

T.P. 11.9.67

O'Hara's Attorneys File Answers to State's Suit

Irwin Named as Trial Commissioner

Criminal District Court Judge Malcolm V. O'Hara's lawyers Wednesday filed in the Louisiana Supreme Court answers to interrogatories and dilatory exceptions in the state's suit to remove the judge from office.

The court on the same day appointed Michael M. Irwin, an attorney for more than 40 years, as commissioner to hear testimony and gather evidence in trial of the suit.

Among the exceptions presented by Judge O'Hara were: failure of the state to allege time and place of the alleged conspiracy of the judge with Zachary R. Strate Jr. to have Strate's and Teamsters Union President James R. Hoffa's federal court convictions set aside; failure to explain what legal advice he gave to Strate; failure to set out the sworn testimony of Baton Rouge Teamsters Union official E. Grady Partin in Federal District Court in Chattanooga and the date given; failure to set out what testimony was supposed to be recanted in the affidavit allegedly presented to Partin to sign by Judge O'Hara, and failure to set out duties and obligations assumed by the judge because of his association with Strate.

In answer to certain interrogatories filed by the state with its suit, the judge said he is 45, and has resided at 801

Henry Clay ave., Apt. 109, since Feb. 1, 1966.

He stated he received no gifts, gratuities, favors or campaign contributions from the International Teamsters Union or from Hoffa.

The Supreme Court on Tuesday gave the state attorney general's office until Nov. 22 to file returns to Judge O'Hara's motions of Nov. 2.

Those motions asked the court to seal the deposition and discovery pleadings and to strike certain interrogatories and/or limit discovery.

The motion to seal said many of the questions to Judge O'Hara in the deposition pertain to matters outside the scope of the lawsuit, are irrelevant and immaterial to issues raised. They relate to close personal matters, and should be secret to protect him from "undue oppression" and "embarrassment," according to the motion.

The motion to strike said the attorney general's petition was devoid of any allegation pertaining to licit or illicit financial gains, but there were interrogatories about his finances and these should be killed.

The appointment of Irwin means he will conduct trial of the suit, and will put together a record. He will not make any suggestions or conclusions as to disposal of the case.

It then will go to the court for argument and submission.