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VOL. 91—NO. 100

The Associated Press, North American News-  
paper Alliance, NEA Service and AP Wirephoto

THURSDAY, OCTOBER 5, 1967

## DA Seeking Records

# STATES-ITEM

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## 'to Harass'--MCC

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# Ask O'Hara Recusal by High Court

The Metropolitan Crime Commission charged today in a legal document that District Attorney Jim Garrison "has no purpose" in seeking the group's records except to "harass, scuttle and destroy."

This came in a memorandum filed with the Louisiana Supreme Court in support of of the MCC's appeal of Garrison's effort to force them to take their records before the Orleans Parish Grand Jury.

The commission also filed arguments in support of its plea that Garrison be recused from advising the grand jury in the matter and that Judge Malcolm B. O'Hara be recused from hearing any proceedings which might develop.

**THE APPEAL OF** the Metropolitan Crime Commission follows a ruling Sept. 28 by Criminal District Court Judge O'Hara in support of a grand jury subpoena issued against the MCC and four of its members to provide the names of members and records of the commission.

The grand jury action came after charges by the MCC

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not obvious that the district attorney has no genuine purpose and intent when he seeks all the documents of the commission and of the members, cited without distinction."

"**DOES NOT** this indicate a motive to harass, scuttle and destroy by obtaining all the records and documents, not any specific record, pertaining to the alleged investigation of organized crime," asked the attorneys.

"How," the document asks, "can the district attorney disbelieve that organized crime exists in New Orleans and, on the other, seek the names of informers that would establish the existence of organized crime."

The appeal maintains that if the MCC "has the right to exist at all, then it has the right to maintain itself as a functioning body and to do so must have the support of the public, both financial and otherwise.

"**IN ORDER** to have the support, it must be able to promise the public that membership names, contributors' names, and the names of friends of the commission must be protected."

The commission contends, in support of the motion for recusal of the district attorney as advisor to the grand jury, that "Garrison has repeatedly gone on record, unequivocally, to the effect that 'there is no organized crime in Orleans Parish.'

"To this, the district attorney has added that the main obstacle to law enforcement in this community is the Metropolitan Crime Commission.

"It is one thing for the district attorney to be genuinely motivated in conducting an investigation and a thing quite apart for him to be so convinced that there is no organized crime that he calls upon the members of the Crime Commission to aid in their self-destruction.

"**THERE MUST** be a limit to the powers of the district attorney under these circumstances.

"Would it not be a barbaric system of law which does not protect a witness in a grand jury session in which the witness' avowed antagonist is clothed in the robes of adviser?"

In its arguments for the

recusal of Judge O'Hara the commission offers these supports:

"It is the relators' position that Judge O'Hara, as a matter of public record, is so biased, prejudiced and personally interested in the case that, in all due respects to him, he could not possibly conduct a fair and impartial trial of those issues which pertain to the Metropolitan Crime Commission and to Aaron Kohn.

"**HOW,**" THE application asks, "could any judge place himself in the position of a fair and impartial referee in issues of serious implication and widespread effect on the public when one of the parties, Kohn by the judge's own admission, is the latter's mortal enemy and moving force for his removal from public office."

The arguments point out that Judge O'Hara on Sept. 6, 1967, was quoted in a news article as saying that "Aaron Kohn is nothing more than a professional muckraker, charlatan and a genius at spewing forth a great volume of half-truths and innuendos."

**THE ARGUMENTS** contend that Judge O'Hara further stated that "Kohn's lies on me began in 1954, so I know him for what he is." The judge asked then that Kohn resign then as managing director of the MCC.

The MCC arguments contend that in support of their request for recusal of O'Hara "it would be a fatal blow to the impartial administration of justice, for prejudiced or personally interested judges to be immune from recusation in the trial of motions to quash, motion to recuse, bills of particular, prayers foroyer or other criminal proceedings."

## MCC--

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that organized crime exists in New Orleans and a call for an investigation. The commission has also asked for an investigation into charges by a national magazine that Judge O'Hara had consorted with a known, convicted labor racketeer.

Commission attorneys ask in their memorandum to the Supreme Court in support of a motion to quash "if it is