

Angela Judge Ponders

By Stephen Cook
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SAN JOSE—The trial of Angela Davis was in extended recess today as the lawyers and the judge pondered the admissibility of two key chunks of evidence against the scholarly black Communist.

With the next open court session in the murder, kidnap and conspiracy trial scheduled for 9 a.m. Monday, Superior Judge Richard E. Arnason met in chambers today with the lawyers to evaluate an expurgated version of 18 pages of so-called "love letters" from Angela Davis to Soledad Brother George Jackson.

The judge also gave the lawyers until tomorrow afternoon to provide him with written arguments on the question of whether John Thorne, lawyer for the late George Jackson, can be commanded to answer prosecution questions.

Plot Charged

Miss Davis, a former UCLA philosophy instructor, is accused of plotting the Aug. 7, 1970, taking of hostages in a Marin County courtroom in hopes they would be exchanged for the release of Jackson, a San Quentin inmate facing trial for the alleged murder of a guard. (Jackson was killed during an escape attempt a year later.)

Judge Arnason ruled the



ATTORNEY JOHN THORNE IS QUESTIONED BY ALBERT HARRIS
Charles Garry, left, and Clifford Thompson, foreground, observe

—Drawing by Don Juhlin

18 pages of love letters, allegedly written by Miss Davis while confined in the Marin County Jail, inadmissible in their present form on Tuesday.

Certain irrelevant passages might confuse and mislead the jury, he said.

Prosecutor Albert W. Harris Jr. presented the court

an edited version of the letters yesterday and asked for the extraordinary day-long chambers session to argue for their admission, which he called "a matter of critical importance."

The prosecutor was even more fervent in his plea that Thorne, a San Jose attorney, be ordered to testify about a

conversation Harris claims he had with Miss Davis the night of Aug. 5, 1970, two days before the crimes for which she is charged.

Thorne, with the jury absent, avoided answering yesterday, claiming a combination of an extremely bad memory and the protection of the attorney-client confi-

Key Evidence

dentiality privilege.

Harris claimed that, on Sept. 29, 1970, while Miss Davis was a fugitive sought by federal and state arrest warrants, Thorne obeyed a subpoena and appeared at the attorney general's office flanked by two attorneys — Marvin Stender and Floyd Silliman.

After conferring with his attorneys, he agreed to answer questions under oath, Harris claims, and related that on the night of Aug. 5, Miss Davis called him at his office, told him she was in San Jose with Jonathan Jackson and said they were going to Santa Cruz "to pick up some things."

Gun-Runner

Jonathan Jackson, 17 year old brother of George, triggered the abortive Marin kidnap escape by bringing three of Miss Davis' guns into a Marin County Courtroom. the prosecution charges.

Late in the afternoon of Aug. 5, according to Harris, young Jackson and Miss Davis were in a San Francisco pawn shop, where she purchased the 12-gauge shotgun that was later sawed off, to be attached to the neck of and finally kill Superior Judge Harold J. Haley.

When Miss Davis was arrested and returned to California for trial, Harris charged yesterday, Thorne then "fabricated" an attorney-client relationship with Miss Davis to avoid testifying against her.

Defense attorney Leo Branton Jr. said calmly he will prove Thorne was and is Miss Davis' lawyer, that she is the only one who can waive the privilege confidentiality and that she will make no such waiver.

Furthermore, he claimed, the defense could prove that

the telephone call in question occurred in July, not on Aug. 5.

Harris claimed he has a court stenographer's transcript and a tape recording to prove Thorne swore to the contrary.

Charles Garry, member of a law firm that once represented Miss Davis on the criminal charge, represented Thorne and said his client

Thorne, himself, indicated that if Harris can force him to answer he will not remember much of anything.

"Where were you Aug. 5, 1970?" the prosecutor asked.

A—"I have no memory whatsoever where I was that date."

Q—"Were you in the United States?"

A—"I don't remember."

At another point, Harris asked the attorney simply if he filed a particular petition bearing his name on behalf of George Jackson in July 1970.

Q—"Did you file that document?"

A—"I frankly don't remember. You have to understand about the memory of John Thorne. It is very bad."