

'He Was Consumed'

Ramsey Clark's Plea for Magee

Former U.S. Attorney General Ramsey Clark summed up the defense of Ruchell Magee yesterday by declaring the black convict was "consumed with the desire for freedom" when he took part in the bloody escape attempt at the Marin county Hall of Justice in 1970.

But there was no evidence produced at Magee's trial, he said, supporting the accu-

sation that he killed Superior court Judge Harold Haley in the shootout which left three others dead.

Clark said when the break started from Judge Haley's courtroom on August 7 the 33-year-old Magee had "no rational facilities . . . his facilities were totally diminished."

Clark recalled that Magee testified he was surprised when Jonathan Jackson, the younger brother of the late prison revolutionary George Jackson, produced the gun which signalled the escape attempt.

'CONSUMED'

"Mr. Magee was consumed with the desire for freedom," Clark said in his Southwestern drawl. "He was consumed all these years with overwhelming desire for freedom and like a burning light suddenly there it was.

"That group was a vessel going to freedom. He wanted to be on board. He was moving with that ship."

The fleeing convicts took hostages from the courtroom and attempted to escape in a van, but were halted in an exchange of gunfire with law officers. Magee is accused of shooting the judge with a sawed-off shotgun.

"We don't know what happened in the van," Clark told the jury of six men and six women who started hearing the trial last January 15.

"You can't convict him because he was there. There is no evidence supporting any crime except escape."

Magee's co-counsel Robert Carrow, who preceded Clark in summing up for the defense, told the jury that during the trial they have "witnessed a true American tragedy."

"You saw what our system of justice can do to Ruchell Magee. You saw how a prison system can swallow up a man and forget him."

Ten years ago yesterday, Carrow said, Magee was convicted in Los Angeles and sentenced to a life term for robbery and kidnap — a crime, he said, amounting to "a Saturday night fight and a \$10 robbery."

"Mr. Magee hasn't had a break in the courts. He hasn't had a break in the prison system. I'm asking you to give him a break."

Prosecutor Albert W. Harris Jr. will present the state's rebuttal when the trial resumes at 9 a.m. Monday.