

Expert Says Magee Had 'No Choice'

Ruchell Magee "had absolutely no other choice" than to participate in the bloody 1970 Marin county courthouse escape attempt, a noted psychologist testified yesterday.

Dr. Kenneth B. Clark, a past president of the American Psychological Association, said Magee's conditioning by society had left him no options when Jonathan Jackson pulled a gun and tried to free two other men in the court.

"He couldn't weigh the other alternatives," Clark said, "because, for him, there were no other alternatives."

So, Clark said, Magee left the witness stand and joined the escape attempt that left Marin Superior Court Judge Harold Haley and three others dead.

PRISON

Magee, Clark said, had spent 6½ years in prison "trying to vindicate himself through the techniques of the society that defined him as inferior . . . and, when society told him that all your writing and pleading ain't got you nowhere, he had absolutely no choice" except trying to escape.

The black psychologist's testimony came after defense attorney Robert Carrow asked for a mistrial because of alleged presentation of "false evidence" by the prosecution. Superior Court Judge Morton Colvin denied the motion.

The defense presented Clark yesterday as the first witness to testify that Magee suffered from "diminished capacity" at the time of the escape — a legal defense. The trial is scheduled to resume at 9:30 a.m. today, but a delay is expected while Carrow prepares the remainder of that phase.

INTELLIGENCE

At the time of the escape, he said, Magee had "a constricted view — his sole goal was freedom . . ."

Cross examination by prosecutor Albert W. Harris Jr. failed to sway the New York psychologist.

"If my judgment is not correct," he testified, "I say to the court, to the public and my colleagues, that all my work in the past has no validity."