

# Magee Case Judge Again Bars Clark

Former U.S. Attorney General Ramsey Clark was again barred yesterday from participating in the Ruchell Magee murder trial.

Superior Court Judge Morton Colvin made the ruling after defense attorney Robert Carrow argued that the defense could wind up its case this week if Clark were allowed to help.

But as he did February 15, Judge Colvin said he would appoint as co-counsel only someone "whom the court has confidence in, and with whom the court is personally familiar, and whose qualifications are known to the court."

Colvin added that his ruling was not meant as a reflection of Clark's abilities.

Clark, who was in the courtroom as a spectator, said later "I felt the Sixth Amendment meant a citizen of this country has the right to choose the counsel he desired."

He said "it's awfully sad indeed if the court is afraid of truth and justice . . ."

Carrow had told the court he planned to call no more defense witnesses in the main part of the case, but that Clark was ready to present the defense contention that Magee was suffering from "diminished capacity" on Aug. 7, 1970, when **Marin Superior Court** Judge Harold Haley was killed during a bloody and abortive escape attempt from the Marin Civic Center.

If Clark could proceed, Colvin said, the defense might rest its case "this Thursday or Friday."

Carrow later asked the State Court of Appeal to overrule Judge Colvin.

The denial, Carrow's petition claimed, causes Magee "great and irreparable harm" and he would be "denied the type and quality of defense, as prepared by Mr. Clark, to which (he) . . . has a legal and constitutional right."

Clark, Carrow said, has read thousands of pages of documents in the case and has conferred at length with Magee.

Judge Colvin recessed the marathon case yesterday afternoon for an indeterminate time to allow Carrow to prepare an estimate of how long it will take him to prepare for the "diminished capacity" phase.

The judge said he would allow "a reasonable continuance."

But the Court of Appeal denied Carrow's petition later in the day without comment.

Colvin recessed the marathon case until 9:30 a.m. today, when Carrow is expected to call the first witness in the "diminished capacity" phase.

The witness, Carrow said, must be called now because he plans to leave the area, but the judge said he would allow "a reasonable continuance" afterwards so Carrow can prepare the remainder of the defense case.