

DA Looks to New Fight Flexes Muscles for Court Election

By KERMIT TARLETON

Jim Garrison, the first New Orleans district attorney to abandon the usual hands-off position in judicial elections, is again flexing his muscles in a race for a seat on the Criminal District Court.

This time Garrison, who has figured prominently in the election or appointment of six of the 10 judges on the bench, is locking horns with Mayor Moon Landrieu in an effort to elect his former first assistant, Judge James Alcock, to Section G of the criminal court.

Alcock, who ran second in the first primary Nov. 3, faces attorney Jerome M. Winsberg. Winsberg, Councilman Eddie L. Sapir's law partner, is running with Landrieu's support in the runoff Dec. 18.

WINSBERG POLLED 61,474 votes to Alcock's 33,000 in the former Judge Edward M. Haggerty's 19,019 in the first primary.

Haggerty made a poor showing in his attempt to regain the seat lost when the Louisiana Supreme Court bounced him from office following his arrest at a stag party in December 1969.

With the removal of Haggerty, Garrison, a major supporter of Gov. John J. McKeithen, asked for and got the appointment to the post for Alcock, his chief prosecutor on charges of conspiring to kill President Kennedy. It was Haggerty who had presided over the Robert Shaw trial, Garrison's most disappointing defeat.

Garrison has figured in the judicial picture ever since his heated controversies in 1962 with the then eight judges of criminal district court over his right to use fines and fees money to investigate B-drinking and vice in the French Quarter.

THE JUDGES REFUSED. to allow Garrison use of the fines and fees because the district attorney would not account for his expenditures. The controversy led Garrison to say publicly that their action "raises interesting questions about the racketeer influences on our eight vacant-handed judges."

rists and was sentenced to pay a \$1,000 fine. The conviction, however, was overturned in an historic U.S. Supreme Court decision in 1966, which defended his right to criticize public officials.

Since the controversy, two of the judges have retired, one was defeated for re-election, one died in office, another was removed and three continue to hold their seats. Two new seats have been added to the court since Garrison's original attack on the court.

Garrison's hand in the list of successors is evident.

Frank J. Shea, a former executive assistant to Garrison, ran with the district attorney's support and won a second primary victory over Guy Johnson in September 1963 for the vacancy created by the death of Judge Shirley G. Wimberly.

RUDOLPH F. BECKER Jr., whose son was a Garrison assassin, ran against and defeated a long time Garrison political foe, the late Judge J. Bernard Coker in 1964. Coker, who had led Becker and attorney Matthew S. Braniff in the first primary, but his 8,000-vote lead did not give him a majority.

Becker, with Garrison and Braniff supporting him, polled 43,667 votes to Coker's 35,361 in the second primary.

Braniff in March 1966, with Garrison's support, was named by McKeithen to replace the late Judge George P. Platt, who was retiring because of poor health.

Finally, when the 1968 Legislature created two new seats on the court, Garrison reportedly went to bat for the two men who ultimately won appointment from the governor.

ONE WAS JUDGE Alvin V. Oser, son of the late Judge Fred W. Oser, who at the time was executive assistant to the district attorney.

The other was Judge Israel M. Augustine Jr., the first Negro ever appointed to the criminal court bench, who Garrison reportedly favored over one of his own assistants.

The only other change on the bench came in 1962, when Judge Malcolm V. O'Hara replaced his father, Judge William J. O'Hara, who had retired.

O'Hara once stepped down

from the bench to oppose Garrison in a bitter race for the district attorney's office, but lost and went back to his judicial post. Since that time, the two have apparently reconciled their differences.

WHEN GARRISON, FACED with federal charges growing out of allegations that he was paid to protect illegal pinball gambling operations, asked for and got a state grand jury to indict him, the special prosecutor named to handle the case charged that the district attorney had gone into the friendlier state courts to avoid federal prosecution.

The special prosecutor, Benjamin E. Smith, dismissed the state grand jury indictment against Garrison and, charging that he had acted in bad faith, filed a malfeasance charge against the district attorney.

Judge O'Hara permitted Smith to drop the indictment, but refused to allow him to enter the malfeasance charge, because he said a special prosecutor had no authority to file such a charge.

The Louisiana Supreme Court has upheld O'Hara's decision.

HOW EFFECTIVE THE support of Garrison will be now that he is under indictment in federal court for obstructing state laws against gambling and for filing false income tax returns remains to be seen.

It is obvious, though, Garrison intends this race to be a test of that strength.

Sought Support Of Garrison, Alcock Says

Judge James L. Alcock said today he "very definitely" sought support of District Attorney Jim Garrison in his campaign for reseating in the Criminal District Court.

Addressing the New Orleans Jaycees at the Andrew Jackson Restaurant at noon, Alcock said that seeking the DAs support was "like going to an old boss" for a reference.

Alcock served in the DA's office most of his legal career and was Garrison's chief assistant before being appointed to fill the unexpired term of former Judge Edward A. Haggerty, who was ousted from the bench after his arrest at a stag party in December, 1969.

ALCOCK'S OPPONENT in Saturday's second primary, attorney Jerome M. Winsberg also spoke to the Jaycees, but his election on the bench would involve an active role in the rehabilitation of criminals.

"Not one judge in my eight years (of practice in criminal courts) has ever asked me why a man committed a crime," Winsberg declared.

He proposes to make extensive use of presentence investigations and introduce new procedures whereby a judge would assume personal responsibility in reducing the crime rate by changing conditions at Parish Prison.

WINSBERG HAS secured the support of Mayor Moon Landrieu, Councilman Eddie Sapir with whom he said he will sever business relations if elected to the judgeship.

Alcock said he is against a judge becoming personally involved in criminal cases although he advocates better rehabilitation programs and improvement of the prison.

"I don't think a judge should be a social engineer," Alcock stated. "I think a judge should be a judge." He added that he has made use of the presentence investigation but that he does not advocate a personal involvement by a judge in the post-sentence period.

REFERRING TO his endorsement by Garrison, Alcock said, "I am happy to have his endorsement. If anyone knows someone is competent, it is the person for whom he has worked." Alcock noted that six criminal judges who are considered to be a Garrison-backed have been confirmed by voters in subsequent elections.

Winsberg, who lost to Alcock in prior bar-related polls, claimed the poll results "might be very different today."

He said polls favored Alcock early in the campaign because a lack of his own exposure at the time.

The candidates agreed they would like to see a greater involvement by more attorneys in the criminal courts. Most local attorneys, they said, stay away from criminal courts because the money is not there.