

# Magee Unshackled, Says He's Innocent

By Huel Washington

Rushell Magee, the San Quentin convict accused of kidnaping and murdering a Marin county judge, testified in his own behalf for 3½ hours yesterday during which he categorically denied all the charges against him.

CHRON B "If I don't show my innocene as clear as sunshine, I'll plead guilty," said Magee, who testified from the defense table rather than the witness stand.

Superior Court Judge Morton Colvin ordered the hand cuffs and chains removed from the defendant, but would not allow Magee to take the stand "due to his performance" in court.

Magee's past performance included attacks on his at-

torney, Robert W. Carrow, and spitting at the judge.

Unshackled for the first time in court since his trial began Nov. 27, 1972, Magee said he joined in the bloody escape attempt at the Marin County Courthouse in August, 1970, "mainly to save my life. To protect my life."

"At the time there was a plot to systematically murder me by San Quentin officials, judicial officials, the attorney general and judges," Magee said.

"They wnted to murder me to hide their own crimes," he said. "They're illegally holding me in prison on a known (fraudulent) conviction, a conviction that the state can not show any legal cause for me to be held in prison."

## DEFENDANT

The 33 - year - old defendant is accused of pulling the trigger on a sawed - off shotgun that was taped to the head of Judge Harold Haley, one of four persons shot to death in the abortive escape.

Questioned by attorney Carrow, Magee said he was "somewhat surprised" on the day of the escape attempt, when Jonathan Jackson, the 17 - year - old brother of the late prison revolutionary George Jackson, stood up in the courtroom with a gun.

Magee said he joined in the escape only to save his life, and that he did not intend to hurt anyone, or kidnap anyone.

Magee also swore that he did not have a shotgun in his possession on that day and did not pull the trigger that blasted away Judge Haley's face.——

After answering a number of questions from his court-appointed attorney, Magee went off on a rambling, sometimes disjointed 3 ¼ hour rhetorical narrative about his attempts to overturn a 1963 conviction of kidnap and robbery in Los Angeles.

He said his previous convictions were "illegal" and accused the State of California with submitting "fraudulant transcripts" to keep him in prison.

Referring to the courtroom escape, Magee said: "things just started to happen — anything happens around Magee, I lose.

"If it had been the killing of James McClain (another convict who was shot to death in the breakout), I believe I would have been charged with that.

"Something kept telling me the only way I was going to get out of prison, I was going to have to break out, but something said 'keep on filing petitions.'"