feelings for you run very deep.

"My memory fails me when I search in the part for an encounter with a human being as strong and beautiful as you. Something in you has managed to smash through the fortress I long ago erected around my soul. I wonder what it is. I am very glad. I love you. Hasta la Victoria Siempre, Angela."

FAILURE

These two letters were found in Miss Davis' Los Angeles apartment ten days after the Marin shooting, a shooting the state claims followed the failure of Miss Davis' plan to exchange five hostages seized in Superior Court Judge Harold Haley's courtroom from George Jackson.

The third letter, confiscated from another communication sent to Jackson at Soledad State Prison, was less wordy. In it she wrote:

"I try to avoid artificial modesty, but I must admit that I hardly recognize myself in your words: this doesn't mean that I won't do everything in my power to be that person, that Black woman, you see in me. I think that the most beautiful Black revolutionaries, men and women — are prisoners of war . . ."

"It has taken me a while to convince myself that George is not a dream, a wish-dream which evaporates when it comes down to the hard realities. But you are those realities, and everything else. I wish I could touch you — we could touch each other, here, now."

DISTRESSED

It took the obviously dis-

tressed Harris 40 minutes to read the Davis letters into the trial record and there were words over which he stumbled. Not surprisingly, there was a long recess, nearly an hour and a quarter, after he was done.

The witnesses he called were pedestrian — Mercedes Hornsby, Enterprise Savings and Loan clerk from Compton, who rented Miss Davis an apartment on East 35th street in July of 1970, and Otelia Young, a small, graying black woman in her Sunday best, who had been one of Miss Davis' neighbors.

She recalled Angela well, and also testified she had seen a young man at the Davis apartment. "He was real tall and bright, with bright hair and very muscular," she said.

Who he was, she said she didn't know until later, when she saw him on television, dead, after the Marin courthouse shooting. Then she learned he was Jonathan Jackson, George's 17-year-old brother.

Mrs. Young waved enthusiastically to Miss Davis when she left the courtroom.

The next four witnesses, all employees of the Western Surplus Store in Los Angeles, were questioned about

guns and ammunition purchased there, by Miss Davis, by Mrs. Georgia Jackson, mother of George and Jonathan, and by an otherwise unidentified Stephen Mitchell.

Paul W. Robbins testified he had sold Mrs. Jackson 100 rounds of ammunition, 50 for an M-1 carbine; 50 for a .380 pistol. With her at the time, he testified, was Miss Davis.

Duane Lawson testified she sold Mitchell, still not identified, an M-16 rifle for \$157.45, some of the money provided by Miss Davis whom she said she had seen before in the store.

Josephine Carmen Valley, testified she recalled Miss Davis in the store with two men, remembering Miss Davis because she was smoking a small cigar.

Finally, Clarence Conrad, store manager, testified that on July 6, 1970 Miss Davis bought 100 rounds of 9 mm ammunition and 150 niton. The next day, he said she bought another 100 rounds of .30 caliber bullets and on July 25, she purchased an additional 1200 rounds of .30 caliber ammunition.