

The Angela Defense's Final Plea

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By Carolyn Anspacher

Attorney Leo Branton Jr., in a summation for the defense that held the courtroom audience enthralled, called upon the jury yesterday to "become part of history" and return for Angela Davis "the only verdict that can be supported in a court of law: Not guilty."

As the defense case for Miss Davis was brief — only three days and 12 witnesses — so Branton's presentation consumed a few minutes less than two hours.

But in that time, he packed history, humor, tears, scorn, derision and poetry as he sought to persuade the jury that Miss Davis had played no part whatever in the Marin Civic Center escape and gun battle in which four persons were killed.

DIARY

The high point of Branton's performance was his reading in the San Jose courtroom of Miss Davis' love diary, written in her Marin county jail cell to San Quentin inmate George Jackson and found in his cell after his violent death last August.

But while the words were Miss Davis', they became, in Branton's reading, an ecstatic evocation of tender love.

What he actually read were excerpts from the "love diary" fashioned into a moving free-verse poem, composed, Branton later dis-

closed, by Dalton Trumbo, noted Hollywood screen writer and author of such books as "Johnny Got His Gun."

The state has claimed that for love of Jackson, Miss Davis conceived the Marin plot, hoping to effect his freedom through the exchange of hostages seized in the courtroom of Superior Court Judge Harold Haley.

'OBSCENITY'

Branton said it was "an obscenity" for Assistant Attorney General Albert Harris Jr. to have taken the Davis prison letters and tried to make the jury believe there was "something criminal" in their creation.

"We have made a poem of Angela Davis' words," Branton said. "We do not know how deeply she felt for George Jackson. But we know only how deeply she expressed herself. Another woman, Elizabeth Barrett Browning, wrote this way, and no one can say that because she could cite her love for another, that was a signal of criminal intent."

For the most part, Branton's thesis was that no woman, as intellectual, as brilliantly educated, skillful and as sophisticated could have become so much of a fool as to participate in so

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shoddy and transparent a conspiracy.

"No matter what we say about Angela Davis," he said, "no matter what we might think of Angela Davis, we can agree she is no fool. This woman is a college professor, trained at the finest universities in this country and in Europe. You heard her opening statement. You have heard her writings. If you find her guilty, you have got to believe she is a fool."

He cited her purchase of a shotgun in a San Francisco pawn shop two days before the Marin shooting, buying it openly, giving her driver's license, and signing an autograph for an admiring salesman.

"According to the prosecution, she bought that gun to tape around a judge's neck and blow his head off if things didn't go right," Branton said. "For God's sake, give her more credit than that. She could have used a phony name, or thrown a brick through a gun shop window, or robbed a gun shop or anything, but she purchased that gun under the most open circumstances in the world. It's absurd!"

Branton also scorned the prosecution premise that Miss Davis, hiding only under the pseudonym "Diane Robinson" but not otherwise masking her appearance, visited San Quentin Prison in the days just before the Marin shooting.

"The state has shown you how Miss Davis could disguise herself, by straightening her hair and wearing a wig if she had to. The prosecution says that Miss Davis

was recognizable because she was a celebrity and if that was a fact, wouldn't she know better than anyone in the world."

"If she was a celebrity, why would she sit around for two hours on the chance she could peep around a pillar and wave at her lover, George, and all the while planning the next day to kill everyone in that Marin courtroom?"

Branton said the Davis case had more time and money spent on its prosecution than any case he knew of, yet the prosecution could produce no Angela Davis fingerprints on the van in which the four victims died, and in which she is said to have ridden the day before the shooting.

CALL

Oddly, Branton began his summation with Miss Davis' flight after the shooting, and he called upon the all-white jury of seven women and four men "a cross section of Santa Clara County — young and old, Jew and gentile, worker and employer" to "think black and be black."

He delivered an emotional history of black oppression in this country beginning with the Fugitive Slave Law, and declared Miss Davis was fashioned of that history. He spoke of the Dred Scott decision, of the Scottsboro case; of the assassination of Medgar Evers and Martin Luther King.

Branton said he didn't need to remind the jury of the anti-communism in this country and recalled that because she was a Communist she had been fired from her "very nice job" teaching philosophy at UCLA.

He produced a huge pile of volumes, all containing hate mail received by Miss Davis and the university during her controversy with the UC regents — all vulgar, venomous letters calling her a "wooly-headed Hottentot," a "Commie bitch" and worse.

What sent Angela Davis into "unavailability," Branton said, was no consciousness of guilt.

"Maybe in retrospect Angela Davis might have said 'I have a mistake', but it was the reasonable thing to leave the state if you look through the eyes of a black person. No black in the world would question why she fled. They would only wonder why she let herself be caught."

In his finale, Branton produced cartoons of Miss Davis, one showing her bound by a chain of evidence bearing links of motive, object, agreement, knowledge, intent and flight and one showing her freed of her shackles.

WITNESSES

He dismissed all the state's witnesses and then gave only the most casual note of the fact Miss Davis did not testify in her own behalf.

Why she did not testify I will not comment on or explain," he said. "Sometime, after this is all over we'll talk about it. But remember, it is her constitutional right not to testify and from her silence, you are not to draw an inference of guilt."

He bade the jury break Miss Davis' symbolic chains, declaring the state's case a "sorry stain on the



AP Wirephoto

LEO BRANTON JR. The summing up

history of justice in this country."

Then, he addressed the jurors, naming them one by one, and said:

"You have an opportunity to be part of history, whether you want to be or not, you are going to be. We of the defense . . . we transfer the responsibility to your shoulders."

CREDIBILITY

Branton left to his associate, Howard Moore Jr., the chore of attacking the credibility of the state's eye witnesses, primarily those who said they saw her at San Quentin with Jonathan Jackson and in the van and at a service station near the Civic Center the day before the gun battle.

And of them all, Moore said, "There is not a creditable witness in this entire case." Some, he said, were "mistaken," some were swayed by "suggestion" and some were plain liars.

Branton acknowledged out of court that he deliberately cut his summation by two hours in order to force prosecutor Harris into delivering his surrebuttal late yesterday afternoon.

It was a job Harris did not relish.

MANNER

In the same low-keyed manner he has used since the trial started nearly 14 weeks ago, he urged the jury to see that justice is done.

"If there was a frameup of Angela Davis, if the facts have been distorted, I think you're going to have to conclude it wasn't the prosecution that did that."

The basic issue, he said, was: "Either Angela Davis knew what Jonathan Jackson was going to do with her guns, her shotgun, her books, the yellow van, or for reasons beyond human comprehension, he somehow tried to implicate her in this crime.

"He knew he was going into this venture in which he had a high probability of being killed and he took all those artifacts belonging to her and are we to believe Jonathan Jackson was trying to implicate the one person who shared his devotion to his brother. From the evidence you have to conclude she did know about the venture and she promoted it."

In his closest approach to an emotional appeal, Harris told the jury "You can't bring back Judge Haley and restore him to his bench and robes, but you can see that justice is done." Then he quietly asked the jury to find Miss Davis guilty of murder, kidnap and conspiracy.

Superior Court Judge Richard E. Arnason will instruct the jury at 9:30 a.m. today and the case will reach the jury before noon.