

MCC Need Not Produce Records--La. High Court

Grand Jury Denied Data on Informers

The Metropolitan Crime Commission was relieved Monday of having to produce records on its informers for the Orleans Parish Grand Jury by a ruling of the Supreme Court of Louisiana.

The grand jury had requested and a Criminal District Court decision ordered the commission to deliver to the grand jury all documents, papers, records, books, accounts and information disclosing names of informers and amounts paid for information given.

The action stemmed from a dispute between the commission and District Attorney Jim Garrison over whether organized crime exists in New Orleans.

The subpoena duces tecum commanding four officers of the commission to show the records also asked for accounts of contributors to the commission, amounts of contributions, and information about special knowledge of organized crime.

COURT ERRED

In the ruling written by Associate Justice E. Howard McCaleb, he said the court found the lower court erred in not sustaining the commission's motion to quash material demanded in Paragraph 1 of the subpoena duces tecum "forasmuch as the things requested therein encompass private information, private records and reports which extend over the 13 years of the crime commission's operations and, obviously, include the identity of informers, paid or otherwise, who have not given any information relative to an investigation of organized crime.

"In other words, the demands contained in Paragraph 1 are much too general to have warranted the granting of the order by the district judge."

The ruling quoted Paragraph 1 as asking for "All documents, papers, records, books, accounts and information (however recorded) which disclose and/or reveal the name and address of any informer of the Metropolitan Crime Commission of New Orleans Inc., including informers being classified as con-

Confidential informers and turned all records which disclose the informers who were paid for information supplied to the Metropolitan Crime Commission of New Orleans Inc., as well as the amount paid to each."

Justice McCaleb said the second paragraph concerning Cont. in Sec. 1, Page 24, Col. 5

new records of the law enforcement effort."

MCC RECORDS

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Contributions and special knowledge of organized crime was not before the court since the trial judge has not acted on the commission's motion to quash it.

NET THROWN

Explaining the commission was obligated to produce names and records of every informer during its 13-year existence whether or not such informer has given any information relative to organized crime, Justice McCaleb said, "Thus, the Grand Jury has in effect thrown out a net in which it seeks without limit to secure private information, even though much of the information sought may not relate in any way to the existence of organized crime.

"We think the data requested is highly unreasonable and oppressive and hold that the issuance of the subpoena be vacated."