



CHARGED — Attorney Grant B. Cooper, who was indicted in the Friars Club card case.

Times photo

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Attorney Cooper
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10 Others Indicted
in Friars Trial Case

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Attorney Grant B. Cooper and two other lawyers were among 11 persons indicted Wednesday in connection with unlawful possession and use of secret federal grand jury transcripts in the Friars Club card cheating case.

Cooper and attorneys James P. Cantillon and William Marshall Morgan were charged with contempt of court. If convicted, they could be fined or imprisoned according to the sentencing court's discretion, with no maximum prescribed by law.

A fourth attorney, Richard G. Sherman, also was indicted by a fe-

deral grand jury on charges of contempt of court and obstruction of justice not related to the secret transcripts. He was accused of acting as a courier of money to silence witnesses in the case.

Eight other persons were charged with conspiracy to obtain the contraband transcripts and to use them for various purposes including obstruction of justice, bribing of witnesses and giving perjured testimony.

Three Defendants in Group

Among them were three of the defendants in the Friars Club trial—Maurice H. Friedman, Manuel (Ricky) Jacobs and T. Warner Richardson.

The others were Raymond Bernard Cohen, manager of the Scribe Reporting Service, which transcribed federal grand jury proceedings under contract with the government; William Schwartz, previously arrested for allegedly purchasing the transcripts; Harold (Smiles) Rosenthal and his brother, Milton Rosenthal, and Nathan Ross, a business partner of Friedman.

Friedman and Ross also were charged with having given perjured testimony in the Friars Club trial last year. Ross additionally was accused of giving perjured testimony to the grand jury in connection with the transcripts.

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Friedman was charged further with paying a \$25,000 bribe to silence the government's star witness in the Friars Club cheating case—peekhole operator George Emerson Seach.

The indictments returned Wednesday climaxed an investigation of more than a year conducted by the office of U.S. Atty. Matt Byrne Jr., FBI agents and two federal grand juries.

The indictments charged that secret grand jury transcripts in two other cases also were obtained unlawfully. They were the perjury prosecution of Ruby (Fat Ruby) Lazarus, growing out of a "Little Apalachin" meeting of gamblers in Palm Springs, and immigration charges brought against Johnny Rosselli, another defendant in the Friars Club case.

It was not until Cooper,

acting as Friedman's lawyer in the Friars Club trial, brought to court a transcript of comedian Phil Silvers' secret grand jury testimony that the matter came to light, according to the indictments.

Inquiry Begins

It was spotted on the defense counsel table by Asst. U.S. Atty. David R. Nissen on July 23, 1968, and the investigation was launched.

It was handled gingerly, for Cooper is one of the nation's most prominent criminal defense lawyers and a leader of the organized bar.

He is a past president of the Los Angeles County Bar Assn., past president of the American College of Trial Lawyers and former vice president of the California State Bar.

His most publicized role in court came early this year as chief defense counsel for Sirhan Bishara Sirhan, convicted and sentenced to death for the assassination of Sen. Robert F. Kennedy.

Cooper declined comment on his indictment Wednesday, referring inquiries to his lawyer, Herman F. Selvin.

Comments on Transcripts

Selvin pointed out that in state courts a lawyer is entitled to receive grand jury transcripts after an indictment of his client has been returned.

"The government is trying to make a great deal out of very little," he said. "To me, it is not very heinous or immoral. I imagine that what else there is to say will be said in open court."

Cantillon said he feels the federal district and circuit courts here are "extremely unenlightened" with respect to the modern concept of discovery in criminal cases.

"For example," he said, "I am presently under sentence in a state court case for refusing to tell the prosecution the names of all the defense witnesses and what they will testify to as far as I know in a cri-

iminal case.

"So that here on the one hand I'm being charged with contempt of court for allegedly attempting to learn what prosecution witnesses will say in a federal case, and at the same time I'm being adjudged in contempt of court for refusing to disclose what defense witnesses will say in a state criminal prosecution.

"In my judgment the only thing that the average citizen can expect and demand is some consistency in the enforcement of the law. Otherwise, how could we expect anyone to respect law and order?"

Morgan declined to comment on the ground that

he is still the attorney for Jacobs in his appeal from the Friars Club conviction. Sherman also declined to comment.

A 25-count, 37-page indictment handed by Byrne to U.S. Dist. Judge Charles H. Carr set forth this alleged chronology of events concerning the transcripts:

On Jan. 25, 1968, after telephone calls involving Richardson and the Rosenthal Brothers, Cohen delivered grand jury transcripts to Schwartz.

Schwartz and Milton Rosenthal then took the transcripts to Las Vegas, where Richardson arranged to have some of them copied at the Silver Slipper gambling casino and delivered to Friedman in Los Angeles.

Additional Copies

The next day, Friedman, Ross, Schwartz and Milton Rosenthal met at the office of F and R Associates, a business operated by Friedman and Ross at 8621 Wilshire Blvd. There additional transcripts were copied.

Cohen, Schwartz and Milton Rosenthal were paid for their part in providing the transcripts, according to the indictment, and Friedman distributed copies to others.

Cooper first got into the act when he learned from his co-counsel, Thomas A. Baird, that copies of the transcripts not yet released had been delivered to Cantillon, the lawyer for Rosselli.

Cooper thereafter conferred with co-defense counsel Frank B. Belcher and Allen L. Neelley concerning the propriety and desirability of obtaining, using and disseminating the transcripts.

Subsequently, Cooper made repeated efforts to contact Cantillon for the purpose of obtaining copies of the transcripts. He

contacted Neelley and arranged for them to work together on the transcripts when they obtained them.

Later, Cooper was told that copies of the transcripts had been taken to Morgan's office by Jacobs. Cooper requested Morgan to furnish him copies and Morgan did so.

Cooper read and used these copies of the transcripts and brought one of them—containing the Phil Silvers' testimony—to court with him on July 27.

When confronted by Nissen and Byrne in the chambers of U.S. Dist. Judge William P. Gray, Cooper at first said he had obtained the transcript from no source other than the government. Later he said he found it on the counsel table.

Cantillon and Morgan did not respond when Judge Gray addressed inquiries to all counsel as to whether any of them had any knowledge of the transcript.

Cooper was charged with two counts of contempt. One accused him of "obtaining, possessing, disclosing and using recorded grand jury testimony which had not been released from the secrecy provisions" of federal rules. The other charged him with lying to Judge Gray.

Morgan also was charged with two counts of contempt—one of possessing the secret transcripts and one of concealing his knowledge of them from Judge Gray.

Cantillon was charged with only one count of contempt for concealing his alleged knowledge of the transcripts from the court.

The charges against

Sherman involved his alleged dealings on behalf of Friedman and Jacobs to silence two witnesses—Schwartz and Albert B. Snyder, an alleged peek-hole operator who refused to testify in the Friars Club trial and went to jail.

Sherman was named in two counts of obstructing justice and two counts of contempt of court.

Snyder Jailed

It was alleged he was paid by Jacobs to advise Snyder not to testify and transmitted money from Jacobs to Snyder's wife while Snyder was jailed for contempt.

Sherman also was accused of trying to get Schwartz not to testify against Friedman regarding obtaining of the secret transcripts, after being solicited by Friedman and Jacobs to do so.

The four indicted lawyers and several of the other defendants will not be arrested, but will be summoned to appear before Judge Carr for arraignment within the next two or three weeks.

Arrest warrants were issued for Friedman, Richardson, Jacobs, Ross and Harold Rosenthal, with bail set at \$5,000 for the first three, \$2,000 for Ross and \$2,500 for Rosenthal.