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Judge O'Hara's Involvement

Criminal Court Judge Malcolm V. O'Hara has puzzled his constituents and doubtless has embarrassed his associates on the bench by his activities in the Hoffa-Strate et al Teamsters pension-fraud case.

The judge must recognize this, especially if he has read the headlines in the national press: "Judge's Aid Told in Hoffa Wiretap Probe" . . . "Admits Link to Hoffa Pal" . . . "Associate of Hoffa Testifies He Paid Judge's Bills," etc.

They are not just somebody's accusative statements. They reflect the substance or the details of what Judge O'Hara himself, or his friend Zachary Strate, or both, said on the stand in the Chicago federal court where Hoffa, Strate, and four others convicted of the pension fraud were asking for a new trial. The court turned them down, saying the alleged government "wiretapping" had no bearing on the conviction.

Why would a judge, of all people, be personally involved in a case like this?

Judge O'Hara's only explanation in court was that Strate was a good

friend of his and liked to have the judge go along on various trips (perhaps 10 of them) to Washington, Las Vegas, and other places. Strate paid the bills.

As to the trip made with Strate to Baton Rouge to persuade Edward Grady Partin, Teamster business agent in this district, and main witness against Hoffa in one of the trials, to sign an affidavit, the judge testified that he was just acting as a "messenger." Partin declined to sign the affidavit accusing the government of using wiretapping evidence.

Like the Baton Rouge trip, some of the others were designed by Strate to promote or discuss steps to aid Hoffa, Strate, and the other pension fund manipulators. The judge's conception of his part as a "messenger" or "just a traveling companion" was not necessarily that of other participants in the various "negotiations," who could have seen in the presence of a judge something more important.

Referring to the payment of the judge's expenses on one of the trips, Strate was asked in the Chicago court: "Did Judge O'Hara know he was traveling with a convicted felon?" Strate's quoted reply was: "I think Judge O'Hara was proud to be with me. He is a very close friend of mine."

The public has to consider such statements in the light of the circumstances: That the case they were working on—the appeal for a new trial—was very serious business with the Hoffa, Strate and other defendants who have fines and prison sentences hanging over them.

Some of the effects of Judge O'Hara's main effort to be of service to his friend may ripple back dangerously close to the judge's own criminal court here. That has developed because Judge O'Hara and (according to his testimony) a local attorney arranged a meeting in early July between Strate and Walter Sheridan, onetime aid to former At-

torney General Robert Kennedy, who was alleged to know something about the "government wiretapping." It was thought, he said, that Sheridan, now a broadcasting company employe, might have something to offer in the way of wiretapping evidence in exchange for information Strate might be able to provide for Sheridan to "expose" the Jim Garrison investigation of the President Kennedy assassination. The negotiations apparently came to naught. The same local attorney, according to the O'Hara testimony, advised the judge that he should not be seen with such people as Strate; and he also reminded the

judge that he would select the next grand jury (presumably the one he is now in process of empaneling). O'Hara said he "told the attorney off fast," saying for one thing that the grand jury would be selected legally.

It happens, however, that Sheridan is very much involved in litigation in the criminal court; is required to defend himself against serious charges brought by the district attorney; and is being required to testify before the current grand jury. What the upcoming grand jury will do, of course, is not known. The tangled investigation, it seems, has yet far to go. In giving his prestige to the cause of his friend Zachary Strate, it seems to us, the judge could have seen that the effect of his activities might trickle down to where they could reflect on the judicial process.

Public concern over the judge's activity, we believe, cannot be allayed with any statement that he was acting in a personal rather than official capacity for a friend. Judges cannot shed responsibility for behavior not in keeping with the dignity of the bench. For instance the Canons of Judicial Ethics adopted by the Louisiana Supreme Court (which parallel the canons adopted

by the American Bar) say:

"Article 4—Avoidance of Impropriety—A judge's official conduct should be free of impropriety and the appearance of impropriety; he should avoid infractions of the law; and his personal behavior, not only upon the bench and in the performance of his judicial duties, but also in everyday life, should be beyond reproach."

To the extent to which the judge's activity touches the processes of the criminal courts here, another of the canons should be read:

"Article 22—Social Relations—It is not necessary to the performance of judicial duty that a judge live in retirement or seclusion. . . . He should, however, in pending or prospective litigation before him, be particularly careful to avoid such action as may reasonably tend to awaken the suspicion that his social or business relations or friendships, constitute an element in influencing his judicial conduct."

The judge's association with and attempt to help a group under a felony sentence exposed him to insinuating questions at the Chicago hearing, such as: Did he owe Strate \$30,000; and was he ever paid by the Teamsters? The trial judge ruled out the questions. But they have been asked, and the judge being a public official, and the circumstances being what they are, the public should know the answers.

We don't know if members of the New Orleans bar or others contemplate action in the case. It seems to us that the judge's own testimony and that of Strate suggest that he would simplify matters by asking for a hearing in New Orleans. If some authorized group decides to bring charges, he could continue in office if the state Supreme Court cleared him in proceedings prescribed by law.