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Guide to the

Angela Davis Legal defense collection

1970-1972

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Processed by Paula Williams.

Summary

Creator: Davis, Angela Y. (Angela Yvonne), 1944-

Title: Angela Davis Legal defense collection

Date: 1970-1972

Source: Gift of Angela Davis, December 1990 SCM90-98

Abstract: The Angela Davis Legal Defense Collection is comprised of legal documents and other materials associated with the legal and political campaign to have Davis acquitted of all charges against her. The bulk consists of documents which reflect the legal actions taken prior to the change of venue from Marin County to San Jose, California. The rest of the collection relates to the activities mounted by various defense committees and other supporters to generate publicity and support for Davis. In addition, there is information on the Soledad Brothers, political prisoners and prisons in the United States.

Preferred citation: Angela Davis Legal defense collection, Schomburg Center for Research in Black Culture, The New York Public Library

Language of the Material: English

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Related Materials:

Angela Davis Case Collection, Meiklejohn Civil Liberties Institute, Oakland, California; and the National Alliance against Racist and Political Repression/Angela Davis Case Collection, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division.

Creator History

The Angela Davis Legal Defense Collection documents the initial phase of the legal defense as well as

the support activities generated by the incarceration and trial of Angela Davis on charges of murder, kidnapping and conspiracy. The case, which became a major cause célèbre in the early 1970s, garnered national and international attention and thrust Davis, then in her 20s, into the leadership of the black liberation movement.

Born in Alabama in 1944 to a middle class family, Davis was the oldest of three children. She attended the segregated schools of Alabama until the age of 15, when she received a scholarship from the American Friends Service Committee to attend Elizabeth Irwin High School, a progressive private school in New York City. While at Elizabeth Irwin, Davis joined Advance, a Marxist-Leninist youth group with ties to the Communist Party. Although probably not her first exposure to communism (family friends in Alabama and New York City were members of the Party), her experience in Advance may have provided Davis with her first formal introduction to Marxist-Leninist literature and philosophy.

After graduating from high school Davis won a scholarship to Brandeis University, where she majored in French literature. She spent her junior year (1962) at the Sorbonne in Paris, witnessed firsthand the Algerian conflict being waged in the streets there, and attended the Communist Youth Festival in Helsinki which had a significant impact on her political development. In 1965 she graduated from Brandeis with honors and went to Frankfurt, Germany to study philosophy at Goethe University. At the University she continued her activism and joined a socialist student group opposed to the war in Vietnam. In her autobiography, Davis notes that she spent time in East Germany, which served to deepen her commitment to socialism.

Upon her return to the U.S. Davis joined the black liberation movement and the struggle against the Vietnam war in San Diego and Los Angeles. In 1969, while completing her doctoral studies at the University of California at La Jolla, she was offered and accepted a one year temporary appointment at the University of California at Los Angeles (UCLA) in the Philosophy Department. Following the publication of an anonymous letter in the student newspaper, *The Daily Bruin*, and articles in newspapers in San Francisco and Los Angeles in which it was revealed that Davis was a communist (although she had not officially joined the party), the Regents of the University of California terminated her contract. Davis sued the Regents and was reinstated. In 1970 the Philosophy Department recommended to retain Davis for another year, but the Regents declined to renew her appointment, using her speeches on behalf of the Soledad Brothers as the main reason for their decision.

According to her autobiography, Davis first became aware of the Soledad Brothers after reading a February 1970 article in the *Los Angeles Times*. Three black inmates, George Jackson, Fleeta Drumgo and John Clutchette, who had become known as the Soledad Brothers, had been accused of murdering a white prison guard in Soledad Prison. Davis believed that the three men were unjustly accused as there was no substantial evidence of their guilt, and became actively engaged in the struggle for their defense. She accepted the co-chair of the Soledad Brothers Defense Committee and lectured throughout the state on the Soledad Brothers and prison conditions.

As a result of her activities and subsequent visits to Soledad Prison, Davis befriended the families of the Soledad Brothers and corresponded with the three men. She developed a special friendship with George Jackson who had been in prison for ten years and was serving a sentence for second degree armed robbery. Jackson had educated himself politically while in prison, and like Davis had developed a Marxist political outlook. He had joined the Black Panther Party, and wrote two books, *Soledad Brother* (1970) and *Blood In My Eye* (1972). On August 21, 1971 Jackson was killed in prison while allegedly trying to escape. That same year Drumgo and Clutchette were acquitted of the murder charge against them.

On August 3, 1970, an event occurred which would profoundly alter Davis' life. Jonathan Jackson,

George Jackson's seventeen year old brother who idolized him, tried to assist James McClain, on trial for an alleged attempt to stab an officer, escape from the courthouse. During the escape attempt Jonathan Jackson, with William Christmas and Ruchell Magee, two prisoners who were in the courtroom as witnesses for McClain, took five hostages: three jurors, the district attorney, and the judge. To effect their escape, Jackson and his associates taped a shotgun to the judge's neck. As they were leaving the Marin County courthouse with the hostages, Jackson and the others were reported to have shouted, "We want the Soledad Brothers freed by 12:30 today!," thus indelibly imprinting in the public mind a relationship between the kidnapping and the Soledad Brothers.

During the escape attempt the judge, Jackson and Christmas were killed in a shootout with the police; one juror and the district attorney were wounded. The guns used in the kidnapping were traced to Davis, implicating her in the escape attempt. A California warrant was issued for Davis' arrest in which she was charged as an accomplice to murder, kidnapping, and conspiracy. She fled Los Angeles and evaded arrest by seeking refuge in several places including New York City. A federal fugitive warrant was subsequently issued and she was placed on the Federal Bureau of Investigation's ten most wanted list.

Two months later Davis was captured in New York City accompanied by a friend, David Rudolph Poindexter, who was charged with harboring a fugitive. When Davis was extradited to California she was charged, along with Ruchell Magee (a survivor of the courthouse kidnapping attempt). While awaiting trial, and after a few joint court appearances, Davis separated her case from Magee's and their cases were tried separately. Magee wanted his trial held in a federal court while Davis wanted her trial held in California's state court. Davis' trial was moved from Marin County, a primarily white upper middle class community to San Jose, California which was an ethnically and racially more diverse city, in an effort to secure a fair trial with a less biased jury.

Almost immediately a groundswell of support developed in favor of Davis' and Magee's release. Davis in particular, received widespread national and international support from the black community, liberals and the progressive left. The Communist Party mounted a major political campaign and held rallies in the United States and abroad, published articles, pamphlets and posters, issued petitions, distributed postcards, and requested that the public mail cards and letters on Davis' behalf. The National Council of Black Lawyers offered Davis assistance with her trial and the Presbyterian Church gave the Davis Defense Fund \$10,000. Singer Aretha Franklin had offered to pay Davis' bail but was out of the country when Davis had her bail hearing. A white farmer from Fresno County who sympathized with Davis gave her the money she needed for bail, and on February 23, 1972, five days before her trial, Davis was released on \$102,000 bail after serving seventeen months in jail.

Leading the defense team were Oakland attorney Howard Moore Jr. and Davis childhood friend Margaret Burnham. The other attorneys on the team were Leo Branton, Jr., Doris Brin Walker, Sheldon Otis, Michael Tigar, Dennis Roberts and Allan Brotsky. Representatives from the National Council of Black Lawyers, the American Civil Liberties Union, and the National Lawyers Guild assisted with the preparation of pre-trial motions.

After a trial by jury, consisting of eleven whites and one Latino, Davis was acquitted of all charges. Following her acquittal Davis taught at San Francisco State University for several years. From 1973 until the early 1990s she served on the board of the National Alliance Against Racism and Political Repression, an organization she helped found with Charlene Mitchell. In the Fall of 1995, she was appointed to the University of California at Santa Cruz Presidential Chair and became a consultant to the Ph.D program there. Davis has written several books on gender and class issues, and is a major figure in the orthodox Communist Party.

Scope and Content Note

The Angela Davis Legal Defense Fund Collection is comprised of legal documents and other materials associated with the legal and political campaign to have Davis acquitted of all charges against her. The bulk consists of legal briefs and other legal documents which reflect the actions taken prior to the change of venue from Marin County to San Jose, California. The rest of the collection relates to the activities mounted by the Angela Davis Defense Committee and other supporters to generate publicity and support for Davis. In addition, there is information on the Soledad Brothers, political prisoners and prisons in the United States. The collection is divided into four series: Legal Documents, Support Activities, Printed Matter, and Prisons and Prisoners.

Arrangement: Collection organized into five series: I. Legal documents; II. Support activities; III. Printed matter; IV. Prisons and Prisoners

Key Terms

Subjects

African American intellectuals
African American prisoners -- Social conditions
Black author
Communists
Imprisonment -- United States
Political activists -- United States
Political prisoners -- United States
Prisoners -- United States
Prisoners' writings, American
Prisons -- United States

Genre/Physical Characteristic

Legal documents
Trial transcripts

Geographic Names

United States -- Race relations

Names

Davis, Angela Y. (Angela Yvonne), 1944-
Jackson, George, 1941-1971
Magee, Ruchell
Yee, Min S.
Soledad Brothers
Soledad Correctional Training Facility

Container List

Legal Documents

The series is divided into five subseries: *Davis v. State of New York*; *U.S. District Court/Davis v. John V. Lindsay, et al*; *United States v. David Rudolph Poindexter*; *California v. Angela Davis and Ruchell Magee*; and *State of California v. Angela Davis*, documenting the different cases and jurisdictions. The documentation consists of motions and petitions, affidavits and depositions, preliminary injunctions, stenographers notes, and writs.

- b. 1 f. 1-2 **Angela Davis v. State of New York Women's House of Detention, New York City 1970**

In *Davis v. State of New York* the legal documents deal with Davis' fight against extradition from New York State to California. The charges against Poindexter (harboring a fugitive), Davis' friend who helped her when she fled California, are reflected in the stenographer's minutes.

- b. 1 f. 3 **U. S. District Court/Davis v. John V. Lindsay, et al 1970**
- b. 1 f. 4-9 **United States v. David Rudolph Poindexter 1971**
- b. 2 f. 1 **State of California v. Angela Davis and Ruchell Magee 1971**
- b. 2 f. 2-5 **Docket Entries 1971**
- b. 2 f. 6 **Davis and Magee - Motion for Bail**
- b. 2 f. 7 **Magee - Statements of Supports 1971**
- b. 2 f. 8 **Pertinent Facts regarding Magee n.d.**

State of California v. Angela Davis

The motions, writs and petitions in *State of California v. Davis* relate primarily to Davis' request to be released on bail pending trial, and to dismiss the indictment against her. Among the documents here is a copy of a letter from Davis to George Jackson which the District Attorney used as proof that Davis and Jackson had a romantic relationship.

- b. 2 f. 9 **Deposition - Bruce Bales, District Attorney, Marin County**
- b. 3 f. 1 **Orders 1971-1972, nd.d**
- b. 3 f. 2 **Letter to George Jackson from Davis**
- b. 3 f. 3 **Defense - Draft of Document 1971?**
- b. 3 f. 4 **Docket Entries 1971**
- b. 3 f. 5-6 **Petition for Hearing re Bail 1971**
- b. 3 f. 7-8 **Petition for Writ of Prohibition 1971**
- b. 3 f. 9 **Writ of Habeas Corpus 1971**
- b. 4 f. 1 **Writ of Habeas Corpus 1971**
- b. 4 f. 2 **Amici Briefs (Bail) n.d.**
- b. 4 f. 3 **Pretrial Motions 1971**
- b. 4 f. 4-6 **Pretrial Motions 1972**

Support Activities

The series comprises material noting the broad range of support amassed in Davis' defense. Included are statements and other documentation from United States Congressmen John Conyers and Walter E. Fauntroy; the National Conference of Black Lawyers who organized a nationwide panel of distinguished black law professors that acted as consultants to the defense team; the Arab Women's League of Jordan, the Communist Party of Venezuela; and the National Union of Mexican Women. Documentation concerning the Presbyterian Church's donation of \$10,000 to the Davis Defense Fund and the ensuing controversy, is also located here. The documents consist of newspaper clippings, flyers, and letters.

- b. 4 f. 7 **Speaking Engagements (Margaret Burnham) 1972**
- b. 4 f. 8 **National Conference of Black Lawyers 1970-1971**

Support Activities (cont.)

- b. 4 f. 9 Davis Defense Fund and Presbyterian Church 1970-1971
- b. 4 f. 10 National Lawyers Guild
- b. 4 f. 11 Congressional Support
- b. 4 f. 12 United States Statements of Support 1970-1971, n.d.
- b. 4 f. 13 United States Support - Clippings 1971, n.d.
- b. 4 f. 14 International Statements of Support 1970-1971

Printed Matter

This series contains a variety of printed material relating to Davis and the trial. Writings by and about Davis can be found in this series, including information concerning the controversy at the University of California at Los Angeles which is documented in an article that appeared in the *AAUP Bulletin*, Fall 1971. The folder labeled "Angela Davis" includes a prison interview, articles discussing her chances for receiving a fair trial, and a reprint of an article which appeared in *Muhammad Speaks* sent out by the New York Committee to Free Angela Davis. Writings by Davis include an article she wrote entitled, *The Nature of Freedom. The San Rafael Independent Journal* folders consist of articles from that newspaper documenting the events from the time of the incident in August 1970 up to the change of venue for Davis' trial. A weekly trial bulletin entitled, *Frame Up*, from the National United Committee to Free Davis and All Political Prisoners provides a detailed account of Davis' trial, from February to May 1972.

- b. 4 f. 15 World Support (Clippings)
- b. 4 f. 16 Writings by Angela Y. Davis 1969, 1971
- b. 4 f. 17 Angela Davis 1971-1972
- b. 4 f. 18 *AAUP Bulletin, "The University of California at Los Angeles,"* 1971
- b. 4 f. 19 Davis/Magee - Clippings 1971-1972
- b. 5 f. 1-2 San Rafael Independent Journal
- b. 5 f. 3 The National United Committee to Free Davis and All Political Prisoners
- b. 5 f. 4 Miscellaneous Publications

Prisons And Prisoners

An early draft of *If They Come in the Morning: Voices of Resistance* (1971), edited by Davis is located here. Included are copies of essays/articles by John Clutchette, Fleeta Drumgo, George Jackson, Huey Newton and Bobby Seale, which first appeared in other publications, as well as several unsigned typed essays on individual political prisoners. A copy of a manuscript for Min S. Yee's *The Melancholy History of Soledad Prison* (1973), is also here. Prison conditions are documented in *A Convict Report on the Grievances of the Prison Population with Suggested Solutions*, by John Irwin, as well as in clippings and other essays. There are also letters from prisoners written to Margaret Burnham, during her tenure as an attorney for the NAACP Legal Defense Fund (1970).

- b. 5 f. 5 *If They Come in the Morning: Voices of Resistance, ed. by A. Davis Early Draft* 1971) -
- b. 5 f. 6 "An Untitled Book on Soledad Prison, the Soledad Brothers and Marin Courthouse Shooting" by Min S. Yee 1971
- b. 6 f. 1 George Jackson - Soledad Brothers - Clippings 1970-1971
- b. 6 f. 2 "A Convict Report on the Grievances of the Prison Population with Suggested Solutions" by John Irwin
- b. 6 f. 3 Three untitled essays: Soledad, San Quentin, James McClain
- b. 6 f. 4 Prison Conditions
- b. 6 f. 5 Prisons and Prison Conditions - Clippings 1971
- b. 6 f. 6 Political Prisoners - Clippings 1971
- b. 6 f. 7 Letters to Margaret Burnham, NAACP Legal Defense Fund, from Prisoners 1970