

'Lawyer' Magee Ruled Out

Four of six handcuffed San Quentin convicts charged with murder over the Aug. 21 prison outbreak that cost six lives walked out today while their court-appointed lawyers sought to have them arraigned at Marin Civic Center.

All six demanded and were denied by Superior Judge E. Warren McGuire the right to have convict Ruchell Magee represent them.

The judge pointed out that Magee, accused in the Center's shootout Aug. 7, 1970, is not licensed to practice law.

One by one, the six were brought in for the fourth time in efforts to have them arraigned and enter pleas.

Richard Breiner, appointed to represent Fleeta Drumgo, said "Mr. Drumgo refuses to see me and it is difficult in a criminal, especially a capital case, when your client won't talk to you."

Drumgo also is defendant in another murder case, that of a Soledad Prison guard slain Jan. 16, 1970, for which he now is on trial in San Francisco.

One of the court-appointed lawyers, Robert McCreadie, representing Hugo Pinnel, was relieved of his assignment after he said he already was a lawyer for the family of one of the guards slain in the Aug. 21 outbreak. Attorney Richard Tarrant of San Rafael replaced him.

The upshot of it all was a decision by Judge McGuire to postpone matters until Nov. 19. Then, he made clear, there will be an ar-

raignment, even if he has to read the 11-page indictment to each of the six accused convicts.

After the hour and a half of proceedings was over, a lawyer representing the family of missing attorney Stephen Bingham, also accused in the Aug. 21 outbreak, went into consultation with the judge.

He said the family wished a copy of the transcript of the grand jury proceedings to protect Bingham's interest in case he ever reappears and is brought to trial.

Bingham is accused of smuggling a gun into the prison to George Jackson, one of three convicts who died in the outbreak.

The judge took the plea under submission.