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Prosecutor on Angela

Attorney's Views of The Trial

By Carolyn Anspacher

Albert Harris Jr., prosecutor of the Angela Davis case, looked back yesterday on the 13-week San Jose trial and said the black militant's acquittal yesterday by an all-white jury "probably defused possible disturbances" by sympathizers.

"They were geared to have a martyr," he said, "so verdict's got to be disappointing."

In his first conversation with the news media since he and others involved in the case were officially silenced by Superior Court Judge Richard E. Arnason more than six months ago, Harris expressed no overt bitterness over the trial's outcome.

REFUSAL

He refused flatly to comment on the jury's finding that Miss Davis was not guilty, as charged, of murder, kidnap and conspiracy.

He did acknowledge, however, that Miss Davis' lawyers, appealing to "white guilt" "dared and challenged" the jury to find the professed Communist guilty.

"There is white guilt in all of us," Harris said, "and there should be. I will not speculate if this affected the outcome of the trial, but it could have."

He added he feels strongly that juries should be free to deliberate without fear of repercussions.

ROLE

Harris said he felt Judge



Albert Harris Jr. looked back over the 13 weeks of the Angela Davis trial

Arnason played a strong role in keeping the potentially explosive trial from becoming political, but emphasized that in this the prosecution also took a positive stand.

"I don't think a defendant should have to pay a price for his political views any more or any less than any citizen," he declared.

In sifting through statements made by individual jurors in the euphoric aftermath of the verdict, Harris said the very word "conspiracy" has become "unpalatable."

ble."

CHARGE

Miss Davis was charged with having conspired to put into motion the Aug. 7, 1970 Marin Civic Center escape attempt in which five hostages were seized from a courtroom and in an ensuing gun battle four persons were killed.

Miss Davis was not present when the hostages were seized nor when the gun battle erupted, but Harris contended through the trial and still believes she engineered the coup in order to barter for the freedom of

San Quentin convict George Jackson, a handsome young black with whom she had fallen in love.

It was on the concept of conspiracy that Harris built his case, for without it, he said, there would have been neither kidnap nor murder.

DISREPUTE

"The conspiracy law has fallen into disrepute," the 41-year-old Harris said. "People don't understand it. It has political connotations that people find unpalatable for they are resentful of government and everything that plays a role in it. And this affects juries as it affects all of us."

Harris said that when he began work on the Davis case late in August of 1970,

after Marin District Attorney Bruce Bayles had disqualified himself, he believed Miss Davis had been motivated by her deep involvement with the Soledad Defense Committee.

Then, he said, he changed his entire approach to the case in August of 1971, after one of the so-called Soledad Brothers, George Jackson, was killed in a violent episode at San Quentin and Miss Davis' passionate 18-page "love - diary" was found in his cell. The "political" motive then became the motive."

RULING

Harris said he believes Judge Arnason "acted in his best judgment" when he ruled against the admissibility of a considerable amount of prosecution evidence, including a major part of the "love diary," which was edited down to 3½ pages.

"It is not useful to speculate on what would have been if the diary in its entirety had been admitted," Harris said. But he added that if the document had been cut to a single line, he still would have introduced that line.

As for his use of the love motive, Harris said he had

to present what he felt the truth to be.

CONFERENCES

Harris, who spoke of Arnason as a "good judge" who "ruled fairly," said he thought the frequent chamber conferences were "regrettable" since they "suggested a star chamber procedure."

Harris spoke of the Davis defense team as "competent" and said Leo Branton Jr. particularly did a "good job." The shirt-sleeved prosecutor admitted he wasn't "exactly enthused" when the call came Sunday morning that a verdict had been reached after jury deliberations of only 13 hours.

But the case, he said, is now "closed — over, and as final as you can get."

Harris declined firmly to discuss possible future ramifications, but said there are always "continuing investigations into any case of this nature."

PERJURY

Asked directly if there might be possible perjury charges lodged against any of Miss Davis' several alibi witnesses, Harris said any such charges would be the responsibility of the Santa

Clara county district attorney, not the attorney general's office.

Harris said he does not know whether he will prosecute San Quentin convict Ruchell Magee, once Miss Davis' co-defendant and charged specifically with having shot and killed Marin Superior Court Judge Harold Haley during the 1970 escape attempt. He said there is "much evidence" in the Ma-

gee case that it unrelated to Miss Davis and each has to be viewed separately.

The Magee case has been transferred from Marin county to San Francisco and the first pre-trial session will be held at 10 a.m. today before Superior Court Judge Morton Colvin.

And as for Harris, he said he plans to go to Hawaii "in a while," but he didn't say when, or for how long.