

**THE  
MORNING  
BREAKS**

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The Trial of Angela Davis

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Bettina Aptheker

SECOND EDITION



Cornell University Press

*Ithaca and London*

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First published 1999 by Cornell University Press

First printing, Cornell Paperbacks, 1999

Printed in the United States of America

Library of Congress Cataloging-in-Publication Data

Aptheker, Bettina.

The morning breaks : the trial of Angela Davis / Bettina Aptheker.  
—2nd ed.

p. cm.

ISBN-13: 978-0-8014-8597-8 (pbk. : alk. paper)

1. Davis, Angela Yvonne, 1944—Trials, litigation, etc. 2. Trials (Conspiracy)—California—San Jose. I. Title.

KF224.D3A68 1999

345.73'02523—dc21

98-52220

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Paperback printing 10 9 8 7 6 5 4 3 2

This book is dedicated to my mother  
Fay P. Aptheker (1905–1999)  
To her strength, her integrity,  
and her wonderful laughter

I dedicate this new edition  
in loving memory to

Kendra Alexander  
Franklin Alexander  
Victoria Mercado  
and  
Mary M. Timothy



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## PREFACE TO THE FIRST EDITION

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**T**his book is a personal account of my experiences in the movement to free Angela Davis. I have tried to present an historically accurate record of the events leading up to her trial, and of the struggle to save her life.

The book is based upon my personal recollections and notes, as well as the files of the National United Committee to Free Angela Davis, and the transcripts of the proceedings and appeals in the trials of James McClain, Ruchell Magee, Fleeta Drumgo, John Clutchette, George Lester Jackson and Angela Davis. News stories by Mark Allen, Juan Lopez, Ellis Goldberg and Robert Kaufman in the *People's World* and the *Daily World* between August 1970 and June 1972 were also extremely helpful.

For those who may be interested in further research or information on the *Davis* case, the files of the National United Committee to Free Angela Davis have been preserved in the archives of the Main Library at Stanford University in Palo Alto, California. This collection includes tens of thousands of letters received by the Committee and Ms. Davis from people throughout the world. The complete transcript of the Davis trial, including all appeals and legal memoranda, have been preserved in the Meiklejohn Civil Liberties Library in Berkeley, California.

I am deeply indebted to a great many people who read this manuscript in whole or in part, and offered invaluable suggestions and criticisms; and to members of the staff of the National United

Committee to Free Angela Davis, and to comrades and friends and members of my family—all of whom offered their time and energy in recalling events and their impressions of them, and in providing me with much background material. Without their help, encouragement and support this book could not have been written.

My appreciation then, to: John Abt, Franklin Alexander, Kendra Alexander, Anthony Amsterdam, Fay P. Aptheker, Herbert Aptheker, Robert A. Baker, Archie Brown, Margaret Burnham, Angela Y. Davis, Ellis Goldberg, Fania Davis Jordan, Jack Kurzweil, Albert J. Lima, Helen Lima, Susana Magdaleno, Victoria Mercado, Charlene Mitchell, David Newman, Gary Schuller, Jessica L. Treuhaft, Gloria Trevino, Jean Stein, Margaret Wilkinson and Henry Winston.

I wish to express a special word of gratitude to Mary M. Timothy. As foreperson of the jury that acquitted Angela Davis, and ultimately as colleague and friend, she has provided me with a wholly unique and steady source of insight, enthusiasm and encouragement.

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## INTRODUCTION TO THE CORNELL PAPERBACKS EDITION

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**A**ngela Davis was brought to trial in 1972 in San Jose, California, on charges of murder, kidnapping, and conspiracy. Davis, placed on the FBI's "Ten Most Wanted" list and designated "armed and dangerous," had been arrested in New York City on October 13, 1970. President Richard M. Nixon congratulated the FBI on its "capture of the dangerous terrorist, Angela Davis," a sentiment echoed by Ronald Reagan, then governor of California, and by an editorial in the *New York Times* (October 16, 1970). Images of a handcuffed Davis appeared on the covers of *Newsweek* and other leading journals. News media vied to give maximum coverage to her case. Davis, an African American Communist, faced the death penalty at the time of her arrest. She had been a lecturer in the philosophy department at UCLA and was a doctoral candidate in philosophy at the University of California, San Diego.

The Black community was virtually unanimous in its support of Angela Davis. Her arrest came only a year and a half after the assassination of Dr. Martin Luther King, Jr., and in the wake of ghetto uprisings that had seen hundreds of African American people wounded and killed. Likewise, campus civil rights and antiwar protests had resulted in the wounding and killing of scores of students from Jackson State University in Mississippi to UC Berkeley. The Ohio National Guard had shot and killed students at Kent State University in May 1970, only five months before Davis's arrest.

At the time of her arrest Angela Davis was a member of the Che-Lumumba Club of the U.S. Communist Party in Los Angeles. This was an all-Black collective named in memory of Che Guevara, a hero of the Cuban Revolution, and Patrice Lumumba, the leader of the Congolese National Liberation Movement. Davis was also closely associated with the Los Angeles chapter of the Black Panther Party (BPP).

The Davis trial unfolded as state and federal authorities coordinated a nationwide assault against the Black Panther Party. They raided BPP offices, confiscated papers, and destroyed equipment. Police agents infiltrated the BPP itself. Many individuals fell victim to this intrigue. Those killed included Fred Hampton, Mark Clark, Bobby Hutton, and Jon Huggins. Among those wounded by police and imprisoned were Assata Shakur and Huey P. Newton, cofounder of the BPP. Others stood trial in the media spotlight. Ericka Huggins was tried for murder in New Haven, Connecticut, and acquitted. Bobby Seale, also a cofounder of the BPP, was tried for conspiracy in Chicago for his participation in protests at the 1968 Democratic National Convention. When he protested the proceedings, Seale was bound and gagged in the courtroom. He was acquitted along with his seven (white) codefendants. A subsequent congressional investigation determined that the Chicago police themselves had rioted and been responsible for countless injuries, including the beating of Dan Rather, a leading CBS reporter.

Geronimo Pratt, a BPP member and Vietnam veteran, was tried for murder in Los Angeles and was convicted. Pratt was released in 1997 after twenty-seven years in prison when his attorneys presented new, incontrovertible evidence of his innocence. The Los Angeles Police Department and the FBI, they contended, had been aware of this evidence at the time of Pratt's arrest and had suppressed it. A year after his release, Pratt sued the FBI and LAPD for false arrest. Mumia Abu-Jamal, a journalist who covered the Panthers' activities in Philadelphia and served as their minister of information, remains on death row, convicted of killing a white police officer. Appeals are pending. His book, *Death Blossoms*, is exemplary of writings by political prisoners.

Angela Davis was a founding member of the Soledad Brothers Defense Committee. The Soledad Brothers were three Black pris-

oners accused of killing a guard at Soledad Prison, near Salinas, California, in January 1970. George Jackson, Fleeta Drumgo, and John Clutchette were activists in a movement for prisoners' rights. Angela Davis knew the families of all the accused men. She was particularly close to George Jackson's family and knew his younger brother, Jonathan. She had attended pretrial hearings of the Soledad Brothers, and was widely and publicly identified with their defense. She had corresponded with George Jackson. Sometime in the spring of 1970 she and George had become personally committed to each other.

THESE ARE the specific events that led to the prosecution of Angela Davis. On August 7, 1970, Jonathan Jackson, an African American high school student who was 17 years old, took over a courtroom in Marin County, California. He was heavily armed. A trial was in progress. The defendant in that trial was James McClain, a San Quentin prisoner accused of attempting to assault a guard. Ruchell Magee, another San Quentin prisoner, was on the witness stand testifying for McClain, who was acting as his own counsel. A third prisoner, William Christmas, was waiting to testify. The judge was Harold Haley; the prosecutor was Gary Thomas, who was Judge Haley's son-in-law. All the prisoners were Black. The judge, the prosecutor, and the jurors were white.

Jonathan Jackson armed Magee, McClain, and Christmas. They took five hostages: the judge, the prosecutor, and three women jurors. A procession of armed prisoners and hostages left the courtroom and made its way out of the building and to a van parked in an adjoining lot. Everyone climbed inside. Jonathan Jackson was driving. He stopped at a roadblock hastily erected by sheriff's deputies. As the van stopped, San Quentin prison guards opened fire. Jackson, McClain, and Christmas were killed. Judge Haley was killed. Ruchell Magee was wounded, along with the prosecutor and one of the jurors. At the Davis trial it was established that the San Quentin guards (and Gary Thomas, the prosecutor) had killed and wounded everyone. Jonathan Jackson was the younger brother of the Soledad Brother George Jackson. Several of the guns used by Jonathan were legally registered to Angela Davis.

To understand the Davis case is to understand the labyrinth

of events that led up to August 7. In this book I attempt to lay out the sequence as clearly as possible. The book's "Prologue" moves from UCLA to Soledad to San Quentin as the elements of the story unfold. The book documents the routine harassment, beatings, and killings of Black prisoners. It puts into context the decision of Black activists, including Angela Davis and the Che-Lumumba Club, to arm themselves. Angela herself was the recipient of numerous death threats.

The book tells the story of the worldwide movement for Angela's freedom and the struggle to win her release on bail. The last section details the trial itself, from the selection of the jury to the collapse of the prosecution's case and the very limited "pin-point" rebuttal mounted by the defense. For this new edition I have also included an "Afterword" to account for the principals in the case since the trial.

The Davis trial commenced on February 28, 1972; it lasted just over three months. The prosecution presented 104 witnesses and introduced 203 items in evidence. The defense presented twelve witnesses in two and a half days. On June 4, 1972, 597 days after the arrest of Angela Davis and after thirteen hours of deliberation spread over three days, the jury returned a verdict of not guilty on all counts.

ANGELA AND I have been friends since high school. A year before her arrest I was involved in efforts to reverse a decision by the University of California Board of Regents to fire her from her teaching position at UCLA. When she was arrested I joined her defense committee. I, too, was a member of the U.S. Communist Party. I had been one of the leaders of the 1964 Free Speech Movement at the University of California, Berkeley, where I was a student. I had been very active in both the movement against the war in Vietnam and the civil rights movement. When the attacks began against the Black Panther Party, many of us stood outside the Panthers' national headquarters in Oakland. We believed that as white people we might serve as a protective shield to prevent further violence.

At the time of the trial I was married to Jack Kurzweil, who was an assistant professor of electrical engineering at San Jose State

University. We had a son, Joshua. He was three years old when Angela was arrested. Our family lived in San Jose, where Angela's trial was eventually to take place. Our home became an informal headquarters for Angela and her attorneys, friends, and family. Fania Davis, Angela's sister, and her infant daughter, Eisa, lived with us. Just as the Davis case erupted, my husband was given a terminal year at the university. He was fired because of our political affiliations and activities. The *Kurzweil* case was won in federal court, and Jack was awarded tenure the summer before Angela's trial began. Our attorney, Doris Brin Walker, was also one of the trial lawyers in the *Davis* case.

A member of the staff of the National United Committee to Free Angela Davis (NUCFAD), I was appointed by the court, at Angela's request, as one of five "legal investigators" for the defense. In this capacity, I was allowed to meet with Angela in jail unencumbered by specified visiting hours or by attorneys. I worked on many aspects of the case. Angela and I also coedited a book, *If They Come in the Morning: Voices of Resistance*. Each of us contributed essays analyzing the U.S. prison system as an agency of political repression. We documented the cases of many political prisoners, and included letters, poetry, and essays they had written. The first paperback edition of our book sold 400,000 copies in the United States and was widely translated and published abroad. I attended every day of the trial and participated in the debates about our legal and political strategies. I wrote this book in the year after Angela's acquittal. The story poured out of me. While I felt enormous gratitude for Angela's freedom, I was also overwhelmed by grief and rage at the system that had imprisoned her and taken the lives of so many.

I MUST MAKE one significant correction. The book gives the impression that the Communist Party was unanimous in its support of Angela Davis. That is not true. I did not write about the controversy at the time because I believed I needed to protect the Party from its critics on both the left and the right. Here is a brief account of what happened.

Although the Communist Party provided Angela with counsel at the time of her arrest, its National Committee, meeting in

New York in March 1971, was sharply divided. (The National Committee consisted of 120 people elected at the Party's national convention. I had been elected to it in 1966. We set national policy.) Most of the comrades had never heard of the Soledad Brothers and knew nothing about the prison struggles. They were deeply suspicious of the Black Panther Party, and most categorically rejected its policy of armed self-defense. They believed that Jonathan Jackson was a terrorist (or, in leftist jargon, an "adventurist") and that any defense of Angela required a repudiation of his actions. Although muffled in their dissent, a few comrades wanted the Party to dissociate itself completely from Angela, and among them some (privately) advocated her expulsion.

Comrades from the Che-Lumumba Club and others of us familiar with the issues spoke again and again at the National Committee meeting, laying out the facts of the case, explaining the Soledad Brothers' defense, Angela's involvement, Jonathan's frustration, and his commitment to his brother and to the movement among Black prisoners. We urged a middle course for Angela's defense, neither advocating nor condemning Jonathan's action, but insisting that it was understandable in the context of his life. All of us, including Angela, believed we would jeopardize her defense if we simply condemned Jonathan. We felt that we must distinguish our understandings from those of the prosecution, which saw Jon simply as a terrorist.

We also tried to show that "terrorism" is historically constituted, and is also a matter of class and racial positioning. For example, we said, one would hardly condemn the slave revolts of Denmark Vesey and Nat Turner, among hundreds of others, as terrorist, although that is precisely what the slaveholders felt them to be. Later, as if to prove our point, Ruchell Magee, the surviving San Quentin prisoner of the August 7 carnage, requested that the judge read the Thirteenth Amendment to the U.S. Constitution (abolishing slavery) to the jury at the end of his trial. His motion was denied. But Magee felt himself to be a slave, falsely imprisoned, deprived of his constitutional rights. He claimed the right to *take* his freedom. At his trial, several months after Angela's, eleven of the twelve jurors agreed with him.

Millions of words were flung about during our National Committee meeting. Unfortunately, the issue under debate was posed



as a tactical choice between “individual acts of terrorism” and “the building of a mass movement.” A few of us tried to point out that the hundreds who came to pay their respects to Jonathan Jackson at his funeral *were* a mass movement. We certainly wanted to organize one to win Angela’s freedom.

In the end, these issues were never resolved within the Communist Party. As the case proceeded, our comrades put aside their differences and worked with undiminished intensity for Angela’s freedom. In court we presented our case in accord with Angela’s wishes and with our understanding of the realities that had informed Jonathan’s life. This is especially evident in Angela’s opening statement to the jury, in our cross-examination of key prosecution witnesses (e.g., the San Quentin guards), and in our closing argument.

MORE THAN twenty-five years have passed since Angela’s trial. A few thoughts in retrospect seem appropriate. What struck me most forcibly as I recalled this debate about terrorism at the National Committee meeting was the extent to which the revolutionary rhetoric of the times equated manhood with guns and armed struggle. None of us saw this. Now it seems to me simply a mirror image of white male projections of manhood, and a very distorted view of masculinity. This view, however, has been widely promulgated by the (white-controlled) mass media and is especially evident in many Hollywood films. In contemporary times this view of masculinity has contributed in no small measure to the escalation of gang violence.

In the late 1960s and 1970s we women on the left and in the Communist Party also equated our own liberation with armed insurrection. Posters picturing Vietnamese, Cuban, Algerian, and Chinese women carrying rifles or in guerrilla uniforms adorned the walls of our homes and offices. We believed that the national liberation and socialist revolutions would, by definition, result in “women’s equality.” Even our understanding of equality was extremely limited. We saw it in masculinist terms, women orbiting their men in the struggle. Men determined the policies and strategies, and women implemented them “equally” with men. We accepted the patriarchal vision of a manhood of the oppressed vested with weaponry. We strove to prove our equality

with it by ourselves bearing arms. This vestment so blinded us that we did not see that the nuclear arms race, which we so vigorously opposed, was simply another manifestation of the same process. We did not then understand the parallels between the militarism of patriarchy on a global scale and as it was enacted locally.

We had little understanding of our own history as women, of our own forms of resistance: to racism, patriarchy, colonialism, war. Such resistance had always been rooted in the dailiness of our lives, in our struggles for survival, for dignity, and for the future of our children. We had as yet no vision of the autonomy necessary for our movement to define a specifically women's liberation, to contest men's continuing violence against women, our degradation and subordination.

My book on the trial ends with an allusion to socialism as the end of oppression. (I meant racial oppression.) In 1973 that was what I believed. By 1981 I had left the Communist Party. I was committed to a different understanding of women's liberation than the slogans of "equality" advanced by the Party. I was also living openly as a lesbian with my partner, Kate Miller, and our three children. Although little was said to me personally, many in the Communist Party, and especially those in the highest echelons of its national leadership, responded to the gay and lesbian movements with conservative, profamily, homophobic rhetoric. By 1989, socialism itself had collapsed in the Soviet Union and Eastern Europe. It soon became apparent that European socialism had not healed the wounds caused by racial, ethnic, and anti-Semitic hatreds. By 1990, the U.S. Communist Party, too, had splintered.

A SECOND ERROR in my original text is more technical, but it is significant. In revoking the death penalty in February 1972, and thus paving the way for Angela Davis's release on bail, the California State Supreme Court did *not* hold it to be cruel and unusual punishment (as I claimed). Rather, the court held that in the penalty phase of the trial in the *particular* case before it, the jury had not been given any standard by which to determine its verdict. These were much narrower grounds for appeal. The Supreme Court decision did end executions in the state for several years, but California has since reinstated the death penalty.

AS I REREAD this book on the trial and recalled the details of racist violence in the prisons and in society, I was appalled. Very little has changed. Yes, there is a larger and growing middle and even upper class among people of color. Yes, affirmative action had some success. There is, however, a vast underbelly of suffering in the inner cities, in the barrios and rural backwaters, on Indian reservations, and in the prisons. There is a haunting continuity between the killings and persecutions of the 1960s and 1970s and the realities of racial violence as we approach the millennium.

The police beating of Rodney King in Los Angeles in 1991 was not an aberration. Such assaults happen in ghettos and barrios across the country every day. The aberration was that an alert and courageous citizen filmed it. That is the only reason the officers were brought to trial. It is almost unbelievable that Rodney King, face down on the ground and begging for mercy, was still perceived as a threat by an all-white jury viewing the video. In that first trial, the officers were exonerated. Of course, the ghetto exploded in its aftermath. Only after a second, federal trial was some semblance of justice achieved.

The Cabinet and other appointments made by Bill Clinton (regardless of what else we may wish to say about him) were the most integrated by race and gender in the history of this country. A Republican-controlled Congress went after almost every person of color on charges of "corruption," many of them so minor as to be ludicrous. They attacked the African American attorney Lani Guinier, who was proposed to head the Civil Rights Division of the Justice Department, because she would have actually enforced affirmative action. And they forced the resignation of the surgeon general, Joycelyn Elders, an African American physician, because she talked openly about sex.

These congressional politics reflect the racism at every other level of government. The reversal of affirmative action in California and elsewhere, the effort to barricade the Mexican border, the attacks on bilingual education and on undocumented immigrants (even preventing pregnant women in California from receiving prenatal care), the dismantling of the welfare system, the failure to honor the sovereignty of Native Americans, and the cutbacks in funding for health and education on the reservations, all evidence a pervasive racism. The decisions are couched in the

cultured and reasoned language of suited legislators and public officials. The damage done to human beings, and especially to women and children, is incalculable.

ACCORDING TO Troy Duster, a sociology professor at UC Berkeley, African Americans constituted 7.5 percent of California's population in 1997 and 38 percent of its prison population. In 1984, there were eleven state prisons in California. By 1997, sixteen new prisons had been built, and eight more are slated for completion by 2002. By 1997, fifteen thousand people, most of them men of color, had been sentenced to life imprisonment in California under the "three-strike" law, which mandates a life sentence upon conviction for a third felony. The state with the next highest number of prisoners sentenced to life under a similar provision is Washington, with 63. Even given the differences in population between California and Washington, the California figure is very distressing. On the national level, one in three Black males between the ages of 20 and 29 is under the control of the criminal justice system. One in fifteen is incarcerated. Ninety-four percent of the crack offenders in federal courts are African American. These are the conditions twenty-eight years after Jonathan Jackson entered the courtroom in Marin County and Ruchell Magee acted to take his freedom. We do not have a domestic policy in the United States. We have a domestic war.

As long as white people, in their majority, see racism as either a minor inconvenience or the figment of a colored imagination, we are all complicit in its worst excesses. In this sense, too, we were all responsible for Jonathan Jackson's actions, and we are responsible for the revolts and uprisings that continue to erupt. Those of us who are white know that if we lived under these same conditions, and if our families had lived under them for generations, we too would rise up. Until these conditions are changed, until white people in overwhelming numbers join with people of color to rise up against racism, this terrible suffering cannot be ended, and these wounds cannot be healed.

WINNING THE FREEDOM of Angela Davis was a singular achievement. Three conditions were decisive: the intervention of world

public opinion; the unanimity of the Black community, achieved because of the still persisting strength of the 1960s civil rights movement; and the organizational coherence of the U.S. Communist Party. In the wake of the worldwide movement to free Angela, millions of people were made aware of prison conditions in the United States. Public concern affected the outcome of additional trials, including those of the Soledad Brothers and Ruchell Magee. On June 29, 1972, three weeks after Angela's acquittal, fifteen thousand people gathered at Madison Square Garden in New York City to celebrate. The audience was mostly Black and mostly young. Nina Simone's voice filled the Garden, invoking the freedom songs of the decade. Angela's appearance climaxed the evening. As she came onto the stage, the entire audience rose in tribute.

IT IS MY HOPE that this book may in some small measure help a new generation to learn of this history. I hope, too, that it may contribute to a better understanding of the realities of racism as it has affected our criminal justice system, our prisons, and women's lives. Racism continues to inflict untold suffering. Please act to bring about peacefulness and healing in whatever ways you think are best.

I THANK Cornell University Press and its editor-in-chief, Frances Benson, for issuing this second edition of *The Morning Breaks*, and my colleagues Victoria Byerly, France Winddance Twine, and Joy James for their most excellent support and advice. My gratitude to Carol Champion and Paul Stubbs at Special Collections, McHenry Library, University of California, Santa Cruz, for their archival expertise and assistance; Don Harris, senior photographer with the photo lab of the University of California, Santa Cruz, for his marvelous assistance in preparing photographs for this second edition; and Betsy Wootten, Faculty Services, Kresge College, University of California, Santa Cruz, for her professional assistance in preparing this manuscript for publication. I thank my partner, Kate Miller, for her many helpful suggestions as I wrote the Introduction and Afterword, and for her generous and loving support over twenty years. I thank Angela Davis for her assistance

in preparing this second edition of *The Morning Breaks* for publication, and for the gift of our lifelong friendship.

BETTINA APTHEKER

*Santa Cruz, California*

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## DRAMATIS PERSONAE

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Angela Y. Davis	<i>A political prisoner</i>
John Abt	<i>General counsel, Communist Party, U.S.A.</i>
Franklin Alexander	<i>Co-chairperson, National United Committee to Free Angela Davis (NUCFAD)</i>
Kendra Alexander	<i>Member, national staff, NUCFAD</i>
Stephanie Allan	<i>Press director, NUCFAD</i>
Richard E. Arnason	<i>The judge</i>
Robert A. Baker	<i>Member, national staff, NUCFAD</i>
Rodney Barnett	<i>Member, national staff, NUCFAD</i>
Leo Branton, Jr.	<i>Defense counsel</i>
Margaret Burnham	<i>Defense counsel</i>
William Christmas	<i>A political prisoner, San Quentin Prison. Killed by guards, August 7, 1970</i>
Ben Davis	<i>Angela's brother</i>
Frank B. Davis	<i>Angela's father</i>
Reginald Davis	<i>Angela's brother</i>
Sallye Davis	<i>Angela's mother</i>
Albert Harris	<i>The prosecutor</i>

*Dramatis Personae*

George Lester Jackson	<i>A political prisoner. Assassinated by guards at San Quentin Prison, August 21, 1971.</i>
Georgia Jackson	<i>Mother of George and Jonathan Jackson. Member, Soledad Brothers Defense Committee (SBDC)</i>
Jonathan Jackson	<i>Brother of George Jackson. Member, SBDC. Killed by guards, August 7, 1970</i>
Fania Davis Jordan	<i>Co-chairperson, NUCFAD; and sister to Angela</i>
Albert J. Lima	<i>Chairman, Communist Party, Northern California</i>
Ruchell Magee	<i>A political prisoner, San Quentin Prison, A survivor of August 7, 1970</i>
James McClain	<i>A political prisoner, San Quentin Prison. Killed by guards, August 7, 1970</i>
Victoria Mercado	<i>Member, national staff, NUCFAD</i>
Charlene Mitchell	<i>Executive secretary, NUCFAD</i>
Howard Moore, Jr.	<i>Defense counsel</i>
Sheldon Otis	<i>Defense counsel</i>
The Soledad Brothers	<i>George Jackson, Fleeta Drumgo and John Clutchette, political prisoners, Soledad Prison</i>
Doris Brin Walker	<i>Defense counsel</i>
Inez Williams	<i>Chairperson, Friends of the San Quentin Adjustment Center Committee; mother of Soledad Brother Fleeta Drumgo</i>
Henry Winston	<i>National chairman, Communist Party, U.S.A.</i>



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## PROLOGUE

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### 1

**M**argaret Burnham and I grew up together in Brooklyn, New York. We went to different high schools, but we saw each other on various week-ends and holidays. Margaret was a fine musician. She played the violin. She went to a special high school in Manhattan called Music & Art. We spent several summers at the same children's camp in Vermont. Our parents were good friends.

We were about fifteen years old when we got together with a few other young people, including Margaret's best friend, Angela Davis, and formed a socialist club called *Advance*. Angela was from Birmingham, Alabama. She had come to New York to attend high school on a scholarship provided by the American Friends Service Committee. Our club met once or twice a month in the basement of my parents' home.

Our primary activity in those days was picketing the Woolworth's Department Store in downtown Brooklyn in solidarity with southern students. The sit-ins had just begun. It was two years after the first March on Washington for Integration and four years since Rosa Parks had refused to move to the back of the bus in Montgomery, Alabama.

Angela and Margaret and I split-up a few years later to go to

college. Margaret went south to Tougaloo College in Mississippi, Angela went north to Brandeis University in Massachusetts, and I came west to attend the University of California at Berkeley.

I saw Angela again nine years later—in October 1969. We were both twenty-five years old. I was an assisting editor at the *People's World*, a weekly Communist newspaper published in San Francisco. Angela was a former professor. She had just been fired from her teaching position in the philosophy department at the University of California at Los Angeles (UCLA) by the Board of Regents, because of her (publicly affirmed) membership in the Communist Party.

I came to Los Angeles to do an interview with Angela for the *People's World*. I had experience as a writer, but Angela was the first person I had ever been asked to interview. I wasn't sure I would do a good job. I remember telling her that. She laughed and told me not to worry. She hadn't had many interviews, she said, and wasn't sure she'd do such a good job either. I began with a few questions. She took it from there.

Angela talked about her activities in the Che-Lumumba Club, a club in Los Angeles of the Communist Party of the U.S. to which she belonged. She stressed the widespread support she had received from all sections of the Black community, and from students and faculty on the campus since being fired.

The philosophy department, Angela explained, had been initially divided over whether or not to hire her. The logicians and positivists didn't see the desirability of retaining a scholar of Marxist persuasion. The dialecticians and Hegelians did. Ultimately only a bare majority within the department voted to offer her the two year contract. However, when the regents intervened, the philosophers determined to set aside their differences, and all within the department had resolved to fight the dismissal.

Among the students, Angela said, there was nearly universal opposition to the regent's action. Two thousand had come to hear her first lecture on Frederick Douglass.

Angela explained her current status. The regents' action would not take effect immediately. She had appealed their decision and appropriate academic bodies had still to consider her appeal. A substantial movement was gathering strength to assure that a proper decision reversing the regental edict would be made.

ABOUT a week after the interview I received a telephone call from Kendra Alexander. Kendra was one of Angela's closest friends, and a founding member of the Che-Lumumba Club. Her husband, Franklin, was chairman of the club. They were to lead the fight for Angela's freedom a year later.

A campus-wide congress was being organized, Kendra explained, to protest Angela's dismissal. It was set for October 17th, 1969. Kendra asked if I could come to Los Angeles to participate in it. They particularly wanted me to talk about the functioning and composition of the university's Board of Regents.

I readily agreed. Having been involved in years of student struggles at Berkeley the regents were an old adversary. I knew a lot about the financial and political intrigues of the wealthy, white, primarily Protestant men who dominated the board.

The main rally took place at noon that Friday afternoon. It was not as well-attended as Kendra and other organizers of the day's events had hoped it would be, but people were enthusiastic and later gatherings with smaller groups of students and professors allowed for detailed discussion of strategy and tactics.

Angela meanwhile was closeted in a secret hearing, the purpose of which was to determine whether or not her Communist affiliation tainted her academic competence. The proceeding involved select members of UCLA's administration and faculty, plus several lawyers who served as counsel to the Board of Regents.

At three o'clock that afternoon Kendra and I rendezvoused with Angela in the ladies' lounge near the hearing room. A fifteen minute recess had been called.

Angela told us that the regents' counsel had put in evidence certain articles by a man named Sidney Hook to set forth the theoretical foundation for their position.

Angela asked me to tell her about Sidney Hook.

Briefly I told her what I knew of the Hook thesis: A Communist, by virtue of the fact that he was a member of the Party, held allegiance to a foreign power. He endorsed Party doctrine and Marxist dogma with unchallenged loyalty. A Communist was by definition incapable of critical analysis and independent judgment, and was therefore professionally incompetent.

Angela said that was precisely the position advanced by the regents' counsel. In this instance, she went on, their presentation

was deeply racist, spiked with allusions to various stereotypes of the Black woman.

The recess was ending. Angela had to return to the hearing room. As we walked down the corridor we suddenly found ourselves face to face with one of the regents' counsel. His name was Sparrow. I hadn't seen him in four years—not since the trial in which he had helped to convict me and several hundred other students on criminal charges for sitting-in at the university's administration building during the Berkeley Free Speech Movement. Sparrow recognized me right away. He paled, looked over at Angela and then back at me, pondering what terrible plot we could have hatched in the ladies' lounge.

ULTIMATELY the appropriate academic and administrative bodies at UCLA did render a decision, in favor of Angela Davis. The regents ignored their recommendations and fired Angela anyway. She took her case to court and quickly won another favorable decision, based upon Supreme Court rulings which held that the government may not fire a person solely for membership in the Communist Party. Angela was reinstated.

The academic controversy simmered through the Spring of 1970. The governor made periodic denunciations. The regents were unhappy, but legally their hands were tied. Angela continued to teach. Then, on June 19th, 1970, the Board of Regents fired Angela Davis again (by voting not to renew her contract). The board held that her speeches on behalf of the Soledad Brothers—three Black inmates charged with murder in the death of a guard at Soledad Prison—had been inflammatory and constituted a breach of professional ethics.

**2**

**O**n Tuesday morning January 13th, 1970, all the inmates on the first floor of "O" wing, a maximum security section of Soledad Prison, were ordered into the recreation yard. It was the first time in several months that the men in "O" wing had been allowed out. Thirteen inmates went to a caged area known as the Sally Port. They were stripped and searched. Guards let them out into the yard.

The Black prisoners were ordered to the far end of the yard, near the handball court. The white prisoners remained toward the center of the yard. Officer O. G. Miller was in the guard tower thirteen feet above the men. He was an expert marksman. He had a rifle.

A group of white prisoners attacked the Black prisoners. A fist fight ensued. Officer Miller opened fire. There was no warning shot. His first three shots hit three Black inmates.

W. L. Nolen and Cleveland Edwards died in the yard. Alvin Miller died a couple of hours later in the prison hospital. The guard's fourth shot wounded a white prisoner in the groin.

Three days later the Monterey County Grand Jury was convened. No Black prisoners at all were permitted to testify, not even those who had survived the morning's recreation. The grand jury exonerated Officer Miller. The killing of Nolen, Edwards and Alvin Miller was ruled justifiable homicide.

The prisoners heard the report of the grand jury's finding on the prison radio. Thirty minutes later, a white guard, John V. Mills, was found dying in "Y" wing, a maximum security section of Soledad Prison. He had been beaten and thrown from a third floor tier thirty feet to the television room below.

The prison authorities conducted the investigation of Mills' death. All 137 inmates in "Y" wing were locked in their cells for a month. Several suspects were put in solitary confinement. The grand jury was reconvened.

On February 14th, 1970 the grand jury indicted three Black prisoners—Fleeta Drumgo, George Lester Jackson and John W. Clutchette—for first degree murder.

I heard about the three young men in Soledad shortly after the murder indictment was returned, from friends in the San Jose community who had previously organized a Committee for Defense of Political Prisoners.

News of the indictment, and the earlier killings, reached a member of the Committee whose son was in Soledad. She contacted others in the group. They took some initial steps to help start a defense movement.

Soledad Prison is situated just outside of Salinas, a town in California's agricultural heartland. It is known as the "lettuce capital of the world." San Jose, fifty miles to the north, is the nearest big city.

The first meetings in San Jose of what was eventually to become a statewide Soledad Brothers Defense Committee, were held at the home of Emma Gelders Sterne. Emma was the author of more than a score of children's books. She was also a Communist.

Fleeta Drumgo, George Jackson and John Clutchette were brought before Judge Gordon Campbell in the Monterey County Superior Court in Salinas for arraignment and trial.

The men were delivered to the courthouse by prison guards in a specially marked van. They were chained together. Each time they were scheduled to appear in court a white mob hissed and shouted obscenities and hurled lighted cigarettes at them.

**FLEETA** Drumgo was twenty-three years old. Police arrested him the first time when he was thirteen. Half of his life had already been spent in "correction centers" and jails. He had been in Soledad three years. He was serving an indeterminate six month to fifteen year sentence for second degree burglary.

John W. Clutchette was twenty-four years old. He had first come to the attention of the police when he was fourteen. John finished high school. After high school he went to work as a mechanic in an aircraft company.

John was arrested in 1966. The police said he stole a television set. John explained he had bought the set from someone else. He hadn't known it was stolen. A public defender advised John to

plead guilty. He said John had a prior record. A serious defense was not possible.

John did what the public defender told him to do. He was given an indeterminate sentence for second degree burglary: six months to fifteen years.

George Lester Jackson was twenty-eight years old. He had lived with his parents and three brothers and sisters in Pasadena, California. At fifteen he took a joy ride in the family car. He had an accident. The car hit the side of the neighborhood grocery store. George's father paid the damages. The storekeeper didn't file any charges. The police arrested George for driving without a license. He was sent to a prison reformatory.

George got out. He was not yet eighteen years old. He made a down payment on a motorbike. The bike had been stolen. George didn't know. He was arrested. His mother went to court with him. She had the receipt for the purchase of the bike in her hand. The judge sent George back to prison reformatory for theft.

George got out. He was eighteen years old. He bought an old car. He took someone he knew for a ride. His acquaintance asked George to stop at a gas station. George stopped. The fellow got out, went inside the station, held up the attendant (for \$70.00), came out and told George to "get going."

George Jackson was arrested. He was charged with armed robbery. The Jacksons hired a lawyer to defend their son. The lawyer didn't want to prepare a defense. He said with George's prior record a defense would be hopeless.

The white attendant at the gas station was willing to testify that George had not held him up. The fellow who robbed the gas station and was eventually caught was willing to testify that George had had no part in it. The lawyer didn't want to prepare a defense.

George was convicted. He was given an indeterminate sentence for second degree robbery: one year to life.

When the guard was killed at Soledad George Jackson had been in the state penitentiary for ten years. According to California law he faced a mandatory death sentence if he was convicted of murder in the death of the guard because he was already serving a life sentence.

THE SOLEDAD Brothers were arraigned. They pleaded not guilty. The judge wanted to proceed with the trial. He was impatient with pleas of innocence. A few progressive-minded lawyers were hastily assembled. They demanded time to prepare an adequate defense. Inez Williams, Georgia Jackson and Doris Maxwell, the mothers of Fleeta, George and John respectively, stood up in the courtroom and protested the proceedings. Supporters, still few in number, picketed the courthouse. The judge was forced to grant a continuance. It was the opening wedge.

One of John Clutchette's high school friends was Kendra Alexander. Kendra had learned of the situation in Soledad as it was breaking. The Che-Lumumba Club quickly resolved to launch a campaign to save the Soledad Brothers from a Legal Lynching. Their cause symbolized the oppression of a people.

Less than a week after the indictment was returned the club organized its first demonstration on behalf of the Soledad Brothers, and Angela Davis called her first press conference to explain the case.

ANGELA said: "The situation in Soledad is part of a continuous pattern in the Black community. Three Black men who are unarmed, who are not attempting to escape, are killed, and this is called justifiable homicide . . . One white guard is killed and this is immediately called murder . . . Three Black men who are known for their attempt within the prison to organize the inmates towards some form of united struggle against the real causes of our oppression, those three Black men are then singled out, and indicted for murder . . ."

Angela announced that a demonstration would be held the following day at the state building in Los Angeles. A series of demands were to be presented to the Adult Authority and the California Department of Corrections. She said: "We are calling for basic structural changes within the prison system and we are also attempting to build a movement directed towards the liberation of political prisoners . . ."

A reporter asked Ms. Davis if she was optimistic or pessimistic about the possibilities of securing justice for the Soledad Brothers.

Angela said: "I don't think optimism and pessimism are



categories with which one works in a movement. We see what has to be done and we see what we have to do in order to accomplish our goals, and this is the way in which we work."

Angela Davis became the co-chairperson of the Soledad Brothers Defense Committee in southern California. As a public figure she was in a position to focus attention on the case. She committed herself to the struggle.

Wherever she was invited to speak Angela talked about the Soledad Brothers. She mentioned them at every press conference, even when the conference was held to explain the status of her case at UCLA.

Angela noticed that the press often excised her comments about the case in their reports. She consciously restructured her statements. Every paragraph contained at least one and usually more references to the Soledad Brothers. The press couldn't report what she had said unless they also mentioned the case.

Angela gave assistance in the organization of new defense committees. Groups were formed in San Diego, San Jose, San Francisco. She urged maximum attendance at the pre-trial hearings in Salinas. By May 1970 the courtroom was packed with supporters.

The Brothers were still brought to the courthouse in chains. But the mob didn't gather anymore. Only supporters came. They waited anxiously for a glimpse of the Brothers. Now the guards transported them from Soledad in an unmarked vehicle and hustled them inside through a back door.

Judge Campbell told the predominantly Black spectators in his courtroom to "conduct themselves properly and not sit as if they were in a pool hall or at a barbecue table." He appealed to California State Senator Donald Grunsky to introduce legislation in Sacramento to make it unlawful for people to picket his courthouse in support of the Soledad Brothers.

(On September 18th, 1970 the legislature did pass Section 169 of the California Penal Code which said: "Any person who pickets or parades in or near a building which houses a court of this state with the intent to interfere with, obstruct, or impede the administration of justice, or with the intent to influence any judge, juror, witness or officer of the court in the discharge of his duty shall be guilty of a misdemeanor." The law was to be invoked