

The Angela Davis Jury Begins Its Deliberations

By Carolyn Anspacher

The fate of black militant Angela Davis was placed in the hands of seven white women and five white men at 11 o'clock yesterday morning, a jury cautioned not to deliberate as partisans, nor advocates, but as judges.

The twelve filed out of Superior Court Judge Richard E. Arnason's San Jose courtroom in somber silence, seemingly already burdened by the huge task confronting them.

After deliberating nearly five hours, the jury retired for the night at 6 p.m. and was sequestered in the Holiday Inn, a large motel several blocks from the Santa Clara County Courthouse.

About an hour before ending its first day of deliberation, the jury asked for some of the 225 trial exhibits. Newsmen were not informed of which exhibits were requested.

The jury elected as its foreman Mary Timothy, a 51-year-old medical researcher at Stanford Medical Center in Palo Alto. Her husband is a lawyer.

In his 90-minute charge, Judge Arnason gave the jury 11 possible verdicts they may reach, five on the kidnap count; four on the murder count; and two on the count of conspiracy. All the charges arose from the

Aug. 7, 1970, Marin Civic Center escape attempt and gun battle in which four persons were killed.

Actually, however, although Judge Arnason did not say so, the jury's choice is limited to six verdicts: guilty or not guilty of kidnap; guilty or not guilty of murder; and, most important, guilty or not guilty of

Miss Davis' having conspired with young Jonathan Jackson to bring about the series of events during which kidnap and murder were committed.

The remaining five possible verdicts were lesser degrees of kidnap and murder or manslaughter which, had

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they not been included in the instructions, might have constituted reversible error.

It was to the issue of conspiracy that Judge Arnason devoted a considerable period of time. He defined it as an agreement to commit public offenses, in this case,

the murder of Superior Court Judge Harold Haley of Marin county, and the kidnaping for extortion of five hostages from his courtroom.

The conspiracy indictment returned against Miss Davis by the Marin county Grand Jury, in which 12 separate overt acts were charged,

was read to the jury by Court Clerk Arthur Vanek. In this, the state's case against the former UCLA philosophy instructor, it was alleged that Miss Davis plotted with young Jonathan Jackson and armed him with four weapons she had purchased in order to effect the freedom of Soledad Brother George Jackson, the man she loved.

In his charge, Judge Arnason repeatedly emphasized the presumption of innocence and said that reasonable doubt is precisely that—doubt based on reason and common sense, not on suspicion or conjecture. And he said that the fact Miss Davis was not present at the Marin Civic Center shooting does not, of itself, entitle her to an acquittal.

Judge Arnason cautioned the jury that Miss Davis' flight after the gun battle was not sufficient in itself to determine guilt but may be considered together with evidence of the flight's motivation.

He emphasized that it was Miss Davis' constitutional right not to testify, a decision left to her and to her attorneys and he warned the jury not to discuss her refusal to take the witness stand or allow it to enter into its deliberations.

At the onset of his charge, Judge Arnason exhorted the jury to "be not governed by pity, passion nor prejudice" nor be swayed by public opinion or public fear.

THREATS

These words hung heavy in the courtroom and seemed to bend the brightly shawled shoulders of the 28-year-old Miss Davis. San Jose authorities have acknowledged that in the last 24 hours "several" phone calls have been received both by the Sheriff's office and the District Attorney which threatened her life.

In court with her, as they have been these last days as the trial drew to its conclusion, were members of her immediate family — her parents, her sister, her two brothers, her sister-in-law and those closely associated with her defense.

As the jury filed out of the courtroom, there began to gather on the lawn in front of the courthouse, about 50 Davis supporters, banded together for a "vigil" sponsored by the National United Committee to Free Angela Davis.

The vigil, to continue throughout the course of jury deliberations, was organized, said her sister Fania Davis Jordan, to "show solidarity with Angela" and a "demonstration of continued concern and indignation over the persecution Angela has gone through." She said similar vigils are being held in large cities throughout the world.