

# MacHauer Plea Not Granted

## Judges Decide Authority Is Not Theirs

The three other judges of New Orleans Traffic Court decided Wednesday not to grant Judge David MacHauer's request that they certify him as eligible for a disability pension.

With legal opinions from the attorney general and city attorney, the three judges decided that the authority to certify or not to certify "rests solely with

the Louisiana Supreme Court." At issue is a certification involving \$12,000 per year for life from the city.

Judge MacHauer was defeated by Thomas L. Giraud on Aug. 15 in the Democratic primary in his bid for reelection for the traffic court judgeship. He has served on the court for nine years.

The three judges—Lambert J. Hassinger, Oliver S. Delery and Louis P. Trent—were concerned

MacHauer's request, particularly since it did not come until after he was defeated for the judgeship.

Speaking for all three judges at a press conference Wednesday in the traffic court building, Judge Hassinger said, "We will not forward any recommendation, one way or the other, to the Supreme Court, since the Constitution does not provide for any action on our part."

He said the legal opinions of the attorney general and city

attorney "unequivocally hold that the three traffic court judges do not have authority or jurisdiction to certify Judge MacHauer."

When questioned, Judge Hassinger said the judges would have made a decision on the certification if they had the authority to do so.

The judges said they were confused by Article 7, Section 8 of the Louisiana Constitution, which they said was "vague" on who had the authority to certify a traffic court judge as being incapacitated.

The legal opinions held that a

AUGUST 27, 1970

certificate of incapacity should be signed by two competent physicians and approved by a majority (four members) of the Supreme Court.