

Family Objects To Exhumation

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The thoughts of the widow of Judge Harold Haley about the exhumation of her husband's body were released today despite the claim by Ruchell Magee's lawyer that they were inflammatory.

Superior Judge Richard E. Arnason, who is sitting in the murder-conspiracy case against Magee and co-defendant Angela Davis, ordered the transcript of the Sept. 22 in-chambers hearing on the exhumation motion made public.

Read by Lawyer

Arnason ordered the exhumation of Judge Haley's body at the end of that session. The transcript included a remark by him that while he couldn't recall any matter presented to him as "more distasteful," he felt the defense had a reasonable basis

for the motion to exhume the body.

In the affidavit by the widowed Gertrude Haley, she said: "I and my children object to any exhumation of Judge Haley's body."

The affidavit was ready by her attorney. It went on:

"I have no intention of playing on the sympathy of the court by making a detailed recitation of what the last year has been like . . . It must be plainly evident that this was not a death where time heals the wounds suffered . . . There surely has not been a day since the horrible event occurred that vivid accounts have not been publicized . . ."

"The remains of my dear husband lie in peaceful repose in his last and final rest-

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ing place. To disturb his body over a year later would seem to me to require a situation of momentous judicial emergency."

'Far Short'

She said she thought the circumstances "fall far short of such an emergency."

Magee's lawyer, Ernest Graves, argued successfully for the exhumation, claiming that it might determine exactly who fired the shot that killed Judge Haley during the Aug. 7, 1970, shootout at Marin Civic Center.

But Judge Arnason turned him down on motions to seal the transcript of the in-chambers hearing and to exclude the affidavit of the widow because it was "inflammatory." He said he considered that the affidavit "does some disservice" to Mrs. Haley.