

# FrameUp

the opening defense  
statement made by

Angela Y. Davis

march 29, 1972



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*Stephen Shames*

OPENING DEFENSE STATEMENT PRESENTED BY  
ANGELA Y. DAVIS  
IN SANTA CLARA COUNTY SUPERIOR COURT  
MARCH 29

*Members of the Jury:*

**Y**ou have heard a rather lengthy outline of what the prosecutor expects to prove in this case. I do not expect that our opening statement will be as long. I am sure you will not find this unusual, for throughout the voir dire you have heard that insofar as the trial is concerned, it is the prosecutor's case to prove beyond a reasonable doubt—not ours to disprove.

The prosecutor has the burden of proof upon him. I, the defendant, need not say anything, if I so desire.

As you have already been informed, none of what the prosecutor has said may be considered as evidence in this case. All the evidence must be presented to you in the form of sworn testimony and other matters which the judge will permit you to consider. At this stage in the proceedings, the prosecutor has done no more than explain to you what *he* contends his evidence will prove. You are the ones who, in the final instance, must judge whether his contentions have any validity or whether his case is unsupported by his own evidence.

Similarly, what I am about to say to you must not be considered as evidence. At this moment I am speaking to you in the stance of my own counsel. And of course you will distinguish between what I am about to say and the evidence you will hear.

The prosecutor has introduced you to the long and complicated path down which he hopes his evidence will lead you during the course of this trial. He says that this path will point squarely in the direction of my guilt. He says that his evidence is so conclusive that it will leave you with no choice but to convict me of these very serious crimes of murder, kidnapping, and conspiracy. He says that his evidence will wipe away every single reasonable doubt you might entertain with respect to my guilt.

We say to you that the prosecutor's evidence itself will demonstrate to you that his case is no case at all. The evidence will show that I am totally innocent of the charges of murder, kidnapping and conspiracy. It will reveal that the prosecutor's contentions are entirely without substance. They are based on guesswork, speculation and conjecture—to use the words Mr. Moore used during the voir dire.

By now you have heard a great deal about the events of August 7, 1970. The evidence will confirm the fact that four human beings lost their lives in the

You will learn that before any of us had any personal contact with any of the Soledad Brothers, we on the defense committee felt that these three Black men, charged with killing a white prison guard, were being persecuted, not because they had committed this crime behind the walls of Soledad Prison, but rather because of their militant political stance and because of their efforts to improve the character of prison life from within.

Because this is the way we viewed the Soledad Brothers' case, our most effective approach had to be that of informing and educating the public about their case, other cases and about prison conditions in general. We attempted to show people everywhere that they were victims of political repression. We attempted to show why they had been singled out as defendants in that very serious case.

Members of the jury, you will see—when testimony is adduced to this effect—that we sought out those kinds of activities which permitted us to involve ever greater numbers of people in the public defense of the Soledad Brothers. Testimony will make it clear that we felt that the influence of large numbers of people would help win them an acquittal—and that they would be freed, in this way, from an unjust prosecution.

Members of the jury, we were correct in our understanding of the case of the Soledad Brothers. Monday morning as you sat here listening to the prosecution's opening statement, and as you heard that I was not interested in furthering the movement to free all the Soledad Brothers, the ultimate fruits of our labors were attained. The 12 men and women who for a period of many months had listened to all the evidence which the prosecution could muster against the Brothers, entered a courtroom in San Francisco and pronounced the Soledad Brothers NOT GUILTY. If George Jackson had not been struck down by San Quentin guards in August of last year he too would have been freed from that unjust prosecution.

The evidence will show that as I worked with the Committee, I and others spoke to college students, high school students, and various community organizations about the things people could do to promote a defense of the Soledad Brothers. The evidence will show that each time we spoke we made concrete proposals to them regarding ways in which they could participate in the movement to free the Soledad Brothers.

The evidence will establish that we spoke at churches about the things that church members could do to further the cause of justice and freedom in the Soledad Brothers' case.

We always suggested, the evidence will show, that people make contributions—financial contributions—to the legal defense fund set up to cover the lawyers' expenses and other expenses related to the litigation in court. We organized benefits—film showings, art auctions, cocktail parties, etc.—in order to raise money for these legal costs.

The evidence will show that we attempted to influence public opinion about the need to transfer the site of the trial from Monterey County to a county where the Brothers might have a better chance of receiving a fair trial.

The evidence will show that every single activity organized by the Soledad Brothers Defense Committee was totally within the realm of legality. What relevance do the crimes of murder, kidnapping and conspiracy have to these, my efforts to free the Soledad Brothers?

The demand to free all political prisoners  
must burst out of a movement encompassing  
the broad masses of people! ANGELA  
DAVIS



Stephen Shames

purchasing those weapons was related to my fears for my own life and for the lives of those around me.

The evidence will demonstrate to you that I not only purchased weapons for my own personal protection—but also for the protection of others with whom I worked and lived. As you can probably surmise, few individuals who have devoted their lives to the struggle against oppression—their entire lives—are financially well-off. During the time I taught at the University of California, I was receiving far more in terms of my salary than most of my friends in the movement. As we all share whatever we had, it was often I who paid for weapons which were used by others—as I often paid rent, medical costs, and other necessary expenses for them.

The evidence will show that my purchase of weapons was totally unrelated to any illegal activities. Further, each time I purchased a weapon, I did it in my own name and provided evidence as to my identity—my name, address, and place of my birth. Does this sound like the kind of evidence which could be invoked in order to prove my guilt?

It was no secret that I was the owner of the weapons. And because my feelings about weapons reflect what one of you said during the voir dire, I felt that I should learn how to handle them. Indeed the evidence will show that as soon as I bought my first gun, I immediately proceeded to go target practising at various ranges in Southern California. You will learn that, aside from using weapons as a potential means of self-protection, I developed an interest in shooting as a sport. Consequently, I spent some of my spare time engaging in target practising at ranges and in areas of the county where shooting was legally permitted.

Contrary to the speculations and conjectures of the prosecution, my purchase of ammunition is attributable to the fact that I engaged in this target practice. In fact, the evidence will show that for a few years prior to August 7, 1970, I frequently bought large quantities of ammunition—that is, whenever I was target practising on a frequent basis. The prosecutor made a considerable point of the fact that I purchased a banana clip. As evidence can show, contrary to Mr. Harris' contrivances, if you are target practising it is much more convenient to use a clip which holds thirty rounds than one which holds five. Furthermore, Mr. Harris made repeated references to a carbine. Although he insists that he can find no words to describe this gun, it may easily be described as a carbine with a collapsible stock. It is a common type of gun, it is easily accessible in gun shops all over the country, and it is used for a wide variety of sports and hunting activities.

This is not evidence of participation in a crime.

The prosecutor has placed heavy emphasis on the fact that the shotgun registered in my name, allegedly used during the August 7 events, was purchased on the very eve of the incident. During the course of the trial, the purchase of the shotgun by me on August 5 will be fully accounted for by the evidence. You may be sure, however, that there will be no evidence that this gun was bought in connection with any criminal intent or purpose.

Judicial history is replete with instances where innocent people like me have been convicted on the basis of mistaken identifications. This is particularly true when it is a question of white people identifying Black people. We ask you to examine this testimony cautiously and critically.



*Howard Harrison*



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