

Prosecutor's Story Of Angela Trial

One of the difficulties that confronted the prosecution in the trial of Angela was that the word "conspiracy" has become "unpalatable," according to Assistant Attorney General Albert W. Harris Jr.

Harris, who did his level best to win a conviction — and failed — pointed out that while Miss Davis was charged in connection with the Marin County Courthouse shootout, she was not present when it occurred.

Thus, the state had to build its case on the presumption that she was aware of the plot — the guns were four that she had purchased — and had actively aided and abetted it.

Thus, the key charge against her was conspiracy, and unless that could be made to stand up, the additional charges of murder and kidnaping fell.

Law In Disrepute

"The conspiracy law has fallen into disrepute," 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 Miss Davis' team of defense lawyers was "competent" and that Leo Branton Jr. in particular did a "good job."

Defense lawyers, he said, appealed to the all-white jury on the basis of "white guilt" and "dared and challenged them" to find a black defendant, a self-described Communist, guilty.

Racial Guilt

"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."

The 41 year old prosecutor praised Superior Court Judge Richard E. Arnason for playing a strong role in keeping the potentially explosive trial from becoming political. He, too, took a positive stand in that direction, he said.

"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 observed.

He did, however, say he thought the conferences in chambers that consumed a major part of the time were "regrettable" because they "suggested a star chamber procedure."

But No Martyr

Looking back on the verdict Sunday that ended 13 weeks of trial, the prosecutor commented that it "probably defused possible disturbances" by Miss Davis' sympathizers.

"They were geared to have a martyr," he said. "So the verdict had to be disappointing."

The prosecutor disclosed that when he first began work on the case, late in August, 1970, he thought Miss Davis had entered into the plot because of her deep involvement with the Soledad Defense Committee organized to seek freedom for George Jackson, John Clutchette and Fleeta Drumgo, convicts who were ac-

cused of murdering a guard at Soledad Prison.

The state's theory was that the 1970 Marin plot was intended to take hostages whose freedom could be exchanged for that of the three Soledad defendants.

Harris said his original feeling that Miss Davis had joined the alleged conspira-



ALBERT HARRIS

"Unpalatable connotations"

—UPI Photo

cy for political motives was abandoned after George Jackson was killed in an escape attempt at San Quentin in August, 1971.

An 18-page "diary" written on Miss Davis' typewriter was found in Jackson's cell, and on that basis Harris gave up his theory of political motivation and decided that she had acted because of love of George Jackson.

He was unable to win admission of the entire 18-page document as evidence, however, and Judge Arnason permitted only a tightly-edited version to be placed before the jury.

"It is not useful," Harris said, "to speculate on what would have been if the diary in its entirety had been admitted."

But he insisted he would have used what he had even if the document had been cut to a single line.

Sufficient Evidence

If he were faced with the same set of circumstances as prevailed in August, 1970, Harris said he would still charge and prosecute Miss Davis.

He noted that every appellate court to which it was submitted held that the indictment against Miss Davis offered sufficient evidence to hold her for trial.

Harris said, however, that he would probably conduct the trial differently, "but I don't know what I'd change, and, as far as I'm concerned, the case is closed."

He added that "in a while" he plans to relax by taking a vacation in Hawaii.