

Would-Be Lawyer Wins a Round

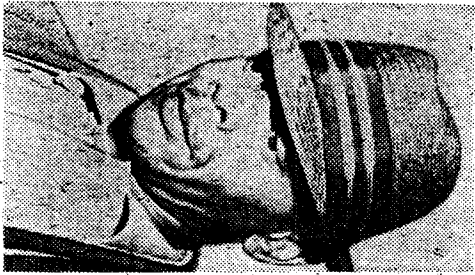
By John P. Mackenzie
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Daniel Jackson Oliver Wendel Holmes Morgan is alive, out of jail and still giving the Government trouble by the way he pleads legal cases.

Morgan put Washington's legal system into a tailspin in 1961 when it was discovered he had impersonated a licensed lawyer in handling two dozen of the city's most serious criminal cases.

Most of the cases, including those of four defendants who were under death sentence, had to be retried and Morgan, who had called himself "L.A. Harris," went to prison for forgery, perjury, fraud and false pretenses.

Morgan's pleas that he had rendered effective service and that his 3-to-10-year sentence was excessive for a crime that amounted to unlicensed law practice went unheeded by the U.S. Court of



DANIEL MORGAN
... gains a point

Appeals and the Supreme Court.

Yesterday, however, the Justice Department asked the high court to consider a case involving Morgan who, it developed, had persuaded

the 10th U.S. Circuit Court of Appeals that he was right on a tricky question of Federal law.

While serving his time in Leavenworth Federal Penitentiary, Morgan, now nearly 60, filed a \$93-million lawsuit against his jailers charging they had assaulted and drugged him.

Most such lawsuits by prisoners are filed in Federal court but Morgan chose instead to sue in the State District Court of Leavenworth County, Kansas. The Government, preferring a friendlier forum, invoked a Federal law and sought removal of the case to the Federal District Court at Topeka.

Government lawyers denied the charges and told the Federal court that even if they were true, prison officials were immune for acts committed in their official capacity. Morgan insisted that the officials had been

which had no relevancy to on "a frolic of their own their official duties."

The Federal judge agreed with the Government that the case did not belong in the State court. He then dismissed the suit on grounds of official immunity.

But the Court of Appeals ruled otherwise last October. It ordered a hearing that could lead to remanding the case to the State court where Morgan had sued originally, saying Morgan may have been in the right court even if the prison officials can prove their immunity.

This ruling, said Solicitor General Erwin N. Griswold in his petition to the Supreme Court, "turns the law topsy-turvy." He said such a precedent could subject officials all kinds of "vexatious proceedings" in courts that were "potentially unfavorable."

The Supreme Court will not act on the Government's petition until October. It could deny the petition, letting the Court of Appeals ruling stand, or it could summarily reverse. Or, it could call for oral arguments and presumably Morgan would have the right to argue his own case.

Morgan would need permission from his Kansas City parole officer to come to Washington. The Bureau of Prisons, has permitted him to remain in Kansas to handle his litigation there.

Despite his legal contest with his custodians, Morgan apparently was a model prisoner. He was denied parole—perhaps because he had a criminal record dating back to 1928—but was released last month, after serving about two-thirds of his maximum jail term, having earned all the time off for good behavior the law allows.