

3 Witnesses Put Angela

By Stephen Cook
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SAN JOSE — An ill-timed but totally commonplace automotive failure was the key to damaging testimony against Angela Davis in her murder, kidnap and conspiracy trial here.

Because of a dead battery, three prosecution witnesses were able to testify yesterday that Angela Davis was with Jonathan Jackson at the Marin County Civic Center the morning of Aug. 6, 1970, when the youth put himself through a dress rehearsal of the kidnap attempt that claimed his life and the lives of a judge and two convicts the next day.

Miss Davis is accused in the trial, which is in recess today of conspiring with young Jackson to attempt to free his older brother, George, from prison by taking Judge Harold J. Haley, three jurors and a prosecutor hostage.

Witnesses yesterday testified that Jackson appeared in Judge Haley's courtroom twice on Aug. 6, wearing the same coat and carrying the

same bulging briefcase which hid an arsenal of guns the following day.

The first visit, Prosecutor Albert W. Harris Jr. contends, was a dress rehearsal. It came at 10:30 a.m.

The second visit, at 3 p.m., may have been the real thing, Harris has hinted. If so, the bloody events were delayed a day because Judge Haley's court had recessed early, a half hour before.

At approximately the same hour of the morning visit, four men at a service station across the street from the civic center said they saw Jonathan Jackson and a young black woman.

Sought Help

The couple came to the station and asked for help with their yellow Hertz rental van, parked at the civic center, they said. The same van was the center of the bloody shootout the next day.

Station owner Alden Fleming, his son, Peter, and County Fireman Michael E. Vonada, a visitor at the station, all said they are cer-

tain Jackson's companion was Angela Davis and pointed her out in the courtroom.

Alden Fleming remembered her light complexion, her tinted glasses, her Afro hair style, her large eyes and high cheekbones.

Smoking Cigar

Peter Fleming remembered her as "tall, slender, a pretty good build, and Afro hair-do, light complected. She was wearing red tinted glasses. I remember she had a mini dress on."

Vonada remembered "a young, black, Afro haired, light complected, good looking young lady. She was 5 foot 6 or 7 . . . Her teeth were spaced apart . . . She was smoking a black cigar."

Vonada and Alden Fleming said they recognized Miss Davis as the woman with young Jackson that day when they saw her photograph in a newspaper and on television a week later.

Fourth Witness

A fourth man at the station that day, mechanic Dennis F. Besch, recalled seeing young Jackson with a young woman "black, tall,

With Jonathan

slender, Afro hair style. She was wearing a black blouse, a mini skirt and boots."

Defense attorney Leo Branton Jr. attacked their testimony with zeal.

The cross examination of Peter Fleming was the shortest and most telling.

Inexperienced

Q—"The total time you saw her was 20 or 25 seconds, right?"

A—"More like a couple minutes."

Q—"Have you had much experience identifying black people?"

A—"No."

Branton drew his attention to a photographic lineup on Aug. 17, 1970, when Fleming tried to pick Miss Davis' picture from nine snapshots.

Three of the photographs were of Miss Davis, one of her sister Fania Jordan, one of an unidentified, black woman with no Afro, two

were mug shots of black women without Afros, and one of a black woman about age 55.

Q—"You weren't able to say with any positiveness which was Angela Davis, right?"

A—"Right."

Alden Fleming was not so easy.

At one point, he mistook Fania Jordan, Miss Davis' sister, for Miss Davis when looking at photographs.

He was shown the same photo lineup as his son on Aug. 17, 1970, he said, but he had already identified Miss Davis as the woman in his station from a newspaper photograph.

Q—"You had seen pictures of Miss Davis before, hadn't you?"

A—"Yes. She's been in the news quite a bit."

Q—"But when she came to your station Aug. 6, you

didn't recognize her, did you?"

A—"No."

Branton lost ground on another front during cross examination, when Fleming said it looked like Miss Davis was the one in charge that day. Young Jackson was in his office, wondering what to do with his rented van and Miss Davis was outside, he said.

"I wondered why she didn't come inside. He was very vague about what to do. He didn't know what to do. I had to do everything for him. He gave me the impression he wanted some help from her, wanted the authority to do things."

The testimony about young Jackson's dress rehearsal appearance in Judge Haley's courtroom that morning came from San Quentin Guard Gordon C. Farrell, assigned as an es-

cort of James D. McClain, the convict on trial there.

James Layne, bailiff for the late Judge Haley, told of the youth's appearing in the same courtroom at 3 p.m., a half hour after the trial had recessed.

At 10:45 a.m. the next day, Jackson walked into the

courtroom wearing the same clothes and carrying the same briefcase and took a seat.

"He removed a small, black automatic, turned and told me to freeze," Layne recalled. That was the start of the kidnap and shootout which followed.