

GOVERNOR ASKS O'HARA OUSTER

T.P. 10/6/67
Gives OK for Moves to
Impeach Judge

Gov. John J. McKeithen Thursday asked Atty. Gen Jack P. F. Gremillion to go ahead with ouster proceedings against New Orleans Criminal District Judge Malcolm V. O'Hara.

Gremillion said he hoped to be able next week to file impeachment motions against O'Hara in New Orleans with the Louisiana Supreme Court.

Judge O'Hara has been criticized for taking part in an effort to get a prime witness to reverse testimony which sent union president James Hoffa to federal prison on a jury tampering conviction.

Forty New Orleans citizens filed a petition with Gremillion seeking O'Hara's ouster. Groups of attorneys, ministers and others have also called for his removal.

"I would like to go on record as joining in the request," McKeithen said in a letter to Gremillion. The attorney general said that under the law he now has two authorizations to file the impeachment charges, and "I have no alternative but to comply."

O'Hara has contended that he was a mere messenger in the alleged effort to get Edward Grady Partin, Baton Rouge Teamster official, to change his Hoffa trial testimony.

Zachary Strate, New Orleans contractor, told a Chicago federal court that O'Hara tried to get Partin to give him an affidavit that Hoffa was convicted with illegal wiretap evidence.

SMITH INDICTED

The East Baton Rouge Parish Grand Jury has indicted D'Alton Smith, a former New Orleans contractor, for public bribery in what EBR DA Sargent Pitcher said was part of a plot to buy Hoffa's freedom from prison.

Smith is accused of offering \$25,000 to Aubrey Young, former security officer of McKeithen, to set up a meeting

between himself and Partin.

Pitcher, meanwhile, said he will consult with the DA in Denton, Tex., to determine the next step in the case of Smith.

"If the man who posted bond over there is the D'Alton Smith we indicted, I'm going to start extradition proceedings immediately," Pitcher said.

A man who identified himself as Smith surrendered to authorities in Denton, telling them he was wanted in Baton Rouge on an indictment for public bribery. He was released on \$1,500 fugitive bond without being fingerprinted or otherwise identified.

In New Orleans, meanwhile, the Metropolitan Crime Commission, which has led the way in seeking O'Hara's ouster, in a legal document filed arguments supporting its motion that New Orleans Dist. Atty. Jim Garrison be recused from advising the Orleans Grand Jury and that Judge O'Hara be recused from hearing any proceeding which might develop.

GARRISON HIT

In the same document the MCC charged that Garrison "has no purpose" in seeking the organization's records except to "harass, scuttle and destroy."

Garrison is attempting to force them to take their records before the grand jury,

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and the MCC has appealed to the Supreme Court.

Their appeal follows a ruling on Sept. 28 by Judge O'Hara supporting the grand jury subpoena against the MCC and four of its members to provide the names of members and records of the commission.

In its motion, the MCC said: "How 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 that Garrison has repeatedly gone on record to the effect that there is no organized crime in Orleans Parish, adding:

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

In its arguments for the recusal of Judge O'Hara, the MCC said:

JUDGE SAID BIASED

"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 Aaron Kohn.

"How 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 commission maintained that "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."