

Only 12 Witnesses

Angela Defense Rests Case

By Stephen Cook
Examiner News Staff

SAN JOSE — After calling 12 witnesses in three days, Angela Davis has finished her defense against murder, kidnap and conspiracy charges without taking the witness stand herself.

The trial is in recess until tomorrow morning, when Prosecutor Albert W. Harris Jr. has indicated he may call some witnesses to rebut defense testimony.

Presuming such testimony will be short, Superior Judge Richard E. Arnason told the jury he will try by Tuesday to "begin what is undoubtedly the most interesting part of any jury trial — final arguments and comments by counsel."

Ransom Attempt

Defense lawyers never disclosed before announcing completion of their case yesterday afternoon whether Miss Davis would make a sworn denial of charges that she plotted the Aug. 7, 1970, kidnap of a Marin County superior court judge.

The plan, according to the state, was to hold Judge Harold J. Haley hostage as ransom for the release of the

Soledad Brothers, three convicts held at San Quentin Prison and charged with the murder of a Soledad Prison guard.

Miss Davis' motive is alleged to have been her love for the late George Jackson, one of those prisoners. The kidnap was carried out by Jonathan Jackson, 17 year old brother of George.

Used in the attempt, which ended in the death of the judge, young Jackson and two convicts, were four guns owned by Miss Davis. Defense witnesses have suggested that Jackson took the guns without her permission.

Soledad Brother

Principal witnesses on the last day of the defense presentation were a psychologist who cast doubt on the reliability of prosecution witnesses who said they saw Miss Davis with Jonathan Jackson in the days preceding the kidnap and Fleeta Drumgo, one of the two surviving Soledad Brothers.

(George Jackson was fatally shot Aug. 21, 1971, as he ran across a San Quentin Prison courtyard with a smuggled gun in his hand.

(Drumgo, acquitted of a charge of murdering a Soledad guard, now faces murder, assault and conspiracy charges with five other San Quentin inmates for the death of three guards and two inmate trustees during George Jackson's alleged break for freedom.)

Enchained

Drumgo, clad in street clothes but wrapped in chains, was seated in the witness stand before the jury filed in.

He was aware of no plan to kidnap a judge to free the Soledad Brothers on Aug. 7, 1970, he said.

"I heard the news (of what happened at the Marin Civic Center) on the prison radio," he said.

"Had James McClain (one of the convicts killed in the shootout) or anyone else ever told you there was going to be an escape attempt at the courthouse and that the purpose was to free the Soledad Brothers?" asked defense attorney Leo Branton Jr.

"No. I didn't know nothing about that until I read that statement in the paper the next day," said Drumgo.

McClain had the cell next to his in the adjustment center, he testified.

Prosecutor Harris confined his cross examination to establishing the fact that Drumgo had discussed his testimony previously with defense lawyers.

The jury was taken from the courtroom before Drumgo was allowed to walk from the witness stand in chains.

Eyewitnesses

Dr. Robert H. Buckhout, a psychologist from California State College at Hayward, testified as an expert on eyewitness identification saying: "We consider eyewitness testimony under many circumstances to be unreliable."

He listed many factors which he said often prevent proper identification. One factor found in the testimony of a prosecution witness was color blindness.

Alden Fleming, one of three men who positively placed Miss Davis at the Marin Civic Center with Jonathan Jackson the day before the shootout, is color blind.

The most common forms of that affliction are a blindness to red and green or just

red, he said, "Yet he indicates (in describing Miss Davis) he saw the color red in her hair. Obviously, he would not have been able to see that."

Gray Faces

Furthermore, Dr. Buckhout contended that because the color brown contains the color red color blind people cannot make proper identification of Negroid persons. The color they would see when looking at a black or brown face is gray, he said.

Photographic lineups shown other eyewitnesses, he said, were suggestive, making the selection of Miss Davis' picture a foregone conclusion.

Witnesses for Miss Davis have testified that she was in San Francisco and Berkeley at the times on Aug. 4, 5 and 6 that prosecution witnesses placed her at the Civic Center and San Quentin Prison with Jonathan Jackson.