

Garrison Asks Dismissal of Bail Bond Suit

By ALLAN KATZ

District Attorney Jim Garrison today asked a federal district court to throw out a suit by the Maryland National Insurance Co. which is aimed at preventing Garrison from attempting to collect \$720,000 in forfeited bail bonds.

In a brief filed by First Assistant DA James L. Alcock with Federal Judge Lansing L. Mitchell, Garrison said that Maryland National's responsibility for the \$720,000 should be settled in state court.

Maryland National contends the forfeited bail bonds grew out of powers of attorney stolen from a New Orleans affiliate of Maryland National's Century Surety Underwriters of Indiana, Inc.

MARYLAND NATIONAL also contends that Garrison's office has been negligent in collecting the forfeited bail bonds, letting the matter slide since 1966 until early this year.

In the brief filed with the court today, the DA's office argued that Maryland National "feels that an innocent third party—the state of Louisiana—should bear the total loss" of the \$720,000.

The brief holds the real reason for the debt piled up by Maryland National is that the firm's officials "exhibited a monumental disinterest in the activities of Century despite the fact it would obviously have to pay the bond forfeitures incurred by Century's agents in the field."

Garrison said testimony taken thus far in the case "paints a stark picture of gross negligence on the part of the officers and employes of Century and on the part of the Maryland National

Insurance Company."

TO DATE, three indictments by the Orleans Parish Grand Jury have resulted from the probe of Maryland National's affairs in New Orleans.

Two New Orleans attorneys, Milton P. Masinter and Thomas Toranto Jr., have been charged with corrupt influence. Ralph Kaskell, an attorney representing Maryland National, has been indicted on charges of extortion.

Masinter and Toranto are accused of accepting "or offering to accept" money from officials of Century with the intention of influencing Charles Ray Ward, former first assistant DA, to withhold processing writs to collect Maryland National's bail forfeitures and to withhold objections to motions by Maryland National attorneys seeking to set aside bail bond forfeiture judgments.

Ward has resigned from his job and is running against Garrison for DA. Ward has said he was never approached by anyone with a bribe and would have been indicted himself if he were guilty of any wrongdoing.

KASKELL WAS indicted on the extortion charge in connection with an alleged threat on an assistant DA who had been assigned to collect bond forfeitures.

In addition, William Hardy Davis of Atlanta, former president of Century, said in an affidavit he dispatched \$15,000 to New Orleans during 1968 in the belief the money would be used to bribe Ward.

Garrison's brief said that Maryland National not only failed to clear up serious failings in its operations prior to revelation of the large amounts of bail bonds forfeitures but also has retained many of the employees involved in the amassing of the \$720,000 in forfeitures.

The brief asked that Maryland National's suit against the DA be dismissed on grounds of lack of jurisdiction and failure by plaintiff to state a claim upon which relief could be granted.

If the court were to throw out the Maryland National suit, the effect would be to dismiss the injunction which presently prevents Garrison from moving against Maryland National in state courts.