

Drumgo Testifies, Angela Rests Case

Denial by 'Soledad Brother'

By Carolyn Anspacher

The defense offered in behalf of Angela Davis was closed yesterday, only three days after it was begun.

Only 12 witnesses were called to testify for Miss Davis, on trial in San Jose for murder, kidnap and conspiracy.

Miss Davis herself, the former philosophy instructor at UCLA, did not take the stand to deny complicity in the the Marin Civic Center escape attempt in which four persons died.

As a co-counsel in the case, she proclaimed her innocence in an opening statement to the seven-woman five-man jury on March 29. In all probability she will be heard again in a closing argument.

But yesterday, just before the case was closed, the Davis defense produced its trump card in the person of Fleeta Drumgo, one of the two surviving Soledad Brothers. The third "brother" was the late George Jackson, the man to whom Miss Davis wrote love letters. To free him, the prosecution claims, she plotted and armed the disastrous Marin episode.

STAND

The 27-year-old Drumgo, small, with a high, mild voice, was on the witness stand when jury and spectators returned to the courtroom after a mid-afternoon recess.

It was not immediately apparent that the witness was heavily chained and manacled, with only his right arm free to take the oath that he would speak the truth.

Although he and the remaining "brother," John Clutchette, were acquitted last March 27 of charges they murdered a Soledad Prison guard, Drumgo still

See Back Page

From Page 1

is in San Quentin. He is awaiting trial on murder charges stemming from the Aug. 21, 1971 prison disturbance in which six were killed.

Drumgo, on the stand for only ten minutes, denied he had any advance information of the Aug. 7, 1970 Marin plot that was to have resulted in his freedom.

CLAIM

The prosecution claims that information about the plan was passed by young Jonathan Jackson to his brother, George, and he, in turn, transmitted it to another inmate at San Quentin, James McClain. He was to assume a leading role in the abortive escape cabal.

"Did you know James McClain?" asked Defense Attorney Leo Branton, Jr.

"Yea," said Drumgo. He said they occupied adjoining

cells at San Quentin.

"Did you subsequently learn about what happened at the (Marin) courthouse on August 7?" Branton asked.

"I heard about it on the prison radio," said Drumgo.



FLEETA DRUMGO
He denied tipoff

"Did you have any knowledge of the events that were going to transpire?"

"No, I didn't," replied Drumgo.

"Did Mr. McClain or anyone else tell you there was going to be an escape attempt at the courthouse, and the purpose of it was to free the Soledad Brothers?"

"I didn't know that directly until I read it in the paper

... they didn't say anything about it in the radio news. I read it in the paper the next day."

TEAM

Under cross examination by Assistant Attorney General Albert Harris Jr., Drumgo said only that he had discussed what his testimony would be with Branton, and Margaret Brunham another member of the Davis defense team.

For some reason, John Clutchette, who was also waiting to testify in a secluded witness room, was not called to the stand. He

was transferred from San Quentin to Chino on May 17 and is now participating in a work-furlough program pending his parole in November.

Both Drumgo and Clutchette were brought to San Jose early yesterday and because of their presence security measures in and around the court of Superior Court Judge Richard Arnason were unusually tight.

DEPUTIES

Reporters and spectators were examined individually in the security shed adjacent to the courtroom; eight deputies were stationed in the courtroom proper, one of whom sat in the jury box. Marksmen were on the rooftops and numerous plainclothes officers were among the spectators.

The mothers of both men, Inez Williams, whose son is Drumgo, and Doris Maxwell, whose son is Clutchette, were present in court.

According to the present timetable, court will be in recess today, but during chamber conferences, Judge Arnason is expected to rule on a number of pending issues, among them a defense motion for a directed verdict of acquittal.

Tomorrow Prosecutor Harris will present a brief rebuttal and in all likelihood, the trial will go into final arguments on Tuesday. Monday is the Memorial Day holiday.

Throughout the course of its very abbreviated case, the defense has sought to cast doubt on testimony of the key prosecution witnesses particularly those who placed Miss Davis in conspiratorial togetherness with young Jonathan Jackson in the days immediately prior to the Marin shootout when four guns she had purchased were used.

WEAPONS

It was young Jackson who carried the weapons into the Marin courtroom. According to a defense witness, he stole the guns from Miss Davis and she had no knowledge of his having taken them.

Yesterday, through an experimental and social psychologist from California State College at Hayward, the defense challenged the testimony of San Quentin guards who said they saw Miss Davis at San Quentin with young Jackson, and of service station operators who testified the two were together in a yellow van in the Marin Civic Center parking lot the day before the shooting.

Dr. Robert H. Buckhout, 36, using slide projectors in a darkened courtroom, sought to prove the unreliability of eye witness — identification.

In his easy and quite lengthy lecture, Buckhout discussed the various factors contributing to the unreliability of eyewitness identifications, among them "conditioning," "desire to follow the leader," "desire to be a part of history," "conformity," "personal bias" and "suggestion," this latter of considerable importance when directed by a figure in authority.

The final witness called by the defense was Charlotte Elsie Gluck, office manager of the UCLA philosophy department during the 1969-70 controversy over Miss Davis' Communist activities and subsequent firing.

Mrs. Gluck testified the department was flooded with "hostile" mail and phone calls directed to Miss Davis, the department head, and the UCLA chancellor.

Miss Davis declared in her opening statement she purchased weapons and ammunition because of fear for her life.