

Marin Shooting

ANGELA IS

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ACQUITTED

Family's Big Day



At a press conference after the verdict, Miss Davis (foreground) was backed by members of her family. From left were her father, Frank; her mother, Sallie; Mrs. Kendra Alexander, a friend; her sister-in-law, Sylvia, and Sylvia's husband, Benjie, holding his son Ben; her other brother, Reginald, and her sister, Fania Jordan.

AP photo

Not Guilty on All Counts -- Wild Scene in Courtroom

Jury Was Out Only 13 Hours

By Carolyn Anspacher

Angela Davis, the 28-year-old black militant who has no faith in American justice, was acquitted yesterday of murder, kidnap and conspiracy charges by a jury of white middleclass men and women.

The 12, described by defense attorney Leo Branton Jr. in his final argument as a "cross section of Santa Clara county — young and old, Jewish and gentile, worker and employer," deliberated only 13 hours over a three-day period to find Miss Davis not guilty of all three counts against her.

In her opening statement to the jury on March 29, Miss Davis had expressed fear of "unjust treatment" by the courts of California, and of a "trial before an all-white jury, therefore, a jury not composed of my peers . . ."

The state claimed she was

guilty of plotting and arming the Aug. 7, 1970, Marin county Civic Center kidnap attempt and subsequent shooting in which four persons, one of them Superior Court Judge Harold Haley, were killed.

VERDICT

The verdict, reached after a 13-week trial in San Jose, was received in Superior Court Judge Richard E. Arnason's courtroom at 12:30 p.m., roughly two hours after the jury had reached a unanimous verdict affirming Miss Davis' innocence.

The forewoman of the seven-woman, five-man jury, Mary A. Timothy, 51, a medical researcher at Stanford Medical School, declined to discuss any aspect of the group's deliberations for fear of prejudicing the still pending case of San Quentin convict Ruchell Magee, indicted with Miss Davis on the murder-kidnap-

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conspiracy charges.

But with the smiling jury standing behind her, Mrs. Timothy indicated there were no substantial disagreements and the 13 hours were devoted to "questioning and discussions."

SMILING

The first intimation that the jury had reached a verdict came shortly before 11

o'clock when Miss Davis and her attorneys began arriving in the tightly secured courthouse compound. They were smiling.

(Later it was learned that Mrs. Timothy had signed her note to Judge Arnason, informing him a verdict had been reached "Ms. Timothy, foreperson.")

A little later Assistant Attorney General Albert Harris Jr., the prosecutor; his deputy, Clifford Thompson, and investigator George Murray arrived. They were grim-faced and refused to comment.

But there were no doubts in the minds of Miss Davis' family and supporters assigned spectator seats in Judge Arnason's tiny courtroom. Before the doors were opened, they filled the narrow foyer with wild songs of hallelujah and "Woke This Morning With My Mind Set on Freedom."

SINGING

Miss Davis was among them, sitting next to relatives and singing, too.

The din, bouncing off the low stone walls and ceilings, reached such a peak that a deputy pushed his way out and warned that Judge Arnason intended to clear the area if the noise were not stopped at once.

The singing was replaced by the mourning wail of a recorder, played by a black

functionary of the Davis Defense Committee, and by the sobs of a woman clerical worker.

They filed into the chilly courtroom at 12:25 p.m.—a room bulging with sheriff's deputies, one of whom read a statement that regardless of the outcome, no outbursts and no overt movement of the crowd would be tolerated.

ATTORNEYS

In front of the court railing sat Miss Davis and her attorneys — Branton, Howard Moore Jr., Doris Brin Walker and Margaret Burnham — and, at another table, Harris and Thompson.

In one row sat Miss Davis' family: her father, Frank; her mother, Sallye, in white; her brothers, Ben and Reginald; her sister, Fania Jordan, and her sister-in-law, Sylvia. Their hands were tightly entwined as the jury filed in, the eyes of the 12 carefully averted from the defense table.

Then came Judge Arnason, in his robes. After a cheerful greeting, he asked Mrs. Timothy, "the forelady or foreperson, however you wish to be designated," if a verdict had been reached. She replied yes, and handed the three forms to the bail-

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iff, who passed them up to the judge.

The minutes stretched as he read each one silently, then handed them down to Court Clerk Arthur Vanek.

SOBS

With the reading of the first verdict, finding Miss

Davis not guilty of the charge of murder, Franklin Alexander, a tall black man who is national co-ordinator of the National United Committee to Free Angela Davis, shattered the courtroom with great shrieking sobs.

Vanek read the second verdict, finding Miss Davis innocent of kidnaping, and then came the third, finding

her not guilty of conspiracy.

With that the courtroom became bedlam. There were screams, applause, sobs and co-counsel Burnham, a wife of a black woman with her hair plaited in tight braids, appeared to collapse. She slipped deep in her chair. Both Miss Davis and the other woman lawyer, Mrs. Walker, tried to lift her up.

Judge Arnason, his face tight with anger, ignored the scene directly below him and for the first time since he took over the case 13 months ago, the sixth judge to preside over the case, shouted for order.

THREAT

"This is going to stop right now," he exploded. "This is going to stop or you are going to leave right now. You will conduct yourselves properly or you will be cited for contempt! I will not tolerate this behavior in my courtroom."

Silence dropped immediately and the measured routine continued. The verdicts were recorded, with both sides waiving a polling of the jury. Then the judge expressed thanks to the jury and took unusual note of the excellence of all lawyers involved in the case. He thanked them, too, and said they were "barristers" who could "walk down the streets of society with their heads a little higher."

The formalities became a kind of love fest at this point. While sobs still sounded weakly in the background, attorney Branton rose to commend the judge on behalf of both prosecution and defense, declaring the jurist to be a "credit to the judiciary of the state and the country."

"The law declares us to be equal," Branton said emotionally, "but it took a selected man to make us equal."

DISCHARGE

With this Judge Arnason discharged Miss Davis, exonerated her \$100,000-plus



UPI photo

MISS DAVIS AFTER THE VERDICT
'The happiest day of my life'

bail and released everyone involved in the case from the rigid rules of silence he had imposed.

As the jurors filed out, waves of applause engulfed the courtroom. Miss Davis, wearing a brilliant printed blouse and dark blue miniskirt, bolted through the enclosure into the arms of her parents. There were more tears and sobs, shouts of hallelujah and endless embraces.

Then, as suddenly as it had filled, the courtroom was emptied and became a barren little island in a sea of security devices that were never used.

Outside, behind the 12-foot chain bolt fence, hundreds of Angela Davis supporters had gathered, drawn by repeated radio and television bulletins that a verdict had been reached.

GUARDSMEN

The same bulletins drew curious scores of uniformed

National Guardsmen as well. Their weekend training headquarters are just across the street from the courthouse.

Those pushed against the fence were mostly black, and mostly sympathizers who had spent the hours of the jury's deliberations participating in a quiet vigil on the courthouse lawn.

Their shouts rose high, shouts of "Right on," and "Power to the people," and a new slogan — "Free Ruchell Magee."

"It's their victory, not ours," Branton exulted, as he waded into the throng.

BODYGUARDS

Then, surrounded by a cordon of her own volunteer bodyguards, Miss Davis went into the crowd, briefly walking among her "brothers and sisters."

Prosecutor Harris, followed by Thompson and investigators for the attorney general's office, ignored the demonstration. They walked directly from the side door to their waiting car, looking neither to the right nor to the left.

Asked about the verdict, Harris, his face deeply flushed, said only: "I have no comment at this time. We did the best we could." Then he and his party drove off.

Harris seemed both astonished and crushed.

For Miss Davis, her attorneys, her family and friends,

it was a day of extraordinary jubilation.

REPORTERS

They were forced, however, to wait their turn in speaking to the international press corps gathered in a basement auxiliary courtroom where those newsmen and women unable to gain admittance to the court proper had watched proceedings on closed circuit television.

The entire jury unexpectedly decided to participate in a mass interview, with Mrs. Timothy as spokeswoman. She said, however, that the 12 had decided not

to comment on their deliberations.

"The verdict speaks for itself," Mrs. Timothy said into a forest of microphones.

"We feel our thought processes in arriving at the verdict should not be discussed because another trial is coming up and we want to do nothing to jeopardize that trial."

MAGEE

She refused even to mention the name of Ruchell Magee, the convict accused of having been the one who shot Judge Haley's face off with a sawed-off shotgun in a yellow van that hot August day two years ago.

She refused even to tell how many ballots the jury had taken but said the jurors "talked quite a lot" before even taking a ballot.

Mrs. Timothy, quiet and poised, said the jurors had asked to be dismissed early on Saturday and be allowed to deliberate yesterday because they felt they were close to a verdict. Additionally, she said, the jury didn't want to spend Sunday "wandering around San Jose."

She said the jurors thought all the lawyers in the case were "excellent" and the judge "fantastic."

REMOTE

She added that the jurors were kept so remote from what was happening in the world around them during the days of their deliberations, they knew nothing of the plane hijacking on Friday in which Miss Davis' freedom was demanded by the hijacker.

As for the jury system in general, and its ability to mete out justice, Mrs. Timothy said: "It's the best process any country has come up with."

The jurors left the steaming little room and at the doorway encountered the Davis entourage. Miss Davis embraced each juror individually, her face aglow, and each, in turn, accepted her demonstrativeness with pleased, self-conscious smiles.

CHILDREN

For the Davis press con-

ference, the entire family was mobilized, including Miss Davis' infant niece Angela, wearing only a diaper, and Benjie, the 2-year-old son of football player Ben Davis.

A good deal of the time allotted by press aides of the Davis Defense Committee to the conference was consumed by the reading of a formal statement by Miss Davis' sister, Fania Jordan.

Then Miss Davis spoke, repeating some of the statement's rhetoric, and describing yesterday as "the happiest day of my life." After about 15 minutes, the group departed for what was billed as a victory celebration.

Outside, attorney Branton said he was "exultant" over the outcome of the trial. The Los Angeles lawyer, who was brought very late into the case and upon whose shoulders the burden of the trial proper largely rested, said he has continuing faith in the American process of justice. "There is nothing else the state can do to Angela Davis. The jury had the final word," he said.

He praised prosecutor Harris' "bulldog quality" in presenting the state's case, but described it as "extremely weak." It was because of this, he said, that it was decided Miss Davis, associated in the case as a co-counsel, would deliver an opening statement but would not take the stand to deny under oath that she had been a principal conspirator in a cabal designed to bring freedom for San Quentin inmate George Jackson, the man she loved, by exchanging him for five hostages seized in Judge Haley's courtroom.