

IVOR A. TRAPOLIN

ATTORNEY AT LAW

NATIONAL BANK OF COMMERCE BUILDING

JACKSON 5-0447

NEW ORLEANS 70112

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**Louisiana State Bar Association
101 Supreme Court Building
New Orleans, Louisiana 70112**

Gentlemen:

"The impartial administration of justice is the foundation of liberty". Engraved in stone on front of the Criminal District Court Building, Tulane and Broad Streets, New Orleans, Louisiana.

"The district attorney's duty is to seek justice, not merely to convict. The prosecutor represents the State, and should use restraint in the discretionary exercise of governmental powers. He should not institute criminal charges when the charges are not supported by probable cause. (ABA Code of Professional Responsibility, Canon 7, EC 7-13; Disciplinary Rule 7-103(A))." Judge John A. Dixon, Jr., Louisiana Supreme Court, May 4, 1971. (State of Louisiana versus Robert G. Haik)

As a member of the Louisiana State Bar Association I strongly urge you to investigate the operation of the administration of the criminal judicial system as it is operating in Orleans Parish.

1. Robert G. Haik case. Haik, a New Orleans Attorney, was charged with the offense of unauthorized use of movables. The complainant was Jim Garrison's mother. The Louisiana Supreme Court reversed and set aside Haik's conviction and sentence. According to Supreme Court Justice John A. Dixon, Jr., Haik was subject to "the shocking injustice of prosecution" at the hands of District Attorney Jim Garrison. Judge Dixon concluded that

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"When the district attorney prosecutes a creditor of his mother for acts requiring novel and strained interpretations to bring them within criminal statutes, the prosecution is reprehensible".

2. Clay Shaw case. Federal District Judge Herbert W. Christenberry characterized the facts in this case as "unique and bizarre". He ruled that the pending prosecution of Clay Shaw, a New Orleans businessman, was being "brought in bad faith and that such bad faith constitutes irreparable injury which is great and immediate". May 27, 1971.

3. The Louisiana State Bar Association must consider that Clay Shaw and Robert Haik had the advantage of most capable defense attorneys. What happens under our system when persons do not have the necessary funds to wage a costly defense of actions taken against them in "bad faith" There is the further consideration of a citizen of means having to continually fight "bad faith" prosecutions and ending up with his life savings reduced to nothing.

4. Ledesma case. Operators of newstands obtained injunctive relief against arrest and prosecution under the Louisiana Obscenity Statute by a three Judge Federal District Court in New Orleans. Judgment affected primarily Orleans, Jefferson and St. Bernard Parishes. The question was the "intruding into State's criminal processes" by Federal District Courts when prosecutions were brought in good faith. The District Attorney of Orleans Parish failed to appeal this matter to the United States Supreme Court. The entire burden of appeal was handled successfully by the District Attorney's Office of St. Bernard Parish. The United States Supreme Court's landmark decision was dated February 23, 1971. It is only because of this decision that we are benefited by current arrests under our City and State obscenity laws.

5. LL&T case. The Louisiana Code of Criminal Procedure provides "The Attorney General shall exercise supervision over all district attorneys in the State". Both District Attorney Jim Garrison and Attorney General Jack Gremlion were involved in the LL&T affairs. No investigation of the LL&T matters were instituted by the Orleans Parish District Attorney to consider possible violations of State laws. Under the facts in this matter it is hardly conceivable that one would look to the Attorney General to "intervene" in such a case.

6. Organized Crime. On April 19, 1969, Jim Garrison assigned his then Executive Assistant, James Alcock, to head a "team to concentrate on organized crime". This followed a report on Organized Crime by the Mayor's Advisory Committee on Crime and Delinquency on April 16, 1969. I was Chairman of this Committee. To the best of my knowledge, there was no meaningful investigation or action taken by the Garrison "team" against the forces of organized crime in Orleans Parish. Enclosed is a copy of the Mayor's Advisory Committee report and my report as Chairman dated June 11, 1969.

You should also consider quotes from the following publications:

Life Magazine - April 10, 1970:

"In New Orleans, District Attorney Jim Garrison directed a succession of grand jury inquiries, each of which wound up in solemn agreement with Garrison that there was 'no evidence of organized crime in Orleans Parish'. But meanwhile enforcement agencies outside the state had arrested three of the nation's leading layoff bookmakers - Sam DiPiazza, Eugene Nolan and Frank Timphony - for operating right in Garrison's jurisdiction. Garrison chose to ignore evidence given at the DiPiazza and Nolan trial that they were handling hundreds of millions of dollars in layoff bets from New Orleans. Both men were convicted; Timphony's trial is pending."

From 1965 through 1969, Garrison obtained just two convictions and five guilty pleas in police cases brought against Marcello's gangsters. He dismissed 84 such cases, including 22 gambling charges, one for attempted murder, three for kidnapping and one for manslaughter. Garrison even managed to hush up the fact that last June a Marcello bagman, Vic Carona, died after suffering a heart attack during a political meeting held in Garrison's own home".

(It is of particular interest that the above two paragraphs in the Life article concerning organized crime's influence in Louisiana were completely by-passed by the Louisiana Legislature Investigating Committee. The following quotes were also not investigated).

Look Magazine - August 26, 1969:

"In public records, sometimes only thinly obscured, it is possible to see an association between the big, bluff, moralizing DA (Garrison) and the organized crime he says does not exist.

* * * *

Confidential records of the New Orleans Police describe Marcello as 'one of the most notorious underworld figures in the country', and the U. S. Immigration and Naturalization Service has been trying to deport him for years. Garrison, stoutly maintaining there is no organized crime in New Orleans, described Marcello in a taped NBC interview as 'a respectable businessman'. Mafia-watchers among lawmen got a howl out of that".

Reader's Digest - August 1970:

"Marcello operates with impunity in Louisiana because state and local statutes are not enforced against him".

Under our present system over the recent years there appears to be no legal body willing to effectively handle the problems of organized crime. The District Attorney has not taken a strong stand against those involved in organized crime. The Attorney General has not "exercised supervision". Grand Juries have been controlled by their legal advisor, the District Attorney. In the case of our juries there is the further question of the method of selection. Two members of our Jury Commission were recently arrested for illegal gambling operations. Two

letters to Judge Bernard Bagert are enclosed to further indicate the lack of use of existing laws in this area. The March 24, 1971 letter remained unanswered. No answer to date has been received as a result of the May 28, 1971 letter.

7. Jack Anderson, a national columnist reported an alleged illegal act by Jim Garrison. This story was carried nationally, but not in New Orleans. There is no record of an independent investigation into this incident.

8. Judges. "Impartial administration of justice" is the goal of our judicial system. A review of the Haik case causes any student of our judicial system to seriously question our method of selecting judges. We have a situation where most of our criminal judges in Orleans Parish sit because of their prior association with the District Attorney or because of his support. An element of control over the Judges by the District Attorney exists under our present system. The American Bar Association, The American Judicature Society, The President's Commission on Law Enforcement and the Administration of Justice, have strongly advocated a change to a screening process in the selection of judges. In June of 1969 the New Orleans Mayor's Advisory Committee on Crime and Delinquency approved and released a report on this subject. A copy is enclosed.

9. Crime Rate. The crime rate in New Orleans continues to spiral upward. The citizens of this City have become rightly concerned about their safety and that of their families and their possessions. Substantial man-hours and public funds have been expended by our District Attorney in vigorously prosecuting innocent defendants. There is the question as to such use by an elected official of public funds that were so needed in the handling of cases involving criminals - organized and unorganized.


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We should all keep in mind the quote that appears above the Broad Street entrance of the Criminal District Court Building in Orleans Parish - "This is a government of law not of men". Unfortunately, a study of our present system projects a government of men not of law.

Conditions in Orleans Parish cry for a change. It is hoped that our Bar Associations will take the necessary steps to correct a "reprehensible" situation.

The leadership for such changes properly belong to the Louisiana State Bar Association and the New Orleans Bar Associations. It is hoped that without further delays such leadership will be forthcoming.

Yours very truly,


Ivor A. Trapolin

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cc: Judge John A. Dixon, Jr.
Justice Joe Sanders
New Orleans Bar Association
New Orleans Criminal Bar Association
Louisiana Board of Ethics for State Elected Officials

Enclosures:

Organized Crime Report - Mayor's Advisory Committee on Crime and Delinquency - April 16, 1969
Organized Crime Report - Chairman of the Mayor's Advisory Committee on Crime and Delinquency - June 11, 1969
Report on the Judiciary - Mayor's Advisory Committee on Crime and Delinquency - June 1969
Letter to Superintendent of the New Orleans Police Department - February 24, 1971
Letter to Judge Bernard Bagert - March 24, 1971
Letter to Judge Bernard Bagert - May 28, 1971