

# ENTERTAINMENT AND FEATURES

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## FAIR TRIAL FOR ANGELA NOT POSSIBLE

"We said all along that she couldn't get a fair trial in this county by a jury of her peers, and if this jury panel is indicative of what is to come, I'd say we were correct." So stated Chief Defense Counsel Howard Moore, Jr., after the first few days of the jury selection process in the Angela Davis kidnap-murder-conspiracy trial in San Jose California.

By Thursday, March 2, a preliminary panel of twelve jurors had been seated in preparation for more intensive questioning by the defense and prosecution.

The preliminary panel includes one Black, Mrs. Janie Hemphill, a housewife who has resided in Santa Clara County for 17 years. She was the only Black included in the initial list of 116 prospective jurors. She stated that she has been aware of Ms. Davis since her struggles with the governor and regents of UCLA, and said, "It didn't stick with me to prejudice me against Ms. Davis." It is expected that the prosecution will find some way of eliminating the sister.

The other preliminary jurors consist mostly of housewives and retired people. There is one per-

son 22 years of age, but the effort to seat the newly enfranchised 18-21 year olds failed.

So far, all have been students who have claimed hardship, either financial, or because of impending final exams.

One of the preliminary panel, William Hotaling, a manager for IBM, was seated over the objections of the defense, despite the fact he admitted, "I am against members of the Communist Party." He further stated that, "Anyone who takes radical action would tend to lie."

The other preliminary panelists in addition to the two mentioned above are: three housewives (one of whom is related to a member of the San Jose police department); a female accounting clerk; an insurance secretary, also female; a retired sub-contractor; a retired trucker; a retired librarian and a 22 year old female collections clerk. Eight women and four men. Eleven white and one Black.

The rigid security measures, which add to the tension, have remained in force though Ms. Davis is now out on bail, with six deputies and a matron stationed inside the courtroom in addition

to the five deputies and one matron outside the courtroom. The one Black deputy in the county has been stationed in a very visible position, searching incoming spectators and newsmen.

Further evidence of the hostile attitude of the state is the fact that Prosecutor Albert Harris (of the State Attorney General's Office) has asked that an official count of spectators seated in court each day go into the court's record for future use. Each person entering the courtroom has to identify himself with driver's license, etc., give his social security number, and be photographed. Obviously, Harris feels this is not intimidation enough since the courtroom is full everyday.

If there are any questions that this is a political, rather than a criminal trial, the treatment of the reporters from Soviet Russia and East Germany should be illuminating. The representative of the Soviet news agency, TASS, is allowed to roam only within a 25 mile radius of San Jose (he can't even get to San Francisco within those limits). And Dr. Klaus Steinger of East Germany

cannot even leave San Jose. These are orders from the State Department of the U.S. Reporters from other European countries have no such restrictions of course. There are no press representatives from Third World countries.

Ms. Davis's entire family has been in attendance at the trial this week with the exception of her father. Her mother, Ms. Sallye Davis, two brothers, Reginald and Benjamin (a football player for the Cleveland Browns) Ben's wife, Sylvia and their son, Bern III and Fania Davis Jordan who has been very active in garnering support for her sister.

The family has to sit in the rear of the courtroom because the first three rows are reserved for the press and TV artists. Kendria Alexander, a member of the National United Defense Committee to Free Angela Davis and All Political Prisoners was quite upset at deputies for assigning these seats in the rear of the courtroom as she had attempted to sit in the front row on the first day of the trial.

The clenched fist Black Power salute had been outlawed in the courtroom, but the ban was lifted on the first day of the trial to the delight of the capacity crowd of supporters of Ms. Davis. When Angela enters the courtroom, she is greeted by the clenched fists of the spectators, which she promptly returns.

Roger McAfee, the Fresno, Calif., farmer who put up his property as collateral for Ms. Davis' bail, came out of hiding on Thursday, Mar. 2 to attend the trial along with his wife and several children. He and his family had been threatened with bodily harm by bigots after it became known that he was an active supporter of Ms. Davis. As a consequence, his children were expelled from school (allegedly because they did not live in that district) and his property had to be protected by armed guards.

He decided to surface again because of the overwhelming support he has received from those who believe in the freedom

which this country preaches, but rarely practices.

The judge in this case has already gagged the sheriff of Santa Clara County, after he stated that Ms. Davis should be freed on bail. The restrictions on Ms. Davis herself are such that she cannot make any public speeches, either relative to the trial or anything else. Now, Prosecutor Harris is seeking to gag everybody who has anything to do with the trial. This would include Chief Defense Counsel Moore who has been very outspoken about the tactics used by the state to prevent a fair trial for Ms. Davis.

The prosecutor wants a ban on all press conferences by "principals related to the trial." After the public support and agitation that culminated in the demise of the death penalty which made Ms. Davis' release on bail possible, the state is becoming nervous about letting the people keep abreast of their methods. If they can succeed in limiting information about the trial to what is reported by the traditional media from the courtroom, the implications of their moves will not create any more crises which will force their hand or make them present even a semblance of justice.

Though a preliminary panel of jurors has been seated, jury selection is expected to take several more weeks. This panel must be questioned in depth before they may become members of the jury to actually try Ms. Davis.

To each prospective juror, Prosecutor Harris reads a list of 104 witnesses he expects to call for the trial to see if each of the jurors is acquainted with any one of them. This list includes 51 police, San Quentin guards, FBI agents, two state attorney generals, and two coroners. That's a total of 55 persons on the state's payroll.

