

V P 5-2-68 *

Hearing Today on Grey Bid to Enjoin Garrison

9 A. M. Session Slated by Federal Judge

Federal District Judge Herbert W. Christenberry set for 9 a. m. Thursday a hearing on a request by attorneys for Metropolitan Crime Commission president Dr. J. D. Grey that the district attorney be enjoined from requiring Dr. Grey to answer a Friday subpoena.

District Attorney Jim Garrison announced Tuesday that a subpoena had been issued for Dr. Grey's appearance in Garrison's office at 11 a. m. Friday, and alleged that the Baptist minister "secretly contacted on several occasions a justice of the Louisiana Supreme Court while that court was in the process of deliberating a contempt citation relative to Aaron M. Kohn," managing director of the MCC.

More specifically, Garrison's office claimed Wednesday that Dr. Grey met twice with state Supreme Court Associate Justice Joe B. Hamiter.

The request for the federal injunction to make it unnecessary for Dr. Grey to answer the subpoena was in the form of an amendment to a case filed several months ago in which the MCC sought to enjoin Garrison from enforcing subpoenas calling for the production of MCC records.

On Jan. 17, Judge Christenberry delayed all action in the matter after being assured by assistant DA James Alcock that no action would be taken to call crime commission members before the Orleans Parish Grand Jury until the Louisiana Supreme Court decided the Kohn contempt case.

In their amended complaint, attorneys for Dr. Grey point out that on April 29, the Supreme Court set aside Kohn's contempt judgement, and the next day Dr. Grey's subpoena was issued.

They claim that this action was taken notwithstanding the fact that the Supreme Court's action does not become final

until 14 days after the decision.

It is alleged that the motion for the subpoena was made by the same assistant DA who gave the assurance to Judge Christenberry.

CHARGE LISTED

The amended complaint charges that the subpoena is part of a continuing "plan and scheme of harassment and intimidation of the Metropolitan Crime Commission and its members and has no legitimate purpose.

The district attorney made no effort to verify or dispel his supposed suspicions by inquiring among the Louisiana Supreme Court justices before

issuing the subpoena and a press release "replete with derogatory and insulting insinuations" it is alleged.

Dr. Grey's attorneys claim that the DA means to use the appearance of Dr. Grey to humiliate and embarrass him, and to use his sworn testimony to ultimately charge him with unfounded and spurious crimes.

Referring to Garrison's allegations, Dr. Grey denied secret meetings with supreme

court justices or discussions about the MCC with them.

He said he has met with Justice Joe W. Sanders in connection with the governor's commission on law enforcement and the administration of criminal justice, of which both are members, and that he was acquainted with a number of other justices.

But he denied ever discussing the MCC with any of them.

Wednesday, Chief Assistant DA Charles R. Ward said his office objects to the "impropriety" of such a meeting, and the violation of the principle of the separation of church and state.

He said in part:

"It doesn't matter if Dr. Grey says it is a well-known fact that he knows members of the court or if he says that he has not had any secret meetings with any members of the Supreme Court, while a matter in which he was vitally interested was under consideration by that court. The point is that he did meet with an associate justice of the Supreme Court while the matter of the MCC was under consideration."

The result of the Supreme Court deliberations was a decision Monday reversing a contempt of court ruling against Kohn.

JAIL TERM METED

Criminal District Court Judge Matthew S. Braniff had sentenced Kohn to Parish Prison last December for refusing to tell the Orleans Parish Grand Jury the names of confidential informants.

Ward concluded his statement by saying:

"In order not to mislead Rev. Grey but to refresh his memory, we are interested in recent meetings initiated by Rev. Grey — not once but twice — with Associate Justice (Joe B.) Hamiter, and Rev. Grey's statements which attempt to make it seem there was no such meeting."

However Ward specified that it is not his office's contention that the meetings altered the decision of the court or influenced any of its members.

Associate Justice Hamiter concurred in the decision to reverse Kohn's contempt citation.

At another point, Ward said, "It is imperative that the public should know if there was an attempt by Rev. Grey to influence any decision of the court — if only by his presence at the Supreme Court."