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**SHOOTOUT SURVIVOR AT DAVIS HEARING:** Ruchell Magee, lone survivor of the courtroom shootout last August, listens to the proceedings while in chains.

## Lawyers for Angela Davis Ask Dismissal of Charges on Coast

By EARL CALDWELL  
 Special to The New York Times

SAN RAFAEL, Calif., March 16—Attorneys for Angela Davis argued today that murder, kidnap and criminal conspiracy charges lodged against her should be dismissed.

They said that there was not enough evidence to justify the indictments and called the charges part of an effort to "frame" the militant black activist.

The arguments for dismissal began here late this afternoon in a tense courtroom that was cleared twice because of bomb scares.

While Miss Davis's attorneys made their arguments, nearly 1,000 of her supporters gathered in the chill outside and protested loudly.

"Free Angela," they shouted. "Free all political prisoners."

Just 30 of the spectators were permitted to enter the courtroom, which was down the hall from the courtroom where a judge, two jurors and an assistant district attorney were taken hostage last August in an effort to free three convicts from San Quentin prison.

When that escape attempt was aborted, four persons, including the judge, were killed.

The charges against Miss Davis, an avowed member of the Communist party, who is a former philosophy instructor at the University of California at Los Angeles, stem from that shootout.

She was accused in a grand jury indictment of buying all the guns used by the kidnapers. The weapons were smuggled into the courtroom by a 16-year-old youth, Jonathan Jackson, who was killed in the ensuing shootout.

In the court proceeding today, Michael E. Tigar, one of five lawyers representing Miss Davis, argued that the guns she purchased were part of a "perfectly legal" transaction.

"We have searched the transcript [grand jury] in vain," Mr. Tigar said, "for evidence that Angela gave or furnished weapons to Jonathan Jackson."

It has been reported that the guns were purchased by Miss Davis and put into an office opened by militants here to organize a defense for three black inmates from Soledad Prison who were accused of killing a white guard. Both Miss Davis and the Jackson youth were active in working with the defense committee.

One of the three Soledad convicts charged with the killing was George Jackson, an older brother of Jonathan.

In presenting its case to the grand jury, the state detailed Miss Davis's involvement in the defense of the Soledad brothers and cited speeches that she made on their behalf.

But today Mr. Tigar argued that those speeches were protected by the First Amendment and that the gun purchases were legal in that Miss Davis bought and registered them in her own name.

Albert W. Harris Jr., an Assistant State Attorney General, the prosecutor in this case, defended the indictment. He was prohibited by the court from introducing supporting evidence that was offered the grand jury but which has remained secret to this point.

The matters that Mr. Harris wanted to bring before the court were disallowed because they involved Ruchell Magee, one of the San Quentin inmates who was the lone survivor of the shootout.

Those portions of the grand jury testimony that concern Magee have remained secret on orders of the court. Judge John P. McMurray kept that ruling in effect today and in doing so, put a crimp in the tactics that Mr. Harris had planned.