

## Angela Trial Testimony

# A Witness' Poor Memory

By Carolyn Ansbacher

San Jose attorney John E. Thorne, who twice previously declined to testify in the Angela Davis murder-kidnap-conspiracy trial, finally decided to talk yesterday. But what he said was not much more than an admission that he has a terrible memory.

Thorne, blue-suited, beard trimmed and truculence leashed, was questioned by Assistant Attorney General Albert Harris Jr. solely about a telephone conversation he had with Miss Davis. Previously he declared the chat was on Aug. 5, 1970, but now he believes it was before July 21 of that year.

The lawyer gave the August 5 date in a statement sworn to on Sept. 29, 1970, in the attorney general's office, and again before the Marin county Grand Jury on Jan. 19, 1971.

### SIGNIFICANT

The August 5 date has significance. It was then that Miss Davis bought a shotgun and ammunition at a San Francisco pawn shop, and two days before the Marin Civic Center escape attempt and gun battle in which four persons were killed, one of them with Miss Davis' weapon.

Before the jury hearing the Davis trial, Thorne was asked directly by Harris if he had received a telephone call from Miss Davis on Aug. 5, 1970.

"No," replied Thorne.

Harris then read a segment of Thorne's 75-page

statement given in the attorney general's office less than six weeks after the Marin shooting.

In it, Thorne said he had received a phone call from Miss Davis "on a Wednesday, it would have been, I assume, on the 5th of August."

### CALL

In the statement, Thorne said the call had come to his office in the evening, while he was working, "straightening up his files," and Miss Davis said she was "passing through San Jose."

"You're asking me to recall things I had no reason

to recall. It was a passing conversation. As best as I can recall, she asked what was happening to her application to visit my client (George) Jackson, and I told her we were putting together a petition for the District Court of Appeal, but that's more guessing than logic," the Thorne statement said.

The Thorne statement quoted Miss Davis as saying she couldn't stop by to see him then, but would come by in "four or five days," and that she was on her way to Santa Cruz with Jonathan Jackson, George's 17-year-old brother, who "had to pick up some clothes and stuff . . . he was moving into the city."

### ADMISSION

Thorne admitted yesterday he had made these statements, but said they were made "before he'd had a chance to check."

In going over his files re-

cently, Thorne said, he found that the petition to which Miss Davis referred in the conversation had been filed with the State Court of Appeal on July 21, 1970. (In it Miss Davis sought accreditation as an investigator with visiting privileges to see George Jackson, Thorne's client, then awaiting trial for the slaying of a Soledad prison guard. The petition was denied by the appellate court on Aug. 6, 1970.)

"This means the conversation would have had to have taken place before July 21," Thorne declared. "So that means clearly August 5 was an erroneous date."

### JURY

Harris brought up Thorne's testimony before the Marin Grand Jury, at which time he was asked when last he had spoken with Miss Davis. He then said that it had taken place, to the best of his recollection, "in the month of August," prior to August 7, but he couldn't recall exactly.

Under cross examination by defense attorney Leo Branton Jr., Thorne emphasized the inaccuracy of his independent memory, but before leaving the stand he acknowledged he had discussed his testimony of yesterday with defense attorneys. However, he could not recall whether Miss Davis, a co-counsel, was present.

Thorne, who was protected from testifying about any other facet of the complicated case by virtue of his professional relationship with Jackson, now dead, and also with Miss Davis, was himself represented in court by attorney Charles Garry. Unlike his two previous appearances in the Davis trial, Garry did not utter a sound yesterday.

Thorne was yesterday's only witness. Superior Court Judge Richard E. Arnason dismissed jurors early to enable attorneys to argue in chambers the admissibility of contested evidence.

Judge Arnason informed the jury that prosecutor

Harris has only "two or three more witnesses" who will not be available until next week. Court sessions will be resumed Monday.