

Angela Defense Asks Acquittal

By Carolyn Anspacher

The state's case against Angela Davis was excoriated yesterday as a "useless" exercise in "agony and terror" and Superior Court Judge Richard E. Arnason was asked to direct a verdict of acquittal.

The judge delayed his decision on the motion.

Defense attorney Leo Branton Jr. declared in the San Jose court where Miss Davis is being tried for murder, kidnap and conspiracy that the state has "proven a hell of a case against Jonathan Jackson."

But as for Miss Davis, he said, nothing has been shown in seven weeks of trial except that she is a "warm, articulate, human being, who has love and compassion, yes, for George Jackson, but for humanity and, especially, the black people she represents so well."

CHARGES

The 28-year-old Miss Davis is accused of conspiring with 17-year-old Jonathan Jackson to seize hostages in the Marin county courtroom of Superior Court Judge Harold Haley, planning to exchange them for San Quentin convict George Jackson, Jonathan's elder brother, with whom she was passionately involved.

Instead, four persons were killed, among them young Jackson and Judge Haley. The elder Jackson was killed a year later in violence at San Quentin.

Attorney Branton argued his motion for dismissal out of the presence of the jury. The jury had been excused late Monday after the prosecution had rested its case.



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ANGELA DAVIS
The state has rested

After yesterday's morning-long session, Judge Arnason took the matter under submission and said he will rule sometime before the entire case is concluded. He directed Branton to be ready to call his first witness tomorrow at 9 a.m. when the trial resumes.

Branton charged that the "fragility" of the state's case had "severely tarnished" the dignity of the prosecutor's office by "subjecting the people of the state of California to millions of dollars in costs and this defendant and everybody else to all of the worry and aggravation of a useless prosecution."

In his argument, Branton insisted that Assistant Attorney General Albert Harris Jr. has not proved any of the essential elements of conspiracy necessary to convict Miss Davis.

In fact, he said, not one

word of evidence was introduced that indicated any plan or agreement existed between Miss Davis and young Jackson to engage in any criminal act.

"All that has been proved," Branton said, "is that Miss Davis had a close association with Jonathan Jackson. Mere association does not make a conspiracy, and neither does mere knowledge or belief that a crime may be committed constitute aiding and abetting."

GUNS

Branton said all the prosecution has showed was that the guns used by Jonathan Jackson in the August 7, 1970, Marin shooting were purchased by Miss Davis and registered to her, and the ammunition used, was "similar" to that which she had bought. But from these facts, he said, neither knowledge nor intent could be inferred.

"There is no evidence she gave or furnished the weapons or knew for what they were to be used," he said.

Branton said the prosecution evidence proved only one thing: That Miss Davis was "without doubt" involved in pursuit of her First Amendment rights by attempting to free the so-called Soledad Brothers through such legal means as making speeches, attending fund-raising functions and visiting with relatives of the three men accused of slaying a Soledad Prison guard. The elder Jackson was one of the "brothers."

CASE

Prosecutor Harris summarily rejected all the Branton theses, and said he felt the state's case not only is sufficient to sustain a conviction, but, in fact, "com-

pels a conviction."

He said the sole issue before Judge Arnason is whether sufficient evidence has been presented to sustain a conviction on appeal.

Harris conceded that "no witness saw Angela Davis and Jonathan agree to do criminal acts" but said "conspiracy by its very nature is concealed and secret ..."

Harris capsulized the prosecution case against Miss Davis. He recalled the testimony of witnesses who heard convicts escaping from the Marin Civic Center—demand freedom for the Soldad Brothers.

'ARMORY'

He noted Miss Davis' intimate association with the younger Jackson on the days preceding the gun battle and said that when Jonathan burst into the courtroom he carried with him Miss Davis' "entire arsenal—no, her armory."

He said Miss Davis' love letters and diary, written both before and after the August incident, "clearly indicated the motive — not to free political prisoners, but to free George Jackson, the man she loved."

Evidence supporting the state's case, Harris said, is "enough for the jury to conclude Miss Davis participated in a criminal venture" and he declared the "essential elements of the case stand erect."

"This is a criminal case," Harris said, "and not a trial of Miss Davis' political beliefs. She is being tried on where she was and what she did, and the evidence shows she was deeply, criminally involved."
