

Plea by Judge Haley's Widow Is Revealed

An appeal by the widow of Judge Harold Haley not to exhume her husband's body, and claims by the prosecutor that the defense of Ruchell Magee will cost Marin county up a quarter of a million dollars, were revealed yesterday in a newly released transcript of pre-trial actions in the murder - conspiracy case.

The transcript of a September 22 in-chamber hearing on motions to exhume the body of Judge Haley was made public by Superior Court Judge Richard E. Arnason, who is presiding in San Rafael over the murder-conspiracy case against Magee and Angela Davis.

The session resulted in Judge Arnason ordering the exhumation of the body of Judge Haley, one of four persons killed in the August, 1970, gun battle at the Marin County Courthouse.

PLEAS

The order came despite pleas by Haley's widow, Gertrude, who said in a written affidavit that to exhume her husband's body, "would seem to me to require a situation of momentous judicial emergency, one so important that the wheels of justice would grind to a halt unless the exhumation were ordered."

Magee's attorney, Ernest Graves, who objected to the transcript of the session being made public, at the time said Mrs. Haley's affidavit was "irrelevant, immaterial and argumentative,"

as well as being "perjorative and inflammatory."

Although Judge Arnason termed the matter "distasteful," he said the defense had raised a reasonable basis for exhumation of the body to determine if Judge Haley was killed by shots fired by convicts in the van used in an escape attempt, or by officers who were firing on them.

"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," Mrs. Haley said in her affidavit.

"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 . . ."

At the same in-chamber hearing, Assistant Attorney

General Albert Harris urged closer supervision of the costs of defending Magee, lest the case become "a monument in terms of delay (and) in terms of extravagance of defense expense that to my knowledge is unparalleled."

Graves, appointed by the county to defend Magee and paid with county funds, objected to Harris' estimate of \$200,000 to \$250,000 in defense costs.

The defense attorney called Harris' statements, "irrelevant, intrusive, bumptious and presumptuous."

Graves, who has so far submitted bills totalling \$20,000, also objected to Harris' suggestion that Judge Arnason, instead of Marin Superior Court Judge Joseph Wilson, review his expenses. He suggested that if Wilson didn't do it, the job should be handled by the county counsel.