

RECUSE SELVES, MCC ASKS TWO

Wants D.A., O'Hara Out
as Jurors' Advisors

The Metropolitan Crime Commission Thursday called for District Atty. Jim Garrison and Criminal District Court Judge Malcolm V. O'Hara to recuse themselves from advising the current Orleans Parish Grand Jury.

MCC president E. C. Upton Jr. said in a press conference that he and managing director Aaron M. Kohn were going to ask the grand jury to seek other legal and judicial advisors.

The jury ended its session shortly before 7:30 p. m. by telling Kohn, who was not called, to reappear at 9 a. m. Friday. Three MCC members were heard, and the rest, except for Kohn, were dismissed from their subpoenas.

SUMMARY GIVEN

The foreman of the jury, James O. Sanders, was noncommittal about the possibility of recusals of O'Hara and Garrison. "We've had no indication like that; we just got started," he said.

One MCC member summed up the day's proceedings this way for reporters: "No hits, no runs, no errors."

Kohn, meanwhile, charged that a "conflict of interest" plagues Councilman-at-Large Maurice E. "Moon" Landrieu when he votes on matters pertaining to revoking of liquor licenses. He said this is true because Landrieu is a lawyer for TAC Amusement Co., which furnishes pinball machines and juke boxes for a large number of the city's lounges and bars.

In an afternoon statement, Landrieu denied that his representation of TAC constitutes a conflict of interest with his City Council position. He said that he has never knowingly done anything during his eight years of public office that presented a conflict of interest.

Upton, after waiting for nearly two hours, was ushered into the Grand Jury room about 4

Cont. in Sec. 1, Page 16, Col. 1

MCC ACTION

Continued from Page 1

p. m. He stayed closeted in the room for about an hour.

'I'M AN OPTIMIST'

On emerging, Upton was asked the chances of the MCC recommendations being accepted by the grand jury. "I'm an optimist," said Upton, but would not comment any more.

Joseph W. Simon Jr., a member of the MCC executive committee and executive director of the Chamber of Commerce of the New Orleans Area, went into the jury room at 5 p. m. and also stayed about an hour. M. Hepburn Many was the third MCC member to go into the jury room.

All told, 16 members of the MCC were subpoenaed by the grand jury as it began its investigation of alleged organized crime activity in the city.

Upton said earlier he planned this course of action when appearing before the grand jury:

—Provide information concerning three of the specific organized crime problems in New Orleans—pinball gambling racket, racket influence on sports and liquor license racket.

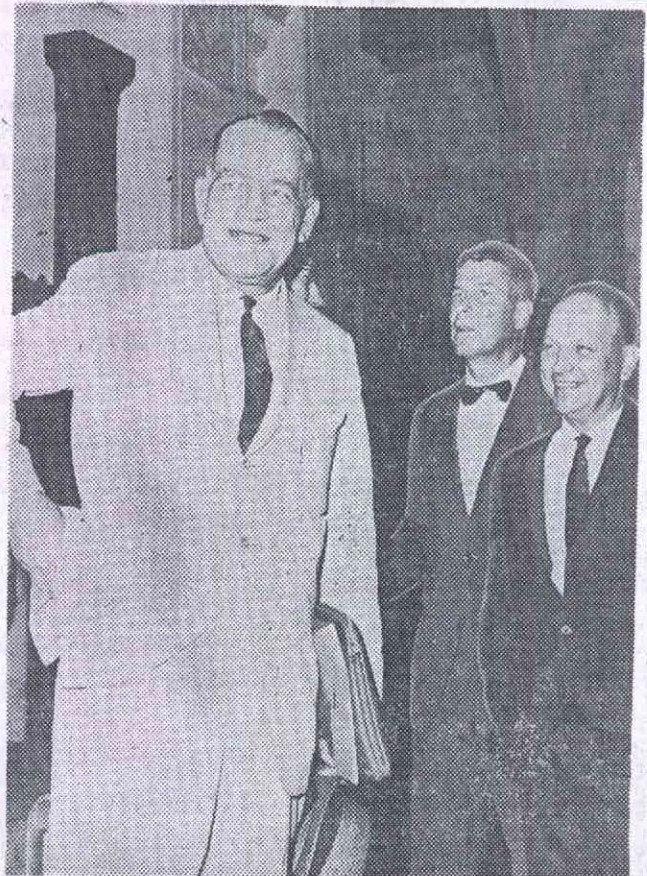
—Recommend a special investigating team to report directly to the grand jury.

—Suggest that the Grand Jury act to secure impartial, objective judicial and legal advisors.

—Recommend that the Grand Jury allow the MCC's managing



—Photo by The Times-Picayune.
AARON M. KOHN
Called by jury.



—Photo by The Times-Picayune.
MEMBERS OF the Metropolitan Crime Commission stand outside the grand jury room in the Criminal Courts Building Thursday afternoon. From left are E. C. Upton Jr., MCC president; C. Allen Favrot, vice-president, and C. Alvin Bertel, member of the executive committee.

director, Kohn, to make a three-hour presentation concerning the influence of the Cosa Nostra in New Orleans, followed by such added available data as the grand jury may desire.

WILL MAKE APPEAL

Kohn was asked how the grand jury could go about getting another legal advisor, a post held by Garrison.

"It can request the state attorney general to appoint a special assistant attorney general to come in here and sit and advise the grand jury," explained Kohn. "This man couldn't replace the district attorney, however."

As for getting a substitute for Judge O'Hara, who recently admitted under oath in Chicago that he was a messenger for convicted criminal Zachary Strate, Kohn said the Grand Jury could appeal to

the Louisiana Supreme Court or that possibly the other seven criminal district court judges might be able to appoint another of its number to act as judicial advisor.

O'Hara recently selected the present Grand Jury, thus becoming its judicial advisor. The job of impaneling a grand jury is passed around among the criminal district court judges.

VOTES ON COUNCIL

In regards to his accusations about Landrieu, Kohn was asked if he had specific evidence where Landrieu had used any influence. "His votes on the council are the best evidence," said Kohn.

In his denial of the charges, Landrieu said that he has never, to his knowledge, "acted on any matter which presented a conflict of interest. I have tried in eight years since I've been in public office to conduct myself in a manner that has been beyond reproach and I believe I have done this."

In his statement, Landrieu added:

"I am one of five attorneys on the city council and all any honorable public official can do is to recuse himself when it appears that he has an interest in the matter in question.

"I have had to recuse myself very rarely. Whenever I even suspected that a conflict of interest was present involving any client, relative or friend, I have recused myself.

"I advised the managing director of the Metropolitan Crime Commission more than two years ago that I represented TAC Amusement Co. as an attorney and I advised him to call to my attention any act on my part which he felt was contrary to good ethics.

"During that period of time I have not had one question nor complaint from the director. I know that he does not accuse me of any wrong doing, but

only of the possibility of a conflict of interest.

CONDUCT CITED

"Every person who serves in government is faced with the same possibility. It is how you conduct yourself under the circumstances that determines whether you are a good public official or not.

"I've been a lawyer for 13 years and hope to remain one

until I die. I have never done anything as either a lawyer or a public official that was not in keeping with the highest ethical standards.

"I recall only two instances since I have been sitting on the council in which a conflict of interest has arisen. One involved a rezoning of a piece of property in close enough proximity to a lot in which I had an interest to depreciate the value of that lot and, out of a sense of fairness, I recused myself even though there was no direct conflict of interest.

"The only other one that I can think of involved a former client of an attorney in my office. Other members of the council have had to recuse themselves when similar situations arose.

"The seven members of this city council, as well as prior councils, like any judge must, have listened to liquor law violation cases presented to us and made findings of guilt or innocence and assessed penalties which we felt were appropriate. To my knowledge, every finding and penalty decision has been unanimous."

ASKED QUESTION

Following the making of his statement, Landrieu was asked if he regarded it as a conflict of interest for him as a member of the Council to sit on a liquor license violation case where the question of a payoff on a pinball machine was at issue.

"No," Landrieu replied, "not unless the party charged happened to be a client, friend or relative. I know of no such cases which have been presented to the City Council in which I have participated."

Kohn said he would not be drawn into Garrison's "sly public game" when asked his opinion of Garrison's offer to resign if there is organized crime in New Orleans and Garrison's contention that Kohn should quit if the MCC is unable to convince the grand jury of organized crime.

"Mr. Garrison always wants to bet with somebody," said Kohn. "We only are interested in the problems of organized crime."

In a statement signed by Upton, Kohn and the MCC executive committee, the group said it is "convinced of the insincerity of the district attorney (Garrison) and the judge

(O'Hara)."

STATEMENT IN PART

Here is part of the statement:

"The representatives of the MCC will testify today before the Orleans Parish Grand Jury in the hope that this community's serious organized crime problems will be dealt with by the 12 citizens in the grand jury room, representing all New Orleanians, in a manner far different from the pattern established by District Atty. Garrison and Judge O'Hara to whom they must look for guidance.

"As we prepare to enter the privacy and secrecy of the

grand jury room, we are keenly aware of the attitudes of Judge O'Hara, whom we have urged be removed from the bench, and District Atty. Garrison, against whom many serious criminal allegations have been made which we insist should be investigated. Both of these officials have made public statements indicating their desire to destroy the citizen anti-crime force of the Metropolitan Crime Commission.

"We are convinced on the insincerity of purpose of the district attorney and the judge.

"In contrast, we have faith that the members of the grand jury will recognize their own independent powers to ask questions and call witnesses, and take other steps which will make them effective in spite of their legal advisors.

"Just one year ago this month, District Atty. Garrison clearly documented the nature of his tactics and attitudes toward organized crime. At that time, the president and managing director of the MCC were subpoenaed before a grand jury, but were prevented by the DA's staff from communicating organized crime knowledge to the jurors.

"We believe our 13 years of fact-gathering as a citizen organization can be of considerable help and assistance to a grand jury which is given the freedom and resources to examine the complexities of organized crime."

RECOMMENDATION

The statement added, "We

intend, if given the opportunity, to recommend to the grand jury that they formally request Mayor Victor H. Schiro and Police Supt. Joseph I. Giarruso to assign for their assistance several members of the police intelligence unit under command of Capt. Thomas Drake.

"This would be with the understanding that these officers will work directly for the grand jury, and not under the supervision of the district attorney. This will make it possible for trained and competent investigators to gather information and evidence from the MCC and numerous other sources.

"It would be our hope that these police investigators, under grand jury direction, would work closely and cooperatively with investigators assigned by Gov. John J. McKeithen to examine the same problem."