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SUIT TO NIX DA'S SUBPENAS FILED

1-P-11768
MCC, 4 Officers Act in
Federal Court

The Metropolitan Crime Commission Inc., and four of its officers filed suit Tuesday in federal court seeking to prohibit District Attorney Jim Garrison from enforcing subpoenas calling for the production of records of the commission.

Under the terms of the subpoenas the records of the commission showing the names of confidential informants are to be presented before the Orleans Parish Grand Jury on Thursday.

Federal District Judge Herbert W. Christenberry set a hearing for Wednesday at 2:30 p.m., on a request that a temporary restraining order be issued against Garrison and other defendants pending a hearing on the commission's request for permanent injunction.

SUIT FILED

In addition to the commission, the suit was filed by Aaron Kohn, its director, and members James W. Mills Jr., E. C. Upton Jr., and Philip L. Frank Sr.

Defendants in addition to Garrison include James O. Sanders, foreman of the Grand Jury, and Criminal District Judge Matthew Braniff.

It is alleged that Garrison, acting alone and in concert with others, including assistant district attorneys, the Grand Jury, and others has entered into a conspiracy to deprive the members of the Crime Commission of their constitutional rights.

The suit charges that beginning in September, 1966, Garrison and the others began a course of conduct aimed at effectively destroying the commission and intimidating its

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MCC, OFFICERS

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members, "all for personal and political reasons."

"The motivation . . . is evidenced by innumerable public statements by Garrison, patently malicious, evidencing hostility and rancor . . ." the suit contends.

The subpoenas under attack were issued in September, 1967, to the four individual complainants purporting to require a return before the Grand Jury of all books, records, documents and other papers revealing the contributors and members of the Crime Commission, and all confidential informants.

It is charged that Garrison is investigating not organized crime but the Metropolitan Crime Commission.

TERMS BROAD

On Dec. 11, 1967, the Louisiana Supreme Court decided that the terms of the subpoenas were too broad as well as unreasonable and oppressive but held that there were no constitutional questions with regard to the production of the list of confidential informants.

Kohn appeared before the Grand Jury on Dec. 14 and was cited for contempt before Judge Braniff for having refused to reveal the name of a confidential informer. He was sent to the Parish Prison and Judge Braniff refused a stay.

On the following day Kohn was ordered released by the Louisiana Supreme Court after staying all proceedings in the matter.

After the contempt action the commission sought a rehearing by the Supreme Court of its Dec. 11 decision, and on Jan. 15 the rehearing was denied.

Unless a temporary restraining order is issued, it is alleged, the commission members will have to make a return on the subpoenas Thursday.